LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: October 22, 2020 **AGENDA ITEM #2**

Project Description

APN:	0515-041-25
Applicant:	Daggett Solar Power Facility 1, LLC
Community:	Daggett
Location:	South side of Valley Center Road, north side of Silver Valley Road, west of Minneola Road, east of Hidden Springs Road
Project No:	PROJ-2020-00164
Staff:	Tom Nievez
Rep:	James Kelly, Clearway Energy
Proposal:	Conditional Use Permit to construct and operate a photovoltaic solar power generating facility on approximately 305 acres, proposed to be incorporated into the larger approved 650MW photovoltaic solar power generating facility, including 450MW of battery storage, increasing the total project size from 3,500 acres to 3,805 acres; and Addendum to Certified Final Environmental Impact Report SCH No. 2018041007.

Vicinity Map -

33 Hearing Notices Sent on : October 9, 2020

Report Prepared By: Tom Nievez, Contract Planner

SITE INFORMATION:

Parcel Size: Approximately 305 acres
Terrain: Flat, rolling desert
Vegetation: Agricultural and scattered scrub

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Agricultural with maintenance buildings	Resource Conservation (RC)
North	Vacant	Resource Conservation (RC)
South	Barstow-Daggett Airport	Institutional (IN)
East	Agricultural, Vacant	Resource Conservation (RC)
West	Agricultural, transmission lines	Resource Conservation (RC)

STAFF RECOMMENDATION:

That the Planning Commission **ADOPT** the Addendum to the Certified Final Environmental Impact Report (SCH No. 2018041007), **ADOPT** the CEQA Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Determination[1].

[1] In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Board of Supervisors.

EXHIBIT 1 – VICINITY MAP

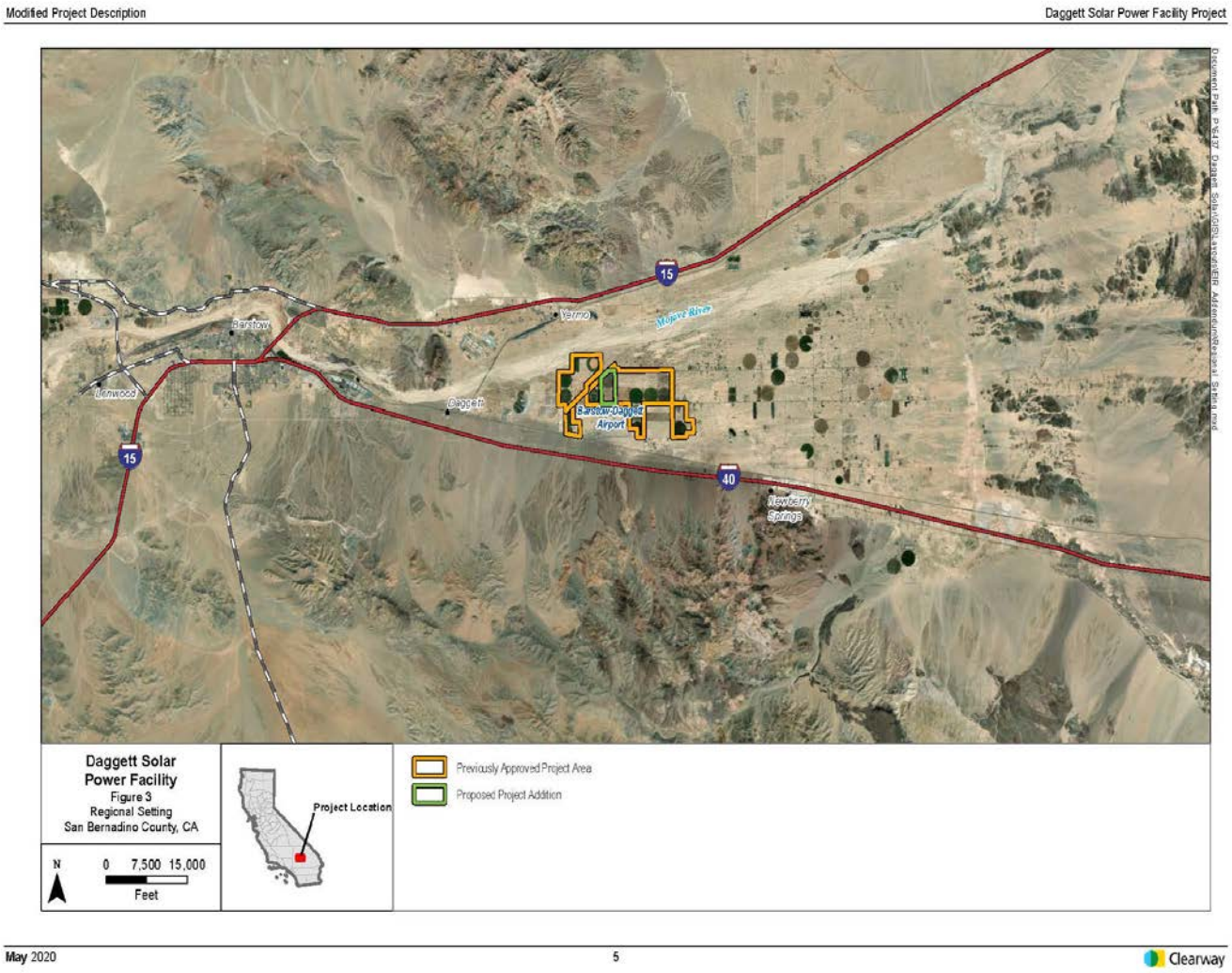


EXHIBIT 2 – PROJECT SITE IN RELATION TO PREVIOUSLY APPROVED PROJECT

EXHIBIT 3 – PROJECT SITE: AERIAL VIEW (APPROVED PROJECT IN RED)

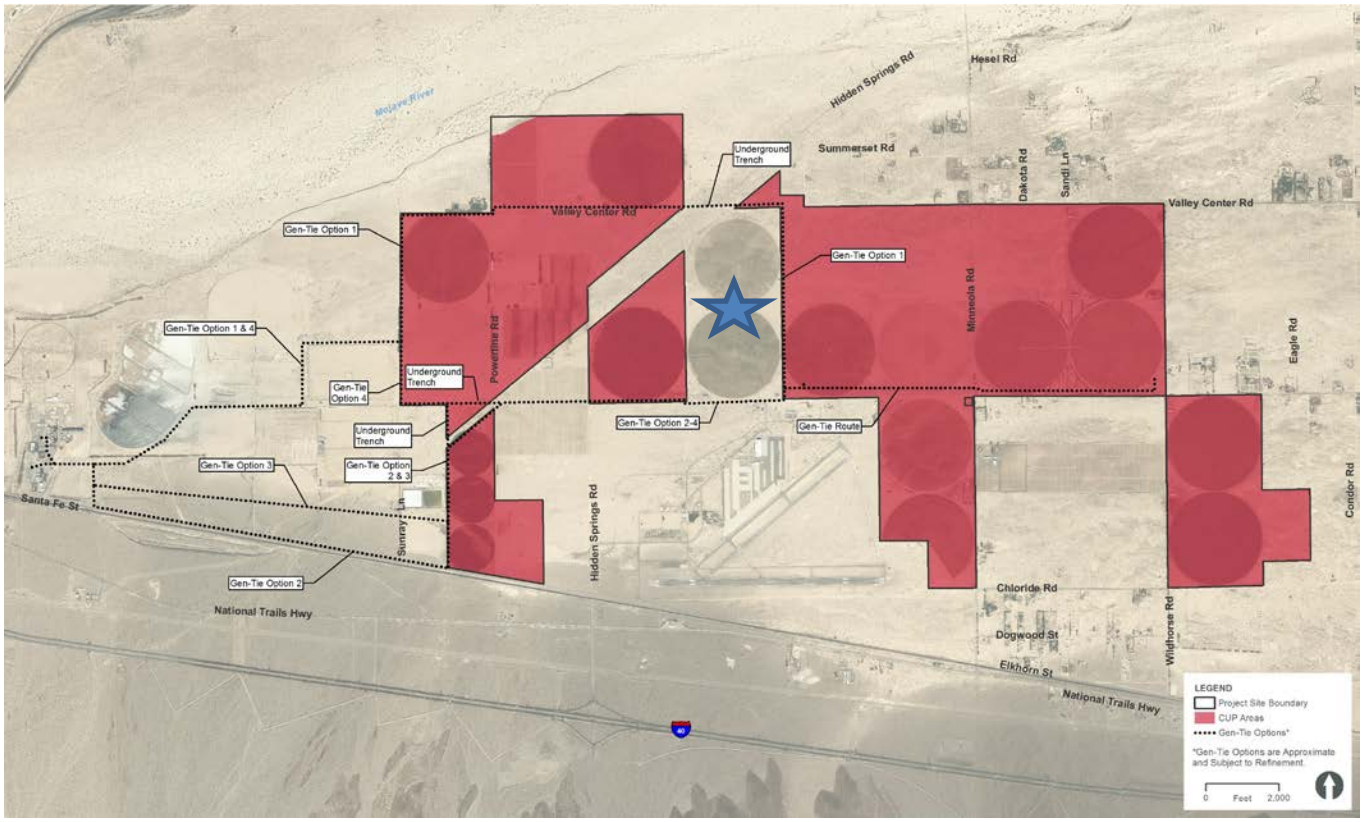


EXHIBIT 4 – GENERAL PLAN/ZONING DESIGNATIONS

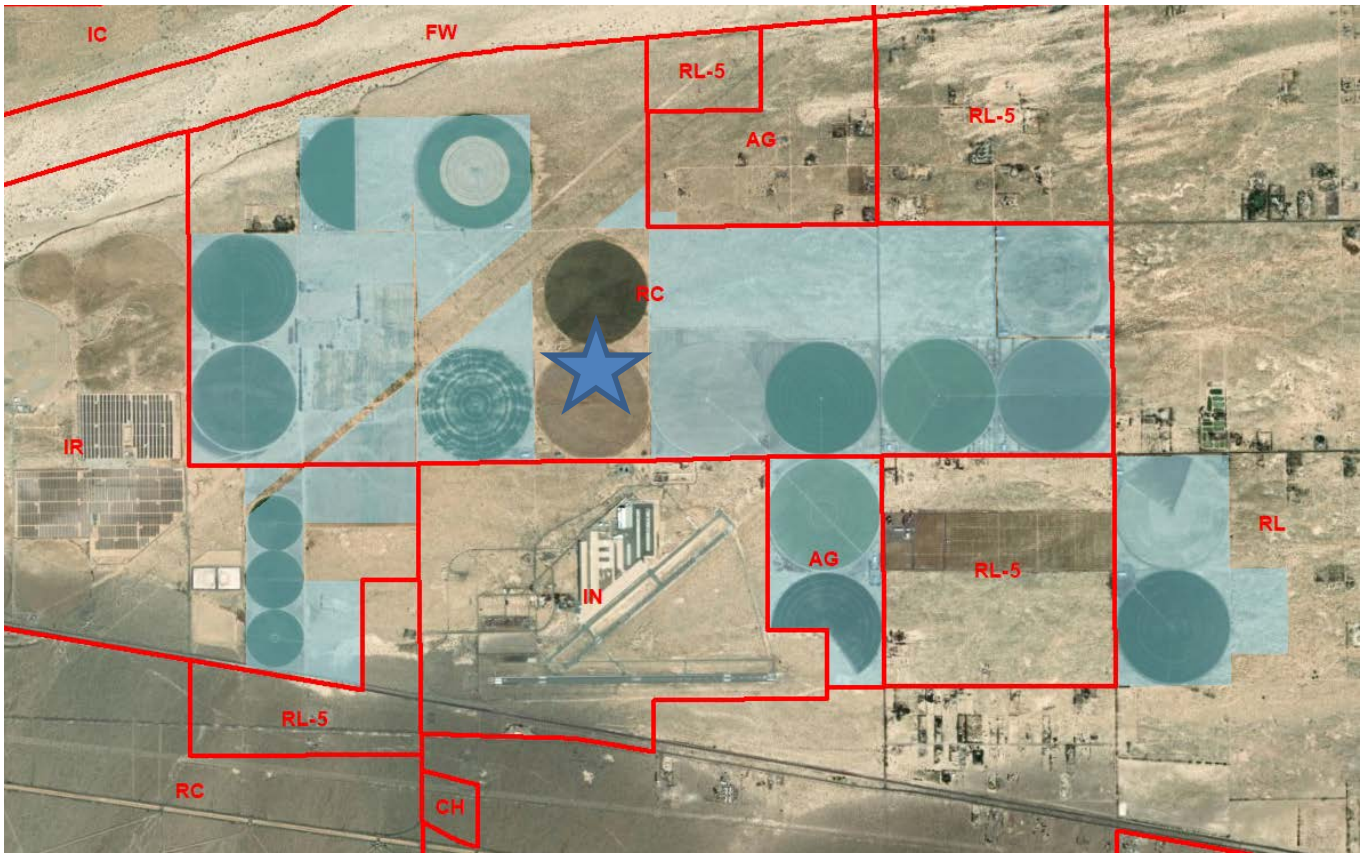


EXHIBIT 5 – OVERALL SITE PLAN

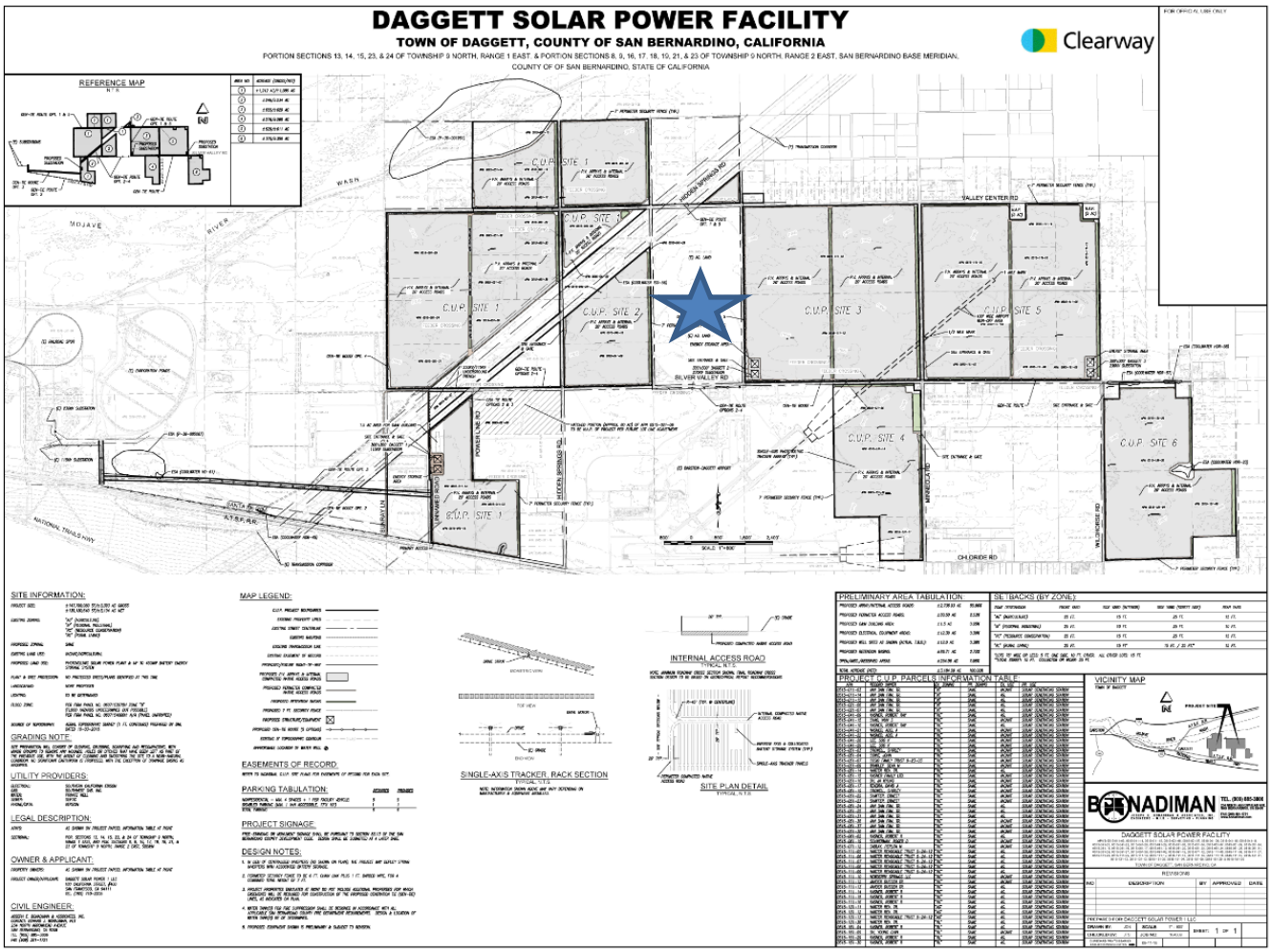


EXHIBIT 6 – CUP SITE PLAN

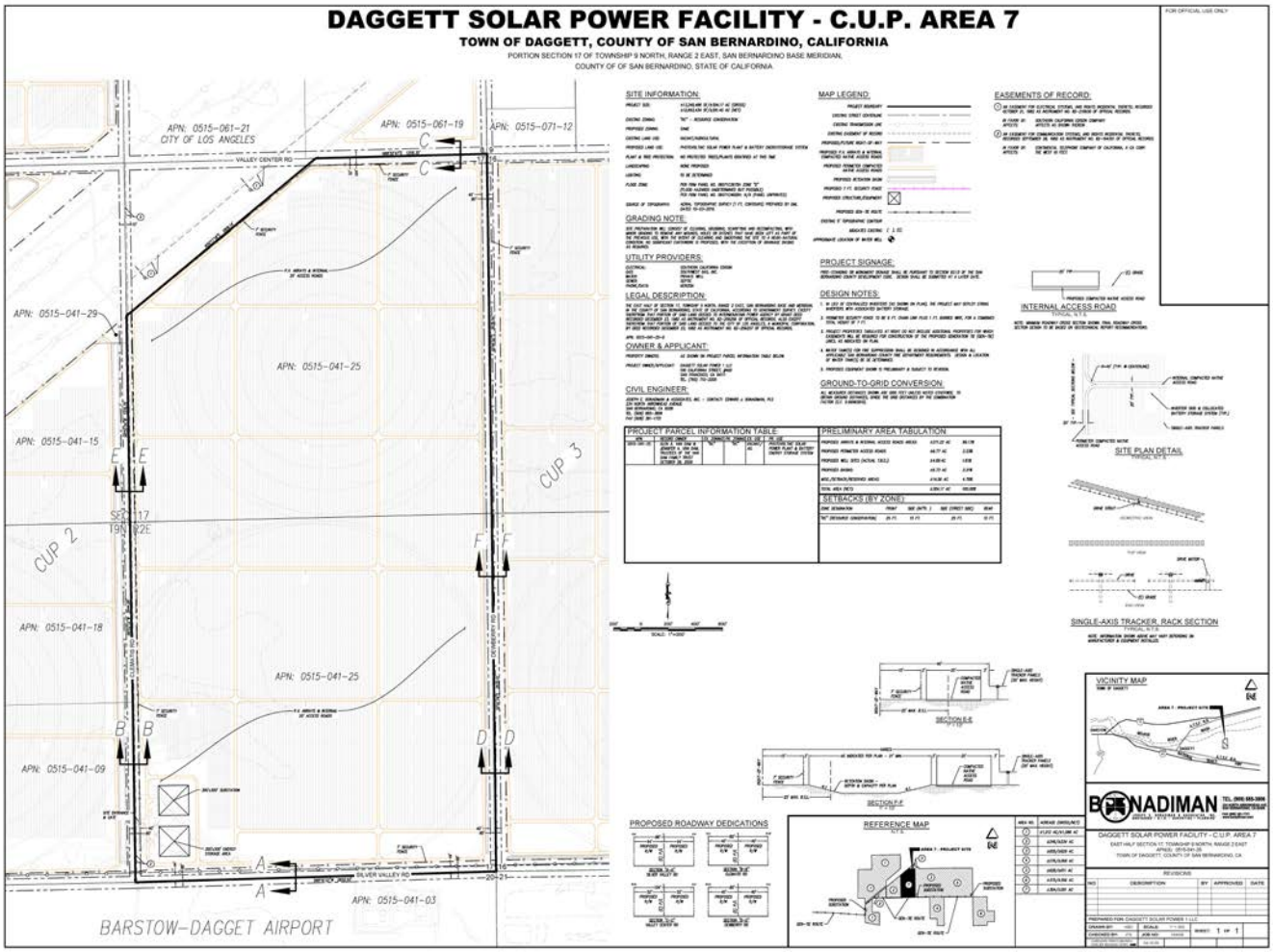


EXHIBIT 7 – TYPICAL ARRAY LAYOUT

EXHIBIT 8 – TYPICAL ARRAY LAYOUT

EXHIBIT 9 – SITE PHOTOGRAPHS

Westbound on-ramp of I-40 at Hidden Springs Road, facing north

Southwesterly view of the LADWP Transmission Corridor from Valley Center Road. Project on southeast (left) side of corridor.

PROJECT DESCRIPTION:

The applicant, Daggett Solar Power Facility 1 LLC, requests approval of a Conditional Use Permit (CUP) to construct and operate a solar photovoltaic (PV) power generating facility with battery storage capacity. This site will be added to a previously approved 3,500-acre solar project described below in the BACKROUND section. For clarification and purposes of discussing environmental documentation and compliance with the California Environmental Quality Act (CEQA), the 305-acre project currently being considered is identified as the "Modified Project" and the 3,500-acre project is considered the "Approved Project".

The Modified Project site is approximately 305 acres, located approximately 0.5 mile east of the community of Daggett. The site is bounded by Valley Center Road to the north; Silver Valley Road and Barstow-Daggett Airport to the south; agricultural uses and transmission lines to the west; and agricultural uses and vacant open space to the east (see Exhibits 2 and 6).

The overall power generation (650 Megawatts) and storage capacity (450 Megawatts) authorized with the Approved Project will not change with the addition of the Modified Project. The proposed Modified Project is surrounded by and contiguous with the Approved Project to the north, east and west, as illustrated in Exhibit 2.

In addition to approval of the CUP and in compliance with CEQA, an Addendum to the Environmental Impact Report certified for the Approved Project is offered for consideration. Pursuant to CEQA guidelines, the Addendum was prepared to evaluate and determine whether the Modified Project would result in new or more severe environmental impacts than those impacts identified and addressed in the Approved Project. A detailed discussion of the Addendum is provided below in the **California Environmental Quality Act Compliance – Modified Project** section.

BACKGROUND

In November of 2017, the applicant submitted applications (P201700679) and project information for the Approved Project: six CUPs to construct and operate a 650 Megawatt (MW) solar photovoltaic (PV) power generating facility with up to 450 MW of battery storage capacity on approximately 3,500 acres. Additionally, the Approved Project included Major Variances with each of the CUPs to exceed the 35 and 75-foot height limit for the land use districts governing the property. Proposed transmission lines extending west to the existing Coolwater Station will vary in height and will be 120-feet tall and 159-feet tall in certain areas. These heights are necessary to avoid and provide a required distance from existing Southern California Edison transmission lines. The applicant subsequently filed an application for Tentative Parcel Map No. 20083 (P201900643), proposing to consolidate 51 existing parcels into 15 parcels.

As described in detail in **California Environmental Quality Act Compliance – Approved Project** section below, an Environmental Impact Report (EIR) (State Clearinghouse No. 2018041007) was prepared for the Approved Project to identify all expected environmental impacts resulting from the Approved Project, formulate and set forth mitigation measures that will reduce said environmental impacts to a less-than-significant level, and propose Statement of Overriding Considerations for those unavoidable adverse impacts.

The Planning Commission approved the CUPs, Major Variances and Tentative Parcel Map No. 20083, and Certified the EIR on September 19, 2019. The Planning Commission action was appealed to the Board of Supervisors by the Newberry Springs Community Services District. The Board of Supervisors considered the appeal on December 10, 2019, denying the appeal and upholding the Planning Commission approval of the Approved Project.

MODIFIED PROJECT ANALYSIS:

Conditional Use Permit

Site Planning: The Modified Project applicant proposes to construct photovoltaic solar arrays, battery storage areas, maintenance and support facilities, office building, parking, access roads and entry points, internal roads and perimeter fencing over the 305-acre Modified Project site, incorporating the Modified Project into the design and development of the 3,500-acre Approved Project, including area for the gen-tie lines and poles. The site design of the Modified Project accommodates emergency access and circulation to ensure that fire protection can be efficiently provided. The Modified Project does not require the approval of a variance with the requested CUP since the Approved Project already includes potential routes for the gen-tie line that runs across and accessible to the Modified Project site.

General Plan Consistency: Over the last decade or more, the state has mandated that public utilities acquire more renewable energy, including solar-generated electricity. The resulting influx of applications to the County for commercial solar energy generation projects, coupled with concerns about the adequacy of the County's land use regulations of such projects, prompted the Board of Supervisors (Board) to enact a temporary moratorium on June 12, 2013 (Item 12). On December 17, 2013 (Item No. 103), the Board adopted an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities, of the Development Code and terminating the moratorium. These amendments established 31 specific findings that must be made for approval of a commercial solar energy generation project. Those findings are provided in Exhibit C.

On August 8, 2017 (Item 51), the Board adopted the Renewable Energy and Conservation Element of the General Plan (RECE), defining County goals and policies related to renewable energy and energy conservation, including policies governing siting and development of renewable energy generation projects. As proposed by staff, RECE contained Policy 4.10, which prohibited utility-oriented renewable energy project (10 MW and greater) in areas zoned Rural Living (RL) or areas within defined community plans. The Board adoption of the RECE excluded Policy 4.10, but staff was directed to return the siting issue to the Planning Commission for further study. The Planning Commission conducted a public hearing on May 24, 2018, recommending that the Board (1) amend the RECE by adopting Policy 4.10[1], (2) amend Policy 5.2 to add existing energy generation sites to those identified as suitable for utility-oriented renewable energy generation projects, and (3) add Policy 5.9 (collaborating with utilities, the California Energy Commission, and the Bureau of Land Management to plan for renewable energy generation facilities to be located on public lands, apart from existing unincorporated communities). On February 28, 2019 (Item 1), the Board considered and adopted the Planning Commission recommendation. The proposed findings discuss in detail the Modified Project's consistency with the General Plan, including the policy and goals within the RECE.

[1] With the suggestion that the Board, under its purview, consider moderating the policy so as to avoid a blanket prohibition of utility-oriented renewable energy generation projects in Rural Living zoning districts.

Code Compliance Summary: Exhibit E, Findings – Development Code Regulations for Commercial Solar Facility, discusses in detail the Modified Project's consistency with the Development Code, Section 84.29.035 pertaining to the development of commercial solar facilities.

California Environmental Quality Act Compliance - Approved Project

Due to the scope and scale of the Approved Project as well as the probable potential environmental impacts to the community, the County was able to determine early in the application process that the Approved Project would likely have significant environmental impacts and that an EIR would be the appropriate document to analyze said potential impacts. That being the case, no Initial Study was prepared, consistent with Section 15060(d) of the CEQA Guidelines.

On March 26, 2018, a Notice of Preparation (NOP) was distributed by the County as the lead agency, by which appropriate public agencies and the public were advised that a Draft EIR was being prepared and to invite comments on the scope and content of the document and participation at a public scoping meeting held April 11, 2018. The NOP public review period was from March 26, 2018, through April 26, 2018, consistent with the CEQA-required 30-day comment period. As advertised, a Scoping Meeting, open to the public, was conducted at the Daggett Community Services District facility to discuss the Approved Project, solicit input and identify issues to be evaluated in the EIR. Areas of concern that were expressed at the Scoping Meeting included: air quality/blowsand, water usage, impacts to Daggett Airport and military operations, aesthetics, fire protection, and biological resources.

The EIR (SCH 2018041007) (Exhibit G) includes an in-depth evaluation of eleven environmental resource areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, alternatives, impacts that are less than significant). The eleven environmental issue areas upon which the EIR focuses include aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, and transportation and circulation.

The County released the Draft EIR to the public on March 15, 2019, for a 45-day review ending on April 29, 2019. During the public review period, the Draft EIR was available for review on the County's website at: http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx.

In addition, hard copies were available at the County Land Use Services Department, Planning Division at 385 North Arrowhead Avenue, San Bernardino, CA 92415; San Bernardino County High Desert Government Center, 15900 Smoke Tree Street, Suite 1311, Hesperia, CA 92415; San Bernardino County Library, Barstow Branch, 304 E. Buena Vista Street, Barstow, CA 92311; the Daggett Community Services District, 35277 Afton Street, Daggett, CA 92327; and the Newberry Springs Community Services District, 30884 Newberry Road, Newberry Springs, CA 92365.

Comments received on the Draft EIR as well as Responses to Comments and subsequent errata were incorporated into the Final EIR document (Exhibit H). The Planning Commission reviewed and considered the Final EIR and found that the Final EIR was "adequate and complete," and certified it on September 19, 2019. As discussed above, the Approved Project was subsequently

appealed to the Board on December 10, 2019, wherein the Board denied the appeal and approved the Approved Project.

The following are summaries of topics/issues of concern that were addressed in the certified EIR for the Approved Project: http://www.sbcounty.gov/uploads/LUS/Environmental/Daggett%20for%20website/Daggett%20Solar%20CUP%207%20Addendum%20to%20EIR.pdf

Aesthetics: A Visual Impact Assessment (Appendix B-1[2] of the EIR) was prepared and is discussed in detail in Section 3.1 of the EIR. While the Approve Project will certainly be visible to the surrounding community, the Approved Project would not result in significant impacts to scenic vistas or scenic resources, nor substantially degrade the existing visual character or quality of the Approved Project site and its surroundings due to the existing industrial, transportation and energy infrastructure.

Air Quality: The analysis of impacts to air quality focus on two distinct aspects of the life of the Approved Project, i.e. temporary short-term construction and long-term operation. As discussed in Section 3.3 of the EIR, the Approved Project will exceed Mojave Desert Air Quality Management District (MDAQMD) thresholds during the construction phases of the Approved Project. Even with implementation of mitigation measures proposed, construction emissions would be considered significant and unavoidable. The analyses (Appendices D-1 and D-2 of the EIR) determine that operational emissions would not exceed MDAQMD thresholds and that operational impacts would be less than significant.

Dust and blowsand have been a point of major concern of the community. The applicant has incorporated extensive dust control measures that will avoid adverse blowsand impacts to surrounding residents. County enforcement of conditions of approval will be essential in minimizing sand transport from the Approved Project site from affecting the surrounding community.

The environmental analysis was prepared based on a very conservative estimate of the quantity of earthwork to be graded. It should be noted that the applicant has since refined the grading concept and the cubic yards expected to be moved has been reduced significantly. The mitigation measures established to address the original “worst case scenario” have not been revised and will be implemented by the applicant.

Biological Resources. Section 3.4 of the EIR described the results of resources surveys conducted on the Approved Project site and discusses the potential impacts to the existing resources including desert tortoise, burrowing owl, desert kit fox, nesting birds or the habitats associated with these species. Mitigation measures are adopted that reduce impacts to a less than significant level.

Cultural Resources. Several analyses were prepared (Appendices F-1 and F-2) which support Section 3.5 of the EIR identifying the cultural, tribal cultural and paleontological resources that exist on the Approved Project site, the Approved Project’s impacts on those resources and the actions necessary to protect said resources. Pursuant to AB 52, County staff and the applicant have been in formal consultation with both the San Manuel Band of Mission Indians and the Morongo Band of Mission Indians so as to effectively protect the tribal resources on the Approved

Project site. While many cultural resources exist on the Approved Project site, the applicant has revised the site plan and location of solar arrays so as to avoid the most sensitive cultural resources. Additionally, the implementation of proposed mitigation measures will reduce all impacts to a less than significant level.

Fire Protection. Concern was expressed regarding the ability to protect the Approved Project site as well as the community at large from an electrical fire incident, specifically related to the battery storage facilities. Daggett Community Services District and Newberry Community Services District have the responsibility to provide fire protection services to the Approved Project site and the larger communities.

The proposed battery storage system would be designed, constructed, operated, and maintained in accordance with applicable industry best practices and regulatory requirements, including fire safety standards. Current best practices for fire safety use chemical agent suppressant–based systems to detect and suppress fires. The safety system would include a fire detection and suppression control system that would be triggered automatically when the system senses imminent fire danger.

Also discussed was the practical tasks that the County fire protection personnel would be responsible for in addressing a fire situation on the Approved Project site. The applicant, Planning staff and the Daggett and Newberry Fire Departments will continue to meet, coordinate and train fire protection personnel so as to be fully prepared to protect the community from fire hazards.

Daggett Airport Safety and Compatibility. The Approved Project is subject to Federal Aviation Administration (FAA) rules and regulations pertaining to development affecting aviation facilities. The applicant must obtain FAA approval and clearance on all Approved Project components that could result in obstruction of navigable airspace and affect airport safety. The applicant continues to progress through the FAA with regard to the analysis and approval of specific facilities proposed by the Approved Project and the standards imposed by the FAA and has obtained determinations of “no hazard” for components for which determinations have been requested.

Appendix H, Attachment 3 - Obstruction Evaluation and Airspace Analysis and Attachment 4 – Glint and Glare Study to the EIR support the analysis contained in Section 3.8 of the EIR pertaining to potential hazards to airport operations. Mitigation measures are adopted which reduce the impacts to a less than significant level.

Water Quality and Water Service Section 3.9 of the EIR addressed hydrology and water quality based on information and data provided in analyses located in Appendices I-1 and I-2 of the EIR.

The Approved Project will comply with water quality standards and waste discharge requirements resulting in impacts that are less than significant.

The Approved Project site lies within the boundary of the Mojave Water Agency service area. The applicant prepared a Water Supply Assessment (Appendix I-3 of the EIR) that describes the existing conditions pertaining to the availability of domestic water in the area of the Approved Project site, the amount of water demand that will be necessary to serve the construction, operational and decommissioning needs of the Approved Project, and the ability of the water purveyor to provide the domestic water necessary to meet Approved Project demands. Adequate

water supplies for construction, operation and decommissioning of the Approved Project have been secured through agreements with landowners who currently have on-site water allocations.

The Approved Project will result in a reduction of water use compared to the existing agricultural uses that the Approved Project will replace, and adequate water supplies exist to serve the Approved Project. However, the EIR determined that, although the scenario is unlikely, the Approved Project could substantially deplete groundwater supplies due to the potential for existing water production rights not secured by the Approved Project and owned by others being relocated and utilized east of the Newberry Calico Fault. This potential scenario, which exists and could occur with or without the Approved Project, has resulted in the conservative finding that the potential impacts to Groundwater Supplies (Impact 3.9-2) and Cumulative Impacts to Hydrology (Impact 3.9-10) are significant and unavoidable.

Summary:

The EIR certified for the Approved Project determined that all potentially significant environmental impacts resulting from the construction and operation of the Approved Project can be mitigated to a less-than-significant level with the exception of Air Quality (potential impacts during construction) and Hydrology and Water Quality (potential impacts to groundwater). The unavoidable adverse impacts associated with Air Quality, Groundwater Supplies and Cumulative Impacts to Hydrology/Water Quality required Statements of Overriding Consideration establishing that the benefits of the Approved Project outweigh the adverse impacts. The Findings of Fact and Statement of Overriding Considerations were adopted and are included in Exhibit I.

California Environmental Quality Act Compliance – Modified Project

The County has reviewed the Modified Project and has determined that, pursuant to CEQA Guidelines Sections 15162 and 15164, the previous environmental analysis and documentation prepared for the Approved Project remains applicable to the Modified Project. An Addendum to the EIR (Addendum, Exhibit F) has been prepared that addresses the impacts associated with the Modified Project in relation to those impacts and mitigation measures approved with the Approved Project. Staff is recommending that the Planning Commission adopt the Addendum to the EIR.

As discussed in the proposed Addendum, CEQA Guidelines establish the type of environmental documentation that is required when only minor changes or no changes occur to a project after the adoption of an EIR. CEQA Guideline Section 15164(b) states that "[a]n addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

Section 15162(a) of the CEQA Guidelines state that a Subsequent EIR or MND need only be prepared if:

(1) Substantial changes are proposed in the Project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
(2) Substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous EIR or negative declaration

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
   A. The Project will have one or more significant effects not discussed in the previous EIR or negative declaration;
   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
   C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
   D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

Section 15162(b) of the CEQA Guidelines states, “If changes to a Project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.”

The Addendum evaluated whether changes in circumstances surrounding the Modified Project or new information of substantial importance would cause new significant environmental effects or a substantial increase in the severity of such effects beyond what was identified in the previous EIR approved in 2019. The Addendum assessed impacts to each of the resource areas previously analyzed in the certified EIR for the Approved Project. As part of the 2019 Amendments to the CEQA Guidelines, thresholds of significance were added for Energy and Wildfire. Potential impacts in these areas were not evaluated in the EIR prepared for the Approved Project. The Addendum addressed these new resource areas for both the Approved Project and Modified Project sites. The evaluation of changes in circumstances and new information focused on whether changes of substantial importance have occurred to environmental conditions in the area of the Approved Project and Modified Project, or to applicable plans, policies or regulations.

The Addendum includes new technical studies for all resource areas affected by the Modified Project. The analysis determined that the environmental impacts from the Modified Project would be no more severe than those projected to result from implementation of the Approved Project, and no new significant environmental impacts would occur. The Modified Project will be subject to and will implement all mitigation measures established in the EIR for the Approved Project. Thus, pursuant to CEQA, the proposed Addendum provides the appropriate level of environmental review to address the changes, if any, to the implementation of the Modified Project.

The rule of adequacy generally holds that the EIR can be certified if it: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the Planning Commission may take action to adopt, revise, or reject the proposed Modified Project. A decision to approve the proposed Modified Project would be accompanied by written findings (Exhibit I, CEQA Findings) in accordance with State CEQA Guidelines Section 15091. Public Resources Code Section 21081.6 also requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) (Exhibit J) to describe measures that have been adopted or made conditions of project approval in order to mitigate or avoid significant effects on the environment.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Addendum to Final Environmental Impact Report (SCH No. 2018041007) (collectively, Exhibits F and G);

2. **ADOPT** the CEQA Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (Exhibit I);

3. **ADOPT** the recommended Findings for approval for the Conditional Use Permit (collectively, Exhibits C, D and E);

4. **APPROVE** the Conditional Use Permit for the construction and operation of a solar power generating facility on approximately 305 acres, proposed to be incorporated into the larger approved 650MW photovoltaic solar power generating facility, including 450MW of battery storage, increasing the total project size from 3,500 acres to 3,805 acres, subject to the recommended Conditions of Approval (Exhibit K)

5. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

EXHIBIT A:	Overall Site Plan
EXHIBIT B:	Letter of Intent
EXHIBIT C:	Consistency Assessment with General Plan Policies and Objectives
EXHIBIT D:	Findings – Conditional Use Permit
EXHIBIT E:	Findings – Development Code Regulations for Commercial Solar Facility
EXHIBIT F:	Addendum to FEIR (SCH No. 2018041007) http://www.sbcounty.gov/uploads/LUS/Environmental/Daggett%20for%20website/Daggett%20Solar%20CUP%207%20Addendum%20to%20EIR.pdf
EXHIBIT G:	Final Environmental Impact Report (SCH No. 2018041007) http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx (Daggett Solar Facility Draft EIR)
EXHIBIT H:	Final Environmental Impact Report (SCH No. 2018041007), Responses to Comments http://www.sbcounty.gov/uploads/LUS/Environmental/Daggett%20Solar%20Power%20Facility_Final%20EIR%2009-04-2019%20(1).pdf
EXHIBIT I:	CEQA Findings and Statements of Overriding Consideration
EXHIBIT J:	Mitigation Monitoring Reporting Program
EXHIBIT K:	Conditions of Approval
EXHIBIT L:	EIR Technical Appendices, including NOP and Public Comments Received http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx (Daggett Solar Facility Appendices)

EXHIBIT A

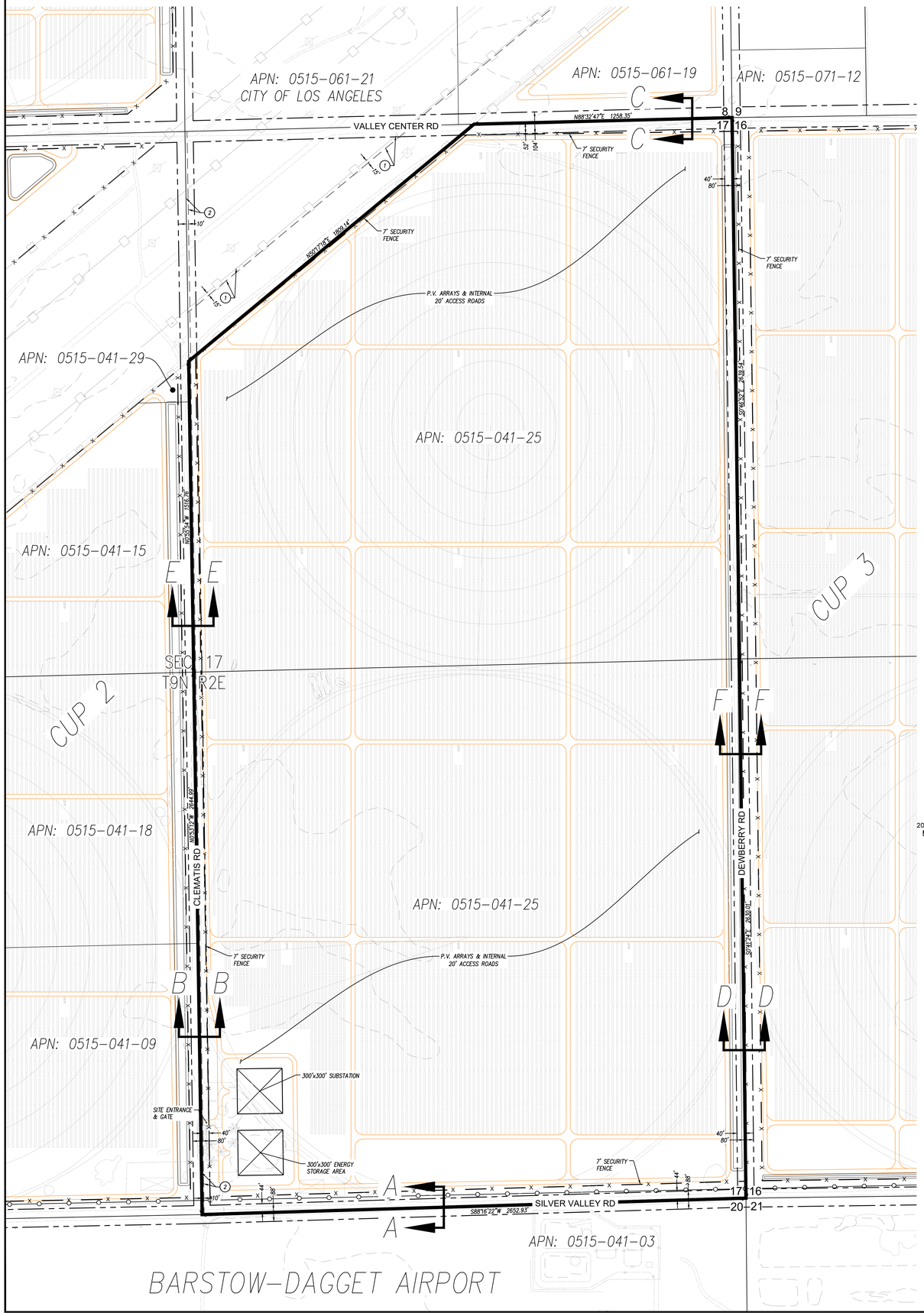
Overall Site Plan

DAGGETT SOLAR POWER FACILITY - C.U.P. AREA 7

TOWN OF DAGGETT, COUNTY OF SAN BERNARDINO, CALIFORNIA

PORTION SECTION 17 OF TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE MERIDIAN,
COUNTY OF OF SAN BERNARDINO, STATE OF CALIFORNIA

FOR OFFICIAL USE ONLY



SITE INFORMATION:

PROJECT SIZE:	±13,249,496 SF/±304.17 AC (GROSS) ±12,693,434 SF/±291.40 AC (NET)
EXISTING ZONING:	"RC" – RESOURCE CONSERVATION
PROPOSED ZONING:	SAME
EXISTING LAND USE:	VACANT/AGRICULTURAL
PROPOSED LAND USE:	PHOTOVOLTAIC SOLAR POWER PLANT & BATTERY ENERGYSTORAGE SYSTEM
PLANT & TREE PROTECTION:	NO PROTECTED TREES/PLANTS IDENTIFIED AT THIS TIME
LANDSCAPING:	NONE PROPOSED
LIGHTING:	TO BE DETERMINED
FLOOD ZONE:	PER FIRM PANEL NO. 06071C3975H ZONE "D" (FLOOD HAZARDS UNDETERMINED BUT POSSIBLE) PER FIRM PANEL NO. 06071C4600H: N/A (PANEL UNPRINTED)
SOURCE OF TOPOGRAPHY:	AERIAL TOPOGRAPHIC SURVEY (1 FT. CONTOURS) PREPARED BY DMI, DATED 10-03-2016.

GRADING NOTE:

SITE PREPARATION WILL CONSIST OF CLEARING, GRUBBING, SCARIFYING AND RECOMPACTING, WITH MINOR GRADING TO REMOVE ANY MOUNDS, HOLES OR DITCHES THAT HAVE BEEN LEFT AS PART OF THE PREVIOUS USE, WITH THE INTENT OF CLEARING AND SMOOTHING THE SITE TO A NEAR-NATURAL CONDITION. NO SIGNIFICANT EARTHWORK IS PROPOSED, WITH THE EXCEPTION OF DRAINAGE BASINS AS REQUIRED.

UTILITY PROVIDERS:

ELECTRICAL:	SOUTHERN CALIFORNIA EDISON
GAS:	SOUTHWEST GAS, INC.
WATER:	PRIVATE WELL
SEWER:	SEPTIC
PHONE/DATA:	VERIZON

LEGAL DESCRIPTION:

THE EAST HALF OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY. EXCEPT THEREFROM THAT PORTION OF SAID LAND DEEDED TO INTERMOUNTAIN POWER AGENCY BY GRANT DEED RECORDED DECEMBER 23, 1982 AS INSTRUMENT NO. 82-256256 OF OFFICIAL RECORDS. ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DEEDED TO THE CITY OF LOS ANGELES, A MUNICIPAL CORPORATION, BY DEED RECORDED DECEMBER 23, 1982 AS INSTRUMENT NO. 82-256257 OF OFFICIAL RECORDS.

APN: 0515-041-25-0

OWNER & APPLICANT:

PROPERTY OWNERS:	AS SHOWN ON PROJECT PARCEL INFORMATION TABLE BELOW.
PROJECT OWNER/APPLICANT:	DAGGETT SOLAR POWER 1 LLC 100 CALIFORNIA STREET, #400 SAN FRANCISCO, CA 94111 TEL. (760) 710-2205

CIVIL ENGINEER:

JOSEPH E. BONADIMAN & ASSOCIATES, INC. – CONTACT: EDWARD J. BONADIMAN, PLS
234 NORTH ARROWHEAD AVENUE
SAN BERNARDINO, CA 9208
TEL. (909) 885-3806
FAX (909) 381-1721

MAP LEGEND:

- PROJECT BOUNDARY
- EXISTING STREET CENTERLINE
- EXISTING TRANSMISSION LINE
- EXISTING EASEMENT OF RECORD
- PROPOSED/FUTURE RIGHT-OF-WAY
- PROPOSED P.V. ARRAYS & INTERNAL COMPACTED NATIVE ACCESS ROADS
- PROPOSED PERIMETER COMPACTED NATIVE ACCESS ROADS
- PROPOSED RETENTION BASIN
- PROPOSED 7 FT. SECURITY FENCE
- PROPOSED STRUCTURE/EQUIPMENT
- PROPOSED GEN-TIE ROUTE
- EXISTING 5' TOPOGRAPHIC CONTOUR
- INDICATES EXISTING ( ), (E)
- APPROXIMATE LOCATION OF WATER WELL

PROJECT SIGNAGE:

FREE-STANDING OR MONUMENT SIGNAGE SHALL BE PURSUANT TO SECTION 83.13 OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE. DESIGN SHALL BE SUBMITTED AT A LATER DATE.

DESIGN NOTES:

1. IN LIEU OF CENTRALIZED INVERTERS (AS SHOWN ON PLAN), THE PROJECT MAY DEPLOY STRING INVERTERS WITH ASSOCIATED BATTERY STORAGE.
2. PERIMETER SECURITY FENCE TO BE 6 FT. CHAIN LINK PLUS 1 FT. BARBED WIRE, FOR A COMBINED TOTAL HEIGHT OF 7 FT.
3. PROJECT PROPERTIES TABULATED AT RIGHT DO NOT INCLUDE ADDITIONAL PROPERTIES FOR WHICH EASEMENTS WILL BE REQUIRED FOR CONSTRUCTION OF THE PROPOSED GENERATION TIE (GEN-TIE) LINES, AS INDICATED ON PLAN.
4. WATER TANK(S) FOR FIRE SUPPRESSION SHALL BE DESIGNED IN ACCORDANCE WITH ALL APPLICABLE SAN BERNARDINO COUNTY FIRE DEPARTMENT REQUIREMENTS. DESIGN & LOCATION OF WATER TANK(S) BE DE DETERMINED.
5. PROPOSED EQUIPMENT SHOWN IS PRELIMINARY & SUBJECT TO REVISION.

GROUND-TO-GRID CONVERSION:

ALL MEASURED DISTANCES SHOWN ARE GRID FEET UNLESS NOTED OTHERWISE. TO OBTAIN GROUND DISTANCES, DIVIDE THE GRID DISTANCES BY THE COMBINATION FACTOR (C.F. 0.99983816).

EASEMENTS OF RECORD:

(1) AN EASEMENT FOR ELECTRICAL SYSTEMS, AND RIGHTS INCIDENTAL THERETO, RECORDED OCTOBER 21, 1982 AS INSTRUMENT NO. 82-210930 OF OFFICIAL RECORDS.
IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: AFFECTS AS SHOWN THEREIN

(2) AN EASEMENT FOR COMMUNICATION SYSTEMS, AND RIGHTS INCIDENTAL THERETO, RECORDED SEPTEMBER 28, 1982 AS INSTRUMENT NO. 82-194301 OF OFFICIAL RECORDS.
IN FAVOR OF: CONTINENTAL TELEPHONE COMPANY OF CALIFORNIA, A CA CORP.
AFFECTS: THE WEST 10 FEET.

PROJECT PARCEL INFORMATION TABLE:

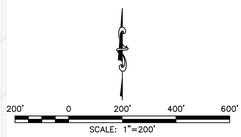
APN	RECORD OWNER	EX. ZONING	PR. ZONING	EX. USE	PR. USE
0515-041-25	GLEN A. VAN DAM & JENNIFER A. VAN DAM, TRUSTEES OF THE VAN DAM FAMILY TRUST OCTOBER 28, 2009	"RC"	"RC"	VACANT/AG.	PHOTOVOLTAIC SOLAR POWER PLANT & BATTERY ENERGY STORAGE SYSTEM

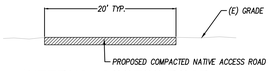
PRELIMINARY AREA TABULATION:

PROPOSED ARRAYS & INTERNAL ACCESS ROADS AREAS:	±271.22 AC	89.17%
PROPOSED PERIMETER ACCESS ROADS	±6.77 AC	2.23%
PROPOSED WELL SITES (ACTUAL T.B.D.):	±4.89 AC	1.61%
PROPOSED BASINS:	±6.73 AC	2.21%
MISC./SETBACK/RESERVED AREAS:	±14.56 AC	4.79%
TOTAL AREA (NET):	±304.17 AC	100.00%

SETBACKS (BY ZONE):

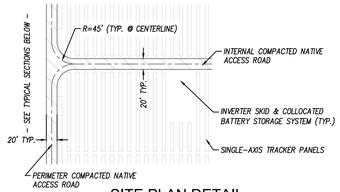
ZONE DESIGNATION	FRONT	SIDE (INTR.)	SIDE (STREET SIDE)	REAR
"RC" (RESOURCE CONSERVATION)	25 FT.	15 FT.	25 FT.	15 FT.



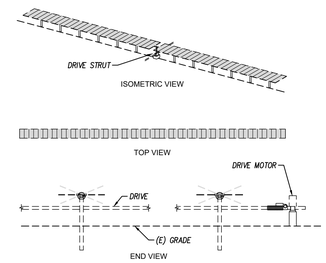


INTERNAL ACCESS ROAD
TYPICAL, N.T.S.

NOTE: MINIMUM ROADWAY CROSS SECTION SHOWN. FINAL ROADWAY CROSS SECTION DESIGN TO BE BASED ON GEOTECHNICAL REPORT RECOMMENDATIONS.

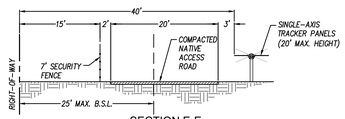


SITE PLAN DETAIL
TYPICAL, N.T.S.

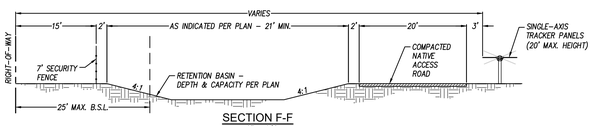


SINGLE-AXIS TRACKER, RACK SECTION
TYPICAL, N.T.S.

NOTE: INFORMATION SHOWN ABOVE MAY VARY DEPENDING ON MANUFACTURER & EQUIPMENT INSTALLED.

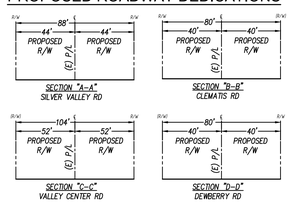


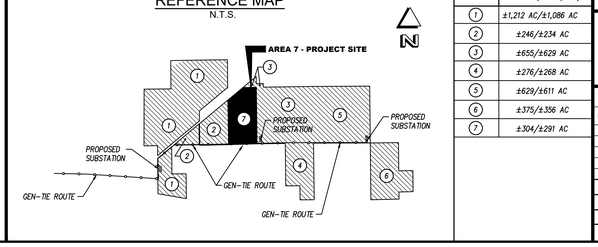
SECTION E-E
1" = 10'



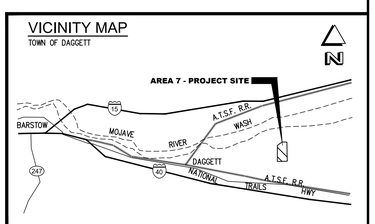
SECTION F-F
1" = 10'

PROPOSED ROADWAY DEDICATIONS





AREA NO.	ACREAGE (GROSS/NET)
1	±1,212 AC/±1,086 AC
2	±246/±234 AC
3	±655/±629 AC
4	±276/±268 AC
5	±629/±611 AC
6	±375/±356 AC
7	±304/±291 AC



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234 NORTH ARROWHEAD AVE.
SAN BERNARDINO, CA 92408
FAX (909) 381-1721
www.bonadiman.com

DAGGETT SOLAR POWER FACILITY - C.U.P. AREA 7
EAST HALF SECTION 17, TOWNSHIP 9 NORTH, RANGE 2 EAST
APN(S): 0515-041-25
TOWN OF DAGGETT, COUNTY OF SAN BERNARDINO, CA

REVISIONS

NO	DESCRIPTION	BY	APPROVED	DATE

PREPARED FOR: DAGGETT SOLAR POWER 1 LLC

DRAWN BY:	KBO	SCALE:	1" = 200'	SHEET: 1 OF 1	
CHECKED BY:	JTS	JOB NO:	164309		
DISREGARD PRINTS BEARING EARLIER REVISION DATES		04-10-20			

EXHIBIT B

Letter of Intent

Letter of Intent

Applicant:	Daggett Solar Power 1 LLC	**Date:**	May 22, 2020
Mailing Address:	100 California Street, Suite 400		
	San Francisco, CA 94111	**Primary Contact:**	James Kelly
Phone Number:	(760) 710-2140		
Business Name:	Clearway Energy Group LLC	**APN(s):**	0515-041-25

If needed, you may attach additional documents to provide more detailed information.

Brief description of proposed use:

Please see attached Project Description.

Brief Description of proposed location and surrounding properties as they currently exist:

Please see attached Project Description.

Logistics (Truck trips, hours of business, parking, number of employees, etc.):

Please see attached Project Description.

Goals and Objectives:

Please see attached Project Description.

MODIFIED PROJECT DESCRIPTION

Daggett Solar Power Facility Project – Proposed Project Addition
San Bernardino County, California

May 14, 2020

Clearway

TABLE OF CONTENTS

FIGURES

ACRONYMS AND ABBREVIATIONS

AC	alternating current
Applicant	Daggett Solar Power 1 LLC
Approved Project	Daggett Solar Power Facility Project
BESS	Battery Energy Storage System
county	San Bernardino
CUP	Conditional Use Permit
DC	direct current
EIR	Environmental Impact Report
gen-tie	generation tie
kV	kilovolt
LADWP	Los Angeles Department of Water and Power
MW	megawatt
O&M	operations and maintenance
PCS	power conversion system
Proposed Modified Project	proposed changes to the Approved Project
Proposed Project Addition	additional approximately 305 acres added to Approved Project
PV	photovoltaic
RPS	Renewables Portfolio Standard
SCADA	Supervisory Control and Data Acquisition
SCE	Southern California Edison

1.0 OVERVIEW

The County of San Bernardino (County) prepared an Environmental Impact Report (EIR) for the Daggett Solar Power Facility Project (Approved Project) which evaluated 650 megawatts (MW) of solar development and up to 450 MW of battery storage capacity on an approximately 3,500-acre site. The San Bernardino County Planning Commission certified the Final Daggett Solar Power Facility EIR and approved the Daggett Solar Power Facility Project on September 19, 2019, which consisted of six Conditional Use Permits (CUP), with Major Variances to exceed the height limit and allow transmission lines at a maximum of 159 feet, and Tentative Parcel Map 20083 to consolidate the 51 existing parcels into 15 parcels.

Daggett Solar Power 1 LLC (Applicant) proposes modifications to the Approved Project's boundaries to include additional land, which will require approval of a new CUP and inclusion into the Final Parcel Map to be approved by the County. The Approved Project together with the proposed additional land are referred to herein as the "Proposed Modified Project". The addition of approximately 305 acres of additional infill land to the Approved Project is referred to herein as the "Proposed Project Addition". The total capacity of the Proposed Modified Project would be unchanged from what was previously analyzed for the Approved Project.

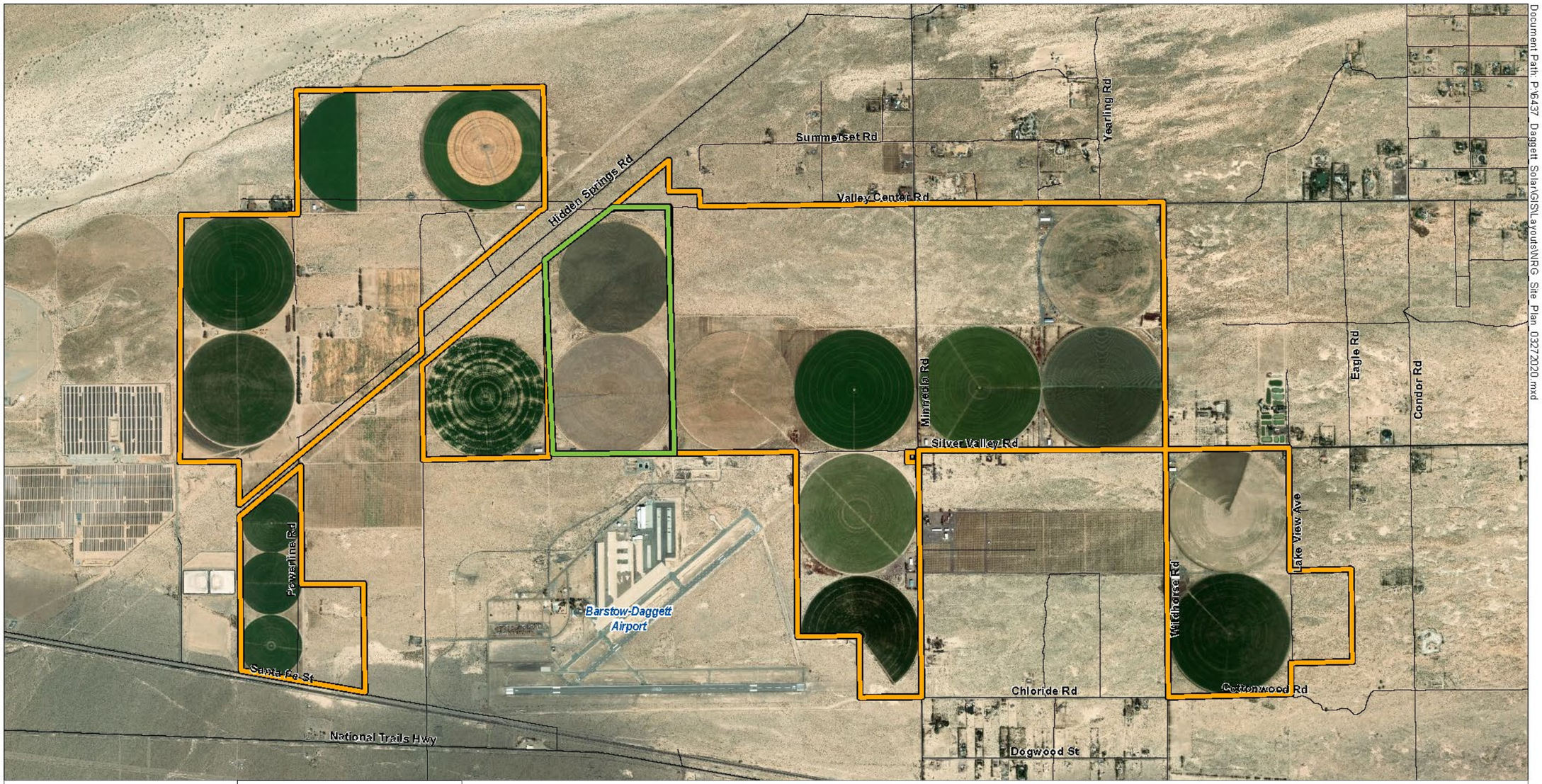
The total footprint of the Approved Project occupies approximately 3,200 acres; however, a project size of 3,500 acres was analyzed in the certified EIR, and the addition of the approximately 305-acre area, surrounded on three sides by the Approved Project, would bring the total Proposed Modified Project footprint to 3,500 acres (see Figure 1), as was previously analyzed for the Approved Project. The battery storage capacity of up to 450 MW would remain unchanged. An alternate substation, battery energy storage system (BESS), and Operations and Maintenance (O&M) building location is also included as part of the Proposed Project Addition, however the total footprint of these components would not increase beyond what was already considered and authorized for the Approved Project.

The Proposed Modified Project would construct and operate a utility scale, solar photovoltaic (PV) electricity generation and energy storage facility that would produce up to 650 MW of power and include up to 450 MW of battery storage capacity on approximately 3,500 acres of land (Figure 2, Project Site). As with the Approved Project, the Proposed Modified Project would use existing electrical transmission infrastructure adjacent to the Coolwater Generating Station, a retired natural gas-fired power plant, to deliver renewable energy to the electric grid.

The Proposed Modified Project site is flat and is generally bounded by the town of Daggett approximately 0.5 miles to the west; the Mojave River, Yermo, and Interstate 15 to the north; Barstow Daggett Airport, Route 66, and Interstate 40 to the south; and Newberry Springs and Mojave Valley to the east in San Bernardino County (Figure 3, Regional Setting).

The Proposed Project Addition is comprised of an approximately 305-acre parcel, located between CUP 2 and CUP 3 in Phase 2 of the Approved Project. The site is currently actively farmed and of the same characteristics of the land in the Approved Project. The Proposed Modified Project area is in proximity to existing high voltage electrical infrastructure, existing energy generation facilities, and other industrial uses. These include the existing non-operating Coolwater Generating Station, a 626 MW natural gas–fired power plant, the 44 MW photovoltaic Sunray Solar Project, several high voltage substations and transmission lines owned by Southern California Edison (SCE), the Los Angeles Department of Water and Power (LADWP) high-voltage transmission corridor of approximately 1,000 feet in width, major highway and railroad infrastructure, and the Barstow-Daggett Airport.

The Proposed Modified Project is anticipated to be constructed in three phases, unchanged from the Approved Project. The Proposed Project Addition would be constructed during Phase 2 and is seeking one additional CUP. The phases would share certain facilities, such as the on-site project substations and generation tie (gen-tie) line. Development would occur on privately owned land.

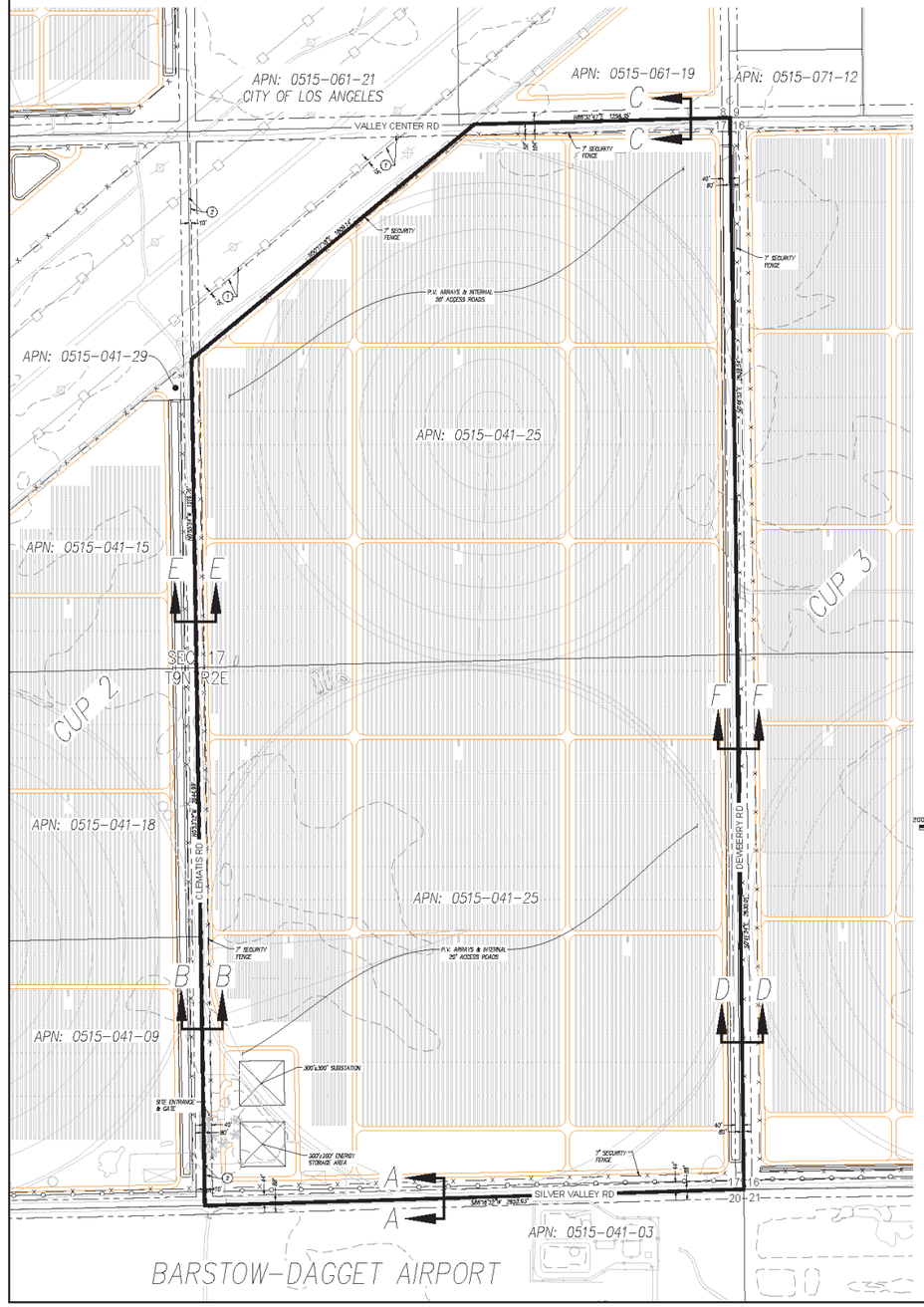

Document Path: P:\6437_Daggett_Solar\GIS\Layouts\NRG_Site_Plan_03272020.mxd
Summerset Rd
Yearling Rd
Hidden Springs Rd
Valley Center Rd
Minneola Rd
Eagle Rd
Condor Rd
Silver Valley Rd
Lake View Ave
Wildhorse Rd
Powerline Rd
Barstow-Daggett Airport
Santa Fe St
National Trails Hwy
Chloride Rd
Cottonwood Rd
Dogwood St
Daggett Solar Power Facility
Figure 1
Proposed Modified Project
San Bernadino County, CA
N
0 1,200 2,400
Feet
Project Location
Previously Approved Project Area
Proposed Project Addition

DAGGETT SOLAR POWER FACILITY - C.U.P. AREA 7

TOWN OF DAGGETT, COUNTY OF SAN BERNARDINO, CALIFORNIA

PORTION SECTION 17 OF TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE MERIDIAN,
COUNTY OF OF SAN BERNARDINO, STATE OF CALIFORNIA

FOR OFFICIAL USE ONLY



SITE INFORMATION:

PROJECT SIZE:	±13,946,496 SF/±320.17 AC (GROSS) ±13,693,434 SF/±291.40 AC (NET)
EXISTING ZONING:	"RC" – RESOURCE CONSERVATION
PROPOSED ZONING:	SAME
EXISTING LAND USE:	VACANT/AGRICULTURAL
PROPOSED LAND USE:	PHOTOVOLTAIC SOLAR POWER PLANT & BATTERY ENERGY STORAGE SYSTEM
PLANT & TREE PROTECTION:	NO PROTECTED TREES/PLANTS IDENTIFIED AT THIS TIME
LANDSCAPING:	NONE PROPOSED
LIGHTING:	TO BE DETERMINED
FLOOD ZONE:	PER FIRM PANEL NO. 06071C0870H ZONE "D" (FLOOD HAZARDS UNDETERMINED BUT POSSIBLE) PER FIRM PANEL NO. 06071C0850H: N/A (PANEL UNPRINTED)
SOURCE OF TOPOGRAPHY:	AERIAL TOPOGRAPHIC SURVEY (1 FT. CONTOURS) PREPARED BY CNL DATED 10-03-2019.

GRADING NOTE:

SITE PREPARATION WILL CONSIST OF CLEARING, GRUBBING, SCARIFYING AND RECOMPACTING, WITH MINOR GRADING TO REMOVE ANY MOUNDS, HOLES OR DITCHES THAT HAVE BEEN LEFT AS PART OF THE PREVIOUS USE, WITH THE INTENT OF CLEARING AND SMOOTHING THE SITE TO A NEAR-NATURAL CONDITION. NO SIGNIFICANT EARTHWORK IS PROPOSED, WITH THE EXCEPTION OF DRAINAGE BASINS AS REQUIRED.

UTILITY PROVIDERS:

ELECTRICAL:	SOUTHERN CALIFORNIA EDISON
GAS:	SOUTHWEST GAS, INC.
WATER:	PRIVATE WELL
SEWER:	SEPTIC
PHONE/DATA:	VERIZON

LEGAL DESCRIPTION:

THE EAST HALF OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY, EXCEPT THEREFROM THAT PORTION OF SAID LAND DEEDED TO INTERMOUNTAIN POWER AGENCY BY GRANT DEED RECORDED DECEMBER 23, 1982 AS INSTRUMENT NO. 82-256139 OF OFFICIAL RECORDS. ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DEEDED TO THE CITY OF LOS ANGELES, A MUNICIPAL CORPORATION, BY DEED RECORDED DECEMBER 23, 1982 AS INSTRUMENT NO. 82-256137 OF OFFICIAL RECORDS.

APN: 0515-041-25-0

OWNER & APPLICANT:

PROPERTY OWNERS:	AS SHOWN ON PROJECT PARCEL INFORMATION TABLE BELOW.
PROJECT OWNER/APPLICANT:	DAGGETT SOLAR POWER 1 LLC 100 CALIFORNIA STREET, #900 SAN FRANCISCO, CA 94111 TEL. (760) 755-2256

CIVIL ENGINEER:

JOSEPH E. BONADIMAN & ASSOCIATES, INC. – CONTACT: EDWARD J. BONADIMAN, PLS
534 NORTH ARROWHEAD AVENUE
SAN BERNARDINO, CA 92408
TEL. (909) 885-3806
FAX (909) 381-1721

MAP LEGEND:

- PROJECT BOUNDARY
- EXISTING STREET CENTERLINE
- EXISTING TRANSMISSION LINE
- EXISTING EASEMENT OF RECORD
- PROPOSED/FUTURE RIGHT-OF-WAY
- PROPOSED P.V. ARRAYS & INTERNAL COMPACTED NATIVE ACCESS ROADS
- PROPOSED PERIMETER COMPACTED NATIVE ACCESS ROADS
- PROPOSED RETENTION BASIN
- PROPOSED 7 FT. SECURITY FENCE
- PROPOSED STRUCTURE/EQUIPMENT
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IN FAVOR OF: SOUTHERN CALIFORNIA EDISON COMPANY
AFFECTS: AS SHOWN THEREIN

(2) AN EASEMENT FOR COMMUNICATION SYSTEMS, AND RIGHTS INCIDENTAL THERETO, RECORDED SEPTEMBER 28, 1982 AS INSTRUMENT NO. 82-194301 OF OFFICIAL RECORDS.
IN FAVOR OF: CONTINENTAL TELEPHONE COMPANY OF CALIFORNIA, A CA CORP.
AFFECTS: THE WEST 10 FEET.

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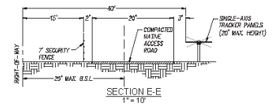
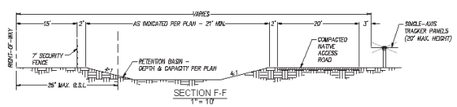
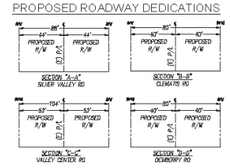
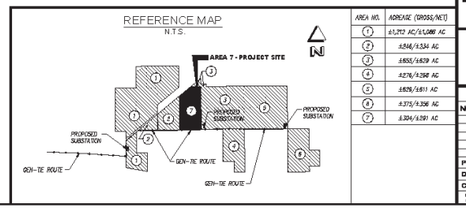
"RC" (RESOURCE CONSERVATION)	25 FT.	15 FT.	25 FT.	15 FT.

SCALE: 1"=200'

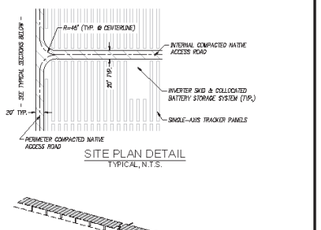








AREA NO.	ACREAGE (GROSS/NET)
1	61.213 AC/61.088 AC
2	3.541/3.534 AC
3	3.833/3.829 AC
4	3.276/3.258 AC
5	3.676/3.651 AC
6	3.373/3.336 AC
7	3.324/3.291 AC



SITE PLAN DETAIL
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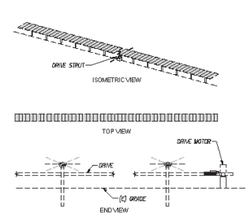

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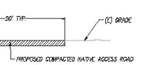
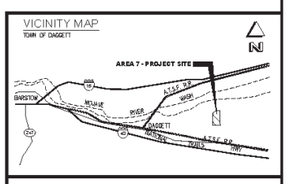


INTERNAL ACCESS ROAD
TYPICAL, N.T.S.

NOTE: MINIMUM ROADWAY CROSS SECTION SHOWN. FINAL ROADWAY CROSS SECTION DESIGN TO BE BASED ON GEOTECHNICAL REPORT RECOMMENDATIONS.



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EAST HALF SECTION 17, TOWNSHIP 9 NORTH, RANGE 2 EAST
APN(S): 0515-041-25
TOWN OF DAGGETT, COUNTY OF SAN BERNARDINO, CA

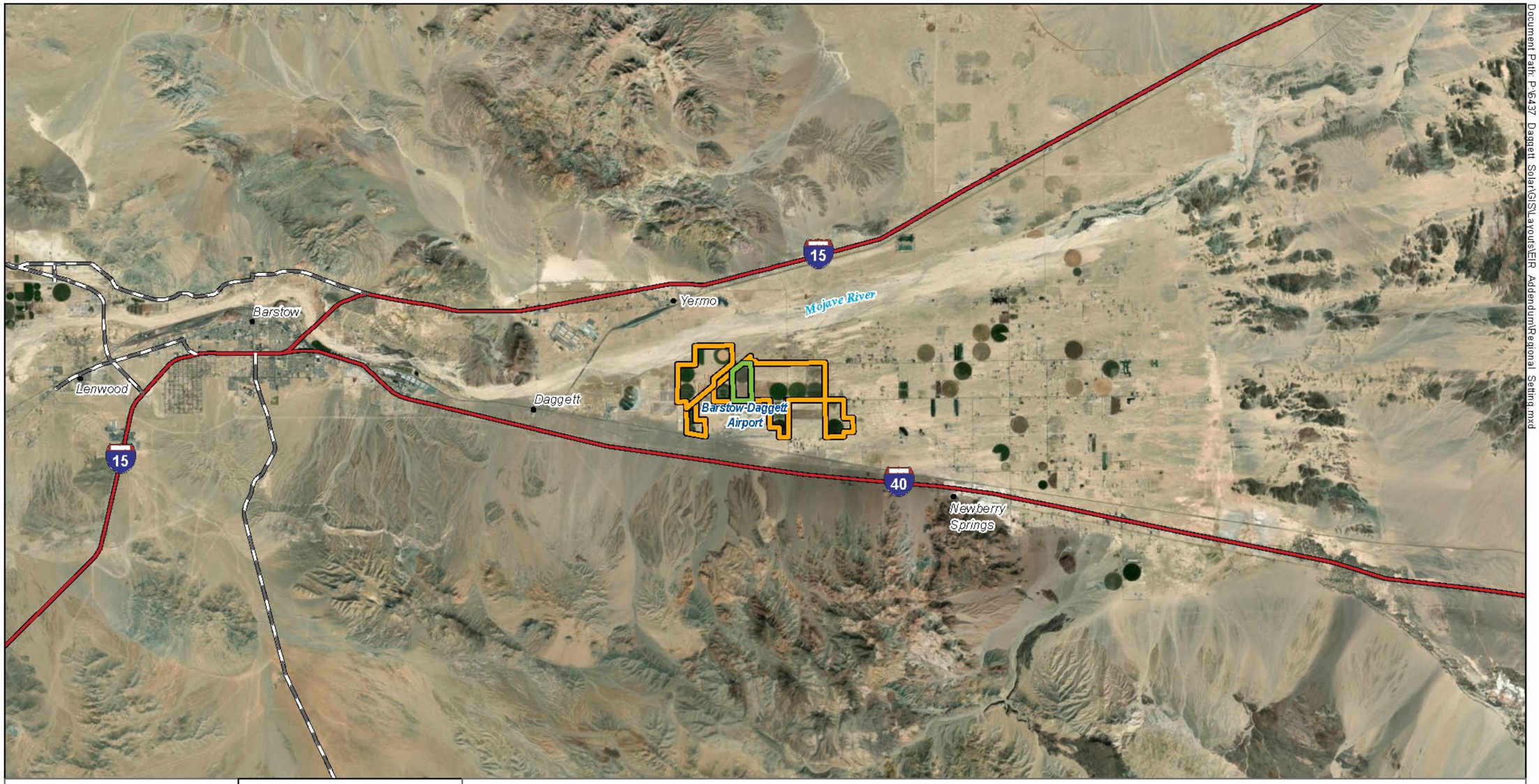
REVISIONS

NO	DESCRIPTION	BY	APPROVED	DATE

PREPARED FOR: DAGGETT SOLAR POWER 1 LLC

DRAWN BY:	KBO	SCALE:	1" = 200'
CHECKED BY:	JTS	JOB NO:	164309
			04-10-20

SHEET: 1 OF 1



Daggett Solar Power Facility
Figure 3
Regional Setting
San Bernadino County, CA

N
0 7,500 15,000
Feet

Project Location

Previously Approved Project Area
Proposed Project Addition

2.0 PROJECT OBJECTIVES

California Environmental Quality Act Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the proposed project. The Proposed Modified Project objectives are identified below, and they are unchanged from the objectives of the Approved Project.

1. Assist the State of California in achieving or exceeding its Renewables Portfolio Standard (RPS) and greenhouse gas emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 650 MWs.
2. Produce and transmit electricity at a competitive cost.
3. Provide a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates.
4. Use the existing interconnection at the Coolwater Substation that provides approximately 650 MW of capacity.
5. Utilize existing energy infrastructure to the extent possible by locating solar power generation facilities in close proximity to existing infrastructure, such as electrical transmission facilities.
6. Site solar power generation facilities in areas of San Bernardino County by 2020 that have the best solar resource to maximize energy production and the efficient use of land.
7. Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

3.0 REGIONAL SETTING

In addition to the existing Coolwater Generating Station, the surrounding area includes transportation infrastructure, agricultural lands, undeveloped land, the Sunray Solar Project (built in 2016), and the Barstow-Daggett Airport, a County owned general aviation airport, located directly south of the project site. Route 66, the National Trails Highway, is to the south of the project site and Interstate 15 is to the north. Route 66 is located between Interstate 40 and the project site. The BNSF (Burlington Northern Santa Fe) railroad tracks are to the south of the project site, and the Union Pacific tracks are to the north. An approximately 1,000-foot-wide LADWP high voltage transmission corridor traverses the project site. In addition, many existing high voltage transmission structures and electrical substations are located in the project area. Private lands near the central and eastern portions of the Proposed Modified Project site consist of agricultural lands that produce primarily alfalfa and pistachios, sparsely spaced rural residential dwellings, previously disturbed and now fallow farmland, and some undeveloped desert land. The Proposed Project Addition consists of agricultural lands that were used to produce primarily alfalfa and are materially similar in all respects to the land in the Approved Project.

4.0 FACILITIES AND DESIGN

The Proposed Project Addition would consist of PV solar panels mounted on a single-axis tracking system that follows the sun throughout the day and would operate with the Approved Project as part of a Proposed Modified Project. The tracking system would be supported by steel piles, with the panels arranged into long narrow rows, grouped into regions, referred to as solar arrays or blocks. The proposed design also includes inverters and transformers mounted on small concrete pads or steel foundations, distributed across the site. Inverter equipment pads may be accompanied with distributed Battery Energy Storage System (BESS) equipment. Electricity produced by the solar arrays would be collected and routed to an on-site substation, located either within the 305-acre footprint or within the Approved Project footprint, where voltage would be increased to the interconnection voltage.

The Proposed Project Addition would have its own on-site substation, which may also include a BESS. From the on-site substation, the Proposed Project Addition would include a segment of the approved overhead gen-tie line, which would connect to the existing SCE-owned 115-kilovolt (kV) and 230 kV Coolwater substations, which are adjacent to the retired Coolwater Generating Station. Like the Approved Project, the Proposed Project Addition would also include security fencing for all phases, a Supervisory Control and Data Acquisition system (SCADA), and telecommunications equipment..

4.1 SOLAR ARRAY

Like the Approved Project, solar panels included in the Proposed Project Addition would be mounted on a tracking system that would be supported, when practical, by driven piers (piles) directly embedded into the ground. Panels would be organized in rows in a uniform grid pattern, with each row separated by approximately 10-20 feet (from post to post). A fixed-tilt racking system, which does not track the sun, may also be used if deemed suitable. Panels are proposed to be a maximum of 12 feet in height above grade when tilted to their maximum height.

The specific equipment chosen for the Proposed Project Addition would be determined prior to final design and construction. However, at this time, like the Approved Project the solar panels are expected to be either crystalline silicon or thin-film cadmium telluride.

4.2 INVERTERS AND SWITCHGEAR

Just as with the Approved Project, individual PV panels on the Proposed Project Addition would be electrically connected in series to create a “string” to carry direct current (DC) electricity. Strings of DC electricity would be routed to inverters, which would take the DC output and convert it to alternating current (AC) electricity.

The system may use either centralized or string inverters. Centralized inverters and transformers would be supported on small concrete or steel equipment pads, on a foundation of either a concrete footing approximately 10 feet by 50 feet in size or foundational piers. The inverters and transformers would be approximately 10 feet in height. Small string inverters would be mounted throughout the solar array and attached to each of the tracker rows. The power from inverters would be collected and transported to a project substation. Power from each of the Proposed Modified Project substations would be transported via a new gen-tie line to the two existing SCE-owned Coolwater substations, where power would then flow into the utility-owned electric system.

The BESS would be either AC or DC coupled, meaning the battery would be electrically connected either between the DC panels and the inverter input (in the case of a DC coupled system) or further downstream, after the output of the inverters (in the case of an AC coupled system). In a DC-coupled configuration, the BESS would be distributed through the solar array, co-located adjacent to the inverter

equipment pads. In an AC-coupled configuration, the BESS would most likely be consolidated, located adjacent to the project substations.

4.3 PROJECT SUBSTATIONS

Unchanged from the Approved Project, one new substation would be constructed as a part of each of the three construction phases for a total of three project substations included in the Proposed Modified Project. The Proposed Modified Project includes an alternate location for one of the substations, as shown on the Site Plan for the Proposed Project Addition (Figure 2). The substations (which contain high-voltage equipment) would be unenclosed, occupy an area of approximately 300 feet by 300 feet each, and be protected with security fences. The electrical equipment inside the substation fence would be approximately 70 feet tall at its highest points. A small one-story, rectangular control building, housing the communication and SCADA equipment would also be located in the substation footprint. From the new project substations, a gen-tie line would be constructed to connect the solar facility to its point of interconnection, which are the two existing substations (115 kV and 230 kV) owned and operated by SCE and adjacent to the retired Coolwater Generating Station. The work SCE will perform to connect the gen-tie line to these substations will occur primarily inside the existing substations; therefore, no expansion of the existing substations' footprints or increase in height of the substation facilities is anticipated.

4.4 BATTERY STORAGE

Unchanged from the Approved Project, the Proposed Modified Project is anticipated to include up to 450 MW of battery storage to be constructed in three phases corresponding to the phased construction of the solar arrays. The BESS is expected to be either located adjacent to each of the substations or distributed throughout the solar array at the inverter equipment pads or tracker rows. The Proposed Project Addition includes BESS, as shown on the Site Plan provided as Figure 2. The key components of the BESS are described below.

- Batteries. Individual lithium ion cells form the core of the battery storage system. Cells are assembled either in series or parallel connection, in sealed battery modules. The battery modules would be installed in self-supporting racks electrically connected either in series or parallel to each other. The operating rack-level DC voltage currently ranges between 700 and 1,500 volts. The individual battery racks are connected in series or a parallel configuration to deliver the battery storage system energy and power rating.
- BESS Enclosure and Controller. The BESS enclosure would house the batteries described above, as well as the battery storage system controller. The BESS controller is a multilevel control system designed to provide a hierarchical system of controls for the battery modules, power conversion system (PCS), medium voltage system, and up to the point of connection with the electrical grid. The controllers ensure that the battery storage system effectively mimics conventional turbine generators when responding to grid emergency conditions. The BESS enclosures would also house required heating, ventilation, and air conditioning and fire protection systems.
- DC/DC Converter. In a DC-coupled system, the DC/DC converter allows the connection of the BESS to the DC side of the photovoltaic inverter. The DC/DC converter manages the battery and PV bus voltage and provides appropriate protections for the PV inverter.
- PCS - Inverter. The PCS consists of an inverter, protection equipment, circuit breakers, air filter equipment, equipment terminals, and cabling. Electricity is transferred from the PV array (or power grid) to the project batteries during a battery charging cycle and from the project batteries to the power grid during a battery discharge cycle. The inverter is bi-directional, with the ability to convert power from AC to DC when the energy is transferred from the grid to the battery and from DC to AC when the energy is transferred from the battery to the grid. The

inverter DC operating voltage would be between 700 and 1,500 volts, with a typical power rating of approximately 3,000 kilowatts. The inverter AC operating voltage may be approximately 630 volts AC nominal. Voltage is increased to medium voltage levels (typically approximately 13–34.5 kV) when combined with a medium voltage (MV) transformer. Voltage and power ratings are specific to the equipment manufacturer and product model. The installed equipment would be selected at a later date and therefore is subject to change.

- MV Transformer. A separate medium voltage transformer may be present if not integrated into the inverter skid. This would be a pad-mounted transformer used to increase voltage on the AC side of the inverter from low to medium voltage. MV transformers are used to increase the efficiency of power transmission, associated with reduced resistive power losses higher voltage.

As with the Approved Project, batteries located adjacent to a substation within the Proposed Project Addition would be contained within either steel enclosures of a modular design similar to a large refrigerator or a shipping container, approximately 10 feet in height. If distributed throughout the solar array, the BESS would likely be contained within metal housings and electrically connected to the inverters at each of the equipment pads.

The BESS would likely use one of several available lithium ion technologies, though alternatives may be considered (such as flow batteries) given continuing rapid technological change in the battery industry. In general, a lithium ion battery is a rechargeable battery consisting of three major functional components: a positive electrode made from metal oxide, a negative electrode made from carbon, and an electrolyte made from lithium salt. Lithium ions move from negative to positive electrodes during discharging and in the opposite direction when charging. Five major lithium ion battery sub-chemistries are commercially available:

- Lithium nickel cobalt aluminum (NCA)
- Lithium nickel manganese cobalt (NMC)
- Lithium manganese oxide (LMO)
- Lithium titanate oxide (LTO)
- Lithium iron phosphate (LFP)

Selection of the lithium ion sub-chemistry for the project would take into consideration various technical factors, including safety, life span, energy performance, and cost.

As described for the Approved Project, the proposed BESS would be designed, constructed, operated, and maintained in accordance with applicable industry best practices and regulatory requirements, including fire safety standards.

4.5 GENERATION TIE LINE

Unchanged from the Approved Project, the Proposed Modified Project is expected to be constructed in three phases. As described in the approved 2019 EIR, each phase would include a new substation and segment of aboveground gen-tie transmission line. From each substation, a segment of gen-tie line would be constructed to connect the solar facility's output to the electrical grid at the existing SCE-owned 115-kV and 230-kV substations adjacent to the Coolwater Generating Station. The gen-tie poles are expected to be gray metal structures up to 159 feet in height and would be capable of accommodating both 115-kV and 230-kV electrical circuits. Each phase and its associated CUP(s) would share the substations and gen-tie facilities. The first segment of gen-tie line would be constructed with Phase 1. The second segment would be constructed with Phase 2, connecting it to Phase 1. The third segment of gen-tie line would be constructed with Phase 3, connecting it to Phase 2 such that at full build out, the

gen-tie line would be one transmission line serving all phases of the project. The Proposed Project Addition would be constructed as part of Phase 2.

No changes to the gen-tie routes or facilities are proposed beyond what was already authorized by the County for the Approved Project. The three routes approved by the County are shown in Figure 2. These routes traverse the Proposed Modified Project site from east to west and would be primarily along Silver Valley Road. The route options deviate on Powerline Road, with one option turning east at approximately the location of Santa Fe Street and the second option turning east using an existing roadway alignment to SCE's Coolwater substations. The gen-tie poles would be up to 159 feet in height to accommodate engineering requirements and safety clearances required to cross over the existing 60-foot high-voltage transmission lines in the area, however portions of the alternatives may consist of poles shorter than 159 feet and/or may be placed underground where necessary, particularly in the areas of the Barstow-Daggett Airport and the LADWP right-of-way. The gen-tie line would be capable of accommodating both 115-kV and 230-kV electrical circuits. The gen-tie line would be built out in sequences to match the phases of the solar project. The gen-tie right-of-way may also include above- and below-ground communications lines and a dirt road for accessing gen-tie structures where existing access is not available.

4.6 ACCESS ROADS

Same as the Approved Project, on-site access roads, with a minimum width of 20 feet, will be constructed within the Proposed Project Addition fence line. All interior access roads would also be a minimum of 20 feet wide. All roads within the site would consist of compacted native soil per San Bernardino County Fire Department requirements. All roads would be stabilized with soil stabilization material, if necessary. Off-site access to the Proposed Modified Project site would be via existing or proposed right-of-way dedications of varying widths (as required by the County). Improvements to off-site access roads, including potential paving and widening, would be completed as required per County standards and in consultation with the County.

4.7 PERIMETER FENCING

As with the Approved Project, fencing is proposed along the perimeter of the Proposed Project Addition or set back a minimum of 15 feet from the existing/proposed right-of-way, as required by the County Development Code. Fencing will be at least 7-feet-tall, in compliance with National Electrical Code. Chain-link fencing is likely to be used, potentially topped with 1 foot of barbed wire. In consultation with the County, wind fencing would be installed, as appropriate to manage windblown sand. Access gates would be installed at each site entry point. Substation sites and/or battery storage sites may be separately fenced.

4.8 LIGHTING AND SIGNAGE

Same as the Approved Project, manual, timed, and motion sensor lights may be installed at access gates, equipment pads and substations for maintenance and security purposes. Lighting would be shielded and aimed downward to the ground. In addition, remote-controlled cameras and other security measures would be installed. No other lighting is planned for the Proposed Project Addition. Signage is proposed in compliance with all County's regulations.

4.9 STORMWATER FACILITIES

Unchanged from the Approved Project, site drainage is designed to follow natural drainage patterns. None of the on-site facilities, including fences and panel posts, are expected to prevent stormwater flow. Therefore, the Applicant anticipates that the Proposed Project Addition would have limited impact to

on-site drainage. Long shallow strip retention basins are proposed to capture the anticipated 100-year, 24-hour increase in runoff volume resulting from clearing of vegetation, compacting of soil, and any limited impervious (paved or structural) improvements.

4.10 OTHER INFRASTRUCTURE

As described for the Approved Project, an O&M building would be constructed on approximately 1.5 acres within the Proposed Modified Project footprint during the first phase of the Proposed Modified Project. As part of the Proposed Modified Project, an alternate location for the O&M building is included in the site plan for the Proposed Project Addition. The building would serve to store spare parts and vehicles and to accommodate full- and part-time staff associated with the project. Water would come from on-site wells.

Telecommunications equipment, such as a fiber optic line, a SCADA system, and auxiliary power, would be installed throughout the project site at each inverter equipment pad, substation, and security system. Telecommunications equipment would be brought to the project from existing telecommunications infrastructure in the project vicinity and may be co-located on aboveground structures such as transmission lines. Trenching could be required to install some of this telecommunications equipment. Fire protection would also be included per applicable requirements.

5.0 CONSTRUCTION

5.1 SITE PREPARATION AND GRADING

Site preparation would consist of clearing, grubbing, scarifying and re-compacting, with limited grading to level the Proposed Project Addition site and remove any mounds or holes that remain from the previous land use. Though grading is expected to occur throughout the Modified Proposed Project site, the site's cut and fill would balance and no importing or exporting of materials would be necessary.

The Approved Project included approximately 560,000 cubic yards of grading. The inclusion of the Proposed Project Addition to the Proposed Modified Project would require 34,000 additional cubic yards of grading, occurring during Phase 2 construction. As described for the Approved Project, after grading, temporary fences would be placed around the Proposed Project Addition site, which would allow materials and equipment to be securely stored on the site.

Per Mojave Desert Air Quality Management District requirements, the Applicant will include the Proposed Project Addition in the dust control plan required for the Approved Project that describes all applicable dust control measures to address construction-related dust. Components of the plan would include water trucks to spread water as well as road stabilization with chemicals, gravel, or asphaltic pavement to mitigate visible fugitive dust from vehicular travel and wind erosion

5.2 CONSTRUCTION ACCESS ROUTES AND LAYDOWN AREA

Same as the Approved Project, construction vehicles would access the Proposed Modified Project site from Interstates 40 and 15. During construction, materials would be placed within the Proposed Modified Project boundaries adjacent to the then-current phase of construction. To prevent theft and vandalism, materials would be secured within fenced areas at all times. Storage containers may be used to house tools and other construction equipment. In addition, security guards would regularly monitor the site.

5.2.1 Construction Activities and Equipment

As with the Approved Project, construction of the Proposed Modified Project would still be accomplished in three phases. While construction of each phase could occur separately, the Applicant conservatively assumes that construction of two phases would overlap. The Applicant anticipates that construction would occur over a 27-month period for Phases 1 and 2 (together a 400 MW facility) and a 19-month period for Phase 3 (250 MW facility). The Proposed Project Addition would be constructed as part of Phase 2.

Unchanged from the Approved Project, the Proposed Modified Project would require an average of 300 workers to be on-site during each phase of construction, depending on the activities. Same as the Approved Project, the peak number of workers on the Proposed Modified Project site at any one time is anticipated to be 500. The workforce would consist of laborers, craftspeople, supervisory personnel, and support personnel.

On average, it is anticipated that each worker would generate one round trip to the project site per workday. Most workers would commute to the site from nearby communities such as Barstow, with some traveling from more distant areas such as Victorville, Hesperia and San Bernardino. Construction would generally occur during daylight hours, though exceptions may arise due to the need for nighttime work. Workers would reach the site using existing roads.

As with the Approved Project, portable toilet facilities would be installed for use by construction workers. Waste disposal would occur in a permitted off-site facility. Domestic water for use by employees would be

provided by the construction contractor through deliveries to the site, from on-site wells or wells within the Approved Project.

As described for the Approved Project, construction for each phase of the Proposed Modified Project is expected to consist of two major stages. The first stage would include site preparation, compaction and limited grading, and preparation of staging areas and on-site access routes. The second stage would involve installation of the racking system, foundations, solar panels, equipment pads, electrical components, transmission lines and all other balance of systems equipment.

Placement of solar panels would require driving piles approximately 6 to 10 feet into the ground. In areas where geo-technical analysis has determined that piles might not be feasible or cost effective, conventional foundations (such as isolated spread foundations, continuous footings or ballasted racking) may be used, but this is not anticipated. Alternatively, piles may need to be driven deeper based on further geo-technical analysis.

6.0 OPERATIONS

Same as the Approved Project, the Proposed Modified Project would generate solar electricity from the PV system during daylight hours and may discharge power from batteries at various times. The Proposed Modified Project site would include an Operations and Maintenance building and would be staffed with full- and part-time employees such as a plant manager, maintenance manager, solar technicians, and environmental specialists. In addition, the operations would be monitored remotely via the SCADA system.

Operations and maintenance vehicles would include light-duty trucks (e.g., flatbed pickup) and other light equipment for maintenance and PV module washing. Heavy equipment would not be used during normal operation. Large or heavy equipment may be brought to the facility infrequently for equipment repair or replacement or for vegetation control.

Water would be required for panel washing activities and general maintenance. The frequency of panel washing would be determined based on soiling of the PV panels and expected benefit from cleaning. Should cleaning be necessary, water would be sprayed on the PV panels to remove dust. As compared to the Approved Project, the Proposed Project Addition would require an additional 170 acre-feet of construction water associated with the additional 34,000 cubic yards of earthwork. Operational water demand would be unchanged. As described for the Approved Project, an estimated 25 acre-feet per year of water would be necessary for panel washing (for all phases of the project or full 650 MW build out). This water would be obtained from on-site wells.

Sanitary facilities for operations would be provided at the operations and maintenance building, located on approximately 1.5 acres within the Proposed Modified Project footprint.

6.1.1 Decommissioning

If operations at the site were permanently ceased, the facility would be decommissioned. Most components of the proposed system are recyclable or can be resold for scrap value. Panels typically consist primarily of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete, in addition to motors and control systems. All of these materials can be recycled.

Numerous recyclers, for the various materials to be used on the project site, operate in San Bernardino and Riverside counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state and local standards and all regulations that exist when the project is decommissioned, including the requirements of San Bernardino County Development Code Section 84.29.060.

EXHIBIT C

Consistency Assessment with
General Plan Policies and Objectives

Consistency Assessment with General Plan Policies and Objectives

In regard to project Conditional Use Permit (PROJ-2020-00164) to construct and operate a photovoltaic solar power generating facility on approximately 305 acres (Project), to be incorporated into the previously approved 650MW photovoltaic, including 450MW of battery storage, phased over the 3,500-acre project site; (APN: 0515-041-25), the following serves as the Project's consistency assessment with the County of San Bernardino's General Plan Policies and Objectives:

GOAL LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

> ***Consistent.*** *The Project is compatible and harmonious with surrounding properties and land uses. The Project provides an important source of clean and renewable energy.*

Policy LU 1.1. Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

> ***Consistent.*** *The Project is in the Desert region and provides an important source of clean and renewable energy, compatible with surrounding land uses.*

GOAL LU 4. The unincorporated communities within the County will be sufficiently served by industrial land uses.

> ***Consistent.*** *The Project provides an important source of clean and renewable energy.*

Policy LU 4.1. Protect areas best suited for industrial activity by virtue of their location and other criteria from residential and other incompatible uses.

> ***Consistent.*** *The Project is properly sited adjacent to existing energy infrastructure and is compatible with surrounding land uses.*

GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

> ***Consistent.*** *The Project proposes energy infrastructure adjacent to existing energy infrastructure, compatible with surrounding land uses. The Project will provide an important source of clean and renewable energy.*

RE Policy 2.1: Support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan.

Consistent. *The proposed Project design is consistent with the County's Solar Ordinance (an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities) and Renewable Energy and Conservation Element (August 8, 2017). The Project would preserve the character of the Project area and surrounding communities and avoid the loss of the qualities that contribute to the local economy. The Project would use existing transmission infrastructure adjacent to the existing Coolwater Generating Station, a recently retired natural gas-fired power plant. The Project site contains existing industrial and utility uses and is adjacent to the Sunray Solar Project. The site is adjacent to the LADWP high voltage transmission corridor of approximately 1,000 feet in width and is near several high-voltage substations and transmission lines owned by Southern California Edison. The Project is designed to minimize impacts to surrounding properties by including measures such as setbacks, fencing and impact minimization measures (e.g., dust control during construction).*

RE 2.1.1: Utilize renewable energy development standards in the [San Bernardino County] Development Code (Development Code) to minimize impacts on surrounding properties.

Consistent. *The proposed Project design is consistent with the County's Solar Ordinance (an ordinance amending Chapter 84.29, Renewable Energy Generation Facilities) and Renewable Energy and Conservation Element (August 8, 2017). The Project would preserve the character of the Project area and surrounding communities and avoid the loss of the qualities that contribute to the local economy. The Project would use existing transmission infrastructure adjacent to the existing Coolwater Generating Station, a recently retired natural gas-fired power plant. The site is adjacent to the LADWP high voltage transmission corridor of approximately 1,000 feet in width and is near several high-voltage substations and transmission lines owned by Southern California Edison. The Project is designed to minimize impacts to surrounding properties by including measures such as setbacks, fencing and impact minimization measures (e.g., dust control during construction).*

RE Policy 2.2: Promote use of energy storage technologies that are appropriate for the character of the proposed location

Consistent. *As the first project of its type within the County, the Project will be part of the previously approved project that includes up to 450 MW of battery storage.*

RE 2.2.1: Encourage onsite energy storage with RE generation facilities, consistent with County Development Code requirements.

Consistent. *As the first project of its type within the County, the Project will be part of the previously approved project that includes up to 450 MW of battery storage.*

RE 2.2.2: Encourage and allow energy storage facilities as an accessory component of RE generation facilities.

Consistent. *As the first project of its type within the County, the Project will be part of the previously approved project that includes up to 450 MW of battery storage.*

RE Goal 4: The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.

Consistent. *The Project would assist in achieving the State's Renewable Portfolio Standard (RPS) and greenhouse gas emissions reduction objectives by developing and constructing California RPS-qualified solar power generation. The Project would contribute to the County's greenhouse reduction goals by reducing the need for fossil fuel use for energy generation.*

RE Objective 4.1: The County will continue its efforts to meet or exceed State Greenhouse Gas reduction goals, by encouraging renewable energy development that will be compatible with the natural environment and the integrity of unincorporated communities.

Consistent. *The Project would assist in achieving the State's Renewable Portfolio Standard (RPS) and greenhouse gas emissions reduction objectives by developing and constructing California RPS-qualified solar power generation. The Project would contribute to the County's greenhouse reduction goals by reducing the need for fossil fuel use for energy generation.*

RE Policy 4.1: Apply standards to the design, siting, and operation of all renewable energy facilities that protect the environment, including sensitive biological resources, air quality, water supply and quality, cultural, archaeological, paleontological and scenic resources.

Consistent. *The site has been previously disturbed by former industrial or agricultural activities. Prior surveys have documented that the Project area includes mostly marginal habitat for sensitive species due to previous disturbance and that cultural and scenic resources can be avoided.*

RE 4.1.1: Consult with Native American tribes in the identification, evaluation, and treatment of cultural resources and in the preparation and implementation of measures required to identify, evaluate, protect, and manage cultural resources.

> ***Consistent.*** *In compliance with AB 52, the County of San Bernardino distributed letters to applicable tribes that had previously requested to be notified of future projects proposed by the County, notifying each tribe of the opportunity to consult with the County regarding the proposed project. Tribal consultation efforts remained ongoing; refer to Section 3.5 of the Environmental Impact Report (EIR), Cultural Resources and Addendum to the EIR, section 3.3.4 Cultural, Tribal Cultural and Paleontological Resources*

RE 4.1.2: RE development applications shall be subject to thorough environmental review, including consideration of water consumption, before being permitted.

> ***Consistent.*** *The County has prepared a draft Water Supply Assessment (WSA) and EIR analyzing the Project, including water consumption; refer to EIR, Section 3.9 Hydrology and Water Quality, and 3.13 Utilities and Service Systems and Addendum to the EIR Section 3.3.10 Hydrology and Water Quality, and 3.3.14 Utilities and Service Systems.*

RE Policy 4.2: Ensure that renewable energy facilities do not disrupt, degrade, or alter the local hydrology and hydrogeology.

> ***Consistent.*** *The Project is designed to avoid significant hydrology and hydrogeology impacts. Jurisdictional waters surveys have been completed and show that aquatic resources will be avoided. Minimal paving is proposed. Site drainage is designed to follow the natural drainage pattern. Project facilities will not prevent storm water flow. Retention basins will mitigate any potential increases in runoff.*

RE Policy 4.2.1: Require a groundwater impact assessment that evaluates the short and long-term impacts to groundwater usage.

> ***Consistent.*** *The County has prepared a draft WSA and an addendum to the WSA evaluating short and long-term impacts to groundwater, which demonstrates there is adequate groundwater to serve the Project through construction, operation, and decommissioning, and other anticipated users.*

RE Policy 4.3: Require construction and operation of all renewable energy facilities to minimize negative effects and optimize benefits to unincorporated communities.

Consistent. *The Project will be a positive economic stimulus locally in the form of job creation and associated spending during construction and operation, and to San Bernardino County in the form of property taxes and fee revenues. The Project is designed to minimize aesthetic, water consumption and air quality impacts.*

RE 4.3.1: Define measures required to minimize ground disturbance, soil erosion, flooding, and blowing of sand and dust, with appropriate enforcement mechanisms in the Development Code.

Consistent. *Minimal site grading is proposed for the majority of the site. The Project will apply dust control measures in compliance with Mojave Desert Air Quality Management District regulations, including using water trucks to apply water and/or dust palliatives to minimize the production of visible dust emissions in areas where grading occurs, within the staging areas, and on any unpaved roads used during Project construction and will employ other required mitigation measures to minimize ground disturbance, soil erosion and flooding; refer to EIR, Section 3.6 Geology and Soils, and Section 3.9 Hydrology and Water Quality and Addendum to the EIR section 3.3.7, Geology and Soils.*

RE 4.3.2: Require operators to track and report energy production and other benefits cited in a project proposal, in addition to tracking efforts to avoid and minimize negative impacts.

Consistent. *The County will adopt a Mitigation Monitoring and Reporting Program that will track compliance with mitigation measures to minimize negative impacts and any conditions of approval requiring the tracking and reporting of energy production.*

RE 4.3.3: Give preference to the utilization of existing infrastructure to minimize the need for additional transmission development.

Consistent. *The Project is designed to include the use of existing transmission and access infrastructure in the area developed in part for the retired Coolwater Generating Station. The Project will deliver its electrical output to two existing substations owned and operated by SCE.*

RE 4.3.4: Establish inspection protocols and programs to ensure that RE facilities are constructed, operated, and eventually decommissioned consistent with the requirements of the San Bernardino County Code, and in a manner that will not be detrimental to the public health, safety, or welfare.

Consistent. *The County will conduct inspections are required to ensure compliance with the Conditional Use Permit. Decommissioning would comply with applicable requirements including the requirements of Development Code Section 84.29.060.*

RE Policy 4.4: Encourage siting, construction and screening of RE generation facilities to avoid, minimize or mitigate significant changes to the visual environment including minimizing light and glare.

Consistent. *A Visual Impact Analysis has been prepared for the Project by HDR (see EIR Appendix B-1). The Project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to not be a substantial source of glare.*

Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic lighting fixtures on local homes.

RE 4.4.1: Reduce visual impacts through a combination of minimized reflective surfaces, context-sensitive color treatments, nature-oriented geometry, minimized vegetation clearing under and around arrays, conservation of pre-existing native plants, replanting of native plants as appropriate, maintenance of natural landscapes around the edges of facility complexes, and lighting design to minimize night-sky impacts, including attraction of and impact to nocturnal migratory birds.

Consistent. *A Visual Impact Analysis has been prepared for the Project by HDR (see EIR, Appendix B-1). The project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to not be a substantial source of glare.*

Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic lighting fixtures on local homes.

RE Policy 4.5: Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable (i.e. with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses. Decommissioning plans shall:

Consistent. *Decommissioning would comply with applicable regulations including the requirements of Development Code Section 84.29.060. The Development Code requires a decommissioning plan that includes a cost estimate of the decommissioning and site restoration work and which provides for an inspection after all decommissioning and site restoration has been completed.*

RE 4.5.1: Include a cost estimate of the decommissioning and site restoration work for the purpose of providing a bond to guarantee completion of decommissioning.

Consistent. *Decommissioning would comply with applicable regulations including the requirements of Development Code Section 84.29.060. The Development Code requires*

a decommissioning plan that includes a cost estimate of the decommissioning and site restoration work and which provides for an inspection after all decommissioning and site restoration has been completed.

RE 4.5.2: Provide for an inspection after all decommissioning and site restoration work to ensure that the work has been completed to the standards required by the County, prior to release of the decommissioning bond.

Consistent. *Decommissioning would comply with applicable regulations including the requirements of Development Code Section 84.29.060. The Development Code requires a decommissioning plan that includes a cost estimate of the decommissioning and site restoration work and which provides for an inspection after all decommissioning and site restoration has been completed.*

RE 4.5.3: Require any structures created during construction to be decommissioned and all material recycled to the greatest extent possible.

Consistent. *The majority of components used to construct the proposed system are recyclable. Solar panels typically consist of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete, in addition to motors and control systems. All of these materials can be recycled.*

Numerous recyclers for the various materials to be used on the Project site operate in San Bernardino and Riverside Counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state, and local standards and all regulations that exist when the project is shut down, including the requirements of Development Code Section 84.29.060.

RE 4.5.4: Require all material recovered during decommissioning and site restoration work of a renewable energy facility, including the renewable energy technology itself, to be reused or recycled to the greatest extent possible.

Consistent. *The majority of components used to construct the proposed system are recyclable. Solar panels typically consist of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete, in addition to motors and control systems. All of these materials can be recycled.*

Numerous recyclers for the various materials to be used on the Project site operate in San Bernardino and Riverside Counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California.

Decommissioning would comply with federal, state, and local standards and all regulations that exist when the project is shut down, including the requirements of Development Code Section 84.29.060.

RE Policy 4.6: Require all recyclable electronic and/or toxic materials to be recycled in accordance with the requirements of the Basel Convention or comparable standard.

Consistent. *The majority of components used to construct the proposed system are recyclable. Solar panels typically consist of silicon, glass, and an aluminum frame. Tracking systems typically consist of steel and concrete, in addition to motors and control systems. All of these materials can be recycled.*

Numerous recyclers for the various materials to be used on the Project site operate in San Bernardino and Riverside Counties. Metal, scrap equipment, and parts that do not have free-flowing oil can be sent for salvage. Equipment containing any free-flowing oil would be managed as waste and would require evaluation. Oil and lubricants removed from equipment would be managed as used oil, which is a hazardous waste in California. Decommissioning would comply with federal, state, and local standards and all regulations that exist when the project is shut down, including the requirements of Development Code Section 84.29.060.

RE Policy 4.7: RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation:

- Avoid sensitive habitat, including wildlife corridors, during site selection and project design.
- Where necessary and feasible, conduct mitigation on-site.

  When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designated for habitat conservation.

Consistent. *General vegetation mapping, identification of all observed plant and animal species, a habitat assessment for special-status species, and an assessment for potential federally regulated waters of the U.S. and state-regulated streambed have been conducted and a Biological Resources Technical Report Addendum for the Project has been prepared by HDR (see Addendum to EIR, Appendix D). The Project is designed to minimize impacts to these resources; refer to Addendum to EIR, Section 3.3.4 Biological Resources.*

RE Policy 4.8: Encourage mitigation for RE generation facility projects to locate habitat conservation offsets on public lands where suitable habitat is available.

Consistent. *No required habitat conservation offsets have been identified in the EIR or the Addendum to the EIR.*

RE 4.8.1: Collaborate with appropriate state and federal agencies to facilitate mitigation/habitat conservation activities on public lands.

Consistent. *No required habitat conservation offsets have been identified in the EIR or the Addendum to the EIR.*

RE Policy 4.9: Encourage RE facility developers to design projects in ways that provide sanctuary (i.e., a safe place to nest, breed and/or feed) for native bees, butterflies and birds where feasible and appropriate, according to expert recommendations.

Consistent. *The Project is designed to minimize impacts to potential habitat and associated native vegetation. Planting native vegetation that may provide benefits to native bees, butterflies, and birds is incorporated into the Project design where feasible and appropriate.*

RE Goal 5: Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.

Consistent. *The site and design meets County standards, preserves the character of the Project area and surrounding communities, and protects environmental and cultural resources.*

RE Objective 5.2: Utility-oriented RE facilities will be subject to site selection criteria consistent with County priorities expressed in this Element.

Consistent. *The site and design meets County standards, preserves the character of the Project area and surrounding communities, and protects environmental and cultural resources.*

RE Policy 5.1: Encourage the siting of RE generation facilities on disturbed or degraded sites in proximity to necessary transmission infrastructure.

Consistent. *The Project is designed to include the use of existing transmission and access infrastructure in the area formerly utilized by the retired Coolwater Generating Station.*

RE 5.1.2: Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.

Consistent. *See above. The Project will comply with all Development Code requirements.*

RE Policy 5.2: Utility-oriented RE generation projects on private land in the unincorporated County will be limited to the site-types below, in addition to meeting criteria established herein and in the Development Code:

i. Private lands adjacent to the federal Development Focus Areas supported by the Board of Supervisors that meet siting criteria and development standards

ii. Waste Disposal Sites
iii. Mining Sites (operating and reclaimed)
iv. Fallow, degraded and unviable agricultural lands
v. Airports (existing and abandoned or adaptively re-used)
vi. Brownfields
vii. California Department of Toxic Substance Control Cleanup Program Sites
viii. Resource Conservation and Recovery Act Sites
ix. Sites within or adjacent to electric transmission and utility distribution corridors
x. Industrial zones proven to not conflict with economic development needs
xi. Other sites proven by a detailed suitability analysis to reflect the significantly disturbed nature or conditions of those listed above.

Consistent. *The Project site is located on private lands adjacent to Development Focus Areas and is composed of degraded agricultural and fallow lands with significant previous disturbance and close to existing high voltage electrical infrastructure which it intends to utilize. The solar Project is not a permanent use and therefore, once the solar Project is decommissioned, the site can be returned to uses such as agriculture. Long-term viability of agriculture in this area is uncertain due to groundwater supply constraints.*

RE Policy 5.3: Collaborate with utilities and RE generation facility developers to encourage collocation of transmission and intertie facilities.

Consistent. *The Project is located close to existing high voltage electrical infrastructure.*

RE Policy 5.4: Utility-oriented RE generation facilities will be required to meet a higher standard of evaluation for appropriate site selection due to its size and distance from population centers.

Consistent. *The Project has been evaluated in accordance with the policies of the Renewable Energy Element and is appropriately sited and designed to be away from population centers.*

RE 5.4.2: Encourage utility-oriented RE generation to occur in the five DRECP Development Focus Areas (DFAs) that were supported by the Board of Supervisors on February 17, 2016, Resolution No. 2016-20 and on adjacent private lands.

Consistent. *This Project is located adjacent to appropriate Development Focus Areas.*

RE Policy 5.6: Consult Native American tribes early in the site selection process, with joint evaluation of a Phase 1 Cultural Resources Analysis prior to approval of a site for utility-oriented RE generation.

Consistent. *The Cultural Resources Inventory prepared by HDR (see EIR, Appendix F-*

1) has been provided by the County to Native American Tribes.

RE Policy 5.7: Support renewable energy projects that are compatible with protection of the scenic and recreational assets that define San Bernardino County for its residents and make it a destination for tourists.

Consistent. *The site is in close proximity to existing infrastructure historically used for the Coolwater Generating Station, and other industrial and transportation uses. The Visual Impact Analysis prepared by HDR (see EIR, Appendix B-1) determined that the Project would have a limited potential to adversely impact the destination for tourists. Although the Project would be constructed on some lands that are currently in agricultural production, the solar Project would not be a permanent use and in the future, the facility may be decommissioned and the affected lands could be returned to agricultural or other uses.*

RE 5.7.1: Site RE generation facilities in a manner that will avoid, minimize or substantially mitigate adverse impacts to sensitive habitats, cultural resources, surrounding land uses, and scenic viewsheds.

Consistent. *The site is in close proximity to existing infrastructure historically used for the Coolwater Generating Station, and other industrial and transportation uses. The Visual Impact Analysis prepared by HDR (see EIR, Appendix B-1) determined that the Project would have a limited potential to adversely impact the destination for tourists. Although the Project would be constructed on some lands that are currently in agricultural production, the solar Project would not be a permanent use and in the future, the facility may be decommissioned and the affected lands could be returned to agricultural or other uses.*

RE Policy 5.8: Discourage conversion of productive or viable prime agricultural lands to RE generation facilities.

Consistent. *The site is in close proximity to existing infrastructure historically used for the Coolwater Generating Station, and other industrial and transportation uses. The Visual Impact Analysis prepared by HDR (see EIR, Appendix B-1) determined that the Project would have a limited potential to adversely impact the destination for tourists. Although the Project would be constructed on some lands that are currently in agricultural production, the solar Project would not be a permanent use and in the future, the facility may be decommissioned and the affected lands could be returned to agricultural or other uses.*

EXHIBIT D

Findings – Conditional Use Permit

CONDITIONAL USE PERMIT FINDINGS:

In regard to project Conditional Use Permit (PROJ-2020-00164) to construct and operate a photovoltaic solar power generating facility on approximately 305 acres (Project), to be incorporated into the previously approved 650MW photovoltaic, including 450MW of battery storage, phased over the 3,500-acre project site; (APN: 0515-041-25):

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for Conditional Use Permits:

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** The approximately 305-acre Project site can accommodate the proposed Project. The photovoltaic array panels and equipment are designed to be located in irregularly shaped properties. The Project is designed to include use of existing transmission and access infrastructure in the area developed for the retired Coolwater Generating Station. Chain-link fencing with one foot of barbed wire is proposed along the perimeter of the Project site or set back a minimum of 15 feet along existing or proposed County right-of-way. Access gates would be provided at each site entry road. Within the Project site, a minimum of 20-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width.

2. **The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The Project site is located in an area that is relatively flat with an existing circulation system that utilizes a grid pattern, resulting in conditions that allow easy access to the Project site without radical changes to the existing circulation patterns. The Project will have both physical and legal access to a public road.

3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance**. The proposed Project will not generate excessive noise, traffic, vibration, light, glare, odors or other disturbances to the existing community. The Addendum to the Environmental Impact Report (EIR) evaluating the potential Project impacts finds that the impacts are less than significant or include mitigation measures that reduce the impacts to a less-than-significant level. The Mitigation Measures have been incorporated in the Conditions of Approval.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.** A "Consistency Assessment with General Plan Policies and Objectives" has been prepared for the Project and is incorporated herein by this reference. In short, this consistency assessment establishes that the Project implements the Goals and Policies of the Renewable Energy and Conservation Element (RECE) of the General Plan. Goal 4 of the RECE states that, "The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels." The proposed Project would contribute significantly to the County successfully achieving said goals.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** During construction, the primary community infrastructure utilized by the Project will be the road system. Existing roadways that serve the Project site include Valley Center Road, Silver Valley Road. A Congestion Management Plan is required prior to any grading activities which will ensure that all public roadways utilized during construction will be maintained. The temporary water use during grading will be provided via on-site well as regulated by Mojave Water Agency. The operation of the proposed Project utilizes very little water and generates very little vehicular traffic and thus can be fully supported by existing community infrastructure.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.** Implementation of and compliance with the Conditions of Approval will ensure that the objectives of the Development Code to protect the overall public health, safety and general welfare will be achieved. These Conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare

7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The sole purpose of the proposed Project is to construct and operate a photovoltaic solar generating facility that will contribute significant quantities of renewable energy for use the larger public.

ENVIRONMENTAL FINDINGS:

The environmental findings, in accordance with Chapter 85.03.040 of the Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been adequately reviewed through an Addendum to the EIR. The Addendum to the EIR adequately describes the environmental impacts that will result from the proposed Project and reflects the County's independent judgment. The Addendum to the EIR determined that the impacts associated with the Project would be consistent with the impacts of the previously approved project (650MW photovoltaic, including 450MW of battery storage, phased over 3,500 acres) as identified in the certified EIR (State Clearinghouse No. 2018041007). The discussion of the environmental topics in the certified EIR remains accurate and is unchanged by the Addendum. Thus, pursuant to Section 15162 of the CEQA Guidelines a subsequent EIR is not required for the proposed Project.

EXHIBIT E

Findings – Development Code Regulations
for Commercial Solar Facility

Findings Per San Bernardino County Development Code
Regulations Section 84.29.035 (Commercial Solar Facility)

In regard to project Conditional Use Permit (PROJ-2020-00164) to construct and operate a photovoltaic solar power generating facility on approximately 305 acres (Project), to be incorporated into the previously approved 650MW photovoltaic, including 450MW of battery storage, phased over the 3,500-acre project site; (APN: 0515-041-25):

Per San Bernardino County Development Code (Development Code) Section 84.29.035, the following are the required findings that the reviewing authority must determine to be true before approving a commercial solar energy facility. In making these findings, the review authority has considered (1) the characteristics of the Project's commercial solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the Project in relation to nearby communities, neighborhoods, and rural residential uses; and (2) the location of other commercial solar energy generation facilities that have been constructed, approved, or applied for in the vicinity, whether within a city or unincorporated territory, or on State of Federal land. The findings of fact for Development Code Section 84.29.035, subdivision (c), are as follows:

Finding (c)(1): The proposed commercial solar energy facility is either (A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (B) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.

> ***Consistent.*** *The Project site is in close proximity to infrastructure historically used for the Coolwater Generating Station and other transportation and industrial and uses, including solar. The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The Project design includes setbacks from roads as well as fencing to shield the facility from public view.*

Finding (c)(2): Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility will minimize the visual impact of the project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.

> ***Consistent.*** *Chain-link fencing with one foot of barbed wire is proposed along the perimeter of the Project site or set back a minimum of 15 feet along existing or proposed County right-of-way. Access gates would be provided at each site entry road.*
>
> *The Project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to minimize glare.*

Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic lighting fixtures on local homes.

Finding (c)(3): The siting and design of the proposed commercial solar energy generation facility will be either: (A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.

Consistent. *The site is located in an area with previous industrial development, electric transmission lines and transportation uses. The majority of the Project area has been previously disturbed. The visual resources report for the Project shows that the facility will be compatible with the overall character of the area.*

Finding (c)(4): The siting and design of project site access and maintenance roads have been incorporated in the visual analysis for the project and shall minimize visibility from public view points while providing needed access to the development site.

Consistent. *Within the Project site, a minimum 20-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width. All roads within the site would consist of compacted native soil per Fire Department requirements. These Project features have been incorporated into the project's visual analysis, as discussed in the Environmental Impact Report (EIR), Section 3.1, Aesthetics and the Addendum to the EIR, Section 3.3.1.*

Finding (c)(5) The proposed commercial solar energy generation facility will not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or will be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).

Consistent. *No element of the proposed Project is expected to impact the feasibility of financing infrastructure development for the local area. Furthermore, pursuant to Development Code Section 84.29.040, the Project is also required to pay public safety services impact fees to offset any increased need for possible services.*

Finding (c)(6) The proposed commercial solar energy generation facility will not adversely affect to a significant degree the availability of groundwater supplies for existing communities and existing and developing rural residential areas.

Consistent. *The Project will be using water from existing on-site wells. The Project's demand for water is not expected to exceed the water allotted to the landowners who*

are part of the Project. An addendum to the Water Supply Assessment has been prepared that analyzes groundwater supplies for the Project and other users and determines that the Project will not adversely affect availability of groundwater supplies to a significant degree.

Finding (c)(7) The proposed commercial energy generation facility will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the project site, and by utilizing construction methods that minimize ground disturbance.

Consistent. *Minimal site grading is proposed for the majority of the site with finished topographical grades being similar to existing conditions, and less than five percent on average.*

Finding (c)(8) The proposed commercial solar energy generation facility will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that: (A) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the project site and the location and capacity of the transmission grid, (B) new electrical generation tie lines will be co-located on existing power poles whenever possible, and (C) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.

Consistent. *The Project is designed to include use of existing transmission and access infrastructure in the area developed for the retired Coolwater Generating Station, including transmission lines, utility corridors and roads. The Project will connect and deliver its output to two existing substations.*

Finding (c)(9) The proposed commercial solar energy generation facility will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.

Consistent. *General vegetation mapping, identification of all observed plant and animal species, a habitat assessment for special-status species, and an assessment for potential federally regulated waters of the U.S. and state-regulated streambed have been conducted and a biological resources technical report for the Project site has been prepared. The Project site has habitat that has been mostly disturbed by previous industrial or agricultural activities. Any significant habitat for special status species will be avoided.*

Finding (c)(10) Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.

Consistent. *The Project includes measures to minimize the growth of invasive weeds during and following construction.*

Finding (c)(11) The proposed commercial solar energy generation facility will be located so as to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes.

> ***Consistent.*** *A cultural resources inventory of the proposed Project site has been conducted. The Project is designed to avoid impacts to significant cultural and historic resources. Pursuant to AB52, the applicant continues to consult with Morongo and San Manuel tribes to establish and implement a program to address those known cultural resources on the Project site as well as respond to any resources discovered during construction activities.*

Finding (c)(12) The proposed commercial solar energy generation facility will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.

> ***Consistent.*** *The Project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. The retention basins proposed to attenuate anticipated increases in on-site runoff volume are long, shallow strip basins placed at locations designed to allow for normalization discharged basin flows. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the applicant and reviewed by the County prior to grading activities.*

Finding (**c)(13)** The proposed commercial solar energy generation facility will not be located within a floodway designated by the Federal Emergency Management Agency (FEMA), has been evaluated for flood hazard impacts pursuant to Chapter 82.14 of the Development Code, and will not result in increased flood hazards to upstream or downstream properties.

> ***Consistent.*** *The applicable FEMA Flood Insurance Rate Maps for the Project site are Map Numbers 06071C3975H, 06071C4000H, 06071C4600H, and 06071C4625H (effective date 8/28/2008). Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. The Preliminary Hydrology Study & Flood Analysis (2018a; see EIR, Appendix I-1) and the Addendum to Preliminary Hydrology Study & Hydraulics Analysis (2018b, see EIR, Appendix I-2) prepared by Joseph E. Bonadiman & Associates is included in the EIR for this Project and considered in Section 3.3.10 of the proposed Addendum to the EIR. The Study and Analysis describes the site's hydrology and mitigation measures that will be implemented to minimize impacts.*

Finding (c)(14) All on-site solar panels, switches, inverters, transformers, and substations shall be located at least one foot above the base flood elevation as shown on the Flood Insurance Rate Maps.

> ***Consistent.*** *Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. However, a hydrology report was prepared and mitigation measures that will be implemented by the Developer will minimize impacts.*

Finding (c)(15) For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.

> ***Consistent.*** *The Project site is located north of undeveloped alluvial fans of the Newberry Mountains, but the solar facility is sited to avoid potential channel migration zones and associated erosion impacts.*

Finding (c)(16) For proposed facilities located on prime agricultural soils or land designated by the California Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, where use of the land for agricultural purposes is feasible, the proposed commercial solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.

> ***Consistent.*** *According to data from the California Department of Conservation's Farmland Mapping and Monitoring Program, the Project site includes lands in the following Important Farmland categories: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. However, a Land Evaluation and Site Assessment (LESA) analysis was prepared, which indicates that the Project would not result in a substantial loss of Farmland that would be of significant value to the County, as discussed in the EIR Section 3.2 as well as in the proposed Addendum to the EIR, Section 3.3.2, Agriculture and Forestry Resources. Furthermore, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime. The Project would not have an adverse effect on the agricultural viability of surrounding lands.*

Finding (c)(17) If the proposed site is subject to a Williamson Act contract, the proposed commercial solar energy generation facility is consistent with the principals of compatibility set forth in California Government Code Section 51238.1.

> ***Consistent.*** *The Project site is not subject to Williamson Act contracts.*

Finding (c)(18) The proposed commercial solar energy generation facility will not preclude access to significant mineral resources.

> ***Consistent.*** *The Project site is not located in an area of known, significant mineral resources. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.*

Finding (c)(19) The proposed commercial solar energy generation facility will avoid modification of scenic natural formations.

> ***Consistent.*** *The Project would avoid any further modification of scenic natural formations, as no designated scenic natural formations as identified by the County are located at the Project site.*

Finding (c)(20) The proposed commercial solar energy generation facility will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure.

> ***Consistent.*** *The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust. Additionally, the Project is conditioned such that, after construction is complete, disturbed areas will be stabilized in accordance with the SWPPP, the measures set forth in Mitigation Measure AIR-3 of the EIR, and Attachment 3 (Revegetation Management Details) to the Dust Control Technical Memorandum (Appendix D-2 of the EIR and Appendix C of the Addendum to the EIR).*

Finding (c)(21) All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.

> ***Consistent.*** *The Project will apply dust control measures in compliance with permit Conditions of Approval and MDAQMD regulations.*

Finding (c)(22) For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility.

> ***Consistent.*** *The Project will comply with required measures to mitigate wind-blown dust. Designated areas on the site perimeter require wind fencing specifically designed to mitigate blowsand from affecting nearby residences. The applicant will install and maintain said fencing so as to reduce impacts of blowing dust.*

Finding (c)(23) Any unpaved roads and access ways will be treated and maintained with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust, and paving requirements will be applied pursuant to Chapter 83.09 of the Development Code.

> ***Consistent.*** *The applicant will prepare a Dust Control Plan for review and approval by the County and Mojave Desert Air Quality Management District. Included in the plan will be treatments and measures designed to the specific conditions of the Project site so as to provide effective dust control.*

Finding (c)(24) On-site vehicle speed will be limited to 15 miles per hour.

Consistent. *The applicant will post and enforce speed limit of 15 miles per hour for on-site vehicles.*

Finding (c)(25) For proposed commercial solar energy generation facilities within two (2) miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature along the main access roads to the park (Park Boulevard and Utah Trail), nor will it substantially impair views from hiking/nature trails, campgrounds, and backcountry camping areas within the National Park.

Consistent. *The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 70 miles to the southeast.*

Finding (c)(26) For proposed facilities within two (2) miles of the Mojave National Preserve boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Preserve.

Consistent. *The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 67 miles to the east.*

Finding (c)(27) For proposed facilities within two (2) miles of Death Valley National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Park.

Consistent. *The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 55 miles to the northeast.*

Finding (c)(28) For proposed facilities within two (2) miles of the boundaries of a County, state or federal agency designated wilderness area, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, the designated wilderness area.

Consistent. *The Project is located approximately 2 from the Newberry Mountains Wilderness Area. The panels are specially designed with anti-reflective coatings to absorb as much of the sun's energy as possible, to maximize efficiency. They reflect much less of the sun's energy than normal glass because the panels are intended to absorb, not reflect sunlight in order to convert it to electrical current. The panels are designed with an anti-reflective coating for solar energy conversion efficiency and the Project would not be a substantial source of glare.*

Nighttime lighting impacts would be minimized by including only small lighting features that are equipped with on/off switches or motion detectors. The lighting impacts from such fixtures would be similar to those of domestic lighting fixtures on local homes.

A visual analysis was conducted and found that the Project will not significantly impact views from the Newberry Mountains Wilderness Area, as discussed in the EIR Section 3.1, Aesthetics and in the Addendum to the EIR, Section 3.3.1, Aesthetics and Visual Resources.

Finding (c)(29) For proposed facilities within two (2) miles of the boundaries of any active military base, the location, design, and operation of the proposed commercial solar energy facility will not substantially impair the mission of the facility.

Consistent. *The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 7.5 miles to the northwest. Fort Irwin also conducts helicopter training at the Daggett Airport. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

Finding (c)(30) When located within a city's sphere of influence, in addition to other County requirements, the proposed commercial solar energy facility will also be consistent with relevant city zoning requirements that would be applied to similar facilities within the city.

Consistent. *The Project site is not located within the sphere of influence of a city. The City of Barstow sphere of influence is located approximately three miles west of the Project site.*

Finding (c)(31) On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of commercial solar energy generation facility sites should energy production cease for a continuous period of 180 days and/or if the site is abandoned.

Consistent. *Decommissioning of the site will occur in compliance with Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the Project.*

EXHIBIT F

Addendum to FEIR (SCH No. 2018041007)

http://www.sbcounty.gov/uploads/LUS/Environmental/Daggett%20for%20website/Daggett%20Solar%20CUP%207%20Addendum%20to%20EIR.pdf

EXHIBIT G

Final Environmental Impact Report

(SCH No. 2018041007)

http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx

(Daggett Solar Facility Draft EIR)

EXHIBIT H

Final Environmental Impact Report

(SCH No. 2018041007), Responses to Comments

http://www.sbcounty.gov/uploads/LUS/Environmental/Daggett%20Solar%20Power%20Facility_Final%20EIR%2009-04-2019%20(1).pdf

EXHIBIT I

CEQA Findings and Statements of Overriding Consideration

California Environmental Quality Act Findings

San Bernardino County, California

Findings of Fact and Statement of Overriding Considerations

Daggett Solar Power Facility Project

September 2019

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CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

DAGGETT SOLAR POWER FACILITY PROJECT

COUNTY OF SAN BERNARDINO

(SCH No. 2018041007)

1. INTRODUCTION AND BACKGROUND

The County of San Bernardino (the "County") in approving the Daggett Solar Power Facility Project (the "project") makes the Findings set forth below and adopts the Statement of Overriding Considerations presented in the Findings. The Findings are based on the entire record before the County, including the Final Environmental Impact Report ("FEIR" or "EIR") prepared for the project by the County as lead agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.). The record also includes the Initial Study, the technical reports, the Draft EIR, the Responses to Comments, and the Mitigation Monitoring and Reporting Program (which are part of the Final EIR).

The County, prior to taking action, has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the FEIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the County and is deemed adequate for purposes of making decisions on the merits of the project and the County hereby adopts the facts and analyses set forth in the EIR, which are summarized below. The omission of some detail or aspect of the EIR does not constitute an overt or implied rejection by the County.

2. PROJECT SUMMARY

A. Project Description

The Daggett Solar Power Facility Project represents the proposed project ("project") for environmental evaluation purposes under CEQA (CEQA Guidelines Section 15378). The Daggett Solar Power Facility project is proposed by Daggett Solar Power 1 LLC (applicant).

The applicant proposes to construct and operate a utility-scale, solar photovoltaic (PV) electricity generation and energy storage facility that would produce up to 650 megawatt (MW) of power and include up to 450 MW of battery storage capacity on approximately 3,500 acres of land. The project would use existing electrical transmission infrastructure adjacent to the Coolwater Generating Station, a retired natural gas-fired power plant, to deliver renewable energy to the electric grid.

To conduct complete review under CEQA, the EIR includes include detailed description and analysis of the Daggett Solar Power Facility project, including alternatives. The EIR includes all aspects of construction and implementation of the Daggett Solar Power Facility project and associated entitlements, permits, and agreements noted in Section 2.0, Project Description, under the subheading Intended Uses of the EIR.

B. Site Location and Characteristics

The project site is flat and is generally bounded by the town of Daggett approximately 0.5 miles to the west; the Mojave River, Yermo, and Interstate 15 to the north; Barstow-Daggett Airport, Route 66, and Interstate 40 to the south; and Newberry Springs and Mojave Valley to the east in San Bernardino County.

C. Project Objectives

The objectives of the project are as follows:

- Assist the State of California in achieving or exceeding its Renewables Portfolio Standard (RPS) and greenhouse gas (GHG) emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 650 MWs.
- Produce and transmit electricity at a competitive cost.
- Provide a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates.
- Use the existing interconnection at the Coolwater Substation that provides approximately 650 MW of capacity.
- Utilize existing energy infrastructure to the extent possible by locating solar power generation facilities in close proximity to existing infrastructure, such as electrical transmission facilities.
- Site solar power generation facilities in areas of San Bernardino County by 2020 that have the best solar resource to maximize energy production and the efficient use of land.
- Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

A. Public Participation

Pursuant to CEQA, and the CEQA Guidelines, the County determined that an EIR should be prepared in order to analyze all potential adverse environmental impacts of the proposed project. To comply with these statutory requirements, the County undertook the following:

- The County issued a Notice of Preparation (“NOP”) on a Draft EIR on March 26, 2018, and circulated the NOP through April 26, 2018.
- The County solicited comments from potential responsible and trustee agencies and members of the public.
- The County held a scoping meeting on April 11, 2018, to gather public comments on the proposed project and its potential impacts on the physical environment. A

summary of the scoping meeting is included in the Draft EIR (Draft EIR, p. 1-2) and Appendix A.

- The County received written comments in response to the NOP, which assisted the County in narrowing the issues and alternatives for analysis in the Draft EIR.
- On or about March 15, 2019, the County initiated a 45-day public review period ending on April 29, 2019, by filing a Notice of Completion and Availability with the Governor's Office of Planning and Research and releasing the Draft EIR for public review and comment.
- Pursuant to CEQA Guidelines Section 15086, the County consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day comment period.
- The County received written comments during the public review period for the Draft EIR.
- The County has prepared a Final EIR, consisting of comments received during the public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR. For the purposes of these Facts, Findings and Statement of Overriding Considerations, the "EIR" shall refer to the Draft EIR, as revised by the Final EIR's errata section, together with the other sections of the Final EIR, and as revised by recent project revisions.
- Following the preparation of the Draft EIR, edits were made to address comments that were raised during the public review period and those edits were included in the Final EIR.
- The County held a noticed public meeting on September 19, 2019, which allowed public testimony on the proposed project to the Planning Commission.

B. Independent Judgment

The County solicited proposals from independent consultants to prepare the EIR for the project. Subsequently, the County selected and retained Michael Baker International to prepare the EIR. Michael Baker International prepared the EIR under the supervision and direction of the County Land Use Services Department.

The County has endeavored in good faith to set forth the basis for its decision on the proposed project. All the requirements of CEQA and the State CEQA Guidelines have been satisfied by the County in the EIR, which is sufficiently detailed so that all potentially significant environmental effects of the project have been adequately evaluated. The EIR prepared in connection with the proposed project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines. All of the findings and conclusions made by the County pursuant to this matter are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in these Findings.

The environmental impacts identified in the EIR that the County finds are less than significant and do not require mitigation are described in the introduction to Section 4 hereof. The environmental impacts identified in the EIR as potentially significant but which the County finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the EIR and set forth herein, are described in Section 4A hereof. The environmental impacts identified in the EIR as potentially significant but which the County finds cannot be mitigated to a level of less than significant, despite the imposition of feasible mitigation measures identified in the EIR and set forth herein, are described in Section 4B hereof. The existence of any growth-inducing impacts resulting from the proposed project identified in the EIR and set forth herein are described in Section 4C hereof. The significant and irreversible environmental changes that would result from the proposed project but which would be largely mitigated, and which are identified in the EIR and set forth herein, are described in Section 4D hereof. Alternatives to the proposed project that may eliminate or reduce significant environmental impacts are described in Section 4E hereof.

In addition, the following technical studies and reports were completed for the EIR:

- Visual Impact Assessment (June 2018)
- Addendum to Visual Impact Analysis (July 2018)
- Land Evaluation and Site Assessment Technical Memorandum (October 2018)
- Air Quality Technical Report (March 2019)
- Dust Control Technical Memorandum (July 2018)
- Biological Resources Technical Report (June 2018)
- 2018 Spring/Summer Survey Report (December 2018)
- Desert Tortoise Pre-Project Survey Report (June 2018)
- Jurisdictional Delineation Report (May 2018)
- Special Status Plant Species Survey Report (June 2018)
- Cultural Resource Inventory (June 2018)
- Paleontological Resources Technical Memorandum (July 2018)
- Preliminary Geotechnical Engineering Report (June 2018)
- Phase I Environmental Site Assessment (July 2018)
- Technical Memorandum to Address RECs Identified in Phase I ESA (July 2018)
- Airport Safety and Compatibility Technical Memorandum (September 2018)
- Preliminary Hydrology Study & Flood Analysis (June 2018)
- Addendum to Preliminary Hydrology Study & Hydraulics Report (June 2018)
- Water Supply Assessment (December 2018)

- Sound Survey and Analysis Report (July 2018)
- Traffic Assessment and Trip Generation Report (June 2018)

Prior to taking action, the County has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all the meetings and hearings, all of which is incorporated herein by this reference. No comments made in the public hearings conducted by the County or any additional information submitted to the County have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5, and all other legal prerequisites to the adoption of this Resolution have occurred.

Therefore, the EIR reflects the independent judgment of the County and the County finds that the EIR was prepared in compliance with CEQA.

C. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the County's approval of this project are located at the San Bernardino County Land Use Services Department Planning Division, 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182. The Planning Division is the custodian of all such documents. This information is provided pursuant to Public Resources Code Section 21081.6(a)(2) and 14 California Code of Regulations Section 15091(e).

4. ENVIRONMENTAL IMPACTS

The County's staff reports, the EIR, written and oral testimony at public hearings, these Facts, Findings, and Statement of Overriding Considerations, and other information in the administrative record serve as the basis for the County's CEQA determination.

The County determined that no impact would occur to the following resources, as discussed in the *Effects Found Not to be Significant* chapter (Chapter 3.14) of the EIR, and accordingly, these resources are not further discussed within these Findings.

- Mineral Resources
- Population and Housing
- Public Services
- Recreation

The County identified and analyzed the following environmental categories in more detail in the Draft EIR: Aesthetics and Visual Resources; Agricultural and Forestry Resources; Air Quality; Biological Resources; Cultural, Tribal Cultural and Paleontological Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Transportation and Traffic; and Utilities and Service Systems. The County also analyzed cumulative impacts and growth-inducing impacts.

The environmental impacts identified in the EIR as potentially significant but which the County finds can be mitigated to a level of less than significant through the imposition of feasible

mitigation measures identified in the EIR and set forth herein are described in Section 4A. The County concurs with the determinations in the EIR with respect to these impacts.

The environmental impacts identified as potentially significant but which the County finds cannot be mitigated to a level of less than significant despite the imposition of all feasible mitigation measures identified in the EIR and set forth herein are described in Section 4B hereof. The County concurs with the determinations in the EIR with respect to this impact and, for reasons set forth below, finds that overriding considerations exist that make this impact acceptable.

A. Environmental Impacts Mitigated to a Level of Less Than Significant

The County hereby finds that mitigation measures that require changes or alterations to the Project have been identified in the EIR which will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level, pursuant to CEQA Guidelines 15091(a). The potentially significant impacts and the mitigation measures which will reduce them to a less than significant level are as follows:

1. AIR QUALITY

a) Expose Sensitive Receptors to Substantial Pollutant Concentrations

Construction Impacts

Toxic Air Contaminants (TACs)

Project construction would result in emissions of diesel particulate matter (DPM) from heavy-duty construction equipment and trucks (e.g., water trucks and haul trucks) operating in the project study area. More than 90 percent of DPM is a subset of $PM_{2.5}$.

The California Air Resources Board (CARB) characterizes DPM as a toxic air contaminant (TAC). The Office of Environmental Health Hazard Assessment (OEHHA) has identified carcinogenic and chronic noncarcinogenic effects from long-term (chronic) exposure. For construction activities, the primary hazard is DPM emissions from construction equipment (e.g., excavators, bulldozers, backhoes, graders, etc.) and vehicles associated with construction of the Project. DPM is a complex mixture of chemicals and particulate matter with potential cancer and chronic non-cancer effects. Although other exposure pathways exist (i.e., ingestion, dermal contact), the inhalation pathway is the dominant exposure pathway from DPM for both cancer risk and chronic non-cancer health effects. Therefore, only the inhalation cancer and chronic non-cancer effects of diesel exhaust are evaluated for the health impacts from construction activities.

Several farms and rural residences are located in close proximity to the proposed construction areas. Therefore, a human risk assessment (HRA) was conducted to assess the risk associated with the construction emissions. The Office of Environmental Health Hazard Assessment (OEHHA) has determined that the health risk from DPM is only of a concern for cancer and chronic non-cancer health effects, and potential acute (short-term) non-cancer health effects are not a concern. Therefore, the HRA focuses on the risk for cancer and chronic non-cancer health impacts from project construction.

As shown in Table 3.3-7 of the EIR, the peak cancer risks during construction would be less than the threshold of 10 in 1 million. In addition, the chronic hazard indexes would be less

than the threshold of 1.0. Therefore, project construction would not expose sensitive receptors to substantial Toxic Air Contaminants (TAC) pollutant concentrations that would have significant health impacts related to increased cancer and non-cancer chronic health risks (Impact 3.3-3 of the EIR).

Operational Impacts

Emissions generated by daily maintenance activities would be below the Mojave Desert Air Quality Management District (MDAQMD) thresholds, (see Table 3.3-3 of the EIR). Therefore, project operations would not expose sensitive receptors to substantial pollutant concentrations (Impact 3.3-3 of the EIR).

Urban Heat Island Effect

As urban areas are developed, changes to the landscape can cause areas to become warmer than rural surrounding areas, forming an "island" of higher temperatures. The key to understanding urban heat islands is the concept of albedo, which is how much light bounces off a surface versus how much is absorbed. A pitch-black surface has an albedo of 0; a perfect mirror's albedo is 1. Every material used by people has an albedo between these two extremes.

Development of the project would decrease surface temperatures and would not result in a heat island and impacts would be less than significant. Refer to Attachment 5 of **Appendix H-3** for additional information pertaining to urban heat island effects (Impact 3.3-3 of the EIR).

Wind-Transported Materials

Wind direction in the area remains very consistent throughout the year, blowing essentially from the west to the east. Wind speeds range from 9 mph to 15 mph throughout the year, with higher wind speeds (more than 13-17 mph) occurring between April and June. Soils in the area are predominantly sand. The combination of warm temperatures, limited rainfall, and windy conditions results in aeolian processes. Aeolian processes involve the erosion, transportation, and deposition of sediments by the wind.

The Mojave River bed is one of the primary natural source areas adjacent to the project where materials could be picked up by winds and moved significant distances. Though the river's watershed is of significant size, at this location, the channel is still ephemeral and is dry for most of the year, so bed materials are available to winds of a certain velocity for movement. Additional source areas could include the agricultural lands adjacent to the project site, as well as the project site itself during construction.

Aeolian processes can result in two impacts: (1) the potential for air quality degradation and (2) physical impacts, including covering (burial) of facilities and equipment. Due to the local soil types with high sand texture content, and the common occurrence of windy conditions, airborne particles of a very fine size are a frequent occurrence under natural or disturbed conditions in the area. These particles pose a human health hazard due to the ease with which they can be inhaled.

The other potential impacts from winds and the materials they carry are the physical results from blowing sands primarily, but also from smaller-sized particles. Damage can occur from the impact of particles on surfaces, in effect a form of sand-blasting. Also, deposition of wind-

transported materials can cause problems through burial of equipment or facilities (like roads) or even from the deposition of a coating of dust on a photovoltaic cell.

Wind erosion currently occurs at the project site, resulting in significant impacts to sensitive receptors. The wind erosion causes dust to move from the site to nearby receptors at residences where the airborne particulates can be inhaled by residents. Although impacts from wind-blown sand are not caused by the project, they could be exacerbated by the project's construction.

Mitigation measure **AIR-1** requires the project to develop an Air Quality Construction Management Plan with fugitive dust control measures that satisfy the requirements of MDAQMD's Rules 403 and 403.2, San Bernardino County Development Code Sections 83.01.040 and 84.29.035, and State Implementation Plans (SIPs) for PM_{10} and $PM_{2.5}$. Mitigation measure **AIR-1** addresses impacts during project construction and decommissioning and requires measures such as the installation of wind fencing; surface treatment on disturbed areas, roads and parking areas, as well as vehicle speed limits. Mitigation measure **AIR-3** requires the applicant to develop a Dust Control Plan to address impacts from project operation. Similar to mitigation measure **AIR-1**, mitigation measure **AIR-3** includes measures such as the installation of wind fencing (see Exhibit 3.3-1, Wind Fence Locations), surface treatments for areas where natural vegetation has been removed, as well as vehicle speed limits which would reduce air quality impacts during project operations. Implementation of these measures will reduce impacts related to wind-transported materials to less than significant (Impact 3.3-3 of the EIR)**.**

Valley Fever

Coccidioidomycosis, more commonly known as Valley Fever, is primarily a disease of the lungs caused by the spores of the *Coccidioides immitis* fungus. The spores can occur naturally in some soils and there is the potential that spores could be stirred up during excavation, grading, and earth-moving activities and inhaled into the lungs.

Valley Fever is endemic to the southwestern United States, so fugitive dust emissions from the proposed project could cause exposure to the spores. Reduction of the potential for exposure to dust and the spores can be accomplished by providing dust control, training, job hazard assessments, and personal protective respiratory equipment when appropriate (CDPH 2018).

The primary way to avoid Valley Fever is to limit exposure to the spores. During construction, operation, and decommissioning phases of the project, the implementation of mitigation measures **AIR-1** and **AIR-3** would provide significant control of fugitive dust emissions and limit the potential for exposure. Therefore, implementing mitigation measures **AIR-1** and **AIR-3** would reduce the exposure to Valley Fever to a less than significant level (Impact 3.3-3 of the EIR).

Mitigation Measures:

AIR-1 Prior to the issuance of grading permits, the project applicant shall submit an Air Quality Construction Management Plan to the County for review and approval. The plan shall describe the fugitive dust control measures which would be implemented and monitored at all locations of proposed project construction. The plan shall

comply with the mitigation measures described in the Fugitive Dust Control Rules enforced by the Mojave Desert Air Quality Management District (MDAQMD) (Rules 403 and 403.2), San Bernardino County Development Code Sections 83.01.040 and 84.29.035, as well as the existing State Implementation Plan available for PM_{10} and $PM_{2.5}$. The plan shall be incorporated into all contracts and contract specifications for construction work. The plan shall outline the steps to be taken to minimize fugitive dust generated by construction activities by:

- Describing each active operation that may result in the generation of fugitive dust.
- Identifying all sources of fugitive dust, e.g., earthmoving, storage piles, vehicular traffic.
- Describing the control measures to be applied to each of the sources identified. The descriptions shall be sufficiently detailed to demonstrate that the best available control measures required by air districts for solar projects are used.
- Providing the following control measures, in addition to or as listed in the applicable rules, but not limited to:
    - Manage and limit disturbance of ground surfaces from vehicle traffic, excavation, grading, vegetation removal, or other activities to lower the potential for soil detachment and reduce dust transport. Maximize the use of compaction methods rather than the removal of top soil other than in areas where excavation or grading are required. This process referred to as mow-and-roll (agricultural land) or plate-and-roll (native vegetation) lessens the level of ground disturbance and leaves the root system in place for quicker regeneration of vegetative cover.
    - Maintenance and access vehicular roads and parking areas shall be stabilized with water, chemicals or gravel or asphaltic pavement sufficient to minimize visible fugitive dust from vehicular travel and wind erosion and comply with MDAQMD Rule 403.2. Actions, including sweeping sealed roads, use of stabilized construction/facility entrances, and, if needed, using one or more entrance/exit vehicle tire wash apparatuses, shall be taken to prevent project-related track-out. Any project-related track-out must be cleaned within 24 hours.
    - Perimeter fencing, in locations as shown on Exhibit 3.3-1, shall be wind fencing or the equivalent, to a minimum of 4 feet of height of perimeter fencing in the areas identified in the Wind Fencing Plan. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. Strategically placed wind barrier fencing, to be constructed as part of the construction and operation phases (in locations shown in **Exhibit 3.3-1, Wind Fence Locations**) would be

maintained to minimize dust blowing in the direction of the adjacent residences or the Barstow-Daggett Airport.

- Use natural vegetation to stabilize disturbed or otherwise unstable surfaces to the extent feasible. A water truck shall be used to maintain most disturbed surfaces and to actively spread water during visible dusting episodes to minimize visible fugitive dust and limit emissions to 20 percent opacity in areas where grading occurs, within the staging areas, and on any unpaved roads. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel may be required to eliminate visible dust/sand from sand/fines deposit, if water application does not achieve stabilization. Other controls could include application of hydromulch (with seed for re-establishment of vegetation), application of soil binders, or even the use of soil cement for particularly unstable areas.
- Minimize the idling time of diesel-powered construction equipment to two minutes, except in extreme heat events where workers require conditioned air to avoid health and safety issues.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- On-site vehicle speed shall be limited to 15 miles per hour.
- The following signage shall be erected not later than the commencement of construction:

  A minimum 48-inch-high by 96-inch-wide sign containing the following information shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on 1-inch A/C laminated plywood County, with the lower edge between 6 and 7 feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day.

  "Site Name" (4-inch text)
  "Project Name/Project Number" (4-inch text)
  IF YOU SEE DUST COMING FROM THIS PROJECT, CALL:
  (4-inch text)
  [Contact Name]. PHONE NUMBER: XXX-XXX-XXXX (6-inch text)
  IF YOU DO NOT RECEIVE A RESPONSE, PLEASE CALL the
  MDAQMD at 1-800-635-4617. (3-inch text)

- The project applicant or its designated representative shall obtain prior approval from the MDAQMD prior to any deviations from fugitive dust control measures specified in the approved Air Quality Construction Management Plan. A justification statement used to explain the technical and safety

reason(s) for the substitute dust control measures required shall be submitted to the appropriate agency for review.

- The provisions of the Air Quality Construction Management Plan shall also apply to project decommissioning activities. The project sponsor will submit a revegetation plan for County review and approval prior to initiating construction.

AIR-3 Prior to the issuance of grading or building permits, the project applicant shall develop a Dust Control Plan (DCP) per the requirements of MDAQMD Rule 403.2. The DCP shall comply with MDAQMD Rules 403 and 403.2 to control fugitive dust, including PM_{10}, by addressing objectives, key contacts, roles and responsibilities, dust sources, and control measures.

The DCP shall address the following sources:

- Project-created dust sources
- Disturbed surfaces
- Unstable surfaces
- Unpaved roads
- Paved roads
- Unspecified sources

To mitigate each of the sources identified above during facility operation, including post-closure of a facility, there are often multiple mitigation measures available that can feasibly mitigate impacts to less than significant levels. The DCP would include but not be limited to the following measures:

- Limit Ground Disturbance. Manage and limit disturbance of ground surfaces from vehicle traffic, excavation, grading, vegetation removal, or other activities to lower the potential for soil detachment and reduce dust transport. Only trim vegetation (mow and roll) in areas where solar panels will be installed, rather than remove vegetation entirely (clear and grub) followed by excavation or grading where feasible. This process lessens the level of ground disturbance and leaves the root system in place for quicker regeneration of vegetative cover.
- Vegetation. Use natural vegetation to stabilize disturbed or otherwise unstable surfaces to the extent feasible.
- Wind Fencing. Strategically placed wind barrier fencing shall be installed as part of the construction and operation phases (shown in Exhibit 3.3-1, Wind Fence Locations) and be maintained to minimize dust blowing in the direction of the adjacent residences or the Barstow-Daggett Airport. Wind barrier fencing should be inspected by the contractor no less than once quarterly

and repaired or replaced as needed to maintain full functionality. Any accumulated sediment would be removed and either re-distributed onsite or transferred off-site for use or disposal elsewhere.

- Surface Treatment. Water trucks shall apply water and/or other controls to minimize the production of airborne dust, and limit emissions to 20 percent opacity in areas where grading occurs, within the staging areas, and on any unpaved roads used during project construction. Other controls could include application of hydromulch (with seed for re-establishment of vegetation), application of soil binders, or even the use of soil cement for particularly unstable areas.
- Vehicle Speed Limits. Vehicle speed shall be limited speeds to 15 mph. Speed limit signs shall be displayed prominently at all project/facility entrances.
- Street Sweeping. Sealed roads shall be swept as needed and track out opportunities limited through the use of stabilized construction/facility entrances or, if necessary, with one or more entrance/exit vehicle tire wash apparatuses.

Post-Construction Site Stabilization. After construction is complete, disturbed areas will be stabilized at a minimum in accordance with the Stormwater Pollution Prevention Plan (SWPPP), the measures set forth in **AIR-3,** and Attachment 3 (Revegetation Management Details) to the Dust Control Technical Memorandum (**Appendix D-2** to the Draft EIR). If the revegetated ground cover for newly planted materials is less than 50% of baseline, the project applicant shall continue to implement measures to revegetate until 50% of the revegetated ground cover has been achieved or stabilized via other approved method.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Implementation of mitigation measure **AIR-1** would reduce air quality impacts by requiring implementation of a County-approved Air Quality Construction Management Plan that outlines required fugitive dust control measures. Implementation of mitigation measure **AIR-3** would provide significant control of fugitive dust emissions and limit the potential for exposure during operations through development of a Dust Control Plan. The County finds, based on the entire record, that impacts to sensitive receptors will be less than significant with the implementation of mitigation measures **AIR-1** and **AIR-3**.*

2. BIOLOGICAL RESOURCES

a) Impact 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 the U.S. Fish and Wildlife Service

Special-Status Plant Species

No special-status plant species were observed within the proposed development footprint on the project site. Therefore, no direct or indirect impacts are anticipated (Impact 3.4-1 of the EIR).

Special-Status Wildlife Species

Direct Impacts

Desert Tortoise

Although the 2018 protocol surveys were negative and the potential for desert tortoise to be on the site is considered low, portions of the site provide marginally suitable habitat for the species. It is therefore assumed conservatively that tortoises could be present prior to construction and therefore that project disturbance activities (e.g., vegetation clearing, site grading, excavation earthwork) could significantly impact desert tortoises. This potential direct impact would be mitigated to less than significant with implementation of mitigation measure **BIO-1.** Mitigation measure **BIO-1** would reduce impacts to desert tortoise by requiring a preconstruction clearance survey to determine species presence, and ensuring that construction workers are properly trained to identify signs of the species and implement appropriate procedures to avoid potential impacts (i.e., alerting a biological monitor if desert tortoise is observed on-site, removing daily trash to detract desert tortoise predators from the project area, etc.) (Impact 3.4-1 of the EIR).

Burrowing Owl

The project has the potential to impact burrowing owl individuals if they are present on the project site at the time of scheduled disturbance activities. This potential direct impact would be mitigated to less than significant with implementation of mitigation measure **BIO-2**. This mitigation measure would reduce direct impacts to burrowing owl by requiring a preconstruction clearance survey to determine species presence and identifying proper measures for avoidance of and/or species relocation, as needed. Mitigation measure **BIO-2** would further reduce potential impacts by requiring provision of a buffer around occupied burrows via flagging or fencing to minimize potential disturbance and monitoring of construction activities, as specified (Impact 3.4-1 of the EIR).

Tricolored Blackbirds

As previously discussed, tricolored blackbirds were incidentally observed foraging in on-site agricultural fields near Minneola Road and flying to and from a possible off-site nesting area in an artificial pond with cattails located in the backyard of a residence on the east side of Minneola Road. The off-site pond would not be disturbed by the project, but some on-site foraging habitat (i.e., the agricultural field closest to the pond) would be converted to solar arrays. Nevertheless, the project would not result in direct impacts to tricolored blackbirds, nor cause individuals of this state-protected species to be killed or otherwise incidentally taken, because they are highly mobile and would leave any active construction sites as activities begin (Impact 3.4-1 of the EIR).

Raptors

Nesting Habitats. A nesting site was identified on the project site for red-tailed hawk. As previously discussed, no active golden eagle nests were documented during the spring 2018 surveys within 5 miles of the project site; therefore, the project would not result in a potential direct impact to any active golden eagle nests. With respect to Swainson's hawks, the CDFW (2010) has developed guidance for minimizing impacts from renewable energy projects located near nests. That guidance suggests that loss of foraging habitat located within 5 miles of a nest should be mitigated at a ratio of 2:1. However, this recommendation is not applicable to the project as Swainson's hawks do not nest in the Mojave Valley or elsewhere in that portion of central San Bernardino County. As previously discussed, based on CNDDB records and a literature search, the nearest recorded nest is in Apply Valley about 25 miles south of the project site, and nesting was last observed there in 1932. The nearest recent Swainson's hawk nesting area is in the Antelope Valley, approximately 60 miles to the west. As such, project development is not expected to impact any Swainson's hawks nesting areas (Impact 3.4-1 of the EIR).

Foraging Habitats. Portions of the site were observed being used as foraging habitat by golden eagle, short-eared owl, burrowing owl, red-tailed hawk, ferruginous hawk, Swainson's hawk, northern harrier, prairie falcon, and American kestrel. In San Bernardino County, there are approximately 77,000 acres of agricultural land (as of 2012, per the USDA). The proposed project would convert about 1,740 acres of agricultural land, or about 2 percent of such lands. Further, some prey may inhabit the area around solar modules, especially as some vegetation re-establishes between the panels, in order to escape detection from raptors flying overhead (due to the cover that the solar modules would provide). Even after conversion of agricultural land to solar generation, raptors may still be able to hunt for rodents, small birds, and reptiles in solar fields from perches such as the solar modules themselves or fencing and utility structures surrounding the facilities.

With respect to Swainson's hawks, this state-protected species is occasionally observed foraging throughout the region during spring and fall migration and possibly at other times during the summer. In particular, it forages in irrigated alfalfa fields and pastures, other active and fallow agricultural fields, and dry lands with a sufficient prey base (Dudek 2014; CDFW 2010). Given the small number of Swainson's hawks in the vicinity and the absence of known recent nests within 60 miles, the conversion of the agricultural fields to solar generation uses would not constitute a significant loss of foraging land. There would continue to be sufficient remaining nesting and foraging habitat in the vicinity to support viable raptor populations on a regional scale.

In general, although the project would result in the conversion of agricultural fields used for foraging by raptors, it would not cause individuals to be killed or otherwise significantly harmed because the birds are highly mobile, would naturally avoid the active construction site for nesting, and would be afforded adequate foraging habitat during project operation and after decommissioning. As such, the project would result in less than significant impacts (Impact 3.4-1 of the EIR).

Mammals

Mohave ground squirrels (*Xerospermophilus mohavensis*), which are classified as threatened by the State of California, do not occur in or near the project area (HDR 2018a;

Appendix E-1). The nearest suitable habitat for this species is to the west and north of Barstow, which is over 10 miles away from the project site. Therefore, no direct or indirect impacts to Mohave ground squirrel are anticipated to occur.

Although potential signs were documented in the project area, the observed burrows, scat, and claw marks are not completely indicative of American badgers being present on-site and could have been made by other wildlife. Further, no badgers were observed or photographed in the project area during the 2018 surveys. Therefore, no direct or indirect impacts to American badger are anticipated to occur.

Desert kit fox was observed on-site. The project could directly impact suitable habitat for desert kit fox and has the potential to impact individual foxes if they are present on-site at the time of scheduled disturbance activities. This potential direct impact would be reduced to less than significant with implementation of mitigation measures **BIO-3** and **BIO-4.** These measures would reduce impacts because they require development of a Desert Kit Fox Management Plan that contains a worker education program designed to educate on-site employees on how to avoid the species, as well as other special-status species, so that individuals would not be adversely impacted. Monitoring activities are also required to confirm the effectiveness of avoidance measures implemented (Impact 3.4-1 of the EIR).

Nesting Birds

Removal of on-site vegetation communities during project disturbance activities could result in direct impacts to avian nests protected by the MBTA and CFGC (e.g., nest abandonment or mortality of young), if nesting birds are present on the site at the time of construction. This potential direct impact would be reduced to less than significant with implementation of mitigation measure **BIO-5**. This measure would reduce impacts to nesting birds because the mitigation measure defines the roles of the qualified personnel on-site during preconstruction, construction, and decommissioning activities and outlines procedures to undertake if nesting bird(s) or active nests are observed in the project area (Impact 3.4-1 of the EIR).

Avian Collisions

It has been hypothesized that PV solar arrays could be an attractant to birds, which might detect an array of panels as water (i.e., the “lake effect hypothesis”), attempt to land there, and collide with or be trapped among panels or other infrastructure at PV solar facilities (Lovich and Ennen 2011; BLM and DOE 2012; Kagan et al. 2014). When oriented in a horizontal position, solar panels could mimic the “lake effect,” in which birds and their insect prey can mistake them for a water body, or “spot water ponds,” and then fly toward them, often resulting in death by colliding into the hard surfaces.

Walston et al. (2016) reviewed information on the lake effect hypothesis and synthesized available information on avian monitoring and mortality at utility-scale solar energy facilities in the United States. The study identified three concentrating solar power (CSP) facilities for which there was sufficient information to calculate avian mortality. One of those facilities, the now closed California Solar One [CSO] facility, is adjacent to the proposed Daggett Solar Power Facility (McCrary et al. 1986). The other two facilities are also located in Southern California.

After adjusting to account for average searcher efficiency and average carcass persistence, Walston et al. (2016) estimated that annual rates of avian mortality attributed to these three solar facilities, combined, ranged from 0.5 (for CSO) to 10.24 birds per megawatt per year, but that total avian mortality at each of the sites was more consistent and averaged 9.9 birds per MW per year. The proposed project is a photovoltaic project and does not use the CSP technology. Photovoltaic panels have a far lower impact on birds than CSP facilities. For comparison, this rate of mortality, if calculated for all solar facilities in Southern California, is far lower than other common causes of avian mortality, such as collision with transmission lines, predation trauma, electrocution, and emaciation; the cause of death frequently could not be determined or was not reported. Avian collisions with solar panels are not considered significant on a population level.

Aside from the potential lake effect, and as with any other man-made structures (such as buildings, windows, and communications towers), avian species may directly collide with the project's PV modules. However, it should be noted that avian mortality resulting from collision with man-made structures is typically highest when projects are sited in areas of high bird use such as wetlands, riparian areas, migration corridors, and other avian habitat features (Lovich and Ennen 2011; Walston et al. 2016). Although the project site is along the Pacific Flyway, in general, it is distant from known major avian migratory routes or stopover locations in California, such as the Colorado River, Salton Sea, and Mono Lake. Additionally, while there are a number of ponds and other small open bodies of water in the Daggett/Barstow area, no waterfowl or other water birds were observed on-site during the 2018 surveys.

Impacts to avian species may occur during project construction, operation, and decommissioning, including collision risks associated with project transmission wires, telecommunications towers, fencing, array structures, and heavy equipment. Risk factors associated with such collisions include the size of facility, height of structures, and specific attributes of structures (guy wires and lighting/light attraction), as well as siting in high risk areas, frequency of inclement weather, type of development, and species or taxa at potential risk.

Risk factors that have been empirically demonstrated to result in elevated avian collision risks (e.g., tall buildings, communication towers, wind turbines, concentrating solar thermal heliostats) are not contemplated as part of the proposed project. While impacts to individual birds from collisions may be expected to occur over the life of the proposed project, the frequency and nature of collisions would not be expected to be significantly exacerbated due to the project, and no population-level impacts are anticipated. As such, project impacts associated with bird collisions are considered less than significant.

The applicant implements a company-wide wildlife incident reporting program (WIRP) that all on-site facility staff are required to follow. The WIRP includes training of staff for identifying and responding to encounters with sensitive biological resources. Downed state- and/or federally listed species, if found, will be reported to state and/or federal wildlife agencies in accordance with applicable law (Impact 3.4-1 of the EIR).

Bat Collisions

Post-development direct impacts to bats protected by the CFGC may also occur from collisions with the proposed PV solar panels. A laboratory study undertaken by Siemers and Grief

(2010) in a flight room showed that bats attempted to drink from the panels and, if vertically aligned, occasionally collided with them when attempting to fly through them, with juvenile bats more prone to this behavior. This study concluded that bats have an innate ability to echolocate water, by recognizing the echo from smooth surfaces, and that bats may therefore perceive all smooth surfaces as water. However, the authors do not suggest that bats will be negatively affected by this mistake.

Another similar study by Russo et al. (2012) assessed the ability of bats to tell the difference between water and smooth surfaces in the wild. In this experiment, an existing water trough used by bats was covered with Perspex (commonly referred to as acrylic glass) and another left open. A third water trough was half covered in Perspex, with the other half left open. There was no difference in the number of bats visiting each trough. However, the authors found that having had a number of failed drinking attempts from the Perspex side of the trough, the bats would either return to drink from the water side of the trough or leave the site in search of water elsewhere. There was no mention of bats colliding with the Perspex. Based on available data, and for the reasons provided above, potential project impacts on bat species are considered less than significant (Impact 3.4-1 of the EIR).

Decommissioning of Facilities

Over time, vegetation may re-establish between the panels through succession, and wildlife may inhabit the project site. Potential direct impacts to such post-development wildlife habitats that may become established on-site could occur in the decommissioning phases, similar to impacts during the initial construction phase but in the future. Such potential direct impacts would be reduced to less than significant with implementation of mitigation measures **BIO-1** through **BIO-7**. The mitigation measures identified would reduce impacts through determination of species presence prior to construction; worker education; identification of proper procedures to follow if a species, or signs of the species, is observed within the project disturbance area; and implementation of other standard avoidance and and/or minimization measures.

All decommissioning activities would comply with federal, state, and local standards and all regulations that exist when the project is decommissioned, including the requirements of San Bernardino County Development Code Section 84.29.060 (Impact 3.4-1 of the EIR).

Indirect Impacts

During project construction, indirect effects may include dust, which could disrupt plant vitality in the short term, or construction-related soil erosion and runoff. Long-term edge effects could include intrusions by humans and possible trampling of individual plants, invasion by exotic plant and wildlife species, exposure to urban pollutants (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, litter, fire, and hydrologic changes (e.g., surface water and groundwater level and quality).

Mitigation measure **BIO-6** would provide for the implementation of best management practices (BMPs) and erosion control, revegetation of temporary impact areas, and avoidance of toxic substances that could affect plant life at the project site, and therefore would reduce indirect impacts to special-status plants to less than significant levels (Impact 3.4-1 of the EIR).

Decommissioning of Facilities

Potential indirect impacts could occur to wildlife or plant life during the decommissioning phase, similar to impacts during the initial construction phase but in the future. Implementation of mitigation measure **BIO-6** would reduce such potential impacts to less than significant by requiring implementation of BMPs and other measures (i.e., erosion control, avoidance of wildlife entrapment, use of nontoxic chemicals) to minimize indirect effects.

All decommissioning activities would comply with federal, state, and local standards and all regulations that exist when the project is decommissioned, including the requirements of San Bernardino County Development Code Section 84.29.060 (Impact 3.4-1 of the EIR).

Mitigation Measures:

BIO-1 To avoid construction-level impacts to desert tortoise, not more than 45 days prior to ground-disturbing activities for the construction and/or decommissioning phase(s), qualified personnel shall perform a preconstruction clearance survey for desert tortoise. The applicant shall notify and consult with the United States Fish and Wildlife Services (USFWS) and California Department of Fish and Wildlife (CDFW) if tortoise or tortoise sign is identified during pre-construction surveys. If the species is present on-site, individual(s) shall be allowed to leave the site on their own, and in consultation with CDFW, the applicant may be required to install exclusionary/perimeter fencing, with mesh attached to the fence fabric extending from approximately 12 inches below grade to approximately 24 inches above grade to ensure no tortoises re-enter the work limits. No person(s) shall be allowed to touch a tortoise without authorization from the USFWS and CDFW.

Disturbance activities shall be monitored, as follows:

- Environmental awareness training shall be provided for all construction personnel to educate them on desert tortoise, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If tortoises are encountered, such vehicles shall not be moved until the tortoises have voluntarily moved away from them or a qualified biologist has moved the tortoises out of harm's way.
- If a tortoise is present, a biological monitor shall be present during all disturbance activities in the vicinity of exclusionary fencing (if required) and shall have the authority to stop work as needed to avoid direct impacts to tortoises. Periodic biological inspections and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing (if required). Work may proceed within the excluded area when the biologist confirms all tortoises have left the excluded area.
- Should tortoises be found during construction activities, the biological monitor shall have the authority to stop work as needed to avoid direct

impacts to tortoises, and further consultations with the USFWS and CDFW shall take place.

- Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs).
- Employees shall not bring pets to the construction site, which may predate on tortoises.
- A trash collection system will be established to ensure that all food and other refuse that could attract tortoise predators is properly disposed of in self-closing, sealable containers with lids that latch to prevent entry by wind, common ravens, and mammals.
- All trash receptacles will be regularly inspected and emptied daily to prevent spillage and maintain sanitary conditions. The receptacles will be removed from the project area when construction or O&M activities are complete.
- Road-killed animals or other carcasses detected during construction or O&M activities will reported to a qualified biologist. If determined to be non-special-status species, the carcass will be picked up and disposed of immediately (e.g., removal to a landfill or disposal. For special-status species road-kill, a qualified biologist or project representative will contact the USFWS or CDFW, as applicable, prior to removal and disposal.
- During construction and O&M, storage of materials (e.g., food, trash) that may potentially attract predators will be limited to containers that are not easily accessible to wildlife.
- Use of water for purposes such as fugitive dust abatement will not be allowed to pool such that it attracts ravens and other tortoise predators.

BIO-2 To avoid construction-level impacts to burrowing owl, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for burrowing owl in accordance with CDFW guidelines. If the species is present on-site and/or within 500 feet of the site, the biologist shall prepare and submit a passive relocation plan to the CDFW for review/approval and shall implement the approved plan to allow commencement of disturbance activities on-site.

Fencing or flagging shall be installed at a 500 meter radius from occupied burrows to create a non-disturbance buffer area where no work activities may be conducted. Through consultation with the CDFW, the non-disturbance buffers/fence lines may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., September 1 through January 31).

If avoidance of an occupied burrow is infeasible, the owls may be passively relocated by a qualified biologist during the non-breeding season, in accordance with the passive relocation plan. (Note: Occupied burrows may not be disturbed during the breeding season [February 1 to August 31].) At a minimum, the plan shall include the following performance standards:

- Excavation shall require hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow and monitored for at least 48 hours after installation. If burrows will not be directly impacted by the project, one-way doors shall be installed to prevent use and shall be removed after ground-disturbing activities have concluded in the area. Only burrows that will be directly impacted by the project shall be excavated and filled.
- Detailed methods and guidance for passive relocation of burrowing owls to off-site "replacement burrow site(s)" consisting of a minimum of two suitable, unoccupied burrows for every burrowing owl or pair to be passively relocated.
- At a minimum of 60 days prior to commencement of scheduled ground disturbance, the project applicant is to submit a Burrowing Owl Mitigation and Monitoring Plan to the CDFW that outlines policies and procedures to minimize unanticipated impacts to burrowing owls during construction, operations, and decommissioning. The Plan shall include the mitigation measures listed in **BIO-2** and additional appropriate measures in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years.

If preconstruction surveys indicate construction activities would occur within 500 feet of off-site occupied burrows during the breeding season (February 1 through August 31), qualified personnel shall monitor project disturbance activities and the off-site active burrows to ensure they are not being adversely affected. If so, the biologist in consultation with the CDFW shall implement additional measures to avoid such disturbances of active nesting efforts.

BIO-3 To avoid construction level impacts to desert kit fox, at least 60 days prior to project ground disturbance activities during the construction phase, a Desert Kit Fox Management Plan shall be prepared and submitted to the County and the CDFW that (1) incorporates pre-approval survey data of the desert kit fox population; (2) identifies preconstruction survey methods for kit foxes; (3) describes preconstruction and construction-phase biological monitoring and passive relocation methods, or outlines any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either are necessary; and

(4) includes contingency measures if canine distemper is documented in any individuals on-site.

BIO-4 To avoid construction-level impacts to desert kit fox, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for desert kit fox in accordance with CDFW guidelines. Surveys shall also consider the potential presence of active dens within 100 feet of the boundaries of the on-site disturbance footprint, access roads, and selected alignment for the gen-tie line. If dens are detected, each shall be classified as either inactive, potentially active, or definitely active, and the following actions taken:

- Inactive dens that would be directly impacted shall be excavated by hand and backfilled to prevent reuse by kit fox.
- Potentially and definitely active dens that would be directly impacted shall be monitored by a biologist for 3 consecutive nights using a tracking medium (e.g., diatomaceous earth, fire clay) and/or infrared camera stations at the den entrance.
- If no tracks are observed or no photos of the species are captured after 3 nights, the den shall be excavated and backfilled by hand.
- If tracks are observed, the den entrance shall be progressively blocked with natural materials (e.g., rocks, dirt, sticks, vegetation) for the next 3 to 5 nights to discourage the fox from continued use of the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to ensure no foxes are trapped in the den.
- If an active natal den (i.e., with pups) is detected on-site, per the procedures above, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for harm or mortality. The course of action shall depend on the age of the pups, on-site location of the den (e.g., central area, perimeter), status of the perimeter fence (completed or not), and pending construction activities proposed near the den. A 500-foot non-disturbance buffer shall be maintained around all active natal dens.

The following measures are required to reduce the likelihood of distemper transmission:

- No pets shall be allowed on-site prior to or during construction, with the possible exception of kit fox scat detection dogs during preconstruction surveys, and then only with prior CDFW approval.
- If the biological monitor deems it necessary to repel foxes attempting to enter the construction zones, animal repellents such as coyote urine shall be used only with prior CDFW approval.

- Any sick or diseased fox, or documented fox mortality, shall be reported to the CDFW within 24 hours of identification. If a dead fox is observed, it shall be protected from scavengers until the CDFW determines whether the collection of necropsy samples is justified.

BIO-5 To avoid construction-level impacts to nesting birds, the following measures are required:

- No earlier than 3 days prior to commencement of scheduled ground disturbance during the nesting bird breeding season (February 1 through August 31), qualified personnel shall perform a nest survey within 500 feet of the disturbance footprint, as accessible. If active nests are found, project disturbance activities shall be postponed or halted within a non-disturbance buffer surrounding each active nest (to be established by the biologist) that is suitable to the particular bird species and nest location(s) until the nest(s) are vacated and juveniles have fledged, as determined by the biologist. Any such buffer(s) shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construct ion personnel shall be instructed on the sensitivity of nest areas. A biologist shall monitor construction activities near all such buffer(s) to ensure no inadvertent impacts on active nest(s). If listed species are involved, the CDFW and/or USFWS shall be notified immediately for consultation on how to proceed.

- At a minimum of 60 days prior to commencement of operations, the project applicant shall submit a Bird and Bat Conservation Plan (Plan) to the County for review and approval. The Plan will outline policies and procedures to minimize unanticipated impacts to birds and bats during operations. Site personnel will be provided a set of standardized instructions to follow in response to any bird or bat incidents on-site. The Plan shall include procedures on how to document any bird or bat species discovered dead or injured on the project site. In the event of an injury or death of a listed species, CDFW and/or USFWS shall be contacted to consult on appropriate next steps. The Plan shall be implemented for the life of the project.

BIO-6 The following best management practices shall be implemented during project grading and construction and decommissioning activities to address potential indirect impacts:

- The potential for wildlife entrapment shall be avoided as follows:
  - **Backfill trenches.** At the end of each workday, all potential wildlife pitfalls (e.g., trenches, bores, excavation pits) shall be backfilled, covered, or sloped to allow wildlife egress. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s).
  - **Cover materials**. All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in

staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s).

- Minimize construction impacts. The construction limits shall be flagged prior to ground-disturbing activities. All construction activities, including equipment staging and maintenance, shall be conducted within the flagged disturbance limits.
- Avoid toxic substances on road surfaces. Soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants.
- Minimize spills of hazardous materials. All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.
- Worker guidelines. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife or bring pets to the project site.
- Best management practices/erosion/runoff. The project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Colorado River Regional Water Quality Control County. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measures **BIO-1** through **BIO-6** would reduce direct and indirect cumulative biological impacts by requiring the implementation of species- and site-specific avoidance and/or minimization measures, such as the implementation of preconstruction clearance surveys for desert tortoise, burrowing owl, and desert kit fox prior to ground-disturbing activities to verify the potential presence of the species on-site. The County finds, based on the entire record, that impacts 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 the U.S. Fish and Wildlife Service will be reduced to less than significant with the implementation of mitigation measures **BIO-1** through **BIO-6.***

b) Riparian Habitat

Vegetation Communities

Direct Impacts

Due to proposed grading and construction requirements, it is anticipated that the project would directly impact all vegetation communities and land cover shown in Table 3.4-1 of the EIR (e.g., impact acreage would be equivalent to existing acreage). As previously described, the site contains one non-riparian drainage extending across the south-central edge (identified as "Feature B" in Appendix E-4) under RWQCB and CDFW jurisdiction. However, the project would avoid this on-site jurisdictional feature.

None of the vegetation communities in the project disturbance area are identified as sensitive or special-status natural vegetation communities in local or regional plans, policies, or regulations or by the CDFW or USFWS. The vegetation communities on the project site are prevalent in the region and do not represent designated critical habitat. Special-status animal species, such as burrowing owl and desert tortoise, may use some of the vegetation communities as habitat.

As described previously, implementation of mitigation measure **BIO-2** would reduce direct impacts to burrowing owl by requiring preconstruction determination of species presence, environmental awareness training for employees, and other measures such as buffering construction activities from occupied burrows or passive relocation of individuals during the non-breeding season. Since burrowing owls use a wide range of habitats, the loss of habitat from development of the site would not have a significant impact on individuals or the region's burrowing owl population since they are mobile and can relocate to similar habitat within the surrounding area.

The site also supports marginally suitable desert tortoise habitat; however, desert tortoises were not identified during protocol surveys conducted for the project, and therefore, are not considered to be present on-site. However, the project applicant would implement mitigation measure **BIO-1** to reduce potential direct impacts to desert tortoise by requiring pre-construction

surveys for the species, environmental awareness training, construction monitoring, and/or implementation of proper measures to buffer construction activities from and/or minimize potential disturbance of the species if present.

For these reasons, project impacts to vegetation communities and other special-status habitats would be less than significant (Impact 3.4-2 of the EIR).

Decommissioning of Facilities

Although the project would not result in a significant impact to vegetation communities or other special-status habitats, the County would prepare and adopt a Decommissioning Plan that outlines habitat restoration actions to be implemented at the end of the project's life. Over time, vegetation communities may re-establish between the panels through succession. Potential direct impacts to such vegetation communities or habitat may occur during decommissioning, similar to impacts that may result during the initial construction phase. Implementation of mitigation measure **BIO-7** would reduce such potential impacts to less than significant. This mitigation would reduce potential habitat impacts associated with project decommissioning activities by requiring preparation and implementation of a revegetation plan (for incorporation in the Decommissioning Plan) that outlines procedures and performance standards to restore on-site vegetation communities at the end of the project's life (Impact 3.4-2 of the EIR).

Indirect Impacts

There are no off-site riparian areas or wetlands associated with the dry channel of the Mojave River floodplain near the project site. Therefore, the project would not result in significant riparian or wetland impacts (off-site) that could otherwise be related to indirect effects from dust, construction-related soil erosion and runoff, invasive plant species, and increased human presence during both the initial construction phase and the decommissioning phase (Impact 3.4-2 of the EIR).

Mitigation Measures:

BIO-7 Prior to commencement of the decommissioning phase, the project applicant shall prepare a revegetation plan as part of the Decommissioning Plan to identify performance standards necessary for revegetation of the site with native plants. The Decommissioning Plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover, density, and species richness. Standards of success shall include at least a 50 percent revegetation success rate compared to baseline conditions and shall include annual monitoring for 2 years. If 50 percent revegetation has not been achieved within 2 years due to lack of water or other environmental factors, the applicant shall work with the County to identify and implement an alternate solution to achieve the identified success rate.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Implementation of mitigation measure **BIO-7** would reduce impacts to riparian habitat by requiring the preparation of a revegetation plan as part of the Decommissioning Plan, which identifies performance standards for revegetation after decommissioning and outlines requirements of the plan. The County finds, based on the entire record, that project implementation will result in less than significant impacts to a sensitive vegetation community after the implementation of mitigation measure **BIO-7**.*

c) Conflict with Any Local Policies or Ordinances Protecting Biological Resources

The project site is within the planning area of several adopted local plans, including the West Mojave Plan (BLM 2006), the County General Plan (County of San Bernardino 2007), and the DRECP. However, the West Mojave Plan and the DRECP apply only to BLM-administered lands and therefore do not apply to the project. With implementation of mitigation measures **BIO-1** through **BIO-7**, the project would be consistent with the County's goals and policies (Impact 3.4-5 of the EIR).

Mitigation Measures:

Implement mitigation measures **BIO-1** through **BIO-7**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measures **BIO-1** through **BIO-7** would reduce direct and indirect cumulative biological impacts by requiring the implementation of species- and site-specific avoidance and/or minimization measures, such as the implementation of preconstruction clearance surveys for desert tortoise, burrowing owl, and desert kit fox prior to ground-disturbing activities to verify the potential presence of the species on-site. The County finds, based on the entire record, that conflicts with local policies or ordinances protecting biological resources will be reduced to less than significant with the implementation of mitigation measures **BIO-1** through **BIO-7.***

d) Cumulative Impacts

The geographic scope for considering cumulative impacts on biological resources includes other related projects in the County's Desert Region. Table 3.0-1, Cumulative Projects, and Exhibit 3.0-1, Cumulative Projects Map**,** in Section 3.0 of this EIR identify the related projects considered for this cumulative impact analysis, which consist primarily of other renewable energy projects.

Development of cumulative projects could result in direct take to special-status plant and wildlife species; construction, operational, and decommissioning disturbances; and/or special-

status habitat conversion. While most of the cumulative projects would convert undeveloped land into renewable energy facilities, over time, vegetation communities would re-establish between the panels, fencing, and utility structures, allowing wildlife (e.g., rodents, raptors, small birds, and reptiles) to continue inhabiting and foraging on the sites over the lifetime of the projects (approximately 30 years). Decommissioning plans, required for solar projects, also outline revegetation requirements for potential habitat growth. Therefore, while habitat would be temporarily disturbed or removed during the construction and decommissioning phases, operation and post-operation of such renewable energy facilities would not result in substantial permanent impacts to special-status species and habitats, and the affected lands could return to existing conditions for the foreseeable future.

Further, as with the proposed project, these cumulative projects would also be required to avoid and/or mitigate impacts to special-status species and habitats in accordance with County, CDFW, and USFWS requirements. Therefore, the project's less than significant impacts with mitigation incorporated, in combination with other reasonably foreseeable development projects in the County's Desert Region, would not result in significant cumulative impacts to special-status species or habitats. Accordingly, the proposed project would not result in a considerable contribution to a significant cumulative impact (Impact 3.4-7 of the EIR).

Mitigation Measures:

Implement mitigation measures **BIO-1** through **BIO-7**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measures **BIO-1** through **BIO-7** would reduce direct and indirect cumulative biological impacts by requiring the implementation of species- and site-specific avoidance and/or minimization measures, such as the implementation of preconstruction clearance surveys for desert tortoise, burrowing owl, and desert kit fox prior to ground-disturbing activities to verify the potential presence of the species on-site. Other projects in the vicinity would similarly be required to mitigate potential impacts to biological resources. The County finds, based on the entire record, that impacts to sensitive species will be reduced to less than significant with the implementation of mitigation measures **BIO-1** through **BIO-7.***

3. CULTURAL RESOURCES

a) Historic Resources

Potential Direct Impacts

The Class III Cultural Resource Inventory (HDR 2018) consisted of a records search encompassing a 1-mile radius around the proposed project area at the South Central Coastal Information Center (SCCIC), at California State University, Fullerton; an intensive pedestrian survey of the entire Area of Potential Effect (APE); and an evaluation of cultural resources identified in the project APE. The SCCIC records search, performed in July 2017, also included a review of the site records, GIS data, survey reports, and online database – Nationwide

Environmental Title Research, LLC site. US Geological Survey maps 1954 to present and aerial photographs 1952 to present were reviewed.

As shown in Table 3.5-1 of the EIR, 10 resources within the APE are either eligible for the NRHP or the CRHR or recommended potentially eligible for listing. Proposed project construction would take place within or near the site boundaries of two historical resources: LADWP transmission lines (P-36-007694) and Barstow-Daggett Airport Historic District (P-36-010627); however, no significant components of these resources will be destroyed or adversely altered. Project work within or near these resources would consist of minimal ground disturbance and the presence of project vehicles in already disturbed areas.

The remaining five prehistoric archaeological resources P-36-001961, P-36-005067, Coolwater HDR-23, Coolwater HDR-57, Coolwater HDR-58 and three historic-period archaeological resources Coolwater HDR-61, Coolwater HDR-45 (a new component of P-36-007883), and Coolwater ISO-56 are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage (Criterion A); embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values (Criterion C); or have yielded, or may be likely to yield, information important in prehistory or history (Criterion D). Therefore, these sites are significant and eligible for listing in the CRHR. The historical resources present could potentially be impacted by the proposed project.

However, avoidance of historical resources is feasible. To protect these resources in place, mitigation measure **CUL-1** requires fencing the 50-foot buffer around the known boundaries of historical resources to protect them in place during construction and decommissioning. Therefore, any impacts would be less than significant with mitigation. No ground disturbing work would occur once the project is fully constructed and in operations, and therefore no impacts to these resources are anticipated during project operation (Impact 3.4-1).

Potential Indirect Impacts

Based on scoping comments, a viewshed analysis was completed from seven cultural resources located both inside and outside the APE, to determine the potential for indirect impacts to LADWP transmission lines (P-36-007694), the Barstow-Daggett Airport Historic District (P-36-010627), the BNSF Railroad (P-36-006693), Route 66 (P-36-002910), the Daggett Ditch (P-36-007883) located outside the APE not that portion located inside the APE (Coolwater HDR-45), the Mojave Trail (P-36-004928), the Daggett historic district (P-36-026531) including all its components, and Calico Ghost Town (State Historical Landmark 782). These resources were selected based on their significance and concerns expressed in scoping comments regarding visual impacts.

In relation to the APE, all resources considered are either within the APE, within the foreground zone, or within the middleground zone except for the Calico Ghost Town which is in the background zone. The APE, as viewed from multiple vantages, is already developed with agricultural, rural residential, and industrial uses. The current infrastructure includes but is not limited to the Coolwater Generating Station, Los Angeles Department Water and Power (LADWP) transmission lines, and the Sunray Solar Generating Station. For further analysis of the visual aesthetics of the area, refer to Section 3.1 of this EIR.

The LADWP transmission lines [P-36-007694], the Barstow-Daggett Airport Historic District [P-36-010627], the BNSF Railroad [P-36-006693] are the closest resources to the project site. The LADWP transmission lines border the existing Sunray Solar Facility, and additional solar panels in the area would not detract from their significance. Undeveloped airport property at a width ranging from 1,000 to 3,000 feet buffers significant components of the Barstow-Daggett Airport historic district, and many structures are surrounded by trees, which would obscure the view of low-profile solar panels.

No significant components of the district would be visually impacted to a degree that would detract from their historic integrity. The segment of the BNSF railroad nearest to the APE has already been assessed twice as not contributing to the significance of the resource due to a loss of substantial historic integrity and the proposed undertaking would not reduce the integrity any further. The presence of the railroad actually obscures the view of the APE from many viewpoints at lower elevations. The historic integrity of the LADWP transmission lines, the Barstow-Daggett Airport historic district, and the BNSF Railroad will not be altered by the proposed project and they will still possess enough historic integrity to convey their significance.

Route 66 [P-36-002910] is parallel to the southern border of the proposed project site at distances ranging from 950 to 2,100 feet and is separated from it by the BNSF railway berm. The project would be visible in the foreground and middleground from Route 66, beyond the railway (farther north). In the middleground, a combination of agricultural and rural residential uses and associated windrows are present. Ridgelines, including the Calico Mountains on the left and Alvord Mountain in the center, are visible in the background. Although it would be visible from Route 66, the proposed project would not adversely affect the integrity of setting or feeling and would not have any effect on location, design, materials, workmanship, or association.

With respect to setting and feeling, the area surrounding this portion of Route 66 is relatively void of urban development, with mainly open space, and agricultural and infrastructure facilities, including the airport, railroads, power transmission lines, and a solar energy facility. The addition of the project would be consistent with this pattern of development and not significantly alter the integrity of setting or feeling of Route 66.

The project will not indirectly impact the portion of the Daggett Ditch [P-36-007883] located outside the APE, the Mojave Trail [P-36-004928], the Daggett historic district [P-36-026531] including all its components, or Calico Ghost Town [State Historical Landmark 782]). Regarding Daggett Ditch, integrity of location, association, materials, design, and workmanship are still intact as the segment maintains its historic alignment and has not been altered since abandonment. Integrity of setting and feeling are mostly intact but have been reduced by the construction of more modern development. The portion of Daggett Ditch within the APE (Coolwater HDR-45) will be protected from project impacts with fencing. To the south and east of the Daggett Ditch are the Coolwater Generating Station, several other industrial disturbances, and surrounding vegetation coverage which obscure any views between the resource and the APE. The recorded segment of the Mojave Trail was found to be recorded incorrectly and is not near the APE but several miles to the west/northwest near Daggett. Any views from the east end of the Daggett historic district and Mojave Trail towards the APE are completely blocked by topography and vegetation; therefore, the integrity of the district and Mojave Trail will not be affected.

The APE from Calico Ghost Town is completely obscured by the Calico Mountains, with the exception of the Calico Cemetery. However, the existing Sunray Solar Facility is not apparent from this location, indicating that the proposed project, which will have solar panels of similar dimensions and will be approximately the same distance from the Calico Cemetery as the Sunray facility, will not be apparent after the project's completion. Therefore, the proposed project would not significantly impact the historic integrity of Calico Ghost Town.

Implementation of mitigation measure **CUL-1** would reduce project impacts by requiring the installation of fencing in order to minimize potential disturbance to known historic resources during project construction and decommissioning. With implementation of mitigation measure CUL-1, the project is not anticipated to cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation (Impact 3.4-1).

Mitigation Measures:

CUL-1 Fencing shall be installed and maintained along the 50-foot buffer around the known boundaries of historical resources (P-36-001961, P-36-005067, Coolwater HDR-23, Coolwater HDR-57, Coolwater HDR-58, Coolwater HDR-61, Coolwater HDR-45 [a component of P-36-07883], and Coolwater ISO-56) to protect them in place during construction and decommissioning.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Implementation of mitigation measure **CUL-1** would reduce impacts to historical resources by requiring the installation of a 50-foot buffer around the resources identified in **CUL-1**. The County finds, based on the entire record, that impacts on historical resources will be less than significant with the implementation of the identified mitigation.*

b) Archaeological Resources

Based on the requirements of mitigation measure **CUL-1**, known historical resources will be avoided and preserved in place during construction and decommissioning, and no impacts to known resources are expected during operations. Additionally, mitigation measure **CUL-2** reduces impacts to currently unknown archaeological resources by requiring an archaeologist provide all construction workers with Worker Education Awareness Program that will discuss the potential for archaeological resources and what to do in the event of discovery. Lastly, in the event that unknown buried archaeological resources are unearthed during project construction, implementation of mitigation measure **CUL-3** would mitigate any impacts to archaeological resources to a less than significant level.

With implementation of mitigation measures **CUL-1**, **CUL-2** and **CUL-3** the proposed project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation.

Mitigation Measures:

Implementation of mitigation measure CUL-1

CUL-2 The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project and conducting subsurface activities. Development of the WEAP shall include consultation with an archaeologist. The training shall include an overview of known historical resources and potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist.

CUL-3 In the event that previously unknown historic era archaeological resources (sites, features, or artifacts) are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Pursuant to CEQA Guidelines Section 15126.4(b)(3), proposed project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County. Protocol for discovery and treatment of pre-contact resources is outlined in mitigation measure **CUL-8.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measures **CUL-1** through **CUL-3** would reduce impacts to historical and archaeological resources by requiring the installation of a 50-foot buffer around identified resources; implementation of a Worker Education Awareness Program (WEAP) for relevant construction personnel working on-site; and that work occurring within 100 feet of the find shall immediately cease if any previously undocumented cultural resources are identified during project development, until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. The County finds, based on the entire record, that impacts on archaeological resources will be less than significant with the implementation of the identified mitigation.*

c) Paleontological Resource or Geologic Feature

The proposed project site is mapped as younger alluvium, which has low sensitivity for paleontological resources. The records search performed by the Natural History Museum of Los Angeles County did not identify any vertebrate fossil find localities in the proposed project area.

The nearest fossil locality occurring in alluvial deposits associated with the Mojave River is about 35–40 miles east-northeast. Intermediate age or older age alluvial fan deposits are located within about 1 mile to the south of the proposed project boundary. This location suggests these units could be found underlying the young Mojave River wash sediments mapped within the proposed project boundaries.

To mitigate any potential impacts to paleontological resources, implementation of mitigation measures **CUL-4** and **CUL-5** is required. The purpose of the mitigation measure is to educate construction personnel regarding subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation and standard protocol procedures. Therefore, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature. Impacts would be less than significant with mitigation.

Mitigation Measures:

CUL-4 The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project on subsurface activities. Development of the WEAP shall include consultation with an archaeologist and an expert with expertise in paleontology. The training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist. Prior to any ground-breaking activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP.

CUL-5 In the event that paleontological resources are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. If it is demonstrated that resources cannot be avoided, the qualified paleontologist shall develop additional treatment measures in consultation with the County, which may include recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measures **CUL-4** and **CUL-5** would reduce impacts to paleontological resources by requiring the implementation of a Worker Education Awareness Program (WEAP) for relevant construction personnel working on-site, and requiring that work occurring within 100 feet of the find shall immediately cease if any previously undocumented paleontological resources*

are identified during project development, until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. The County finds, based on the entire record, that impacts on paleontological resources will be less than significant with the implementation of the identified mitigation.

d) Impact on Human Remains

The project site is not located on a known cemetery, and no human remains are anticipated to be disturbed during the construction phase. However, the County has complied with procedures for consulting with Native American tribes as outlined in AB 52 and the project would be compliant with the requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and Public Resources Code Section 5097. Mitigation measure **CUL-6** would ensure project conformance with standard procedures in the event that humans remains are discovered during project construction and would reduce impacts to such resources to less than significant levels.

Mitigation Measures:

CUL-6 In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be

asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*The monitoring and procedures required by mitigation measure **CUL-6**, such as notifying the County Coroner within 24 hours of the discovery, will provide that potential impacts to human remains are mitigated to a less than significant level. The County, on the basis of the entire record, finds that impacts on human remains from the project will be less than significant with mitigation.*

e) Impacts on Tribal Cultural Resources

In compliance with AB 52, the County of San Bernardino distributed notification letters to applicable tribes that had previously requested to be notified of future projects proposed by the County, notifying each tribe of the opportunity to consult with the County regarding the proposed project, including the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Serrano Nation, Colorado River Indian Tribes and Soboba Band of Luiseno Indians. Responses were received from the Morongo Band of Mission Indians and the San Manuel Band of Mission Indians. As of the date of publication of the Draft EIR, consultation has occurred with both the San Manuel and Morongo Bands of Mission Indians and is ongoing.

As shown previously in Table 3.5-1 of the EIR, 10 resources within the APE are either eligible for the NRHP or the CRHR or recommended potentially eligible for listing. Of those, the five prehistoric archaeological resources are also considered to be tribal cultural resources by the San Manuel Band of Mission Indians. Of those five resources, the tribe has indicated that four would be adequately avoided through project design (as enforced by mitigation measures **CUL-1** and **CUL-2**), resulting in less than significant impacts.

The remaining tribal cultural resource (CA-SBR-1961) is also proposed to be avoided via the fencing and buffer requirements outlined in mitigation measure **CUL-1.** However, the tribe expressed concern that the resource may extend further than currently mapped and therefore desires subsurface testing to better define the boundaries, such that avoidance can be further ensured. Accordingly, mitigation measures **CUL-7** and **CUL-8** require preparation of a Testing Plan to allow for additional subsurface testing at the site of the resource and identify procedural requirements in the event that a discovery is made. Mitigation measures **CUL-7** and **CUL-8** would reduce potential impacts to this tribal cultural resource to a less than significant level.

Additionally, similar to archaeological and paleontological resources discussed previously in this section, there is also potential for inadvertent discoveries of tribal cultural resources on the project site. Mitigation measures **CUL-6** and **CUL-8** are thus also required to ensure proper disposition of inadvertent discoveries.

Mitigation Measures:

Implement mitigation measure **CUL-6.**

CUL-7 Due to the potential impact to a significant archaeological site (CA-SBR-1961), subsurface archaeological testing shall be conducted by at least one archaeologist, with at least 3 years of regional experience in archaeology, within the area of concern identified by the San Manuel Band of Mission Indians during consultation. Prior to any ground-disturbing activity, testing shall be conducted to confirm presence or absence of subsurface material and to delineate site boundaries. Testing may employ a number of subsurface investigative methods, including shovel test probes, and/or deep testing via controlled units, augers or trenching.

The area of concern will be determined in the testing plan and shall be dug and dry-sifted through 1/8-inch mesh screens. A Testing Plan shall be created by the archaeologist and submitted to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Lead Agency for review at least 10 business days prior to implementation in order to provide time to review/modify the Plan, if needed. The Plan shall outline the protocol of presence/absence testing and contain a treatment protocol detailing that 1) no collection of artifacts or excavation of features shall occur during testing, and 2) all discovered resources shall be properly recorded and reburied *in situ* (see mitigation measure **CUL-8**).

The results of testing shall be presented to the applicant, Lead Agency, and SMBMI in the format of a report, which shall include details regarding testing methodology, soil assessment, and photographs. If the results of testing, as approved by SMBMI, are positive, then SMBMI and the Lead Agency shall, in good faith, consult concerning appropriate treatment of the resource(s), guidance for which is outlined in mitigation measure **CUL-8**. If the results of testing, as approved by SMBMI, are negative, then SMBMI will conclude consultation unless additional discoveries are made during project implementation in which consultation would resume. All discoveries made during project implementation shall be subject to the treatment protocol outlined within the Testing Plan, as well as the treatment guidelines within mitigation measures **CUL-6** and **CUL-8**.

CUL-8 If a pre-contact tribal cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied *in situ*. If a pre-contact tribal cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.

Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource(s). As outlined in CEQA, the applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in

place, and therefore the removal of the resource(s) is necessary to mitigate impacts, a research design shall be developed in consultation with SMBMI.

The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloguing and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the project developer/applicant to pay for those fees.

All draft archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

CUL-9 Prior to ground-disturbing activities, the project proponent shall provide evidence that a Native American tribal monitor from the Morongo Band of Mission Indians has been retained to monitor ground disturbing excavation activities.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*The tribal monitoring and procedures required by mitigation measures **CUL-7** through **CUL-9**, such as the requirement that any pre-contact tribal cultural resource discovered during archaeological presence/absence testing be properly recorded and then reburied in situ, will provide that potential impacts to tribal cultural resources are mitigated to a less than significant level. The County, on the basis of the entire record, finds that impacts on tribal cultural resources from the project will be less than significant with mitigation.*

f) Cumulative Impacts to Cultural Resources

The geographic area of analysis for cultural resources includes the site, adjacent properties and the Mojave Valley. This geographic scope of analysis is appropriate because the archaeological, historical, tribal cultural, and paleontological resources within this area are expected to be similar to those that occur on the project site. Their proximity and similarity in environments, landforms, habitation patterns, and hydrology would result in similar land-use, and thus, site types. Similar geology within this vicinity would likely yield fossils of similar sensitivity and quantity.

In addition, the defined area of analysis is a large enough to encompass any effects of the project on cultural and paleontological resources that may combine with similar effects caused by other projects and provides a reasonable context wherein cumulative actions could affect cultural and paleontological resources. The project could cause impacts on cultural and paleontological resources during the grading and construction period or as a result of operation and maintenance, or closure and decommissioning activities.

Cumulative projects within the geographic scope of analysis are identified in Table 3.0-1 in Section 3.0 of this EIR.

Ongoing development and growth in the broader project area may result in a cumulatively significant impact to cultural resources, tribal cultural resources, and paleontological resources due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried archaeological, paleontological, or tribal cultural resources. Because there is always a potential to encounter unrecorded archaeological, tribal cultural, and paleontological resources during construction activities, no matter the location or sensitivity of a particular site, mitigation measures **CUL-1** through **CUL-9** are required to protect, preserve, and maintain the integrity and significance of cultural, tribal cultural, and/or paleontological resources in the event of the unanticipated discovery of a significant resource.

As discussed above, the individual, project-level impacts were found to be less than significant with incorporation of mitigation measures, and the proposed project would be required

by law to comply with all applicable federal, state, and local requirements related to historical, archaeological, paleontological, and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA, and to implement all feasible mitigation measures should a significant project-related or cumulative impact be identified. With implementation of applicable regulatory requirements and mitigation measures **CUL-1** through **CUL-9** the proposed project would not have a cumulatively considerable contribution to impacts to archaeological and paleontological resources from decommissioning activities.

Mitigation Measures:

Implement mitigation measures **CUL-1** through **CUL-9.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Although no cultural resources were identified in the project area, it does not preclude the possibility of unknown historical, archaeological, or paleontological resources being found during construction and ground-disturbing activities for the proposed project. Therefore, mitigation measures **CUL-1** through **CUL-8** will be implemented to ensure impacts would be less than significant after mitigation. Other projects in the vicinity would similarly be required to mitigate potential impacts to cultural resources. The County finds, on the basis of the record, that the project's cumulative impacts on cultural resources would be less than significant with mitigation because other future projects would be required to comply with CEQA and implement necessary mitigation measures to offset any potentially significant impacts on cultural resources.*

4. GEOLOGY AND SOILS

a) Strong Seismic Shaking

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires. The project site is located in a seismically active area and could experience ground shaking associated with an earthquake along nearby faults. The site is susceptible to primary and secondary hazards related to seismic activity.

Although no mapped active faults traverse the project site, there are several mapped, active faults in the proximity. The closest one is the Calico fault (part of the Calico Fault Zone), a right-lateral strike-slip fault, approximately 2 miles northeast of the project site.

In order for structural engineers to employ proper design methods in seismically active locations, the International Building Code (IBC), ASCE 7-02, and ASCE 7-05 define six site classes, which are based on the upper 100 feet of soil and rock. Typically, buildings on soft or

loose soils sustain substantially more damage than comparable buildings on stiff soil or rock. Soil deposits amplify the level of ground shaking relative to the level of shaking of bedrock.

The amount of ground-motion amplification depends on the wave-propagation characteristics of the soils, which can be estimated from the measurements of the shear-wave velocity. Soft soils with slower shear-wave velocities generally produce greater amplification than stiff soils with faster shear-wave velocities. Therefore, the site classes of the IBC, ASCE 7-02, and ASCE 7-05 are defined in terms of shear-wave velocity. The IBC, ASCE 7-02, and ASCE 7-05 define six site classes, Site Class A through Site Class F (Kelly 2006). Site Classes A and B are rock sites, while Site Classes C through F are soil sites (Table 3.6-1). According to the geotechnical report, a seismic Site Class D is considered suitable for the project site.

All new development and redevelopment is required to comply with the CBC, which includes provisions for buildings to structurally survive an earthquake without collapsing. Additionally, the geotechnical study recommends that building structure and improvements be designed using Site Class D and includes seismic design parameters in accordance with the CBC. Implementation of mitigation measure **GEO-1** would reduce potential ground shaking impacts to a less than significant level because the project applicant would be required to demonstrate to County planning and engineering staff that the recommendations in the geotechnical report have been incorporated into project design and that the project complies with all applicable requirements of the CBC. Therefore, adherence to CBC requirements and the incorporation of recommendations outlined in the geotechnical report will reduce impacts to levels less than significant (Impact 3.6-1a of the EIR).

Mitigation Measures:

GEO-1 Prior to the issuance of grading permits, the project proponent/operator shall retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered and licensed professional engineer and consistent with the recommendations in the *Preliminary Geotechnical Engineering Report* prepared by Terracon Consultants, Inc. (2018).

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **GEO-1** will reduce impacts related to strong seismic shaking by requiring the project to retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. The County, on the basis of the entire record, finds that impacts on expansive soils from the project will be less than significant with mitigation.*

b) Exposure to Seismic-Related Ground Failure

Expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink when dried. Foundations constructed on these soils are subjected to uplifting forces caused by the swelling. Without proper measures taken, heaving and cracking of both building foundations and slabs-on-grade could occur. Based on the results of the on-site borings, subsurface conditions within the depth of exploration on the project site can be generalized as loose to very dense sand with variable amounts of gravel, silt, and clay.

Based on laboratory test results, the project site has soils that have medium plasticity and are expected to have low to medium expansive potential (Terracon 2018). The project would comply with the design standards found in CBC Chapter 18, Soils and Foundation, which includes requirements for development consistent with the conditions found on the project site. Additionally, the geotechnical report includes foundation design recommendations to ensure foundation designs match vertical load.

During the building permit application process, County staff will verify that the type of construction proposed is consistent with the actual soils present on the proposed project site and that the recommendations found in the geotechnical report have been incorporated into the site design as required by mitigation measure **GEO-1**. Based on on-site conditions and development requirements outlined in the CBC, as well as the recommendations in the geotechnical report, impacts associated with expansive soils are considered less than significant with mitigation (Impact 3.6-1c of the EIR).

Mitigation Measures:

Implement mitigation measure **GEO-1**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **GEO-1** will reduce impacts related to seismic-related ground failure by requiring the project to retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. The County, on the basis of the entire record, finds that impacts on expansive soils from the project will be less than significant with mitigation.*

c) Expansive Soils

Expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink when dried. Foundations constructed on these soils are subjected to uplifting forces caused by the swelling. Without proper measures taken, heaving and cracking of both building foundations and slabs-on-grade could occur. Based on the results of the on-site borings, subsurface conditions within the depth of exploration on the project site can be generalized as loose to very dense sand with variable amounts of gravel, silt, and clay.

Based on laboratory test results, the project site has soils that have medium plasticity and are expected to have low to medium expansive potential (Terracon 2018). The project would

comply with the design standards found in CBC Chapter 18, Soils and Foundation, which includes requirements for development consistent with the conditions found on the project site. Additionally, the geotechnical report includes foundation design recommendations to ensure foundation designs match vertical load.

During the building permit application process, County staff will verify that the type of construction proposed is consistent with the actual soils present on the proposed project site and that the recommendations found in the geotechnical report have been incorporated into the site design as required by mitigation measure **GEO-1**. Based on on-site conditions and development requirements outlined in the CBC, as well as the recommendations in the geotechnical report, impacts associated with expansive soils are considered less than significant with mitigation (Impact 3.6-4 of the EIR).

Mitigation Measures:

Implement mitigation measure **GEO-1**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **GEO-1** will reduce impacts related to expansive soils by requiring the project to retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. The County, on the basis of the entire record, finds that impacts on expansive soils from the project will be less than significant with mitigation.*

d) Cumulative Impacts

All areas of San Bernardino County are considered seismically active, to a less or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, in combination with related projects, would result in significant cumulative impacts. Other projects include solar projects and some residential, commercial, and industrial development. The majority of the cumulative projects are similar to the proposed project regarding construction and operational activities. Related projects would also be subject to similar seismic hazards since they are located in the project vicinity. 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 proposed project if they occurred in the same location.

Additionally, on-site soils are located on fairly level slopes, which generally limits erosion potential because runoff across flat surfaces does not have a substantially high velocity. Although construction activities have the potential to result in erosion on the project site, adherence to the recommendations in the geotechnical report and other grading and building requirements will mitigate erosion impacts to less-than-significant levels. 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 proposed project are subject to

environmental review and would be required to conform to the County General Plan and Building Code. With implementation of mitigation measure **GEO-1** and other grading and building requirements, the proposed project would not contribute to cumulative impacts for geologic, seismic hazards or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, state, and federal building and safety standards prior to County issuance of grading and/or building permits. As a result, with implementation of mitigation, cumulative impacts related to geology and soils would be less than significant (Impact 3.6-6 of the EIR).

Mitigation Measures:

Implement mitigation measure **GEO-1**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **GEO-1** will reduce impacts related to cumulative impacts by requiring the project to retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. Other projects in the vicinity would similarly be required to mitigate potential impacts to geology and soils. The County, on the basis of the entire record, finds that cumulative impacts from the project will be less than significant with mitigation.*

5. HAZARDS AND HAZARDOUS MATERIALS

a) Hazards Related to the Upset or Release of Hazardous Materials into the Environment

Based on records review the Sunray Solar Energy project and Barstow-Daggett Airport were identified as containing RECs. Please refer to Table 3.8-1 of the EIR for a summary of the RECs identified or see **Appendix H-1** of this EIR for a detailed report of the occurrences at these two sites.

Records indicate that the site where the Sunray Solar Energy is currently located, is listed in some data bases as an inactive facility that contained RECs. The site was designated a Large Quantity Generator (LQG) meaning that the site generated 1,000 kilograms per month or more of hazardous waste or more than one kilogram per month of acutely hazardous waste. The site was also designated as an Emergency Planning and Community Right-to-Know (EPCRA) site which means the public was granted additional knowledge of the activities conducted at the site due to the public health risk posed by the storage and handling of toxic materials at the facility. This listing, however, is indicative of historical regulatory status of the adjacent property and is not considered a REC for the project site. The Sunray Solar Energy facility was decommissioned and rebuilt as a currently operating PV solar energy facility after County review and permitting was completed in 2015. No new occurrences have been reported at the redeveloped site.

The Barstow-Daggett Airport RECs are immediately adjacent to, and south of the project site and include nine USTs; soil contamination from the USTs is likely to exist. Additionally, two

waste disposal sites are on the airport property. Based on the RECs identified adjacent to the project site, there is a potential for impacted soils and groundwater to be present at the project site. Mitigation measure **HM-1** outlines additional research and a soil sampling effort to further identify whether any contamination reached the Daggett Solar Facility site and if so avoidance and minimization measures will be implemented.

Project construction for each project phase is expected to consist of two major stages. The first stage would include site preparation, grading ("smoothing" of the site because the project site is relatively flat and no major grading will occur), and preparation of staging areas and on-site access routes. The second stage would involve installation of solar arrays and constructing electrical components, including an aboveground gen-tie line (with certain portions placed underground where conflicts with existing infrastructure occur) and substations. On-site roads would be constructed with a scarified and compacted subgrade. Dust palliative, including water, may be applied to roads to limit dust.

The installation of solar arrays would require driving piles approximately 6 to 10 feet into the ground to support the racking system. Considering the depth to groundwater in the vicinity of the project site, which ranges from 100 to 200 feet below ground surface, and the 6- to 10-foot depths necessary for piles, the proposed project is not expected to encounter groundwater during construction.

Project development has the potential to release hazardous materials associated with the above described RECs into the environment. Therefore, mitigation measure **HM-1** is required to reduce potential impacts associated with potentially hazardous site conditions because mitigation measure **HM-1** requires additional environmental documentation review and on-site soil samplings of the RECs to verify pollution contamination levels prior to issuance of grading permits (Impact 3.8-2 of the EIR).

Mitigation Measures:

HM-1 The following actions shall be taken to address the potential RECs associated with the project site.

- Perform a review of relevant environmental documents of the properties associated with the RECs (Barstow-Daggett Airport) to validate the REC conclusion and further evaluate potential contaminants and areas of concern in order to inform locations where shallow soil sampling may be required and any soil disposal requirements prior to issuance of the grading permit for Phase 2 only (not required for other phases).

- Perform shallow soil sampling along the project site boundaries that are immediately adjacent to the Barstow-Daggett Airport in locations determined by the review required above and where grading is planned to screen the soils for elevated contaminant prior to issuance of the grading permit for Phase 2 only (not required for other phases).

- Prior to issuance of a grading permit, prepare a Soil Management Plan to provide background information regarding the project site, highlight areas of

concern that the grading contractor should be aware of during grading activities, and define the procedures for addressing suspected contaminated materials or subsurface anomalies that may be encountered during grading activities.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **HM-1** will reduce impacts related to the upset or release of hazardous materials into the environment by requiring additional environmental documentation review and on-site soil samplings of the RECs to verify pollution contamination levels prior to issuance of grading permits. The County, on the basis of the entire record, finds that impacts related to the upset or release of hazardous materials into the environment will be less than significant with mitigation.*

b) Safety Hazard Related to a Public Airport or Private Airstrip

Glint and Glare

Due to the nature of the project and the anticipated minimal grading and operation activities necessary, project construction, operations, and decommissioning are not anticipated to create safety hazards for people residing or working near the project site. Additionally, unlike solar thermal facilities, which rely on large fields of mirrors to reflect light, the potential reflection from solar PV modules used on a tracker mounting system is inherently low due to the materials of its construction and its mode of operation. PV cells are designed to capture (rather than reflect) sunlight. However, with Barstow-Daggett Airport located in such proximity, a glare study was conducted to analyze the potential for impacts.

A glint and glare analysis to identify whether the project significantly impacts Airport operations was performed and is included in **Appendix H-3**. Specifically, this analysis considered the impact on aircraft approaching land on Runways 08/26 and 04/22. The study was conducted in accordance with the FAA interim policy for Solar Energy System projects on Federally Obligated Airports.

The results of the study show that there is a “low potential for after image” associated with glare emanating from only a limited portion of the project and is within the acceptable range per FAA. This glare may be seen by aircraft making approaches to Runway 22. This level of glare is deemed acceptable by FAA standards per the interim policy for Solar Energy System projects on Federally Obligated Airports. No glare was identified that would have an effect on Runway 08/26 from any of the arrays. Therefore, there would be a less than significant impact on airport operations as a result of glint and glare from the project.

Public and Private Airports

Barstow-Daggett Airport, a County-owned, public-use, general aviation airport, is directly south of the project site. The project site is not within 2 miles of a private airstrip. The nearest heliport is the SCE Solar Heliport approximately 2.7 miles east of the site. The nearest military

airport is the Twentynine Palms Strategic Expeditionary Landing Field, about 65 miles to the southeast.

The Airport Comprehensive Land Use Plan (ACLUP) for Barstow-Daggett Airport was prepared to comply with state planning law and is the primary land use document for the airport (County of San Bernardino 1992 and FAA 2012). The project is being designed in conformance with ACLUP policies and with input received from Airport and Fort Irwin Training Center staff. Additionally, an Obstruction Evaluation and Airspace Analysis was prepared by Capital Airspace Group for the project to identify aviation safety data necessary to be incorporated into the final project design (Tetra Tech 2018b; see Attachment 3 of **Appendix H-3**).

The ACLUP establishes land uses for the area in the vicinity of the airport. The plan area is divided into three Safety Areas, each of which reflects a particular level and type of hazard or risk within its borders. Portions of the project site is located within Safety Area 1 and Safety Area 3, although Safety Area 1 represents a relatively small portion of the overall project site. In general, land uses in Safety Review Area 3 are typically compatible with the airport's activities, while development in Safety Area 1 is more restrictive and prohibitive.

Safety Area 1 is designated as both a runway object-free area (OFA) and a runway protection zone (RPZ). The project portion within Safety Area 1 is located within the RPZ, while no project features are located in the OFA. The intention of the RPZ is to identify and preserve an area off each runway end that has significant potential for aircraft crashes during takeoffs and landings. Therefore, development in the RPZ is either prohibited or restricted based on FAA requirements.

Development, and associated design features, that might create glare, produce misleading lights, or lead to the construction of residences, fuel handling and storage facilities, smoke generating activities, and places of public assembly are prohibited in the RPZ. Furthermore, according to current FAA guidance, solar panels are prohibited within runway protection zones (RPZs). Therefore, impacts are potentially significant.

The applicant will be required to obtain a Form 7460-1 Determination of No Hazard or equivalent from the Federal Aviation Administration (FAA) prior to issuance of building and grading permits from the County. Development of the project in the RPZ would be in accordance with guidance for Safety Review Areas, and in consultation with the FAA and Airport Land Use Commission (ALUC). FAA review and issuance of a Form 7460-1 Determination of No Hazard or equivalent will require the project applicant to incorporate final design modifications and safety features (e.g., maximum height, clearance requirements) in accordance with the Obstruction Evaluation (Tetra Tech 2018b; see Attachment 3 of **Appendix H-3**). In addition, project facilities including solar energy equipment, fences and transmission line structures within the RPZ or Safety Area 1 would be reviewed by the FAA under the Form 7460-1 process for potential hazard identification. If the development within the Safety Areas does not pose a hazard to airport activities, the FAA may issue a Form 7460-1 Determination of No Hazard or equivalent. If the FAA finds that the structures within the RPZ do not comply with FAA requirements, the FAA may require project alterations, such as removing solar panels from the RPZ or undergrounding utilities, before a Form 7460-1 Determination of No Hazard or equivalent is granted. Potential impacts to airport operations and public safety would be minimized to a less than significant level

with implementation of mitigation measure **HM-2** by requiring the applicant to provide the County evidence of a Form 7460-1 Determination of No Hazard or equivalent for the applicable structure from the FAA prior to issuance of building or grading permits.

Mitigation Measures:

HM-2 Prior to issuance of building and grading permits for each CUP phase, the Applicant shall provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration (FAA) at representative perimeter locations of the CUP phase to verify that structures do not pose a hazard to aircraft navigation.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **HM-2** will reduce impacts related to safety hazards related to a public airport or private airstrip by requiring the applicant to provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration prior to issuance of building and grading permits. The County, on the basis of the entire record, finds that impacts related to safety hazards related to a public airport or private airstrip will be less than significant with mitigation.*

6. LAND USE

a) Conflict with an Applicable Plan

General Plan

The San Bernardino County General Plan designates the project site with the following land uses: General Industrial, Residential, Open/Non-Developed, and Agricultural. County zoning for the project site allows the development of renewable energy generation facilities with County approval of a CUP (Development Code Section 85.06).

Additionally, the County's General Plan Renewable Energy and Conservation Element is intended to establish goals and policies to manage renewable energy development and conservation. The project is subject to such goals and policies contained in the Renewable Energy and Conservation Element and will be evaluated for conformance with such policies during County environmental review and processing. The project's consistency with the applicable goals and policies is described in Table 3.10-2 of the EIR.

The County adopted an amendment to the RECE on February 28, 2019 prohibiting utility-scale renewable energy development on lands designated as Rural Living or on lands located within the boundary of an adopted community plan, unless an application for development of a renewable energy project has been accepted as complete in compliance with California Government Code Section 65943 before the effective date of the resolution. As the proposed project application was deemed complete on March 22, 2018, it is not subject to this new policy.

Height Variance

The project is also seeking an exception and a variance from the height restrictions pursuant to Development Code Chapters 83.02.040(c)(2)(T) and 85.17. The general height limits within the Desert District are 75 feet within the IR zone and 35 feet within the AG, RC and RL zones. Development Code Chapter 83.020.040 allows for miscellaneous structures to be increased by up to 50 percent of the height limit for the applicable zone. With a height exception, the applicable height limits would be 112.50 feet in the IR zone and 52.5 feet in the AG, RC and RL zones. The project is proposing to obtain a variance pursuant to Development Code Chapter 85.17 from this height restriction to allow gen-tie structures up to 159 feet in height.

While the gen-tie structures would generally be up to 120 feet in height to accommodate engineering and safety clearance requirements, some poles may need to be up to 159 feet in height at locations where the lines would cross over the existing 60-foot high-voltage transmission lines in the area, while other structures may be considerably shorter than 120 feet. Additionally, some sections of the gen-tie line may be placed underground where necessary, particularly in the areas of the Barstow-Daggett Airport and the LADWP transmission lines, thereby eliminating the need for poles in those sections. The specific gen-tie alignments and associated structure locations and heights will be determined in concurrence with application for building and electrical permits.

The project site is located near several existing transmission lines of varying heights. Variance from the County's height restrictions would not be distinctive in this area due to the presence of the existing transmission lines and therefore the variance would not result in significant impacts to the aesthetics of the area; refer to Section 3.1, Aesthetics and Visual Resources, for additional discussion.

Proposed Subdivision and Road Vacations

The Daggett Solar Power Facility consists of 51 Assessor Parcels totaling approximately 3,393 acres. The project proposes to subdivide and/or merge 47 of these 51 parcels into 14 new parcels. After the recordation of all phases of the Final Map, the site would consist of these 14 new parcels. The smallest legal parcel would be 5.0 acres and the largest would be 635 acres. All of the newly created parcels will have both physical and legal access to a public road. Lot mergers and/or lot line adjustments may be used in lieu of a tentative map on some project areas.

Subdivision Map(s) - It is anticipated that the applicant would file a tentative map to create the new parcels followed by the phased recordation of 5 final maps. A number of dedications will be required by the County as part of the mapping process to help establish proper access (ingress/egress) based on County requirements.

Road Vacations - It is anticipated that the County Public Works Department may require one or more road vacations on Assessor Parcels 0515-111-14, 15 & 16. Many of the dirt roads surrounding the site have offers of dedication that have not been accepted by the County. It is possible that the County may require a vacation on one or more of these roads if a solar array is planned to be constructed across one of these roads.

The Subdivision Map would result in mapping changes only and the road vacations would not preclude access to properties. Therefore, these changes would not result in significant land use impacts.

Agriculture/Farmlands

The project site is not subject to a Williamson Act contract (California Department of Conservation 2016a); therefore, no conflicts would occur in this regard. Portions of the site contain lands that are under active cultivation, as well as agricultural lands that are currently in a fallow state. The proposed project would result in the on-site conversion of land designated as Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance (Farmland), as shown on the California Department of Conservation's (2016b) San Bernardino County Important Farmland 2016 map, to nonagricultural use as portions of the project site are designated as such; refer also to Exhibit 3.2-2, Farmland Map, in Section 3.2, Agricultural and Forestry Resources.

Although the project would result in the loss of designated Farmland, such impacts are not considered to be significant as use of the site is not restricted by an agricultural contract and the site is not otherwise designated as preserve lands intended for the long-term protection of agricultural resources. Additionally, a Land Evaluation and Site Assessment (LESA) was prepared for the project (Tetra Tech 2018a; see Appendix C) which determined that, due to the character and quality of resources on-site, the project would not result in a substantial loss of Farmland that would be of significant value to the County.

For the above reasons, the project is not considered to conflict with an applicable land use plan, policy or regulation (e.g., Williamson Act or formal preserve dedication) adopted for the purpose of avoiding or mitigating an environmental effect. Impacts are considered less than significant. Refer to Section 3.2, Agriculture and Forestry Resources, for additional discussion.

Airport Land Use Plans

The project area is in proximity to existing high voltage electrical infrastructure, existing energy generation facilities, and other industrial uses. These include the existing non-operating Coolwater Generating Station, a 626 MW natural gas-fired power plant, the 44 MW photovoltaic Sunray Solar Project, several high-voltage substations and transmission lines owned by SCE, the LADWP high-voltage transmission corridor of approximately 1,000 feet in width and Barstow-Daggett Airport. Therefore, structural elements similar to those proposed with the project are present in the surrounding setting and in proximity to ongoing operations at Barstow-Daggett Airport.

The Airport Comprehensive Land Use Plan (ACLUP) for Barstow-Daggett Airport was prepared to comply with state planning law and is the primary land use document for the airport (County of San Bernardino 1992 and FAA 2012). The project is being designed in conformance with ACLUP policies and with input received from Airport and Fort Irwin Training Center staff. Additionally, an Obstruction Evaluation and Airspace Analysis was prepared by Capital Airspace Group for the project to identify aviation safety data necessary to be incorporated into the final project design (Tetra Tech 2019; see Appendix H-3).

The ACLUP establishes land uses for the area in the vicinity of the airport. The plan area is divided into three Safety Areas, each of which reflects a particular level and type of hazard or

risk within its borders. Portions of the project site is located within Safety Area 1 and Safety Area 3, although Safety Area 1 represents a relatively small portion of the overall project site. In general, land uses in Safety Review Area 3 are typically compatible with the airport's activities, while development in Safety Area 1 is more restrictive and prohibitive.

Safety Area 1 is designated as both a runway object-free area (OFA) and a runway protection zone (RPZ). The project portion within Safety Area 1 is located within the RPZ, while no project features are located in the OFA. The intention of the RPZ is to identify and preserve an area off each runway end that has significant potential for aircraft crashes during takeoffs and landings. Therefore, development in the RPZ is either prohibited or restricted based on FAA requirements.

Development, and associated design features, that might create glare, produce misleading lights, or lead to the construction of residences, fuel handling and storage facilities, smoke generating activities, and places of public assembly are prohibited in the RPZ. Furthermore, according to current FAA guidance, solar panels are prohibited within runway protection zones (RPZs). Therefore, impacts are potentially significant.

The applicant will be required to obtain a Form 7460-1 Determination of No Hazard or equivalent from the Federal Aviation Administration (FAA) prior to issuance of building and grading permits from the County. Development of the project in the RPZ would be in accordance with guidance for Safety Review Areas, and in consultation with the FAA and Airport Land Use Commission (ALUC). FAA review and issuance of a Form 7460-1 Determination of No Hazard or equivalent will require the project applicant to incorporate final design modifications and safety features (e.g., maximum height, clearance requirements) in accordance with the Obstruction Evaluation. In addition, project facilities including solar panels, fences and transmission line poles within the RPZ or Safety Area 1 would be reviewed by the FAA for compatibility with airport operations. If the FAA finds that development within the Safety Areas does not pose a hazard to airport activities based on height, glare, proximity to runways, and other air navigation safety factors, the FAA may issue a Form 7460-1 Determination of No Hazard or equivalent. If the FAA finds that the structures within the RPZ do not comply with FAA requirements, the FAA may require project alterations, such as removing solar panels from the RPZ or undergrounding utilities, before a Form 7460-1 Determination of No Hazard or equivalent is granted to the applicant. Potential impacts to airport operations and public safety would be minimized to a less than significant level with implementation of mitigation measure **HM-2** because the mitigation measure requires the applicant to provide the County with a Form 7460-1 Determination of No Hazard or equivalent from the FAA prior to issuance of building or grading permits.

Mitigation Measures:

Implement mitigation measure **HM-2**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **HM-2** will reduce impacts related to conflict with an applicable plan by requiring the applicant to provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration prior to issuance of building and grading permits. The County, on the basis of the entire record, finds that impacts related to land use and planning will be less than significant with mitigation.*

7. NOISE

a) Exposure of People to Noise Levels in Excess of Local Standards

Short-Term Construction

The proposed project is expected to be constructed in three phases. Within each development phase (Phases 1-3), the construction activities are separated into five different stages: (1) site preparation and grading; (2) solar array foundation installation, conductor installation, and construction of control building; (3) solar panel assembly and constructing electrical components; (4) inverter pad construction, substation installation, cabling and gen-tie construction; and (5) array and interconnection commissioning.

Based on sound model calculations, construction sound levels are predicted to range from 40 to 85 dBA at residential properties located at ML-1 through ML-8. Table 3.11-7 of the EIR summarizes the projected construction noise resulting from project construction. As shown in the table, the highest projected sound levels from construction-related activity are expected to occur at ML-2, ML-5, and ML-8 during activities associated with Stage 3 and Stage 4; refer to Exhibit 3.11-1 of the EIR.

The construction of the project may cause short-term, but unavoidable noise impacts that could be loud enough at times to temporarily interfere with speech communication outdoors and indoors with windows open for the limited number of nearby receptors. The noise levels resulting from the construction activities will vary significantly depending on several factors such as the type and age of equipment, specific equipment manufacture and model, the operations being performed, and the overall condition of the equipment and exhaust system mufflers.

Project construction would occur between 7 a.m. and 7 p.m., Monday through Friday in compliance with the County Code. However, at receptors located adjacent to the project property line there is a potential that the construction noise levels will exceed the FTA threshold of 80 dBA. Therefore, to reduce construction noise levels to below the FTA threshold noise modeling calculations show that temporary sound barriers, or other engineering solution, should be utilized when construction activities are located within 200 feet of a residence so that the noise level at the residents' property line is less than the FTA threshold of 80 dBA.

Implementation of mitigation measure **NOI-1** would reduce short-term related noise level impacts because it identifies specific noise reduction and abatement construction procedures to be implemented during construction (i.e., limiting construction noise to daytime hours and deploying a sound barrier when construction activities are located within 200 feet of a residence to ensure that noise levels at a resident's property line remain below the FTA threshold of 80 dBA). Due to the anticipated infrequent nature of loud construction activities at the site, the limited hours of construction, and the implementation of mitigation measure **NOI-1**, temporary noise impacts due to project construction would be less than significant.

In addition, the County's Development Code expressly exempts construction noise. Nonetheless, mitigation measure **NOI-1** would be implemented to reduce short-term construction noise to less than significant levels.

Long-Term Operation

The primary noise sources during operation will be the inverters, transformers, and battery storage heating, ventilation and air conditioning units (HVAC) units. Table 3.11-8 of the EIR shows the projected exterior noise levels resulting from full, normal operation of the project at the noise measurement locations. The table also includes the predicted net increase in sound energy at each of the eight MLs.

Typically, the noise-producing equipment would not operate during the nighttime (10 p.m. to 7 a.m.) The calculated noise level at ML-4 is shown to be at the County's daytime noise threshold of 55 dBA for stationary noise sources. To reduce noise levels at the sensitive receptors near ML-4, mitigation measure **NOI-2** would be required. Implementation of mitigation measure **NOI-2** would reduce operational noise to less than significant levels because it would require that battery storage containers located in the eastern portion of the project be rotated so that HVAC units are pointed away from sensitive receptors (or a comparable engineering solution to minimize noise from such equipment) to ensure compliance with noise level thresholds. With implementation of mitigation measure **NOI-2**, operational noise impacts to sensitive receptors would be less than significant.

Ambient noise at ML-6 was measured at 56 dBA, which exceeds the County's daytime threshold of 55 dBA, but the additional noise from project operations would not be enough to increase noise levels at ML-6. Therefore, no mitigation is required to reduce noise impacts at ML-6.

Decommissioning Noise

Decommissioning would first involve removing the solar photovoltaic (PV) panels for sale into a secondary solar PV panel market or for recycling. Most of the components of the solar installation are composed of materials that can be easily recycled. If the panels can no longer be used in a solar array, the aluminum can be sold for scrap metal and the glass can be recycled. Other components of the solar installation, such as the racking system and mechanical assemblies, can be recycled since they are made from galvanized steel. Equipment such as inverters and switchgears can be reused, or their components recycled. The equipment pads are made from concrete that can be crushed and recycled. Conduit and wire would be removed by uncovering trenches and backfilling when done. The electrical wiring is made from copper and/or aluminum and could also be reused or recycled.

Noise levels from decommissioning would be similar to the construction process. The same types of heavy equipment and vehicles would be used to decommission the site as were used to construct it. Decommissioning activities would comply with County construction noise ordinance standards as detailed previously. Implementation of mitigation measure **NOI-1** would reduce decommissioning-related noise level impacts by outlining noise reduction and abatement construction procedures, such as limiting construction noise to daytime hours and deploying a sound barrier when construction activities are located within 200 feet of a residence to ensure

that noise level at the residents' property lines remains below the FTA threshold of 80 dBA. Therefore, noise impacts from project decommissioning would be less than significant with mitigation.

Mitigation Measures:

NOI-1 The following noise mitigation measures are required to minimize noise impacts:

- Maintain all construction tools and equipment in good operating order according to manufacturers' specifications.
- Limit use of major excavating and earthmoving machinery to daytime hours.
- To the extent feasible, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited activities, such as concrete pours, may occur continuously until completion.
- Equip any internal combustion engine related to the job with a properly operating muffler that is free from rust, holes, and leaks.
- For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible.
- Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment.
- Utilize a complaint resolution procedure to address any noise complaints received from residents.
- Post signage showing the overall construction schedule.
- Deploy temporary sound barrier or other engineering solution when construction activities are located within 200 feet of a residence so that the noise level at the residents' property line is less than the federal transit administration threshold of 80 dBA. The sound barriers should be placed so that the construction equipment is blocked with a buffer of approximately 20 feet from the equipment to edges of the barrier. This reduction in noise can also be accomplished using a comparable engineering solution to minimize noise.

NOI-2 Battery storage containers located in the eastern portion of the project shall be rotated so that the heating, ventilation and air conditioning units are pointed away from receptors; or a comparable engineering solution to minimize noise from this equipment shall be implemented, such that noise levels do not exceed the County daytime threshold of 55 dBA.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **NOI-1** will ensure that short-term construction-related noise impacts are mitigated to a less than significant level by implementing measures such as limiting use of major excavating and earthmoving machinery to daytime hours and scheduling construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Mitigation measure **NOI-2** will reduce long-term noise impacts by positioning loud stationary sources away from sensitive receptors. The County finds, on the basis of the entire record, that the generation of noise levels resulting from project construction and operation activities would not exceed local standards, and impacts would be less than significant with mitigation.*

b) Permanent Noise Increase

As discussed in Impact 3.11-1 above, on-site noise sources associated with operation of the proposed project would include trackers, inverters, transformers, and battery storage HVAC units. The nearest noise-sensitive land uses are the residential properties adjacent to the project (ML-4, ML-5, ML-6, and ML-8). As shown in Table 3.11-8 of the EIR**,** during full, normal operation, noise levels at these locations would range from 47 to 56 dBA L_{eq}.

Typically, the noise-producing equipment will not operate during the nighttime (10 p.m. to 7 a.m.) Existing ambient noise at ML-6 was measured at 56 dBA, which exceeds the County's daytime threshold of 55 dBA. However, the additional noise from project operations would not increase the operational noise at ML-6, as shown in Table 3.11-8 of the EIR. In addition, operational noise levels at ML-6 were calculated to be in the 40-45 dBA range as shown in Exhibit 3.11-2. Therefore, no mitigation is required to reduce noise levels at ML-6.

Ambient noise levels at ML-4 were measured at 37 dBA with the dominant noise source coming from vehicle traffic along Silver Valley Road and Wildhorse Road. With the addition of the project, noise levels at ML-4 are expected to increase by 18 dBA to a total of 55 dBA, which would be at the County's daytime threshold for stationary sources. However, with implementation of mitigation measure **NOI-2**, noise levels at ML-4 with the addition of the project are expected to only increase by 11 dBA to a total of 48 dBA which would be less than the County's daytime threshold for stationary sources. Mitigation measure **NOI-2** would require that the battery storage containers located in the eastern portion of the property be sited so that the HVAC units are pointed away from sensitive receptors (or a comparable engineering solution) to reduce potential noise effects. With implementation of mitigation measure **NOI-2**, permanent noise impacts would be less than significant.

Mitigation Measures:

Implementation of mitigation measure **NOI-2**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **NOI-2** will reduce long-term noise impacts by positioning loud stationary sources away from sensitive receptors. The County finds, on the basis of the entire record, that the generation of noise levels resulting from project operation would not exceed local standards, and impacts would be less than significant with mitigation.*

c) Temporary Noise

As discussed in Impact 3.11-1 above, proposed project construction would consist of several phases and would include standard equipment such as graders, scrapers, backhoes, loaders, cranes, dozers, water trucks, portable generators and air compressors, and miscellaneous trucks. Noise levels generated by construction equipment would vary greatly, depending on factors such as the type and specific model of the equipment, the operation being performed, and the condition of the equipment.

The maximum noise level ranges for various pieces of construction equipment at a distance of 50 feet are listed in Table 3.11-9 of the EIR**.** The maximum noise levels at 50 feet for typical equipment would be up to 90 dBA for the type of equipment normally used for this type of project. However, because equipment will be used throughout the site and at different intervals during the construction workday, and due to the typical operating cycles for construction equipment involving 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings, the hourly average noise levels would vary. Construction noise in a well-defined area typically attenuates at approximately 6 dB per doubling of distance.

Based on sound model calculations, construction sound levels are predicted to range from 40 to 85 dBA at residential properties at ML-1 through ML-8. As shown in Table 3.11-7 of the EIR, the highest projected sound levels from construction-related activity are expected to occur at ML-2, ML-5, and ML-8 during activities associated with Stage 3 and Stage 4.

Noise from construction could result in annoyance at times to nearby noise-sensitive residences. However, the duration at any one location would be relatively brief, and project construction would comply with County construction noise ordinance standards (i.e., construction activities would take place only between the hours of 7 a.m. and 7 p.m. on weekdays, and not on Sundays or federal holidays). Although the County's Development Code exempts noise from construction, mitigation measure **NOI-1** would be implemented to reduce noise to less-than-significant levels. Mitigation measure **NOI-1** would reduce noise impacts because it would require noise reduction and abatement construction procedures (i.e., limiting construction activities to daytime hours and deploying a sound barrier when construction activities are located within 200 feet of a residence to ensure that noise levels at the residents' property line remains below the FTA threshold of 80 dBA). Due to the infrequent nature of loud construction activities at the site, the limited hours of construction and the implementation of mitigation measure **NOI-1**, the temporary increase in noise due to construction is considered to be a less than significant impact.

Mitigation Measures:

Implementation of mitigation measure **NOI-1.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **NOI-1** will ensure that short-term construction-related noise impacts are mitigated to a less than significant level by implementing measures such as limiting use of major excavating and earthmoving machinery to daytime hours and scheduling construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. The County finds, on the basis of the entire record, that the generation of noise levels resulting from project construction would not exceed local standards, and impacts would be less than significant with mitigation.*

d) Cumulative Impacts

The geographic extent of the cumulative setting for noise consists of the project site and immediate vicinity. As stated previously, ambient noise levels in the project area are primarily affected by vehicle traffic on nearby and/or adjacent roadways. As a result, the primary factor for cumulative noise impact analysis is the consideration of future traffic noise levels along area roadways. However, ambient noise levels are also influenced by train traffic associated with the nearby railway and airplane and helicopter noise associated with the Barstow-Daggett Airport, as well as intermittent periods of moderate to strong winds.

When determining whether overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences. As such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only two projects identified in Table 3.0-1 and shown on Exhibit 3.0-1 in Section 3.0, Introduction to the Environmental Analysis, are in the direct vicinity of the project study area and are considered influential with regard to noise and vibration. Only the Minneola Solar (project #4) located adjacent to the proposed project and Solar 33 (project #9) located approximately 3,200 feet to the southwest of the project site are physically close enough to have the potential to be considered in a cumulative context with the project's incremental contribution.

Short-Term Construction

Construction equipment noise from the cumulative projects identified in Table 3.0-1 and shown on Exhibit 3.0-1 is anticipated to be similar in nature and magnitude to that identified for the proposed project. Specifically, noise levels from construction activities for all future development in the area would fluctuate depending on the particular type, number, and duration of usage for the varying equipment.

Although hourly average noise levels would vary, project construction noise levels would exceed applicable standards at nearby sensitive receptors and/or result in substantial increases

in ambient noise levels, especially during the more noise-sensitive hours of the day. Implementation of mitigation measure **NOI-1** would reduce project construction noise impacts to a less than significant level.

Each cumulative project identified would require separate discretionary approval and CEQA assessment, which would address potential construction-related noise impacts and identify necessary mitigation measures, where appropriate. The existing noise environment is similar for the relevant cumulative projects and feasible mitigation for construction is available to reduce noise impacts from the relevant cumulative projects to less-than-significant levels. Therefore, it is anticipated that the individual cumulative projects would result in less than significant construction-related noise impacts (with implementation of mitigation such as NOI-1). Thus, when considered together with the proposed project, cumulative impacts would similarly be less than significant.

Vibration

Groundborne noise and vibration levels from construction of Minneola Solar (project #4) and Solar 33 (project #9) as shown on Exhibit 3.0-1 would be similar in nature and magnitude to those identified for the proposed project. Specifically, construction activities would result in varying degrees of temporary groundborne noise and vibration, depending on the specific construction equipment used and activities involved. As discussed above, at a distance of approximately 50 feet, the vibration level from heavy construction machinery (such as a loaded truck or a drilling rig) would be between approximately 0.027 and 0.031 PPV inches per second. Vibration levels of this magnitude would be well below the County's and the FTA's threshold of 0.20 PPV inches per second.

Each of the cumulative projects would require separate CEQA analysis and approval relative to groundborne vibration. The existing vibration environment is similar for the relevant cumulative projects and feasible mitigation for construction is available to reduce vibration impacts from the relevant cumulative projects to less-than-significant levels. As such, it is anticipated that the cumulative projects would result in less than significant vibration impacts.

Long-Term Operation

Stationary-source and vehicular noise from the Minneola Solar (project #4) located adjacent to the proposed project and Solar 33 (project #9) located approximately 3,200 feet to the southwest of the proposed project would be similar in nature to those discussed for the proposed project. Operation of the cumulative projects could result in long-term stationary source noise levels that exceed applicable standards at nearby sensitive receptors and/or result in substantial increases in ambient noise levels. As discussed above, operation of the proposed project could result in a significant impact from long-term stationary source noise levels. However, implementation of mitigation measure **NOI-2** would reduce this impact to less than significant by requiring that battery storage containers located in the eastern portion of the project site be rotated so that the HVAC units are directed away from sensitive receptors (or a comparable engineering solution) to minimize noise from this equipment. None of the cumulative projects are located near enough to sensitive receptor ML-4 so as to result increase the noise levels at this location above the County's daytime noise threshold.

Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential operational noise impacts and identify necessary mitigation measures, where appropriate. All projects would be required to adhere to federal, state, and local requirements for noise impacts. Therefore, the cumulative projects are not anticipated to result in significant long-term cumulative noise impacts.

Mitigation Measures:

Implementation of mitigation measure **NOI-1** and **NOI-2.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **NOI-1** will ensure that short-term construction-related noise impacts are mitigated to a less than significant level by implementing measures such as limiting use of major excavating and earthmoving machinery to daytime hours and scheduling construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Mitigation measure **NOI-2** will reduce long-term noise impacts by positioning loud stationary sources away from sensitive receptors. The County finds, on the basis of the entire record, that the generation of noise levels resulting from project construction and operation activities would not exceed local standards, and impacts would be less than significant with mitigation.*

8. TRANSPORTATION AND TRAFFIC

a) Conflict with an Applicable Plan, Ordinance or Policy

Construction

Construction vehicles would access the project site from I-40 and I-15. Primary access points to the project site are shown on Exhibit 3.12-2, Preliminary Access Plan, and include Santa Fe Street, Hidden Springs Road, Minneola Road, Valley Center Road and Silver Valley Road. Construction traffic generated by the project would occur primarily as a result of construction workers traveling to and from the project's access points. Traffic would also be generated by heavy equipment. However, once the vehicles are delivered to the site, they will generally stay on the site and will not generate daily trips. Vehicle traffic would also be generated by construction material deliveries.

During construction, the project would generate a maximum of 500 additional round trips per day from construction workers traveling to and from the project's access points. The modeled construction phasing and operation phasing and ADT counts are included in Appendix K. Construction vehicles would access the project site from I-40 and I-15. During construction, materials would be placed within the project boundaries adjacent to the then-current phase of construction. To prevent theft and vandalism, materials would be secured within fenced areas. Storage containers may be used to house tools and other construction equipment. In addition, security guards would regularly monitor the site.

Construction traffic generated by the project has the potential to cause temporary impacts to transportation and traffic in the area. Implementation of mitigation measure **TRA-1** would reduce construction-related traffic impacts because it requires the project applicant to receive a County approved Construction Traffic Control Plan prior to commencement of construction activities. Therefore, impacts would be less than significant with mitigation.

Operation

During operation, the project would generate a maximum of 8 additional round trips per day as facility operators travel to and from the site. Periodic module cleaning and quarterly maintenance activities would utilize 6 to 8 full-time workers for one to two weeks per quarter, or up to 40 cumulative days per year. Operational impacts would be less than significant (Impact 3.12-1 of the EIR).

Mitigation Measures:

TRA-1 Prior to commencement of construction activities, the applicant shall prepare and submit a Construction Traffic Control Plan to the County in accordance with both the Caltrans (2014) California Manual on Uniform Traffic Control Devices (CA MUTCD) and the Work Area Traffic Control Handbook for review and approval by the County, which will include:

- Timing the delivery of heavy equipment and building materials under the contractors' control during non-peak commute hours, to the extent feasible.
- Directing construction traffic with a flag person.
- 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.
- Ensuring access for emergency vehicles to the project site.
- Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections.
- Designating bicycle and pedestrian detour plans if/where applicable.
- Maintaining access to adjacent property.
- Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hours, distributing construction traffic flow across alternative routes to access the project site in a way that maintains level of service conditions at the time of construction, and avoiding residential neighborhoods to the maximum extent feasible.
- Coordinating the traffic control plan with the County, as well as potential traffic control plan adjustments, in the event of concurrent projects generating potentially overlapping traffic effects.

- Conducting additional traffic control plan coordination with Caltrans regarding the SR-58 Hinkley Expressway Project if construction of the proposed project occurs concurrently with construction of the expressway project.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **TRA-1** will reduce temporary impacts to transportation and traffic in the area because **TRA-1** requires the project applicant to prepare and submit a County-approved Construction Traffic Control Plan prior to commencement of construction activities. The County finds, on the basis of the entire record, that temporary impacts related to transportation and traffic would be less than significant with mitigation.*

b) Air Traffic Patterns

Barstow-Daggett Airport, a County-owned, public-use, general aviation airport, is directly south of the project site. The project site is not within 2 miles of a private airstrip. The nearest heliport is the SCE Solar Heliport approximately 2.7 miles east of the site. The nearest military airport is the Twentynine Palms Strategic Expeditionary Landing Field, about 65 miles to the southeast.

The Airport Comprehensive Land Use Plan (ACLUP) for Barstow-Daggett Airport was prepared to comply with state planning law and is the primary land use document for the airport (County of San Bernardino 1992 and FAA 2012). The project is being designed in conformance with ACLUP policies and with input received from Airport and Fort Irwin Training Center staff. Additionally, an Obstruction Evaluation and Airspace Analysis was prepared by Capital Airspace Group for the project to identify aviation safety data necessary to be incorporated into the final project design (Tetra Tech 2018b; see **Appendix H-3**).

The ACLUP establishes land uses for the area in the vicinity of the airport. The plan area is divided into three Safety Areas, each of which reflects a particular level and type of hazard or risk within its borders. Portions of the project site are located within Safety Area 1 and Safety Area 3, although Safety Area 1 represents a relatively small portion of the overall project site. In general, land uses in Safety Review Area 3 are typically compatible with the airport's activities, while development in Safety Area 1 is more restrictive and prohibitive.

Safety Area 1 is designated as both a runway object-free area (OFA) and a runway protection zone (RPZ). The project portion within Safety Area 1 is located within the RPZ, while no project features are located in the OFA. The intention of the RPZ is to identify and preserve an area off each runway end that has significant potential for aircraft crashes during takeoffs and landings. Therefore, development in the RPZ is either prohibited or restricted based on FAA requirements.

Development, and associated design features, that might create glare, produce misleading lights, or lead to the construction of residences, fuel handling and storage facilities, smoke generating activities, and places of public assembly are prohibited in the RPZ.

Furthermore, according to current FAA guidance, solar panels are prohibited within runway protection zones (RPZs). Therefore, impacts are potentially significant.

The applicant will be required to obtain a Form 7460-1 Determination of No Hazard or equivalent from the Federal Aviation Administration (FAA) prior to issuance of building and grading permits from the County. Development of the project in the RPZ would be in accordance with guidance for Safety Review Areas, and in consultation with the FAA and Airport Land Use Commission (ALUC). FAA review and issuance of a Form 7460-1 Determination of No Hazard or equivalent such as Determination of Non Exceedance will require the project applicant to incorporate final design modifications and safety features (e.g., maximum height, clearance requirements) in accordance with the Obstruction Evaluation. In addition, project facilities including solar panels, fences and transmission line structures within the RPZ or Safety Area 1 would be reviewed by the FAA under the Form 7460-1 study process for compatibility with airport operations. If the FAA finds that development within the Safety Areas does not pose a hazard to airport activities, the FAA may issue a Form 7460-1 Determination of No Hazard or equivalent for that particular structure. If the FAA finds that the structures within the RPZ do not comply with FAA requirements, the FAA may require project alterations, such as removing solar panels from the RPZ or undergrounding utilities, before a Form 7460-1 Determination of No Hazard or equivalent is issued to the applicant. Potential impacts to airport operations and public safety would be reduced to a less than significant level with implementation of mitigation measure **HM-2** because the mitigation measure ensures that the applicant provides the County with a Form 7460-1 Determination of No Hazard or equivalent prior to issuance of building and grading permits.

Mitigation Measures

Implementation of mitigation measure **HM-2.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **HM-2** will reduce impacts related to conflict with an applicable plan by requiring the applicant to provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration prior to issuance of building and grading permits. The County, on the basis of the entire record, finds that impacts related to air traffic patterns in regard to transportation and traffic will be less than significant with mitigation.*

c) Inadequate Emergency Access

The project includes paved access off National Trails Highway suitable for emergency vehicle access, and roads within the facility would be suitable for emergency vehicle use. As discussed above, mitigation measure **TRA-1** would require a flag person to direct construction traffic, ensure emergency vehicles have access to project site, and maintain access to adjacent properties. These actions would ensure that adequate emergency access in maintained. Therefore, impacts would be less than significant with mitigation.

Mitigation Measures:

Implementation of mitigation measure **TRA-1.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Mitigation measure **TRA-1** will reduce temporary impacts to transportation and traffic in the area because **TRA-1** requires the project applicant to prepare and submit a County-approved Construction Traffic Control Plan prior to commencement of construction activities. The County finds, on the basis of the entire record, that temporary impacts related to transportation and traffic would be less than significant with mitigation.*

B. Environmental Impacts Not Fully Mitigated to a Level of Less Than Significant

The County hereby finds that, despite the incorporation of mitigation measures outlined in the EIR and in this Resolution, the following impacts from the proposed project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

1. AIR QUALITY

a) Conflict with Applicable Air Quality Management Plan

A project is nonconforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures, and is consistent with the growth forecasts in the applicable plan. Zoning changes, specific plans, general plan amendments, and similar land use plan changes which do not increase dwelling unit density, do not increase vehicle trips, and do not increase vehicle miles traveled are also deemed to comply with the applicable air quality plan.

The proposed project is consistent with the land uses identified in the San Bernardino County General Plan for the project site; therefore, implementation of the project would not require an amendment to the General Plan. However, as discussed under Impact 3.3-2 below, project construction would exceed MDAQMD thresholds for PM_{10}, and $PM_{2.5}$, even with mitigation incorporated; refer to Table 3.3-5, Mitigated Construction Emissions by Stage (Pounds per Day). Therefore, although the project is consistent with the General Plan, it is not consistent with the Western Mojave Desert Air Quality Management Plans (AQAP) because it would delay AQAP attainment goals.

Mitigation measure **AIR-1** would reduce air quality impacts by requiring implementation of a County approved Air Quality Construction Management Plan that outlines required fugitive dust control measures. Mitigation measure **AIR-2** would reduce air quality impacts by requiring compliance with the US Environmental Protection Agency's final Tier 4 exhaust emission standards. However, such mitigation would not reduce impacts to a less than significant level. Therefore, this impact is considered significant and unavoidable.

Mitigation Measures:

Implement mitigation measures **AIR-1** and **AIR-2.**

AIR-2 All off-road construction equipment shall comply with the US Environmental Protection Agency's final Tier 4 exhaust emission standards.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the County finds, based on the entire record, that the proposed project would result in significant and unavoidable impacts due to conflicts with an applicable Air Quality Management Plan. The EIR concluded that the proposed project would result in significant and unavoidable impacts with regard to conflict with applicable air quality management plan. Implementation of mitigation measure **AIR-1** would reduce air quality impacts by requiring implementation of a County-approved Air Quality Construction Management Plan that outlines required fugitive dust control measures. Mitigation measure **AIR-2** would reduce air quality impacts by requiring compliance with the US Environmental Protection Agency's final Tier 4 exhaust emission standards. Mitigation measures **AIR-1** and **AIR-2** would reduce air quality impacts, but not to a level of less than significant.*

Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.

b) Violate an Air Quality Standard

The project involves the construction and operation of a large-scale, solar photovoltaic electricity generation and energy storage facility. Construction of the project would result in the temporary addition of pollutants to the local air basin caused by on- and off-site sources. Operation of the project would generate emissions from mobile sources, including vehicle trips from employees commuting to work and maintenance vehicles. A project impact would result in a significant impact if it exceeds the MDAQMD thresholds listed in Table 3.3-3 of the EIR.

Construction

The proposed project is expected to be constructed in three phases. Within each development phase, the construction activities are separated into three different stages: site clearing and preparation, solar panel installation and constructing electrical components, and finally the activities involved in electrification of the facility. The construction emissions of each stage were calculated using the equipment list and construction schedule contained in Appendix D-1. Because the same equipment and staging would be used for each phase of the proposed project, the peak emissions listed in Table 3.3-4, Construction Emissions by Stage (Pounds per Day), are applicable to each phase. The peak day emissions shown in Table 3.3-4 are calculated using the assumption that stages 1, 2, and 3 would occur simultaneously, and that construction of two of the three phases would overlap (Phases 1 and 2). Although the analysis assumes that

construction of two of the three phases would overlap, construction of each phase also may occur separately. If construction of each phase occurs separately, the air quality impacts of the peak day would be less than reported in Table 3.3-4. Table 3.3-4 shows the emissions for constructing Phases 1 and 2 over 27 months. Construction of Phase 3 will not occur simultaneously with Phases 1 and 2. Since Phase 3 will involve fewer acres and is only a 250 MW project, the emissions will be lower than those shown in Table 3.3-4 and will occur over a separate 19-month period.

As shown in Table 3.3-4 of the EIR, peak daily construction emissions would exceed the MDAQMD's thresholds for NO_X, PM_{10}, and $PM_{2.5}$. Because the construction emissions would exceed the air district's thresholds, mitigation measures **AIR-1** and **AIR-2** are required to reduce the air quality impacts to the maximum extent feasible. Implementation of mitigation measures **AIR-1** and **AIR-2** would reduce air quality impacts from project construction by requiring implementation of an Air Quality Construction Management Plan and restricting exhaust emissions from off-road construction equipment, respectively.

The proposed project would be constructed in a nonattainment area for multiple pollutants. Therefore, emissions from project construction would contribute incrementally to existing exceedances of the air quality standards. As shown in Table 3.3-5 of the EIR, even with mitigation measures **AIR-1** and **AIR-2**, construction emissions would exceed the MDAQMD's thresholds. Therefore, the project's impacts during construction would be considered significant and unavoidable.

Operation

Because the project would have no major stationary emissions sources and a relatively low number of employees traveling to the facility site, operation of the proposed project would result in substantially lower emissions than project construction.

As described in Impact 3.3-2 of the EIR, operational emissions would not exceed the MDAQMD thresholds. Therefore, impacts from operations would be less than significant and no mitigation measures are required.

Criteria Pollutants and Health Impacts

A number of adverse health impacts have been associated with exposure to PM_{10}. Short-term exposures to PM_{10} have been associated primarily with worsening of respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits. The effects of long-term exposure to PM_{10} are less clear, although several studies suggest a link between long-term PM_{10} exposure and respiratory mortality. The International Agency for Research on Cancer (IARC) published a review in 2015 that concluded that particulate matter in outdoor air pollution causes lung cancer.

A number of adverse health impacts have been associated with exposure to both $PM_{2.5}$. Short-term exposures to $PM_{2.5}$ (up to 24-hour duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. Long-term (months to years) exposure to $PM_{2.5}$ has been

linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children.

Health endpoints associated with increased $PM_{2.5}$ levels include increased acute myocardial infarction (i.e., heart attack), asthma-induced hospital admission, asthma-induced emergency room visits, asthma exacerbation, lower respiratory symptoms, upper respiratory symptoms, premature mortality from lung cancer, and premature mortality from ischemic heart disease. Health impacts from PM_{10} include those of $PM_{2.5}$ (since $PM_{2.5}$ is a subset of PM_{10}), but generally are less severe than $PM_{2.5}$.

As stated under Impact 3.3-3 of the EIR, peak daily construction emissions for PM_{10} and $PM_{2.5}$ exceed the daily significance thresholds, shown in Table 3.3-3 of the EIR. Specifically, the peak daily emissions of PM_{10} are 414 lb/day which is approximately 5 times the daily threshold of 82 lb/day. The peak daily emissions of $PM_{2.5}$ are 98 lb/day which is approximately 1.5 times the daily threshold of 65 lb/day. The peak daily emissions represent a worst-case scenario in which Phases 1 and 2 overlap and when Stages 1, 2, and 3 of each phase occur simultaneously. As stated before, if Phases 1 and 2 do not overlap, then the emissions would be less than reported in Table 3.3-5. Also, the peak daily emissions are not expected to occur every day during construction. Rather, they represent the maximum emissions that may occur during a given day of construction and it is anticipated that such conditions would only be reached on an intermittent basis.

Potential health impacts resulting from construction emissions from the project would be minimal. First, construction activities are temporary and the emissions from construction activities would end once construction of the project is complete. Phases 1 and 2 are assumed to be concurrent over 27 months, a little over two years. Phase 3 would occur after Phases 1 and 2 and would be over 19 months. In total, the construction duration would be roughly 46 months or just under four years. Therefore, any health impacts associated with construction emissions would be limited to the construction period.

Second, while the peak daily emissions exceed the daily significance thresholds for PM_{10} and $PM_{2.5}$, the annual emissions over 46 months do not exceed the annual significance thresholds. In fact, the annual emissions are well below the significance thresholds. Annualized emissions for PM_{10} and $PM_{2.5}$ are 2 and 1.9 tons per year, respectively, while the annual thresholds are 15 and 12 tons per year, respectively. The peak daily emissions would potentially exceed daily significance thresholds for the length of construction during the week but would not exceed the thresholds every day or on the weekend days when construction activities are not occurring.

Third, in comparison to other published studies in California where health impacts are evaluated, the project's construction emissions would be less than those in the published studies. It is important to note that emissions are not proportional to health effects. In 2011, the South Coast Air Quality Management District (SCAQMD) prepared a study for their Rule 1315.

In that study, they analyzed the operational emissions from three proposed large power plants (in the range of 500 - 850 megawatts of electricity). Operational $PM_{2.5}$ emissions ranged from 723 to 1,819 lbs/day and PM_{10} emissions ranged from 731 to 1,837 lbs/day from each power plant. In the study, they estimated 0.05 to 1.77 annual premature deaths due to the power plants.

In comparison, the project's construction emissions are 23 - 57% of the PM_{10}, and 5 - 14% of the $PM_{2.5}$ emissions of the SCAQMD study. Moreover, as mentioned previously, the Project's construction emissions are temporary, in contrast to the ongoing, daily operations of the three power plants that would occur for the life of the power plants (about 35 years). The health impacts are anticipated to be much lower than that was shown in the SCAQMD study due to much lower emissions and the temporary nature of construction.

MDAQMD currently has no guidance on evaluating potential human health impacts associated with criteria air pollutants. The SCAQMD, another air district in Southern California covering an air basin near the project, is forming a working group to develop a methodology for quantifying the health effects of criteria pollutants but has no current guidance regarding how to effectively evaluate the estimated health effects of criteria air emissions.

As described above, the project will exceed MDAQMD standards on a temporary basis during days of peak emissions in the construction phase. During the operational phase, the project will result in air quality benefits because, as a renewable energy project, it creates electricity without burning fossil fuel which creates emissions. In light of state goals to rely solely on carbon-free energy sources by 2045, the project likely would replace energy that otherwise would be generated from a fossil fuel burning source, thereby reducing overall air emissions and contributing a net positive impact on human health during the life of the project.

Mitigation Measures:

Implement mitigation measures **AIR-1** and **AIR-2.**

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the County finds, based on the entire record, that the proposed project would result in significant and unavoidable impacts due to conflicts with an applicable Air Quality Management Plan. The EIR concluded that the proposed project would result in significant and unavoidable impacts with regard to violation of an air quality standard during construction. Implementation of mitigation measure **AIR-1** would reduce air quality impacts by requiring implementation of a County-approved Air Quality Construction Management Plan that outlines required fugitive dust control measures. Mitigation measure **AIR-2** would reduce air quality impacts by requiring compliance with the US Environmental Protection Agency's final Tier 4 exhaust emission standards. Mitigation measures **AIR-1** and **AIR-2** would reduce air quality impacts, but not to a level of less than significant. Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.*

c) Cumulative Impacts

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether the project's individual emissions would have a cumulatively significant impact on air quality. The MDAQMD significance thresholds take into account the cumulative impact of a project that adds emissions to the air basin. Therefore, this cumulative analysis considers all projects identified in **Table 3.0-1**, including the three solar projects located within ten miles of the proposed project; Minneola Solar, Silver Valley, and Ned Araujo. Overall, the air quality emissions from the projects considered in this cumulative analysis along with the proposed project's construction emissions would increase to levels exceeding MDAQMD significance thresholds.

Construction Impacts

The Mojave Desert Air Basin is a nonattainment area for O_3, PM_{10}, and $PM_{2.5}$ under the NAAQS and/or CAAQS. The poor air quality in the basin is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emissions sources. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for ozone) potentially contribute to poor air quality. The MDAQMD significance thresholds take into account the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for several criteria. As indicated in **Table 3.3-5**, daily project construction emissions would exceed the MDAQMD significance thresholds, even with mitigation, resulting in a cumulatively significant contribution to the overall cumulative impact to the basin. Other projects included on the cumulative project list could similarly contribute to the overall cumulative air impact in the basin by further exceeding the MDAQMD thresholds.

Based on the fact that the basin is already in nonattainment for O_3, PM_{10}, and $PM_{2.5}$, and other similar projects that could result in emissions that further exceed the MDAQMD thresholds for these pollutants, construction of the project, along with the other projects identified in Table 3.0-1 of the EIR, could result in a cumulatively considerable increase in emissions of nonattainment pollutants. Therefore, cumulative construction impacts would be significant and the project's contribution to these significant cumulative impacts would be cumulatively considerable. Implementation of mitigation measures **AIR-1** through **AIR-3** would reduce the project's incremental contribution to exceedances of the air quality standards. However, even with these mitigation measures, impacts as a result of project construction activities would remain significant and unavoidable.

Sensitive Receptors

As discussed above, a HRA was conducted to assess the risk associated with the project's DPM emissions during construction which are categorized as TAC pollutants. The Office of Environmental Health Hazard Assessment (OEHHA) has determined that the health risk from DPM is only of a concern for cancer and chronic non-cancer health effects, and potential acute (short-term) non-cancer health effects are not a concern.

The results of the HRA show that peak cancer risks during construction would be less than the threshold of 10 in 1 million. In addition, the chronic hazard indexes would be less than the threshold of 1.0. Therefore, project construction would not expose sensitive receptors to substantial TAC pollutant concentrations that would have significant health impacts related to increased cancer and non-cancer chronic health risks.

As it is unlikely that other projects considered in this cumulative analysis would be under construction at the same time as the project and the lack of any nearby existing sources of DPM with which the project's construction emissions could combine, the project's contribution to cumulative TAC pollutant concentrations would be less than significant.

Valley Fever

During construction and decommissioning of the project, implementation of mitigation measures **AIR-1** and **AIR-3** would provide control of fugitive dust emissions and limit the potential for exposure. In addition, other cumulative projects in the area would implement similar measures to reduce fugitive dust emissions and the potential of Valley Fever. Therefore, with implementation of mitigation measures **AIR-1** and **AIR-3,** the project's contribution to potential dust emissions that may result in the exposure to Valley Fever would be less than significant.

Odors

As noted above, construction of the project could result in the emission of odors from construction equipment and vehicles (e.g., diesel exhaust). It is anticipated that these odors would be short term, limited in extent at any given time, and distributed throughout the project area during the duration of construction. In light of the location of other projects that likely would be under construction at the same time as the project and the lack of any nearby existing sources of odors with which the project's construction emissions could combine, the project's contribution to cumulative orders would be less than cumulative considerable.

Operational Impacts

Because the proposed project would have no major stationary emission sources, operation of the proposed solar project would result in substantially lower emissions than project construction. The proposed facility does not burn fossil fuel to generate electricity and as a result does not produce a significant amount of emissions. Long-term operation of solar power generating facilities would result in a decrease of harmful emissions such as carbon dioxide, nitrogen dioxide, sulfur dioxide, mercury and particulates since it could replace fossil fuel-based energy production. In addition, the solar facility would replace agricultural uses that likely use fossil-fuel derived pesticides. Operation of the proposed project, along with projects identified in **Table 3.0-1** would not result in significant cumulative impacts. Cumulative operational impacts would be less than significant.

Valley Fever

During operation of the project, the implementation of mitigation measures **AIR-1** and **AIR-3** would provide significant control of fugitive dust emissions and limit the potential for exposure. In addition, other cumulative projects in the area would implement similar measures to reduce fugitive dust emissions and the potential of Valley Fever. Therefore, with implementation of

mitigation measures **AIR-1** and **AIR-3,** the project's contribution to potential dust emissions that may result in the exposure to Valley Fever would be less than significant.

Odors

Project operations would not involve activities with the potential for producing objectionable odors and would not contribute to a significant cumulative impact relative to objectionable odor sources in the surrounding area. A less than significant cumulative impact would occur.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

*Consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the County finds, based on the entire record, that the proposed project would result in significant and unavoidable cumulative impacts to air quality. The EIR concluded that the proposed project would result in significant and unavoidable cumulative impacts with regard to air quality during construction. Mitigation measures **AIR-1**, **AIR-2**, and **AIR-3** would reduce cumulative air quality impacts, but not to a level of less than significant. Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.*

2. HYDROLOGY

a) Groundwater Supplies

The project site lies within the Baja Subarea of the Mojave Basin, within the boundary of the Mojave Water Agency Service Area. The project site is not connected to a public water system and there are no public water systems that can serve the project site. Rather, the site lies within an adjudicated water basin and the groundwater is actively managed to achieve sustainability. Existing groundwater wells are present on the project site. The wells are operational and available to serve future on-site land uses.

A Stipulated Judgment was issued by the Superior Court in January of 1996 (Superior Court, Judgment after Trial for City of Barstow, et al vs. City of Adelanto, et al Case No. 208568, January 10, 1996) to address water supply shortages in the Mojave Basin Area where the proposed project is located. The adjudication of the Mojave Basin Area was the legal process that allocated the right to produce water from the natural water supply. As mandated in the Judgment, the MWA was appointed as the Basin Watermaster and tasked with the responsibility of sustainably managing water supplies in the basin.

The Judgment determines water rights for each major producer [defined as a person or entity using 10 or more acre-feet per year (AFY)] based on their historical production. These rights are referred to as Base Annual Production (BAP). Specifically, BAP rights were assigned per court Judgment to each major producer; refer to Attachment A of Appendix I-3. The BAP represents the highest possible production for a given producer. The sum of the total BAP for all current

project site landowners is 27,054 AFY (Tetra Tech 2018). The MWA, as the court-appointed Watermaster, establishes Free Production Allowances (FPA) annually to maintain proper water balances. The FPA is a percentage of the BAP and the Watermaster recommended the FPA for the Baja Subarea be set at 35 percent of the BAP (7,682 AF for the landowners of the project site) for 2018-2019 (Tetra Tech 2018).

The adjudication provides for a number of goals including: 1) to protect and allocate the rights of water producers; and 2) to protect the water supply and ensure its sustainability and availability in the future. It accomplishes these goals by first assigning rights to the producers and then by controlling the amount of water that can be produced by those rights to ultimately bring groundwater levels into balance (i.e., the inflow to the basin matches the outflow) and then maintain that balance. The adjudication considers changes to the needs of production and allows for flexibility to accommodate those changes. The adjudication created an ongoing process where reports are provided to the court on a regular basis to ensure long-term protection of basin water supplies.

Once a subarea has reached a balance between the water sources adding to the groundwater and the water extractions, that area has reached the Production Safe Yield (PSY). Areas that have not reached PSY are generally subject to ongoing reductions of FPA in the long-term. The FPA of the Baja Subarea is nearing the estimated PSY, which when accomplished would put the Baja Subarea in balance; refer to Appendix I-3 for additional discussion.

All water for the proposed project would be sourced from on-site wells. Seven landowners have water allocations of up to 8,802 AF of water for 2017-2018. The project applicant has entered into agreements with the landowners to acquire the properties along with the acquisition of adequate water supply to meet construction and operational needs from the existing seven on-site wells.

The project would eliminate approximately 1,600 acres of on-site agricultural use which required water production of approximately 8,338 AF in 2017 (Tetra Tech 2018). The project is estimated to require approximately 450 AFY for approximately 3.5 years for a total of 1,800 AF (during construction) and would reduce water use to 25 AFY (during project operation). This would result in a reduction of need for production at the project site of more than 164,000 AF over 20 years. However, the remaining rights to the production would still exist and, assuming those rights are exercised, there would be little or no net reduction in production. Therefore, the project would not increase, nor likely decrease, the amount of pumping from the subbasin. The maximum amount of pumping is capped and controlled under the Stipulated Judgment and the amount of water to be used by the project is within the existing allocation and cannot, by law, exceed it without replacement.

Although the subbasin is not yet considered to be balanced, and FPA is expected to decline in the future, there would be sufficient water available for the project because it would use only a fraction of the water made available due to the elimination of agriculture and not requiring water to produce energy. The large subbasin capacity as compared to the projected water budget deficit allows for the subbasin to provide sufficient water supply to the project, while the Watermaster would continue to manage the basin to bring it into balance.

Further, the rules created by the adjudication concerning transfers of water rights would not allow a net increase of outflow of the subbasin due to a transfer or change in purpose of use (agriculture to solar PV facility). If the water rights were transferred outside of the subarea or for a different use, the rights would be adjusted so that the consumptive use is not increased.

Additionally, based on the findings of the WSA prepared for the project, a sufficient water supply would be available for the project during normal, single-dry and multiple-dry water years during a 20-year projection (Tetra Tech 2018). There is a sufficient water supply to meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses. The project would replace a more water-intensive land use with a less water-intensive land use. While the WSA prepared for the project conservatively assumed that the reduction in water usage at the project site due to the conversion of agricultural land uses to a solar facility may be transferred to other areas within the subarea, resulting in decreased local water usage, the project would require a minimal amount of water as compared to the size of the subbasin (Tetra Tech 2018).

Furthermore, due to the nature of the solar PV facility, much of the ground surface would remain undeveloped, allowing precipitation falling during rain events to run off of the solar PV panels and infiltrate the underlying soil. Although the project would add some impervious surfaces on-site (i.e., foundations, O&M building, etc.), the majority of the site would remain pervious. As such, the project is not anticipated to substantially interfere with groundwater recharge.

Adequate water supplies for construction, operation, and decommissioning activities have been secured through agreements with landowners who currently have on-site water allocations.

During the EIR scoping period, the County received comments requesting analysis of what would happen if the current landowners shift or transfer their production rights to a different part of the Baja Subarea, specifically, on the east side of the Calico-Newberry Fault. The concern raised is that such a shift could accelerate the localized dropping of water levels east of the Calico-Newberry Fault and that this could cause adverse environmental impacts to riparian vegetation in the Cady Camp Wildlife Area which is owned and managed by the California Department of Fish and Wildlife (CDFW) and could also adversely impact domestic wells of rural homeowners in the Newberry Springs area by increasing ground to water depths.

Within the Baja Subarea, the Lower Mojave River Valley Subbasin is divided into west and east sides by the Calico-Newberry fault. The project site is located on the west side. The Calico-Newberry fault impedes flow between the west side and east side of the subbasin although the details of this impedance are not well understood. However, water levels on the west side are generally higher than levels on the east side and the difference between the water levels has increased over time.

The parties to the Stipulated Judgment currently have the right to produce water up to their FPA anywhere within the Subarea under the Stipulated Judgment, with or without the project. It is therefore arguable whether a shift in the location of water production is a reasonably foreseeable consequence of the project. Landowners could make this shift or transfer their rights under current conditions. Further, based on communications with the current landowners, it appears unlikely that such a shift would occur for a variety of economic and practical reasons,

whether or not a project is approved. If such a shift were to occur, it is not possible to know when, where or how much water would be pumped.

CEQA does not require analysis of future scenarios that are speculative; that could occur with or without the project; and/or are unlikely. However, this EIR does provide an analysis of environmental impacts resulting from potential water pumping scenarios. In some of the scenarios considered, additional groundwater depletion would occur in a basin that is already in overdraft. While the Riverside Superior Court (Court)-appointed Watermaster has tools to address ongoing overdraft conditions in the Baja Subarea, the County lacks the authority to ensure that these measures would be implemented.

Several potential scenarios for future use of the existing production exist, all of which require some degree of forecasting and speculation. Selection of the following four scenarios for evaluation was based upon communications with the current owners of those rights, the rules for transferring water rights under the Stipulated Judgment, the economics of farming in the area, perceptions of future water availability, existing infrastructure, existing patterns of land ownership and other considerations.

- **Scenario 1:** Retirement of the rights by the current owners of those rights;
- **Scenario 2:** Exercise or transfer of existing production rights outside of the Baja Subarea;
- **Scenario 3:** Exercise of existing production rights to the eastern Lower Mojave River Valley Subbasin within the Baja Subarea (i.e. east of the Calico-Newberry Fault); and
- **Scenario 4:** Continuation of existing production of water from the western Lower Mojave River Valley Subbasin to irrigate agricultural land located on the west side of Calico-Newberry Fault.

Water Production Rights Under the Stipulated Judgment

The Mojave Basin is considered to consist of five distinct but hydrologically interrelated "Subareas." Under the Stipulated Judgment, each Subarea was found to be in overdraft to some extent due to the use of water by all of the producers in that Subarea. To maintain proper water balances within each Subarea, the Stipulated Judgment establishes an FPA in each Subarea and provides for the Court to review and adjust, as appropriate, the FPA for each Subarea annually. The FPA is allocated among the producers in the Subarea based on each producer's percentage share of the FPA. All water produced in excess of any producer's share of the FPA must be replaced by the producer, typically via payment to the Watermaster of funds sufficient to purchase replacement water. According to the most recent Annual Report of the Watermaster (May 1, 2018), an underlying assumption of the Stipulated Judgment is that sufficient water will be made available to meet the needs of the Basin in the future from a combination of natural supply, imported water, water conservation, water reuse and transfers of FPA among parties.

Each year, the Watermaster analyzes conditions in each Subarea and recommends to the Court any increase or further reduction in FPA. The Stipulated Judgment specifies factors that must be taken into consideration by the Watermaster in the development of an FPA adjustment

recommendation. Water levels within each of the five Subareas are reviewed as part of the Watermaster's investigation into Subarea conditions and recommendations on FPA. Water levels are measured by the Mojave Water Agency and are also reported to the California Statewide Groundwater Elevation Monitoring Program.

According to the most recent Annual Report (May 1, 2018) Baja Subarea water levels continue to decline due to overpumping and limited recharge opportunities. Conditions in Baja have yet to stabilize since 1996. As such, optimal operating parameters have not been established. In the most recent annual report pursuant to the Stipulated Judgment, the Watermaster indicates that an additional FPA rampdown of 5 percent in the Baja Subarea is warranted. This analysis assumes that the Watermaster's recommended additional 5 percent rampdown has or will be approved by the Court.

Transfer of Water Production Rights Under the Stipulated Judgment

The adjudication rules set forth in the Stipulated Judgment address the transfer of the water production rights. The rights are generally transferable but include a number of restrictions. The Watermaster manages and administers the water rights and their transfer. The Watermaster must be notified of any intended transfer of water rights.

The rules are designed to assure that the total consumptive use within a Subarea does not increase as a result of any transfer. The transfer provision of the Stipulated Judgment also allows producers who chose to not pump to sell FPA to those parties who over-pump. This provision allows parties who stipulated to the Stipulated Judgment the option of compensation in lieu of pumping. The transfer market is a means of equitably allocating the limited supply within a Subarea.

Specifically, the Stipulated Judgment recognizes that water use is comprised of two parts: consumptive use and return flow. Consumptive use is that portion that is consumed and used. For agriculture, this is the water used by a crop or that is evaporated. The return flow is water that ends up back in the subbasin. For agriculture, this is the water that percolates beyond the crop roots and flows to the subbasin.

Generally, the rules are set up to prevent a transfer of rights from increasing consumptive use. This is accomplished by making an adjustment to the water rights transfer if a transfer of those rights would have otherwise resulted in an increase in consumptive use. No adjustment to the water rights transfer is made if the transfer causes the same or a decreased consumptive use.

Inter-subarea transfers are allowed but require the authorization from the Watermaster for the transfer. The transfer of rights from one subarea to another could be allowed when it is helpful to the aquifer levels. For example, if an aquifer is experiencing a decline in water level, it may be beneficial to transfer rights to another subarea with an aquifer that is not experiencing declines.

Intra-subarea transfers do not require Watermaster approval after notice has been given of the transfer. Therefore, it would be possible to transfer to different subbasins (within the same subarea) and impact the subbasins. The Watermaster would still enforce the consumptive use rule that does not allow an increase in consumptive use, but the Watermaster would not be able to block a transfer even if the impact would be detrimental for one of the subbasins. However, if

water levels decline as a result of the transfer, the Watermaster could recommend and the Court could approve a further reduction in FPA to address that impact.

The Watermaster's management of the water supply considers both the entire area as a whole, and each of the subareas as separate entities. Some of the subareas have become balanced since the Stipulated Judgment, meaning that over a long period of time, the outflows of the supply match the inflows. The project site is located in the Baja Subarea and this area has not yet been balanced. The Baja Subarea was extremely out of balance at the time of the Stipulated Judgment and significant progress has been made. However, water levels within the Baja Subarea have continued to decline and it is uncertain when those declines will cease, but the Stipulated Judgment contains mechanisms to eventually bring the subarea into balance.

Riparian Vegetation Trends

As water levels have declined in the Lower Mojave River Subbasin, and in particular the easterly portion of that subbasin, east of the Calico-Newberry Fault, the riparian vegetation has been impacted in this eastern area. The reduced availability of water increases the mortality rate of plants and increases the stress on some of the plants. Areas with increased mortality rates can experience an increase in the amount of sand that can be more easily blown by the wind and develop into sand dunes.

The Camp Cady Wildlife Area, in the easterly portion of the Lower Mojave River Subbasin, includes riparian vegetation comprised largely of willow and cottonwood trees. This riparian vegetation is supported by the Lower Mojave River and high groundwater levels. Although there is not a strong correlation between the riparian vegetation area and the water levels on a short-term basis (e.g. one to 3 or 4 years), there is good long-term correlation (over 10 years).

In 1969, the estimated water level was at elevation 1,767 feet and in 2018 it is estimated to be 1,697 feet for a drop of 70 feet, as shown in Exhibit 3.9-3, Historic Water Levels. In 1969, the riparian area was estimated to be 1,210 acres and in 2018 it is estimated to be 370 acres for a reduction of 840 acres. The historical average is approximately 12 acres of riparian habitat is lost for every 1 foot in aquifer water level drop. In addition to the water levels, other factors may contribute to the riparian vegetation, such as the amount of rainfall, and management practices. Projects are currently underway to set up irrigation in the Camp Cady Wildlife Area to replant the native vegetation and help to stop the increase in sand dunes and sand storms.

Impacts on Groundwater and Riparian Vegetation

The following discussion presents analysis of potential impacts on localized groundwater levels and riparian vegetation east of the Calico Fault for four possible scenarios for retirement, use, and/or transfer of the unused water rights at the project site if the project is approved.

Scenario 1: Retirement of Rights

Comments on the EIR Notice of Preparation suggested that the landowners should be required to retire their water rights if the project is approved. If the landowners were to retire their water rights after project acquisition of their land, then the westerly portion of the Lower Mojave River Subbasin would experience a reduction in pumped water from approximately 23,691 AFY to approximately 16,479 AFY during construction and an even greater reduction during operations

and no shift of such production to the east would occur because the rights would be retired. This short-term and long-term reduction would be expected to help stabilize the groundwater levels in the westerly Lower Mojave River Subbasin. The easterly Lower Mojave River Subbasin would remain unaffected (assuming there is a hydrologic barrier between the subbasins), and therefore, the riparian habitat in the Camp Cady Wildlife Area would be expected to remain unaffected. Well pumping on the east side would also remain unaffected.

However, this scenario is unlikely to occur. Production rights are governed by the Stipulated Judgment under the continuing jurisdiction of the Court. The County lacks authority to require a party to the Stipulated Judgment to retire its judicially allocated water production rights. Even if the County had such authority under the Stipulated Judgment or otherwise, there would be an inadequate nexus between the impacts of the project (which has very little impact on groundwater use) and a requirement that the landowners retire their existing rights to pump groundwater under the Stipulated Judgment. The overdraft condition of the Baja Subarea is not caused by the development of solar energy projects and would not be exacerbated by project construction or operation except perhaps as an indirect impact as discussed under Scenario 3. This indirect connection between the project and the potential for the landowners to exercise their pumping rights east of the Fault is insufficiently certain or direct to warrant a mitigation measure or condition of approval requiring that the landowners retire their water rights or that the project applicant be required to purchase such rights and retire them.

Scenario 2: Exercise or Transfer of Production Rights Outside of the Baja Subarea

The transfer of rights from the project site outside of the Baja Subarea requires authorization from the Watermaster. Landowner relocation or transfer of their production rights from the project site to areas outside of the Baja Subarea would be allowed when it is helpful to the aquifer levels, and the rights would be adjusted so that the consumptive use is not increased.

A transfer outside of the Baja Subarea would not provide the same return flow that would have been provided if the landowners within the project site had retained their rights and continued operating similarly to their past use. Therefore, the Watermaster would make an adjustment (reduction) to the rights that could be transferred to account for the fact that there would not be a return flow. The Stipulated Judgment sets the consumptive use to return flow ratio to 50/50, meaning that outside-Basin transfers would be reduced by 50 percent. Adjustments to rights based on change in purpose of use (such as from agricultural to industrial) would also be made on a case by case basis depending on the change in consumptive use between the new use and the old use.

Because of the consumptive use adjustment, transfers outside of the Baja Subarea would not affect the Baja Subarea. Specifically, they would not affect the Lower Mojave River Subbasin, and therefore, would not affect the riparian vegetation at the Camp Cady Wildlife Area in the eastern Lower Mojave River Valley Subbasin. Transfers of production rights could have long-term adverse environmental consequences to areas outside of the Baja Subarea. However, there is no way to determine where such inter-subarea transfers might occur.

Scenario 3: Exercise or Transfer of Production Rights within the Baja Subarea East of the Calico-Newberry Fault

Under the Stipulated Judgment, landowner transfer of water production rights (or relocation of production) without a change in purpose of the use within a Subarea requires Watermaster notification but does not require Watermaster approval. If the production that is currently occurring west of the Calico-Newberry Fault were to shift to east of the Calico-Newberry fault, the water levels of the easterly part of the Lower Mojave River Subbasin would likely be adversely affected, causing a localized lowering of groundwater levels east of the fault even if not a depletion of supplies in the Baja Subarea as a whole. If all 7,682 AF of the FPA west of the fault were to be produced east of the fault, the decline in groundwater levels east of the fault would continue and perhaps accelerate, and the amount of riparian vegetation would be expected to continue to decline and the distance from ground to groundwater for domestic wells in Newberry Springs would likely increase. If 100 percent of the production rights were exercised or transferred to the easterly basin, an additional 7,657 AFY could be pumped (7,682 minus 25 for the project), which may result in a further 0.9 feet per year decline in the easterly subbasin water level.

The rate of decline of the water level is expected to slow in the future as the FPA is brought closer to the Production Safe Yield. If it is assumed that the easterly subbasin was to be brought into equilibrium in 9 years, the decline in water level due to the transferred water rights would amount to about 4 feet. The 4 feet of lowered water level would amount to about 48 acres of riparian habitat transitioning to a more typical desert habitat.

The average well depth in the Newberry Springs area is 261 feet and the average static water level is 123 feet. An additional drop of 4 feet of water level assumed in this scenario would not have an impact on the capability of the average well to produce water.

Specific data was not available on the static water level of the shallowest wells. If the worst case were assumed, then the shallowest wells, at 150 feet deep, would have static water levels of 135 feet. This would leave 15 feet for pumping drawdown and future reductions in water level. If the subbasin were to stabilize in 9 years, the estimated drop in water level would be 5.9 feet. If the 4 feet additional drop were assumed in this scenario, the total drop would be 9.9 feet. This would leave about 5 feet for pumping drawdown.

Based on a review of factors expected to influence decisions about water production, as well as communications with the landowners in the project site, the likelihood that 100 percent of current water production on the west side of the Calico-Newberry fault would shift to the east side of the fault is very low. First, historically, of the total FPA in the Baja Subarea, only 45 percent has been produced east of the Calico-Newberry Fault. Second, it is known that the easterly subbasin is at a lower water level than the westerly subbasin and the easterly subbasin is declining at a faster rate than the westerly subbasin. Because of the known declining water levels on the east side of the fault and the on-going rampdowns of FPA under the Stipulated Judgment in the Baja Subarea as a whole, it is highly unlikely that the current landowners would shift water production from the west side of the fault to the east side of the fault.

This shift from west to east is unlikely because significant capital expenditures would be required to construct new wells, irrigation systems, and/or purchase land for farming on the east side. Confidence in an adequate long-term source of water on the east side of the fault would be

a prerequisite to such investments. Based on communications with landowners within the project site, none of them are currently contemplating expanding farming activities on the east side of the fault because the investments that would be required to do so are not perceived to be prudent given declining water levels. Two of the largest landowners on the project site indicated that they plan to use their water rights on the west side of the fault for pistachio farming and that use of water rights for new investments on the east side would be risky given the continued FPA ramp downs. This scenario is further discussed as Scenario 4 in Section 4.4.

The negative economic perception of the declining water levels east of the Calico-Newberry Fault will also tend to depress expansion of farming by famers outside the project site who are already located east of the fault and dampen the economic attractiveness of purchasing additional water production rights from the landowners on the west side of the fault. It is possible that transfers of FPA could occur to address pumping in excess of allocated FPA on the east side. Such transfers would have a net neutral impact on water levels in the two subbasins.

For these reasons, a shift of 100 percent of the actual historic production within the project site from the west to east is highly unlikely. Based on discussions with landowners that make up about half of the project area FPA, no additional production on the east side is anticipated for their water rights.

In the unlikely event that such transfer of pumping rights were to occur, there are legal measures under the Stipulated Judgment that could address the potential for dropping groundwater levels east of the Fault. First, on an annual basis, the Watermaster is tasked with monitoring the aquifer and recommending adjustments ("rampdowns") to the FPA in order to achieve long term sustainability in the Baja Subarea. Since the Watermaster administers the FPA by Subareas and not by a portion of a subbasin, some portions of subbasins could be more affected than other portions. In other words, it is possible for a portion of a subbasin, such as the area east of the Calico-Newberry fault, to be in decline, and other portions to be rising, while the subarea as a whole is in equilibrium. If that becomes the case, the Watermaster nonetheless has the ability to balance the subbasins by further reducing FPA for the entire subarea. The potential for even further rampdowns as a reaction to shifting production to the east side of the fault is another reason the current landowners would be unlikely to shift or transfer FPA to the east side of fault.

Second, the Watermaster has the authority to purchase supplemental water and could recharge the easterly subbasin through spreading (i.e., percolating) imported water. Monitoring/study may be necessary to ensure that the supplemental water would be delivered to the locations where it is needed. The cost of such monitoring would logically be borne by those pumping the water.

A third strategy may be for the Watermaster to convey local westerly subbasin water to the easterly subbasin and spread it in the easterly subbasin. This strategy may have the advantage of requiring only a very short pipeline from the west side of the Calico-Newberry fault to the east side of the Calico-Newberry fault. This strategy could be used to even out the water levels on either side of the Calico-Newberry fault and could be considered regardless of whether or not the project is constructed. There may be other tools the Watermaster has to address overdraft conditions under the Stipulated Judgment.

None of the measures would be required to be undertaken as a result of the construction or operation of the proposed project itself. These changes in pumping patterns, should they occur, would be independent of the project and could occur under current conditions, with or without the project and would not impact overall demand and supply but only localized demand and supply. Further, under the Stipulated Judgment, only the Watermaster has the authority to implement these water-balancing measures (with the approval of the Court). Whether the Watermaster would implement any of the strategies available to it to achieve equilibrium between the easterly and westerly portions of the subbasin is uncertain although it is noted that the Watermaster has been actively addressing the overdraft situation in the Baja Subarea and would be expected to continue to do so.

The County lacks authority, meaning it lacks jurisdiction, to require a party to the Stipulated Judgment to reduce pumping its judicially allocated water production rights. Even if the County had such authority under the Stipulated Judgment or otherwise, there would be an inadequate nexus between the impacts of the project and a requirement that the landowners retire their existing rights to pump groundwater under the Stipulated Judgment. The declining groundwater levels in the Baja Subarea is not caused by the development of solar energy projects and would not be exacerbated by the construction and operation of the project except as an indirect impact as discussed under Scenario 3.

However, because the County lacks authority over the Watermaster and cannot unilaterally adjust production allowances, it is therefore conservatively assumed that environmental impacts of Scenario 3 could be significant and unavoidable if this scenario were to occur.

Scenario 4: Continued Pumping and Irrigation on the West Side of the Calico-Newberry Fault

Scenario 4 considers the condition where the landowners within the project site could continue to produce and use the water on the west side of Calico-Newberry fault. There are some known areas in the west that would have increasing water demands. For example, there were about 290 acres of pistachio trees recently planted on the western portion. These trees take about seven years to start producing nuts and require more water as they mature (12 years to full maturity). These trees may take up to 6 AFY of water per acre planted. Based on these types of increased demands, it is reasonable to estimate that a majority of the unused water rights from the project site would likely be used in the west subbasin rather than be transferred to the east subbasin.

This scenario would have a net neutral impact on the Baja Subarea and would not affect the Lower Mojave River Valley Subbasin and therefore, would not affect the riparian vegetation at the Camp Cady Wildlife Area or residential wells in the Newberry Springs area in the eastern subbasin.

Summary

Scenarios 1 and 4 would have no adverse impact on the groundwater levels in the subbasin east of the fault. Scenarios 2 and 3 evaluate the potential water-related environmental impacts due to localized shifts in groundwater levels that could result if the current landowners

either transfer or shift their existing FPA to other areas. These shifts would not change existing supply or demand on a Subarea wide basis but only on a localized basis with the Subarea. These scenarios are unlikely due to either controls on inter-basin transfers or to the economic disincentives to shifting FPA to the east side of the Calico-Newberry Fault.

As noted, these scenarios could occur with or without the approval of the project. It is therefore questionable whether these impacts to localized groundwater levels on the east side of Calico Fault can reasonably be considered to be foreseeable indirect impacts of the project. Impacts are conservatively assumed to be significant and unavoidable because the County could not compel any actions by the Watermaster to adjust FPA or take other actions to address declining groundwater levels east of the Calico-Newberry Fault.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the County finds, based on the entire record, that the proposed project would result in significant indirect and unavoidable impacts to hydrological resources. The EIR concluded that the proposed project would result in significant indirect and unavoidable impacts with regard to groundwater supplies in the Baja Subarea of the Mojave Basin. No reasonable and feasible mitigation measure(s) exist that would reduce impacts to a level of less than significant.

Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.

b) Cumulative Impacts

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Table 3.0-1 in Section 3.0 identifies the cumulative projects considered in this evaluation.

According to the County of San Bernardino General Plan EIR, General Plan buildout would contribute to increased hydrology and water quality impacts. However, impacts would be reduced to a less than significant level following compliance with General Plan goals, policies, and programs, and through compliance with San Bernardino County Flood Control District requirements. As stated in the Preliminary Hydrology Study and Flood Analysis (Appendix I-1), the proposed project would result in a 100-year, 24-hour volume increase of 373.27 AF. Project design features would capture and retain this volume in strip basins which would mimic existing hydrology patterns and mitigate hydrology impacts. Additionally, the proposed project would not substantially alter the existing topography of the project site that would impact hydrology drainage or water quality.

Additionally, groundwater supplies would be adequate to serve construction and operational demands of the proposed project. According to the WSA, the project, when considered with current and anticipated future development within the subbasin, would not adversely affect groundwater availability in the immediate future or over the long-term, due to existing and anticipated groundwater supplies and ongoing regulation and management of the subbasin by the MWA (Tetra Tech, 2018; see Appendix I-3).

Based on the findings of the WSA, there is sufficient groundwater supply available for the project during normal, single dry and multiple dry water years during a 20-year projection (Tetra Tech 2018). Additionally, the project would replace a more water-intensive land use with a less water-intensive land use. While the WSA assumed conservatively that the reduction in groundwater usage at the project site due to the conversion of agricultural land uses may be transferred to other areas within the subarea, thereby decreasing local water usage, the project would require only a limited amount of water as compared to the overall size of the subbasin, thereby having a minimal contribution to anticipated future increase on groundwater demands (Tetra Tech 2018). Refer to Section 3.13, Utilities and Service Systems, for additional discussion.

However, as discussed above under Impact 3.9-2, the project would contribute to potential indirect impacts relative to groundwater supplies with the subarea. Although groundwater would be affected by planned and future land uses within the subarea, water supplies would continue to be subject to regulation to ensure that such supplies are not adversely affected by development.

Various scenarios have been considered relative to the proposed project and potential environmental impacts resulting from the transfer or shift of the FPA. If such a shift were to occur, it is not possible to know when, where or how much water would be pumped. As previously noted, the scenarios analyzed could occur with or without the approval of the project.

It is therefore questionable whether these impacts are reasonably foreseeable indirect impacts of the project. Accordingly, these impacts are conservatively assumed to be significant and unavoidable because the County could not compel any actions by the Watermaster to adjust FPA or take other actions to reach equilibrium in the Baja Subarea.

As discussed, the project would not result in a significant impact on hydrology and water quality following compliance with existing regulations, except with respect to groundwater supplies. Each development project would be subject to compliance with existing regulations and would be required to address site-specific hydrology and water quality issues to County standards through implementation of recommendations outlined in site-specific hydrologic and water quality evaluations. Cumulative development would be required to construct on- and off-site facilities capable of offsetting any identified cumulative impacts to drainage and flooding conditions and would be required to mitigate potential water quality impacts. Because of the project's conservatively assumed impacts to groundwater supplies, the project is considered to contribute considerably to the significant and unavoidable cumulative impact on groundwater supplies.

Finding

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the County finds, based on the entire record, that the proposed project would result in significant and unavoidable cumulative impacts to hydrological resources. The EIR concluded that the proposed project would contribute considerably to significant and unavoidable cumulative impacts with regard to groundwater supplies in the Baja Subarea of the Mojave Basin. No reasonable and feasible mitigation measure(s) exist that would reduce impacts to a level of less than significant.

Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of this project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations.

C. Growth-Inducing Impacts

State CEQA Guidelines section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a proposed project. (State CEQA Guidelines, §15126.2(d); EIR, Section 5.0, Growth-Inducing Impacts) Growth-inducing impacts fall into two (2) general categories, direct and indirect. Direct growth inducing impacts are generally associated with the provision of urban services to an undeveloped area. The provision of these services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts, consist of growth induced in the region by the additional demands for housing, goods and services associated with the population increase caused by, or attracted to, a new project. However, the CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

1. Removal of a Barrier to Growth

Several types of projects can induce population growth by removing obstacles that prevent growth. An example of this type of project would be the expansion of a wastewater treatment plant, which would accommodate additional sewer connections within a service area and therefore would allow future construction and growth.

The project applicant proposes to construct and operate the Daggett Solar Power Facility on approximately 3,500 acres to produce approximately 650 megawatts (MW) of renewable energy and include up to 450 MW of battery storage capacity to replace the non-operating Coolwater Generating Station, a 626 MW natural gas-fired power plant. The project would use existing electrical transmission infrastructure to deliver renewable energy to the electric grid.

Development of the project would not remove any impediments that currently inhibit growth. Obstacles to population growth in the region surrounding the project site are primarily due to the feasibility of development, demand and economic constraints, General Plans and zoning and other development restrictions and regulations promulgated by local agencies. The project would not modify land use or zoning designations and therefore would not foster growth, remove direct growth constraints or add a direct stimulus to growth (Section 5.0 Other CEQA Considerations).

2. Economic Growth

The proposed project would be considered growth inducing if growth resulted from direct and indirect employment needed to construct, operate and maintain the proposed project and/or if growth resulted from the additional electrical power that would be generated by the proposed project. Construction would be performed by independent contractors hired by the developer for the Daggett Solar Power Facility. In general, construction workers would be hired from the local labor pool or nearby urban areas. If contract workers are employed, they would not cause growth in the area due to the short-term and temporary nature of their employment.

The project would include an operations and maintenance building that would be staffed with full- and part-time employees such as a plant manager, maintenance manager, solar technicians and environmental specialists. In addition, operations would be monitored remotely via a supervisory control and data acquisition (SCADA) system. Operation of the project would not result in an increase in employment that would require the construction of new housing (Section 5.0 Other CEQA Considerations).

3. Population Growth

CEQA requires the consideration of potential direct and indirect growth-inducing impacts of a proposed project. Implementation of the proposed project would not induce the construction of new homes that would result in direct residential growth.

In some cases, direct population growth can be created through the introduction of new businesses. However, direct population growth associated with the proposed project is not forecast to occur because the community has a need for employment and most of the jobs created are forecast to be filled by County residents. In California, new energy facilities are responsive to growth due to state and federal regulations and do not in and of themselves induce growth. Therefore, the project would not substantially induce population growth (Section 5.0 Other CEQA Considerations).

4. Establishment of a Precedent Setting Action

The project applicant seeks six separate Conditional Use Permits (CUPs) to construct a renewable energy generation facility. Approval of the CUPs would not be considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as other renewable energy facilities have received approval of multiple CUPs and have operated in the immediate vicinity and within the region, and several other similar projects are currently in the planning and environmental review stage seeking similar approvals. Therefore, approval of the project would not set precedent (Section 5.0 Other CEQA Considerations).

5. Encroach on Open Space

The project site totals approximately 3,500 acres. The project area consists of a mix of industrial sites, disturbed land associated with residential and agricultural uses, and lightly disturbed desert scrub areas. Agricultural areas consist of active and fallow agricultural fields and crops with disturbed saltbush scrub, ornamental tamarisk windrows, and ruderal vegetation adjacent to the fields.

The County General Plan (2007) designates the project site with the following land uses: Regional Industrial (IR), Rural Living (RL and RL-5), Resource Conservation (RC), and Agricultural (AG). Of these land uses, 74 percent of the project site is designated as RC. The RC designation is intended to provide open space and recreational activities, single-family homes on very large parcels, and similar compatible uses. Although the designation is intended to provide open space and recreational activities, it is not considered open space. Therefore, the project would not result in the loss of open space. Additionally, with the issuance of CUPs, the project would be consistent with the County's Development Code. Because the project would be consistent with the Development Code, it would also be consistent with the General Plan land use designation (Section 5.0 Other CEQA Considerations).

Finding

The project will not construct any new housing, nor will the project result in any of the following: remove an impediment to growth, foster substantial economic expansion or growth, establish a precedent-setting action, or develop or encroach on an isolated or adjacent area of open space. The County finds, on the basis of the entire record, that the proposed project would not directly or indirectly induce population growth. Therefore, no growth-related impacts beyond the environmental impacts discussed in Section 5.0, Other CEQA Considerations, of the EIR are anticipated.

D. Significant and Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(c) requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point), use nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely), and/or result in irreversible damage from any potential environmental accidents associated with the project.

The proposed project would not result in an unusually high demand for nonrenewable resources. The project would be a clean, renewable energy source. It would implement many state and local goals and policies directed at moving away from a reliance on fossil fuels and encouraging renewable energy. After the usable/permitted life of the project is over, the facility would be decommissioned and restored to its pre-development condition. A Closure, Revegetation, and Rehabilitation Plan will be prepared, all aboveground structures will be removed, and most of project materials will be recycled or sold as scrap. Shrubs and other plants will be revegetated by re-seeding following decommissioning.

Finding

The County finds, on the basis of the entire record, that the proposed project would not result in any significant irreversible environmental changes.

E. Alternatives

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the project, or a range of reasonable alternatives to the location of the

project, that could feasibly attain the basic objectives of the project. An EIR does not need to consider every conceivable alternative project, but it does have to consider a range of potentially feasible alternatives that will facilitate informed decision-making and public participation.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must include several different issues. The discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives. The "No Project" alternative must also be evaluated. The "No Project" analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the proposed project was not approved. The range of alternatives required is governed by a "rule of reason." Therefore, the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the proposed project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the County ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the County certifies the EIR and takes action on the proposed project. According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, policy preferences, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

The project alternatives are evaluated to determine the extent to which they attain the basic project objectives, while significantly reducing or avoiding any significant effects of the proposed project. The proposed project objectives are outlined in the Project Objectives subsection, in Section 2.0, Project Description, of this EIR.

The objectives of the proposed project include the following:

1. Assist the State of California in achieving or exceeding its Renewables Portfolio Standard (RPS) and greenhouse gas (GHG) emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 650 MWs.
2. Produce and transmit electricity at a competitive cost.
3. Provide a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates.
4. Use the existing interconnection at the Coolwater Substation that provides approximately 650 MW of capacity.
5. Utilize existing energy infrastructure to the extent possible by locating solar power generation facilities in close proximity to existing infrastructure, such as electrical transmission facilities.

6. Site solar power generation facilities in areas of San Bernardino County by 2020 that have the best solar resource to maximize energy production and the efficient use of land.
7. Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

Consistent with the requirements of the applicable CEQA Guidelines, the EIR analyzed potential environmental impacts associated with the required "No Project" alternative as well as three other ealternatives, compared those impacts to the impacts of the Project. The analyzed alternatives include:

- Alternative 1: No Project (No Build) Alternative
- Alternative 2: Reduced Footprint Alternative
- Alternative 3: Kramer Junction Solar Site Alternative

Table 6-2, Comparison of Alternative and Environmental Considerations, of the Draft EIR compares the project alternatives considered and their potential resulting environmental impacts. Table 6-3, Project Objectives Consistency Analysis, of the Draft EIR provides an analysis of all the alternatives' consistency with the project objectives.

1. Alternative 1: No Project Alternative (No Build)

Description of Alternative

Under the No Project Alternative, the proposed solar energy and storage facility would not be constructed. The existing conditions in the project site would remain. The No Project Alternative does not achieve any of the basic project objectives.

Impact Comparison to the Proposed Project

Under the No Project Alternative, impacts associated with construction and operation of the solar energy and storage facility would be avoided.

Aesthetics and Visual Resources

Implementation of the No Project Alternative would not impact scenic resources, as the project site would remain in its current condition. Views of agricultural land, the Barstow-Daggett airport, various transportation and utility infrastructure, and residences would remain. No new sources of light and glare would be constructed. The No Project Alternative would have no aesthetic impacts. The No Project Alternative would avoid the proposed project's less than significant impacts on visual quality. The No Project Alternative would have no impact on scenic resource or visual quality.

Agriculture and Forestry Resources

The No Project Alternative would have no impact on agricultural and forestry resources. No designated farmland would be converted to nonagricultural use, and no environmental changes would occur from conversion of farmland. The No Project Alternative would avoid the proposed project's impacts on agricultural resources resulting from conversion of farmland.

Air Quality

The No Project Alternative would not require vehicle or equipment use. Dust emissions from the active and fallow agricultural areas would continue at the same rate as existing conditions. Criteria air pollutant emissions would not increase and the risk to sensitive receptors would remain the same as baseline conditions. Ambient air quality of the project site would not be affected by the No Project Alternative. The No Project Alternative would avoid the proposed project's significant and unavoidable impacts on air quality resulting from construction of the proposed solar and energy storage facility.

Biological Resources

The No Project Alternative would not require ground-disturbing activities and would not affect special-status plant and wildlife species that may occur within the project site. No impacts on biological resources would occur. The No Project Alternative would avoid the proposed project impacts on biological resources including special-status species and habitats that would result from construction of the proposed solar and energy storage facility.

Cultural, Tribal Cultural, and Paleontological Resources

The No Project Alternative would not involve ground-disturbing activities. The No Project Alternative would not impact archaeological, tribal, cultural, or paleontological resources or disturb human remains. The No Project Alternative would avoid potential proposed project impacts on cultural, tribal cultural, and paleontological resources resulting from potential damage of buried archaeological, tribal cultural, and paleontological resources during construction of the solar and energy storage facility.

Geology and Soils

The No Project Alternative would not involve in the development of the project site and would not expose structures or property to adverse effects from rupture of an earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, landslides, or expansive or unstable soil. The No Project Alternative would not involve ground-disturbing activities and soil erosion and topsoil loss would continue at the same rate as baseline conditions in active and fallow agricultural areas. No geologic, soils, or seismicity impacts would occur with the No Project Alternative. The No Project Alternative would avoid the proposed project's impacts from exposure to earthquake faults, strong seismic ground shaking, seismic-related ground failure, landslides, soil erosion or loss of topsoil, unstable geological conditions, and expansive or unstable soils because no development would occur in the project site.

Greenhouse Gas Emissions

The No Project Alternative would not require construction of a new solar energy and storage facility. The existing greenhouse gas emissions from agricultural activities and existing agricultural use of the project site would continue. The No Project Alternative would not implement a renewable energy project and would not help the State of California meet its for renewable energy generation targets to reduce greenhouse gas emissions. The No Project Alternative would avoid the proposed project's less than significant impacts from generation of greenhouse gas emissions during construction because no development would occur in the project site.

The No Project Alternative would not retire the existing agricultural operations and equipment use on the project site or produce renewable energy. The long-term emissions of the No Project Alternative are expected to be greater than the proposed project due to the continued agricultural operation and use of the project site.

Hazards and Hazardous Materials

The No Project Alternative would not involve transportation or use of hazardous materials for construction of a solar and energy storage facility and would not introduce large batteries containing flammable materials. The risk of wildfire would not increase because the existing vegetation and use of the project site would remain. There would be no impacts related the hazards and hazardous materials.

The No Project Alternative would not impact air traffic safety because the No Project Alternative would not introduce any new infrastructure in areas covered by an Airport Land Use Plan. No infrastructure would be erected under the No Project Alternative.

The No Project Alternative would avoid the proposed project's impacts from transport of hazardous materials and introduction of potentially flammable battery storage materials into the project site. The No Project Alternative would also avoid the introduction of structures into the airport safety zone at the Barstow-Daggett airport.

Hydrology and Water Quality

The No Project Alternative would not create new impervious surfaces or include any development at the project site. No ground-disturbing activities would occur, and erosion and runoff rates would be unchanged from baseline conditions. The No Project Alternative would involve continuation of agricultural operations at the project site. The continued agricultural operations would involve substantial use of groundwater. The seven landowners within the project have base annual production rights of 27,054 acre-feet of water per year, which is the highest annual production that would be feasible for the area (Tetra Tech 2018). The court-appointed water master for the basin also established Free Production Allowance of 35 percent of the base annual production to maintain a proper water balance. The Free Production Allowance for property owners on the project site is 7,682 acre-feet of water per year (*ibid*). The amount of water used for agricultural production on the site ranged from 8,338 to 10,781 acre-feet of water per year between 2014 and 2017. This extraction of groundwater would be expected to continue under the No Project Alternative. The continued use of groundwater for agricultural production in the project area would not significantly impact groundwater supplies because groundwater allocations in the project area have been adjudicated and groundwater use in the area is managed by a water master. Continued agricultural operations under the No Project Alternative would involve substantially more groundwater use than the proposed project. Additionally, the No Project Alternative would not necessarily avoid the project's contribution to significant and unavoidable impacts on hydrology and water quality (groundwater supply) due to potential future transfer or shift of the Free Production Allowance (FPA) of the current landowners within the subbasin (which they can do with or without the project) and the fact that the County cannot compel actions by the Watermaster to adjust FPA or take other actions to reach equilibrium in the Baja Subarea.

The No Project Alternative would avoid the proposed project's less than significant impacts on water quality, altering drainage patterns of the site, increasing the rate of or amount of surface runoff, and placing structure within a 100-year floodplain. The No Project Alternative would not retire the existing agricultural operations and associated use of substantial groundwater resources and the long-term water use could be up to 8,802 acre-feet of water per year. The No Project Alternative would result in greater water resource impacts than the proposed project due to the continued use of substantial groundwater resources and the scarcity of water in the region.

Land Use and Planning

The No Project Alternative would not conflict with the San Bernardino County General Plan, County ordinances, or other applicable land use plans, policies, or regulations. No impacts related to land use would occur. The No Project Alternative would avoid the proposed project's impacts from conflict with land use plans, policies, and regulations, and dividing an established community.

Noise

No construction or operation of a solar and energy storage facility would occur under the No Project Alternative and ambient noise levels on the project site would remain the same as existing conditions. The No Project Alternative would not conflict with local noise standards or result in changes to the ambient noise levels either temporarily, periodically, or permanently. The No Project Alternative would avoid the proposed project's impacts from exposure of people to noise levels in excess of local noise standards and creation of substantial permanent and temporary increase in ambient noise levels.

Utilities and Service Systems

No new services would be required for the No Project Alternative. The existing agricultural use and associated groundwater withdrawals would continue on-site. The No Project Alternative would have no effect on water or wastewater treatment, stormwater drainage, or landfill capacity. The continued use of groundwater for agricultural production on-site would prohibit the use of groundwater resources for other applications in the region. Therefore, the No Project Alternative would have greater impacts on utilities and service systems than the proposed project due to the continued water demand from agricultural production on-site, whereas the proposed project would substantially reduce the on-site water demand.

Transportation and Traffic

No construction would occur with the implementation of the No Project Alternative. The No Project Alternative would not introduce new traffic to the area. The existing agricultural use and vehicle traffic would remain on the project site. No new access roads, solar facilities, or gen-tie lines would be constructed and the existing transportation and traffic conditions, including air traffic patterns, in the area would remain. The No Project Alternative would avoid all proposed project impacts from generation of traffic and creation of new access roads.

<u>Alternative 1 Summary and Feasibility</u>

Implementation of Alternative 1, the No Project Alternative, would avoid the environmental impacts of the proposed project because no solar energy and storage facility would be

constructed. The baseline environmental conditions on the project site would remain under the No Project Alternative. The No Project Alternative would not retire the existing agricultural operations on the site, which would continue to use groundwater resources and produce greenhouse gas emissions from agricultural equipment use. The No Project Alternative would have fewer impacts on most environmental resources as compared to the proposed project because no construction would occur, and land use patterns of the site would remain. The No Project Alternative would have greater impacts on water resources (groundwater) and greenhouse gases due to continued agricultural operation on the site under the No Project Alternative. The No Project Alternative would not meet any of the basic project objectives.

Finding

The County finds that the implementation of Alternative 1, No Project Alternative (No Build), would reduce potential environmental impacts when compared to the proposed project. However, Alternative 1 would not meet any of the project objectives. Therefore, while Alternative 1 would result in less environmental impact relative to the proposed project, none of the basic project objectives would be met by Alternative 1, such as assisting the State in achieving or exceeding its Renewables Portfolio Standard (RPS) and greenhouse gas (GHG) emissions reduction objectives and providing a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates. The County therefore rejects Alternative 1. The County finds that each of these reasons is individually sufficient to reject the alternative, and on that basis rejects this alternative.

2. Alternative 2: Reduced Footprint Alternative

Description

Alternative 2, the Reduced Footprint Alternative, would substantially reduce the footprint of the solar energy and storage facility to reduce significant air quality impacts to a less than significant level. The Alternative 2 solar facility would encompass approximately 1,015 acres, approximately 29% of the 3,500 acres required for the proposed project. Alternative 2 would produce up to 185 MW of energy. Alternative 2 construction would occur over 13.5 months for Phase 1 (57.5 MW), 13.5 months for Phase 2 (57.5 MW) and 19 months for Phase 3 (70 MW). The phases and stages within each phase would not overlap. An average of 85 workers would be on site during each stage of construction, depending on the activities.

A conceptual layout and reduced footprint for the Alternative 2 solar energy and storage facility is provided on Exhibit 4-1**,** Reduced Footprint Alternative (Concept), of the EIR**.**

Impact Comparison to the Proposed Project

Aesthetics and Visual Resources

Alternative 2 would avoid solar development on approximately 2,485 acres of land within the project site. The impact on views from scenic highways, including Route 66 and I-40 would be reduced with implementation of Alternative 2 because the solar facility footprint would be substantially reduced, which would reduce the extent and duration of views of the solar and energy storage facilities from scenic highways. The alternative would also reduce the change in

visual quality from nearby public roads because the extent of land conversion would be substantially minimized and the use of public roads with views of the solar facility would be reduced.

Alternative 2 would reduce the number of solar panels and new sources of lighting that would be introduced to the project site due to the 71% reduction in the project footprint. Light and glare impacts under Alternative 2 would be reduced compared to the proposed project. Implementation of Alternative 2 would reduce aesthetic impacts on scenic highways, visual quality, and light and glare. Alternative 2 would have less impact on aesthetics than the proposed project.

Agriculture and Forestry Resources

Alternative 2 would reduce the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland due to the substantial reduction in the Alternative 2 footprint. Alternative 2 would have no impact on forestry resources. Alternative 2 would result in substantially less impact on agricultural resources compared to the proposed project because less designated farmland would be converted to nonagricultural use.

Air Quality

Alternative 2 would reduce the intensity of construction and associated construction equipment emissions and the fugitive dust due to a 2,485-acre reduction in the area of ground disturbance. The reduced overall footprint of the project would substantially reduce the potential for fugitive dust generated during construction of the project. Table 4-4, of the EIR**,** lists the mitigated construction emissions for each stage of Alternative 2 construction after implementation of the dust control mitigation measures included for the proposed project. Alternative 2 construction emissions would not exceed MDAQMD thresholds for all pollutants and Alternative 2 impacts would be less than significant with mitigation.

Alternative 2 would reduce the proposed project's significant and unavoidable impacts on air quality construction emissions to a less than significant level. Alternative 2 would have less air quality impacts than the proposed project.

Biological Resources

The area of disturbance for Alternative 2 would be approximately 2,485 acres less than the proposed project. Alternative 2 would have less impact on biological resources than the proposed project because Alternative 2 would involve less ground disturbance, which would reduce the potential for impacts on other special-status species and their habitats including the Mojave fringe-toed lizard, desert tortoise, burrowing owl, desert kit fox, America badger, and special-status and migratory birds.

Cultural, Tribal Cultural, and Paleontological Resources

Alternative 2 would avoid development and associated ground-disturbing activities on 2,485 acres of the project site. The reduced area of ground disturbance would reduce the potential for potential discovery and damage of significant archaeological, paleontological, and tribal cultural resources. Alternative 2 would have less potential impact on cultural, tribal cultural, and paleontological resources than the proposed project.

Geology and Soils

Alternative 2 would be located within the project site on the same geologic and soil units as the proposed project. The area of Alternative 2 ground disturbance would be 1,015 acres and 71% less than the proposed project. Alternative 2 would reduce impacts from loss of top soil due to the reduction in the project footprint. Geology and soil impacts associated with the implementation of Alternative 2 would be less than the proposed project.

Greenhouse Gas Emissions

Alternative 2 would reduce the construction activity level by phasing the construction and reducing the project footprint by approximately 71%. Alternative 2 GHG emissions would reduce by a similar amount in conjunction with the reduced footprint. Alternative 2 would produce 185 MW of renewable energy, which would be less than the 650 MW of renewable energy produced by the proposed project. The reduced production of renewable energy would mean that the State of California would need to produce and procure renewable energy in other places to meet the renewable energy targets in SB 100. Alternative 2 construction would have less GHG emissions and impact on GHG than the proposed project.

Hazards and Hazardous Materials

Alternative 2 would involve use of the same hazardous materials as the proposed project (e.g., fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides); however, the substantial reduction in the Alternative 2 footprint would reduce areas where these materials would be transported and stored by avoiding development on approximately 2,485 acres. The reduced energy storage infrastructure would reduce the potential for ignition of an industrial fire on the project site. The proposed project includes solar panel installation in areas east and west of runway 826 and northeast of runway 422 in Barstow-Daggett Airport. Alternative 2 would remove solar development and gen-tie lines from areas within the Barstow-Daggett Airport Safety Area 1, and therefore, project review would not be required by the Federal Aviation Administration (FAA).

Hydrology and Water Quality

Alternative 2 would avoid ground-disturbing activities on approximately 2,485 acres of land. The reduced ground disturbance would reduce the potential for increased sedimentation and runoff during storm events. Alternative 2 would reduce the amount of required stormwater detention facilities. Alternative 2 would require less water for dust control during construction and operation due to the reduction in the total number of acres that would be disturbed during construction.

However, Alternative 2 would not necessarily avoid the project's contribution to significant and unavoidable impacts on hydrology and water quality (groundwater supply) due to potential future transfer or shift of the FPA of the current landowners within the subbasin and the fact that the County cannot compel actions by the Watermaster to adjust FPA or take other actions to reach equilibrium in the Baja Subarea.

Overall, Alternative 2 would have less impact on hydrology and water quality than the proposed project.

Land Use and Planning

Alternative 2 is located within the same land use and zoning designation as the proposed project in which solar development is allowed. Alternative 2 would create additional separation between residential areas and the solar facility. Alternative 2 would also avoid introduction of solar infrastructure and gen-tie lines within the Barstow-Daggett Airport Safety Area 1, which would reduce the potential for conflicts with the Airport Land Use Plan. Alternative 2 would have less land use impact than the proposed project.

Noise

Construction equipment used for Alternative 2 would be similar to the proposed project. Alternative 2 would increase residential setbacks and create additional separation between residential areas and construction activities. Since noise attenuates with distance, Alternative 2 would reduce peak construction and operational noise levels at the nearest receptor due to the increased setback from residences. Alternative 2 noise impacts would be less than the proposed project.

Utilities and Service Systems

Alternative 2 would produce less wastewater and require less water during construction and operation due to the reduction in the project footprint and associated reduction in water use and runoff generated during construction and operation. Alternative 2 would also produce less waste relative to the reduction in the project footprint. Overall, Alternative 2 impacts on utilities and service systems would be less than the proposed project.

Transportation and Traffic

With Alternative 2, the intensity of construction and the daily workforce would remain the same; however, overall construction would be shorter in duration. Additionally, Alternative 2 would also avoid development in the Barstow-Daggett Airport Safety Area 1, although project facilities are not prohibited from this Area when issued a Form 7460-1 Determination of No Hazard or equivalent from the FAA.

Alternative 2 Summary and Feasibility

Overall, implementation of Alternative 2 would result in reduced impacts on aesthetics, agricultural resources, air quality, biological resources, cultural, tribal cultural, and paleontological resources, geology and soils, greenhouse gases, hydrology and water quality, hazards and hazardous materials, land use, noise, transportation and traffic, and utilities when compared to the proposed project. Alternative 2 attains some project objectives, but not to the same extent as the project (refer to Table 4-3), and is potentially feasible.

Finding

The County finds that the implementation of Alternative 2, Reduced Footprint Alternative, would reduce impacts on aesthetics, agricultural resources, air quality, biological resources, cultural, tribal cultural, and paleontological resources, geology and soils, greenhouse gases, hydrology and water quality, hazards and hazardous materials, land use, noise, transportation and traffic, and utilities when compared to the proposed

project. Alternative 2 attains some project objectives and is potentially feasible. However, Alternative 2 would produce substantially less energy (up to 185 MW) and, therefore, would not meet the project objective of producing 650 MW of renewable energy. Furthermore, the County finds that Alternative 2 would still likely result in a significant cumulative impact to groundwater resources; therefore, the proposed project is more desirable because the project would maximize benefits to the County while not resulting in a much different impact or greater severity of impacts than Alternative 2. Therefore, the County therefore rejects the alternative.

3. Alternative 3: Kramer Junction Solar Site Alternative

Description

Alternative 3, the Kramer Junction Solar Site Alternative, would include 650 MW of electric generation capacity through the use of solar PV panels, battery storage, on-site substations, and a gen-tie line. Given the land area, Alternative 3 could have a similar generation capacity as the proposed project. The Alternative 3 site includes approximately 3,913 acres on BLM administered land, located west of the Interstate 395 highway (I-395) and north of U.S. Route 58, just north of the community of Boron as shown on Exhibit 4-2, Kramer Junction Solar Site Alternative. The northern two-thirds of the Alternative 3 site is designated as a Development Focus Area (DFA) in the Desert Renewable Energy Conservation Plan (DRECP) and the remainder of the site is undesignated in the DRECP.

The DRECP requires CDFW to develop a county-wide conservation strategy that addresses Mohave ground squirrel, prior to developing land in DFA-designated areas. The time it would take to develop the conservation strategy would delay any solar development in the area, however; the Alternative 3 site is considered a feasible location for solar development because it is an allowable use under the DRECP. In addition, a delay would potentially impact the feasibility of the project since it is dependent on federal tax credits that ramp down and are set to expire starting in 2019 and 2020. Although the Alterative 3 solar site covers approximately 3,913 acres, the actual area of development would be similar to the proposed project (approximately 3,500 acres).

The anticipated route of the Alternative 3 gen-tie is shown on **Exhibit 4-2** but has not been fully determined at this time. It is assumed that the gen-tie line would require an approximately 5-mile long gen-tie line and associated right-of-way. The point of interconnection would be at the Kramer Substation. Upgrades to the Kramer Substation may be required to allow for the interconnection. Depending on the final location of the gen-tie, existing rights-of-way may be required for the entirety, or a portion, of the gen-tie line.

An off-site alternative was recommended by the public to reduce impacts on the Daggett community. Alternative 3 would locate the proposed solar facility farther from residences than the proposed project and would avoid potential land use and air traffic safety impacts associated with location of a solar facility in proximity to an airport.

Impact Comparison to the Proposed Project

Aesthetics and Visual Resources

Alternative 3 would include development of the solar facility within an undisturbed desert area, covered in a network of desert washes. There is an existing solar facility directly east and adjacent to the Alterative 3 site, and an existing boron mine directly west and adjacent to the Alternative 3 site. The visual quality of the Alternative 3 site and surrounding area is considered low to moderate, given the existing encroachments east and west of the Alternative 3 site.

A transmission corridor containing a high voltage transmission line, a sub-transmission line, gas pipeline, fiber optic cable, and distribution lines, runs parallel to the west side of I-395. An existing solar facility is located between I-395 and the Alternative 3 site. Construction at the Alternative 3 solar site would result in changes in existing views from I-395 and U.S Route 58. U.S. Route 58 is an eligible state scenic highway. Existing views towards of the Alternative 3 site from the U.S. Route 58 are currently dominated by undeveloped desert landscape with scrub shrub vegetation and mountains in the background.

The project would replace views of the open desert with views of a solar facility. The gen-tie line for Alternative 3 would be approximately 5-miles long and would parallel U.S. Route 58. The gen-tie line and solar facility would not substantially obstruct or interrupt views of the surrounding landscape; however, the level of contrast to the existing undisturbed landscape would be moderate to moderately high in areas where the solar facility is close to U.S. Route 58. The resulting impact on visual quality would potentially be significant and unavoidable.

Alternative 3 would introduce similar new sources of lighting and glare to the Alternative 3 site as the proposed project. All lighting would be installed in accordance with County standard for nighttime lighting. The gen-tie line would be constructed with metallic components, which could introduce new sources of glare to the project site. No residences are located near the Alternative 3 site and solar panels would not direct glare towards the adjacent highways due to the angle of the solar panels relative to the highways. Impacts from light and glare would be less than significant.

Alternative 3 has greater impacts on aesthetics than the proposed project due to the introduction of industrial elements into a more undisturbed visual landscape near an eligible scenic highway. Implementation of this alternative would result in a potentially significant and unavoidable impact.

Agriculture and Forestry Resources

Alternative 3 would not involve development within designated farmland and would not convert farmland to nonagricultural use. Alternative 3 would have no impact on farmland. Alternative 3 would avoid all proposed project impacts on agricultural resources.

Air Quality

Alternative 3 would involve the use of construction equipment and vehicles that would result in temporary construction emissions. The alternative would not result in extended exposure of residences to criteria air pollutants or toxic air contaminants, as there are no residences in the vicinity of the Alterative 3 site. This alternative is located within a dry desert area with a network

of washes. The Alternative 3 site is more topographically diverse than the project site. Alternative 3 would require more grading for site development to even out the grade for solar panel installation. The additional grading would result in greater potential for generation of fugitive dust (PM_{10} and $PM_{2.5}$) during construction and over the project life. The additional grading would also require increased diesel-powered equipment activity, which would result in greater NO_x emissions. Alternative 3 would exceed MDAQMD thresholds for NOx, PM_{10}, and $PM_{2.5}$, even with mitigation incorporated, and the impact would be significant and unavoidable.

Alternative 3 would use the same types of construction equipment as the proposed project. The alternative would result in increased air quality emissions from fugitive dust due to the substantial grading that would be required on the site. Alternative 3 would avoid exposure of sensitive receptors to criteria air pollutants or toxic air contaminants because there are no sensitive receptors adjacent to the site. The nearest sensitive receptors are approximately 0.3 miles southwest of the Alternative 3 site, in Boron. Alternative 3 would have a greater impact on air quality than the proposed project because Alternative 3 would result in increased significant and unavoidable emissions of criteria air pollutants.

Biological Resources

Alternative 3 would have the potential to affect special-status wildlife and plant species, including direct impacts on habitat for desert tortoise, burrowing owl, special-status birds and bats, desert kit fox, and Mohave ground squirrel. Two BLM special-status plant species, desert cymopterus (*Cymopterus deserticola*) and Barstow woolly sunflower, (*Eriophyllum mohavense*), have the potential to occur on the Alternative 3 site.

Alternative 3 impacts on special-status species, habitat, and plants would be significant. Alternative 3 is located in proximity to known populations of Mohave ground squirrel and would result in substantial loss of Mohave ground squirrel habitat and impacts on desert wash habitat.

Alternative 3 would result in greater impacts on special-status species, habitat and plants than the proposed project. Mitigation measures identified for the proposed project could be implemented to reduce some biological resource impacts; however, additional mitigation measure would be required to address potential impacts on Mohave ground squirrel and desert washes. Alternative 3 would result in greater impacts on biological resources than the proposed project.

Cultural, Tribal Cultural, and Paleontological Resources

Alternative 3 would include ground-disturbing activities on undeveloped desert terrain. Ground-disturbing construction activities have the potential to uncover buried archeological, tribal cultural, or paleontological resources or human remains and result in a significant impact. Implementation of the mitigation measures identified for the proposed project would reduce potential impacts to a less than significant level. The potential for disturbing archaeological, tribal, or paleontological resources on the Alternative 3 site would be greater than the potential at the project site because a large portion of the project site has been subject to active agricultural activities including tilling, which disturbs the ground surface and the potential to encounter significant cultural resources is therefore reduced. Implementation of Alternative 3 would result in greater potential impacts on cultural resources than the proposed project due to the undeveloped nature of the Alternative 3 site.

Geology and Soils

Implementation of Alternative 3 would include development of the solar facility within an area of desert washes with uneven terrain. Additional grading would be required for site preparation. Alternative 3 grading would have the potential to cause soil erosion and loss of topsoil. Soils at the Alternative 3 site consist of sandy loam and the depth to groundwater would be substantial due to the desert environment. The Alternative 3 site soil conditions are not subject to liquefaction, landslides, or collapse.

Alternative 3 would require more grading than the proposed project due to presence of slopes and desert washes. Geology and soil impacts associated with the implementation of Alternative 3 would be greater than the proposed project.

Greenhouse Gas Emissions

Alternative 3 construction would involve off-road construction equipment and vehicles that would result in construction GHG emissions, which would be short-term and temporary. GHG emissions associated with operations and maintenance of Alternative 3 would not exceed the GHG significance threshold of 3,000 MT CO_2e per year. Impacts associated with greenhouse gas emissions would be less than significant.

The Alternative 3 site is more topographically diverse than the project site and would require more vegetation removal and grading for site development to even out the grade for solar panel installation. The additional grading would result in greater use of off-road construction equipment, which would result in greater GHG emissions. Greenhouse gas impacts associated with the implementation of Alternative 3 would be greater than the proposed project.

Hazards and Hazardous Materials

Alternative 3 would involve use of the same hazardous materials as the proposed project (e.g., fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides). Project construction activities would occur in accordance with all applicable standards for handling and transport of hazardous materials set forth by the County of San Bernardino and state and federal health and safety requirements. The substation and solar facility are not located on sites that are included on a list of hazardous materials sites, as determined through review of the EnviroStor and GeoTracker databases.

There are two LUST cleanup sites located on the east side of Kramer Substation, but no development would occur at those locations. Alternative 3 would increase the potential for occurrence of wildfires in the project site above existing conditions and would introduce energy storage infrastructure containing highly flammable materials to a vegetated desert landscape. Impacts related to hazards and hazardous materials would be potentially significant and would likely require mitigation.

Alternative 3 would not include development in the vicinity of the Barstow-Daggett Airport and would avoid the potential air traffic safety hazards and conflicts. The Boron Airstrip, a private airstrip, is located approximately 0.70 mile south of the Alternative 3 project site. The Alternative 3 facilities would not be expected to create a hazard to air traffic due to the distance between the

project and the Boron Airstrip similar to that with the proposed project when issued a Form 7460-1 Determination of No Hazard or equivalent from the FAA.

Alternative 3 would require use of the same hazardous materials as the proposed project and would have the same less than significant impact related to the potential for wildfires. Alternative 3 would avoid air traffic safety hazards because Alternative 3 is not located in proximity to an airport. Alternative 3 would have less potential for hazard impacts than the proposed project.

Hydrology and Water Quality

Alternative 3 is located in an area crossed by a network of desert washes. Grading and earthwork in the Alternative 3 area would result in increased risk of erosion and associated water quality impacts. Alternative 3 could also require redirecting streams due to grading within the desert washes. Preparation of a project-specific Storm Water Pollution Prevention Plan (SWPPP) would minimize construction-related water quality impacts from erosion; however, impacts on stream flows could be significant due to grading within desert washes.

Construction of the Alternative 3 solar facility would require use of water for dust suppression. The Alternative 3 site does not contain any groundwater wells and does not have any existing groundwater use. The use of groundwater for dust control could have a significant impact on groundwater supplies. Although the site is located near an existing mine, but there are no known sources of contamination on the site and Alternative 3 is not expected to create a new source of contaminated water.

Alternative 3 would not necessarily avoid the project's contribution to significant and unavoidable impacts on hydrology and water quality (groundwater supply) due to potential future transfer or shift of the FPA of the current landowners within the subbasin and the fact that the County cannot compel actions by the Watermaster to adjust FPA or take other actions to reach equilibrium in the Baja Subarea

The presence of Alternative 3 within an area of desert washes would increase the likelihood of flooding and substantial damage to the facility during flooding. Additional engineering would be required to avoid flood damage. The engineering solutions could result in other impacts on the environment, such as increased air quality and greenhouse gas emissions. Alternative 3 would result in greater hydrology and water quality impacts than the proposed project due to the location of the solar facility within an area of desert washes.

Land Use and Planning

Alternative 3 is located entirely within land under the jurisdiction of the BLM. The northern two-thirds of Alternative 3 is designed as a Development Focus Area within the BLM DRECP LUPA. The remainder of the Alternative 3 site is undesignated in the DRECP. DRECP Policies DFA-BIO-IFS-4 and 5 prohibit development in the Alternative 3 area until a county-wide conservation strategy has been developed by CDFW that addresses the Mohave Ground Squirrel population. Once the strategy is developed, the BLM would be required to review and determine if this area should remain as a DFA. No proposals for development will be considered by the BLM until a determination has been made.

The Alternative 3 solar and energy storage site is located outside the jurisdiction of the County. The nearest transmission interconnection would be Kamer Substation, and the gen-tie from the project solar site to the substation line may cross areas designated as RL-5 (rural living, 5-acre minimum), RL (rural living), and CR (rural commercial) by the General Plan. These zoning designations allow for the development of renewable energy generation facilities with County approval of a Conditional Use Permit (CUP).

Alternative 3 would have greater land use impacts than the proposed project due to siting of the project on BLM land where a portion of the site is not covered by a DFA and a county-wide conservation strategy needs to be adopted prior to any solar facility being allowed in the area.

Noise

Alternative 3 would involve short-term construction noise and long-term operational noise. The closest sensitive receptors are located approximately 0.30 mile southwest of the Alternative 3 site. The impact from noise generation during construction and operation would be less than significant due to the distance between the project facilities and the nearest sensitive receptor.

Construction at the Alternative 3 solar site would have a lesser noise impact than the proposed project solar site because there are no sensitive receptors immediately adjacent to the alternative solar site that would be exposed to construction and operational noise.

Utilities and Service Systems

Alternative 3 would require use of similar sanitary facilities as the proposed project and would not significantly affect water quality standards. Alternative 3 could require greater use of water supplies than the proposed project due to the increased grading and compaction that would likely be required at the site to level the surface undulations within the washes. Operational water demand for panel washing would be the same as the proposed project. The Alternative 3 area does not contain on site wells and there may not be adequate supplies of water to support construction and operation in the Alternative 3 area.

Alternative 3 has the potential for significant impacts on water supplies because there are no existing entitlements of water for the area. Further, Alternative 3 would not necessarily avoid the project's contribution to significant and unavoidable impacts on groundwater supply due to potential future transfer or shift of the FPA of the current landowners within the subbasin and the fact that the County cannot compel actions by the Watermaster to adjust FPA or take other actions to reach equilibrium in the Baja Subarea. Alternative 3 would have greater impacts on services and utilities than the proposed project due to increased construction water demand and the potential for inadequate water supply.

Transportation and Traffic

The number of vehicle trips associated with construction and operation of Alternative 3 would be similar to the proposed project, and impacts would be less than significant with implementation of mitigation measure **TRA-1**, which required a Construction Traffic Control Plan. Transmission structures would be constructed consistent with FAA requirements and would have no impact on air traffic patterns because no public use airports are located in proximity to the Alternative 3 site. Any new access roads constructed for Alternative 3 would be designed to

achieve County standards and would not increase hazards due to a design feature. No closures to U.S. 58 or I-395 would occur that may affect emergency access in the vicinity of the project. Alternative 3 impacts on transportation and traffic would be less than significant.

Alternative 3 would have less impacts on transportation and traffic due to the lower volume of traffic on local roads in proximity to the Alternative 3 site. Alternative 3 would also avoid impacts on air traffic because no public use airports are located in proximity to Alternative 3.

Alternative 3 Summary and Feasibility

Implementation of Alternative 3 would result in reduced impacts on agricultural resources, hazards, noise, and transportation and traffic. Implementation of Alternative 3 would result in greater impacts on aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and land use than the proposed project.

Alternative 3 is located wholly on BLM-administered land and would require a BLM right-of-way grant for development, in addition to a CUP from the County for development of an overhead gen-tie line. Obtaining BLM approval would require CDFW to develop a conservation strategy for Mohave ground squirrel, which would substantially increase the cost and length of time required for permitting the project. Alternative 3 would meet some of the project objectives and is considered potentially feasible because it is located within DRECP land use areas that are suitable for solar development.

Finding

The County finds that implementation of Alternative 3, Kramer Junction Solar Site, would result in reduced impacts on agricultural resources, hazards, noise, and transportation and traffic. Implementation of Alternative 3 would result in greater impacts on aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and land use than the proposed project. Due to these additional impacts, the County finds that Alternative 3 is undesirable and for this reason rejects the alternative.

4. Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

The No Project Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be chosen since the No Project Alternative is environmentally superior. Therefore, Alternative 2, the Reduced Footprint Alternative, is the environmentally superior alternative. Alternative 2 reduces impacts associated with the proposed project due to the avoidance of significant air quality impacts, reduced impact on sensitive biological resources, and reduced impact on residents due to residential setbacks. Alternative 2 would not result in any increase in environmental impacts. Alternative 2 also attains most or all of the basic project objectives, however it would not allow for

the project to achieve its key goal of utilizing the existing interconnection capacity at the Coolwater Substations to provide approximately 650 MW of renewable energy leveraging the use of existing electrical transmission infrastructure.

F. Adoption of A Mitigation Monitoring and Reporting Program

The County has prepared a Mitigation Monitoring and Reporting Program ("MMRP") pursuant to Section 21081.6 of the Public Resources Code and that MMRP is included in the Final EIR. The MMRP is designed to detail compliance with changes in the project and mitigation measures imposed on the project throughout project implementation. The measures in the MMRP are fully enforceable through permit conditions, agreements, or other measures.

Pursuant to Public Resources Code Section 21081.6, the County hereby adopts the MMRP attached to this Resolution as Exhibit A. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the project. In the event of any inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

5. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15093, the County has balanced the benefits of the project against its potentially significant and unavoidable environmental impacts in determining whether to approve the project. Pursuant to the CEQA Guidelines, if the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

As described in Section 4, above, and in Chapter 5.0 Other CEQA Considerations, of the EIR, the project would have significant and unavoidable adverse impacts on the environment. The project would result in significant and unavoidable impacts relating to air quality (construction phase) and hydrology (groundwater resources). In particular, despite implementation of mitigation measures **AIR-1** and **AIR-2**, the project would still result in significant and unavoidable impacts on air quality based solely on the conflict from project construction with the applicable MDAQMD air quality management plan as it relates to fugitive dust (PM_{10} and $PM_{2.5}$). Furthermore, the County finds that no reasonable and feasible mitigation measure(s) exist that would reduce impacts with regard to groundwater supplies in the Baja Subarea of the Mojave Basin because the County cannot require the retirement of water rights, compel any actions by the Watermaster to adjust FPA, or take other actions to address declining groundwater levels east of the Calico-Newberry Fault. The County hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, including implementation of all the mitigation measures recommended in the EIR, but that no further feasible mitigation measures exist that could mitigate the project's above-discussed significant and unavoidable impacts to a less than significant level.

Development and operation of the project is forecasted to provide a significant contribution to the County in the form of job creation and investment in the local economy. The project is anticipated to provide up to 500 construction jobs during construction and approximately 8 employees (full and part-time) during operations. Other potential economic benefits to the County and its residents include property taxes and sales taxes, increased spending in the community

during construction and operations, and collection of development impact fees. Specifically, it is estimated that the project could provide[1]:

- Approximately $18.5 million in additional property tax revenue over the life of the project
- Up to $210 million to be spent locally in the County during construction and up to $5 million spent annually during operations;
- Approximately $10.9 million to the County in Sales and Use taxes; and
- Approximately $16.5 million in development fees to the County over the life of the project.

Development of the project would also generate clean energy to power approximately 200,000 homes annually[2], offsetting approximately 510,000 metric tons of greenhouse gas emissions[3] annually.

The County further finds that except for the project, all other alternatives set forth in the EIR would prohibit the realization of project objectives and/or specific economic, social, and other benefits that this County finds outweigh any environmental benefits of the alternatives, and/or would result in similar or even increased overall impacts on the environment.

The County declares that, having reduced the adverse significant environmental effects of the project to the fullest extent feasible by adopting the mitigation measures contained in the EIR, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, each of the social, economic, environmental, and other benefits of the project—including the development of a 650 MW renewable energy facility that helps California meet the Renewables Portfolio Standard (RPS), that utilizes disturbed and degraded land and existing energy infrastructure to the extent possible by locating solar power generation facilities in close proximity (i.e., electrical transmission facilities), and that stimulates local construction and operation employment—have been determined to separately and individually outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable upon the following overriding considerations:

- Assist the state of California in achieving or exceeding its RPS and greenhouse gas emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 650 MWs.
- Produce and transmit electricity at a competitive cost.
- Provide a new source of energy storage that assists the state in achieving or exceeding its energy storage mandates.

[1] Economic & Planning Systems, Inc., 2019

[2] Based on U.S. Energy Information Administration (EIA)

[3] Based on California Emissions Estimator Model (CalEEMod)

- Use the existing interconnection at the Coolwater Substation that provides approximately 650 MW of capacity.
- Utilize existing energy infrastructure to the extent possible by locating solar power generation facilities in close proximity to existing infrastructure, such as electrical transmission facilities.
- Site solar power generation facilities in areas of San Bernardino County by 2020 that have the best solar resource to maximize energy production and the efficient use of land.
- Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

The County hereby declares that the foregoing benefits provided to the public, through the approval and implementation of the project, outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The County finds that each project benefit separately and individually outweighs all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

6. CONCLUSION

The County finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment and analysis of the County. The County declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 has been received by the County after circulation of the Draft EIR, which would require recirculation. Therefore, the County hereby certifies the EIR based on the entirety of the record of proceedings, including but not limited to the findings and conclusions reached herein.

Exhibit A

(Mitigation Monitoring and Reporting Program)

EXHIBIT J

Mitigation Monitoring Reporting Program

DAGGETT SOLAR POWER FACILITY PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

State Clearinghouse No. 2018041007

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September 2019

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1. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Daggett Solar Power Facility Project (proposed project). An MMRP is required for the proposed project because the Environmental Impact Report (EIR) prepared for the project has identified significant adverse impacts, and measures have been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."

2. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the County of San Bernardino will be responsible for monitoring compliance with all mitigation measures. Different County departments are responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring that each individual mitigation measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure such compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Potential Significant Impact**: The significance threshold is restated to describe the potentially significant impact.
- **Mitigation Measure**: The mitigation measures to be adopted (as identified in the EIR) are restated.
- **Timeframe of Mitigation**: Identifies at which stage of the project the mitigation measure shall be completed.
- **Monitoring, Enforcement and Reporting Responsibility**: Identifies the department within the County with responsibility for mitigation monitoring.

Mitigation Monitoring and Reporting Program

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Air Quality			
3.3-1 Conflict with or obstruct implementation of the applicable air quality plan?	**AIR-1** Prior to the issuance of grading permits, the project applicant shall submit an Air Quality Construction Management Plan to the County for review and approval. The plan shall describe the fugitive dust control measures which would be implemented and monitored at all locations of proposed project construction. The plan shall comply with the mitigation measures described in the Fugitive Dust Control Rules enforced by the Mojave Desert Air Quality Management District (MDAQMD) (Rules 403 and 403.2), San Bernardino County Development Code Sections 83.01.040 and 84.29.035, as well as the existing State Implementation Plan available for PM_{10} and $PM_{2.5}$. The plan shall be incorporated into all contracts and contract specifications for construction work. The plan shall outline the steps to be taken to minimize fugitive dust generated by construction activities by: • Describing each active operation that may result in the generation of fugitive dust. • Identifying all sources of fugitive dust, e.g., earthmoving, storage piles, vehicular traffic. • Describing the control measures to be applied to each of the sources identified. The descriptions shall be sufficiently detailed to demonstrate that the best available control measures required by air districts for solar projects are used. • Providing the following control measures, in addition to or as listed in the applicable rules, but not limited to: o Manage and limit disturbance of ground surfaces from vehicle traffic, excavation, grading, vegetation removal, or other activities to lower the potential for soil detachment and reduce dust transport. Maximize the use of compaction methods rather than the removal of top soil other than in areas where excavation or grading are required. This process referred to as mow-and-roll (agricultural land) or plate-and-roll (native vegetation) lessens the level of ground disturbance and leaves the root system in place for quicker regeneration of vegetative cover.	During construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	o Maintenance and access vehicular roads and parking areas shall be stabilized with water, chemicals or gravel or asphaltic pavement sufficient to minimize visible fugitive dust from vehicular travel and wind erosion and comply with MDAQMD Rule 403.2. Actions, including sweeping sealed roads, use of stabilized construction/facility entrances, and, if needed, using one or more entrance/exit vehicle tire wash apparatuses, shall be taken to prevent project-related track-out. Any project-related track-out must be cleaned within 24 hours. o Perimeter fencing, in locations as shown on Exhibit 3.3-1, shall be wind fencing or the equivalent, to a minimum of 4 feet of height of perimeter fencing in the areas identified in the Wind Fencing Plan. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. Strategically placed wind barrier fencing, to be constructed as part of the construction and operation phases (in locations shown in **Exhibit 3.3-1, Wind Fence Locations**) would be maintained to minimize dust blowing in the direction of the adjacent residences or the Barstow-Daggett Airport. o Use natural vegetation to stabilize disturbed or otherwise unstable surfaces to the extent feasible. A water truck shall be used to maintain most disturbed surfaces and to actively spread water during visible dusting episodes to minimize visible fugitive dust and limit emissions to 20 percent opacity in areas where grading occurs, within the staging areas, and on any unpaved roads. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel may be required to eliminate visible dust/sand from sand/fines deposit, if water application does not achieve stabilization. Other controls could include application of hydromulch (with seed for re-establishment of vegetation), application of		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	soil binders, or the use of soil cement for particularly unstable areas. o Minimize the idling time of diesel-powered construction equipment to two minutes, except in extreme heat events where workers require conditioned air to avoid health and safety issues. o All trucks and equipment, including their tires, shall be washed off prior to leaving the site. o On-site vehicle speed shall be limited to 15 miles per hour. o The following signage shall be erected not later than the commencement of construction: o A minimum 48-inch-high by 96-inch-wide sign containing the following information shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on 1-inch A/C laminated plywood board, with the lower edge between 6 and 7 feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day. "Site Name" (4-inch text) "Project Name/Project Number" (4-inch text) IF YOU SEE DUST COMING FROM THIS PROJECT, CALL: (4-inch text) [Contact Name]. PHONE NUMBER: XXX-XXX-XXXX (6-inch text) IF YOU DO NOT RECEIVE A RESPONSE, PLEASE CALL the MDAQMD at 1-800-635-4617. (3-inch text) • The project applicant or its designated representative shall obtain prior approval from the MDAQMD prior to any deviations from fugitive dust control measures specified in the approved Air Quality Construction Management Plan. A justification statement used to explain the technical and safety reason(s) for the substitute dust control measures required shall be submitted to the appropriate agency for review.		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	• The provisions of the Air Quality Construction Management Plan shall also apply to project decommissioning activities. The project sponsor will submit a revegetation plan for County review and approval prior to initiating construction. **AIR-2** All off-road construction equipment shall comply with the EPA's Tier 4 exhaust emission standards.		
3.3-2 Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Mitigation Measures **AIR-1** and **AIR-2**	During construction activities	San Bernardino County
3.2-3 Would the project expose sensitive receptors to substantial pollutant concentrations?	**AIR-3** Prior to the issuance of grading or building permits, the project applicant shall develop a Dust Control Plan (DCP) per the requirements of MDAQMD Rule 403.2. The DCP shall comply with MDAQMD Rules 403 and 403.2 to control fugitive dust, including PM10, by addressing objectives, key contacts, roles and responsibilities, dust sources, and control measures. The DCP will address the following sources: • Project-created dust sources • Disturbed surfaces • Unstable surfaces • Unpaved roads • Paved roads • Unspecified sources To mitigate each of the sources identified above during facility operation, including post-closure of a facility, there are often multiple mitigation measures available that can feasibly mitigate impacts to less than significant levels. The DCP would include but not be limited to the following measures: • **Limit Ground Disturbance.** Manage and limit disturbance of ground surfaces from vehicle traffic, excavation, grading, vegetation removal, or other activities to lower the potential for soil detachment and reduce dust transport. Only trim vegetation (mow and roll) in areas where solar panels will be installed, rather than remove vegetation entirely (clear and grub) followed by excavation or grading where feasible. This process lessens the level of ground disturbance and leaves	During construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	the root system in place for quicker regeneration of vegetative cover. • Vegetation. Use natural vegetation to stabilize disturbed or otherwise unstable surfaces to the extent feasible. • **Wind Fencing.** Strategically placed wind barrier fencing shall be installed as part of the construction and operation phases (shown in **Exhibit 3.3-1, Wind Fence Locations**) and be maintained to minimize dust blowing in the direction of the adjacent residences or the Barstow-Daggett Airport. Wind barrier fencing should be inspected by the contractor no less than once quarterly and repaired or replaced as needed to maintain full functionality. Any accumulated sediment would be removed and either re-distributed onsite or transferred off-site for use or disposal elsewhere. • **Surface Treatment.** Water trucks shall apply water and/or other controls to minimize the production of airborne dust, and limit emissions to 20 percent opacity in areas where grading occurs, within the staging areas, and on any unpaved roads used during project construction. Other controls could include application of hydromulch (with seed for re-establishment of vegetation), application of soil binders, or even the use of soil cement for particularly unstable areas. • **Vehicle Speed Limits.** Vehicle speed shall be limited speeds to 15 mph. Speed limit signs shall be displayed prominently at all project/facility entrances. • **Street Sweeping.** Sealed roads shall be swept as needed and track out opportunities limited through the use of stabilized construction/facility entrances or, if necessary, with one or more entrance/exit vehicle tire wash apparatuses. **Post-Construction Site Stabilization**. After construction is complete, disturbed areas will be stabilized at a minimum in accordance with the Stormwater Pollution Prevention Plan (SWPPP), the measures set forth in **AIR-3,** and Attachment 3 (Revegetation Management Details) to the Dust Control Technical Memorandum (**Appendix D-2** to the Draft EIR). If the revegetated ground cover for newly planted materials is less than 50% of baseline, the project applicant shall continue to implement measures to revegetate until		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	50% of the revegetated ground cover has been achieved or stabilized via other approved method.		
3.2-5 Would the project result in cumulative impacts related to air quality?	Mitigation Measures **AIR-1, AIR-2,** and **AIR-3**	During construction activities	San Bernardino County
Biological Resources			
3.4-1 Would the project have a potentially adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	**BIO-1** To avoid construction-level impacts to desert tortoise, not more than 45 days prior to ground-disturbing activities for the construction and/or decommissioning phase(s), qualified personnel shall perform a preconstruction clearance survey for desert tortoise. The applicant shall notify and consult with the United States Fish and Wildlife Services (USFWS) and California Department of Fish and Wildlife (CDFW) if tortoise or tortoise sign is identified during pre-construction surveys. If the species is present on-site, individual(s) shall be allowed to leave the site on their own, and in consultation with CDFW, the applicant may be required to install exclusionary/perimeter fencing, with mesh attached to the fence fabric extending from approximately 12 inches below grade to approximately 24 inches above grade to ensure no tortoises re-enter the work limits. No person(s) shall be allowed to touch a tortoise without authorization from USFWS and CDFW. Disturbance activities shall be monitored, as follows: • Environmental awareness training shall be provided for all construction personnel to educate them on desert tortoise, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If tortoises are encountered, such vehicles shall not be moved until the tortoises have voluntarily moved away from them or a qualified biologist has moved the tortoises out of harm's way. • If a tortoise is present, a biological monitor shall be present during all disturbance activities in the vicinity of exclusionary fencing (if required) and shall have the authority to stop work as needed to avoid direct impacts to tortoises. Periodic biological inspections and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing (if required). Work may proceed within	During ground disturbing and construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	the excluded area when the biologist confirms all tortoises have left the excluded area. • Should tortoises be found during construction activities, the biological monitor shall have the authority to stop work as needed to avoid direct impacts to tortoises, and further consultations with the USFWS and CDFW shall take place. • Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs). • Employees shall not bring pets to the construction site, which may predate on tortoises. • A trash collection system will be established to ensure that all food and other refuse that could attract tortoise predators is properly disposed of in self-closing, sealable containers with lids that latch to prevent entry by wind, common ravens, and mammals. • All trash receptacles will be regularly inspected and emptied daily to prevent spillage and maintain sanitary conditions. The receptacles will be removed from the project area when construction or O&M activities are complete. • Road-killed animals or other carcasses detected during construction or O&M activities will reported to a qualified biologist. If determined to be non-special-status species, the carcass will be picked up and disposed of immediately (e.g., removal to a landfill or disposal. For special-status species road-kill, a qualified biologist or project representative will contact the USFWS or CDFW, as applicable, prior to removal and disposal. • During construction and O&M, storage of materials (e.g., food, trash) that may potentially attract predators will be limited to containers that are not easily accessible to wildlife. • Use of water for purposes such as fugitive dust abatement will not be allowed to pool such that it attracts ravens and other tortoise predators. **BIO-2** To avoid construction-level impacts to burrowing owl, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	burrowing owl in accordance with CDFW guidelines. If the species is present on-site and/or within 500 feet of the site, the biologist shall prepare and submit a passive relocation plan to the CDFW for review/approval and shall implement the approved plan to allow commencement of disturbance activities on-site. Fencing or flagging shall be installed at a 500 meter radius from occupied burrows to create a non-disturbance buffer area where no work activities may be conducted. Through consultation with the CDFW, the non-disturbance buffers/fence lines may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., September 1 through January 31). If avoidance of an occupied burrow is infeasible, the owls may be passively relocated by a qualified biologist during the non-breeding season, in accordance with the passive relocation plan. (Note: Occupied burrows may not be disturbed during the breeding season [February 1 to August 31].) At a minimum, the plan shall include the following performance standards: • Excavation shall require hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow and monitored for at least 48 hours after installation. If burrows will not be directly impacted by the project, one-way doors shall be installed to prevent use and shall be removed after ground-disturbing activities have concluded in the area. Only burrows that will be directly impacted by the project shall be excavated and filled. • Detailed methods and guidance for passive relocation of burrowing owls to off-site "replacement burrow site(s)" consisting of a minimum of two suitable, unoccupied burrows for every burrowing owl or pair to be passively relocated. • At a minimum of 60 days prior to commencement of scheduled ground disturbance, the project applicant is to submit a Burrowing Owl Mitigation and Monitoring Plan to		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	the CDFW that outlines policies and procedures to minimize unanticipated impacts to burrowing owls during construction, operations, and decommissioning. The Plan shall include the mitigation measures listed in **BIO-2** and additional appropriate measures in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years. If preconstruction surveys indicate construction activities would occur within 500 feet of off-site occupied burrows during the breeding season (February 1 through August 31), qualified personnel shall monitor project disturbance activities and the off-site active burrows to ensure they are not being adversely affected. If so, the biologist in consultation with the CDFW shall implement additional measures to avoid such disturbances of active nesting efforts. **BIO-3** To avoid construction level impacts to desert kit fox, at least 60 days prior to project ground disturbance activities during the construction phase, a Desert Kit Fox Management Plan shall be prepared and submitted to the County and the CDFW that (1) incorporates pre-approval survey data of the desert kit fox population; (2) identifies preconstruction survey methods for kit foxes; (3) describes preconstruction and construction-phase biological monitoring and passive relocation methods, or outlines any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either are necessary; and (4) includes contingency measures if canine distemper is documented in any individuals on-site. **BIO-4** To avoid construction-level impacts to desert kit fox, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for desert kit fox in accordance with CDFW guidelines. Surveys shall also consider the potential presence of active dens within 100 feet of the boundaries of the on-site disturbance footprint, access roads, and selected alignment for the gen-tie line. If dens are detected, each shall be classified as either inactive, potentially active, or definitely active, and the following actions taken:		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	• Inactive dens that would be directly impacted shall be excavated by hand and backfilled to prevent reuse by kit fox. • Potentially and definitely active dens that would be directly impacted shall be monitored by a biologist for 3 consecutive nights using a tracking medium (e.g., diatomaceous earth, fire clay) and/or infrared camera stations at the den entrance. • If no tracks are observed or no photos of the species are captured after 3 nights, the den shall be excavated and backfilled by hand. • If tracks are observed, the den entrance shall be progressively blocked with natural materials (e.g., rocks, dirt, sticks, vegetation) for the next 3 to 5 nights to discourage the fox from continued use of the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to ensure no foxes are trapped in the den. • If an active natal den (i.e., with pups) is detected on-site, per the procedures above, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for harm or mortality. The course of action shall depend on the age of the pups, on-site location of the den (e.g., central area, perimeter), status of the perimeter fence (completed or not), and pending construction activities proposed near the den. A 500-foot non-disturbance buffer shall be maintained around all active natal dens. The following measures are required to reduce the likelihood of distemper transmission: • No pets shall be allowed on-site prior to or during construction, with the possible exception of kit fox scat detection dogs during preconstruction surveys, and then only with prior CDFW approval. • If the biological monitor deems it necessary to repel foxes attempting to enter the construction zones, animal repellents such as coyote urine shall be used only with prior CDFW approval. • Any sick or diseased fox, or documented fox mortality, shall be reported to the CDFW within 24 hours of identification. If		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	a dead fox is observed, it shall be protected from scavengers until the CDFW determines whether the collection of necropsy samples is justified. **BIO-5** To avoid construction-level impacts to nesting birds, the following measures are required: • No earlier than 3 days prior to commencement of scheduled ground disturbance during the nesting bird breeding season (February 1 through August 31), qualified personnel shall perform a nest survey within 500 feet of the disturbance footprint, as accessible. If active nests are found, project disturbance activities shall be postponed or halted within a non-disturbance buffer surrounding each active nest (to be established by the biologist) that is suitable to the particular bird species and nest location(s) until the nest(s) are vacated and juveniles have fledged, as determined by the biologist. Any such buffer(s) shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. A biologist shall monitor construction activities near all such buffer(s) to ensure no inadvertent impacts on active nest(s). If listed species are involved, the CDFW and/or USFWS shall be notified immediately for consultation on how to proceed. • At a minimum of 60 days prior to commencement of operations, the project applicant shall submit a Bird and Bat Conservation Plan (Plan) to the County for review and approval. The Plan will outline policies and procedures to minimize unanticipated impacts to birds and bats during operations. Site personnel will be provided a set of standardized instructions to follow in response to any bird or bat incidents on-site. The Plan shall include procedures on how to document any bird or bat species discovered dead or injured on the project site. In the event of an injury or death of a listed species, CDFW and/or USFWS shall be contacted to consult on appropriate next steps. The Plan shall be implemented for the life of the project.		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	BIO-6 The following best management practices shall be implemented during project grading and construction and decommissioning activities to address potential indirect impacts: • The potential for wildlife entrapment shall be avoided as follows: o **Backfill trenches.** At the end of each workday, all potential wildlife pitfalls (e.g., trenches, bores, excavation pits) shall be backfilled, covered, or sloped to allow wildlife egress. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). o **Cover materials**. All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). • Minimize construction impacts. The construction limits shall be flagged prior to ground-disturbing activities. All construction activities, including equipment staging and maintenance, shall be conducted within the flagged disturbance limits. • Avoid toxic substances on road surfaces. Soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants. • Minimize spills of hazardous materials. All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	• Worker guidelines. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife or bring pets to the project site. • Best management practices/erosion/runoff. The project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Colorado River Regional Water Quality Control Board. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.		
3.4-2 Would the project impact special-status riparian habitats or have a substantial adverse effect on sensitive or other special-status natural vegetation communities identified in local or regional plans, policies, or regulations or by the CDFW or USFWS?	**BIO-7** Prior to commencement of the decommissioning phase, the project applicant shall prepare a revegetation plan as part of the Decommissioning Plan to identify performance standards necessary for revegetation of the site with native plants. The Decommissioning Plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover, density, and species richness. Standards of success shall include at least a 50 percent revegetation success rate compared to baseline conditions and shall include annual monitoring for 2 years. If 50 percent revegetation has not been achieved within 2 years due to lack of water or other environmental factors, the applicant shall work with	Prior to commencement of the decommissioning phase	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	the County to identify and implement an alternate solution to achieve the identified success rate.		
3.4-5 Would the project conflict with local policies or ordinances protecting biological resources. Impacts would be less than significant with mitigation.	Implement mitigation measures **BIO-1** through **BIO-7**	During ground disturbing; construction activities; and commencement of the decommissioning phase	San Bernardino County
3.4-7 Would project, in conjunction with other related projects, result in cumulatively considerable impacts to biological resources in the region?	Implement mitigation measures **BIO-1** through **BIO-7**	During ground disturbing; construction activities; and commencement of the decommissioning phase	San Bernardino County
Cultural Resources			
3.5-1 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	**CUL-1** Fencing shall be installed and maintained along the 50-foot buffer around the known boundaries of historical resources (P-36-001961, P-36-005067, Coolwater HDR-23, Coolwater HDR-57, Coolwater HDR-58, Coolwater HDR-61, Coolwater HDR-45 [a component of P-36-07883], and Coolwater ISO-56) to protect them in place during construction, operation, and decommissioning.	During ground disturbing activities	San Bernardino County
3.5-2 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**CUL-1** Reference **CUL-1** above. **CUL-2** The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project and conducting subsurface activities. Development of the WEAP shall include consultation with an archaeologist. The training shall include an overview of known historical resources and potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist. **CUL-3** In the event that previously unknown historic era archaeological resources (sites, features, or artifacts) are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Pursuant to CEQA Guidelines Section 15126.4(b)(3), proposed project redesign and preservation in place	During ground disturbing activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County. Protocol for discovery and treatment of pre-contact resources is outlined in mitigation measure **CUL-8.**		
3.5-3 Disturb any human remains, including those interred outside of dedicated cemeteries?	**CUL-4** The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project on subsurface activities. Development of the WEAP shall include consultation with an archaeologist and an expert with expertise in paleontology. The training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist. Prior to any ground-breaking activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. **CUL-5** In the event that paleontological resources are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. If it is demonstrated that resources cannot be avoided, the qualified paleontologist shall develop additional treatment measures in consultation with the County, which may include recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.	During ground disturbing activities	San Bernardino County
3.5-4 Would the project disturb any human remains, including those interred outside of formal cemeteries?	**CUL-6** In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman	During ground disturbing activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).		
3.5-5 Would the project 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,	Mitigation Measures **CUL-6, CUL-7, CUL-8,** and **CUL-9** **CUL-7** Due to the potential impact to a significant archaeological site (CA-SBR-1961), subsurface archaeological testing shall be conducted by at least one archaeologist, with at least 3 years of regional	During ground disturbing activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and 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)? 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.	experience in archaeology, within the area of concern identified by the San Manuel Band of Mission Indians during consultation. Prior to any ground-disturbing activity, testing shall be conducted to confirm presence or absence of subsurface material and to delineate site boundaries. Testing may employ a number of subsurface investigative methods, including shovel test probes, and/or deep testing via controlled units, augers or trenching. The area of concern will be determined in the testing plan and shall be dug and dry-sifted through 1/8-inch mesh screens. A Testing Plan shall be created by the archaeologist and submitted to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Lead Agency for review at least 10 business days prior to implementation in order to provide time to review/modify the Plan, if needed. The Plan shall outline the protocol of presence/absence testing and contain a treatment protocol detailing that 1) no collection of artifacts or excavation of features shall occur during testing, and 2) all discovered resources shall be properly recorded and reburied in situ (see mitigation measure CUL-8). The results of testing shall be presented to the applicant, Lead Agency, and SMBMI in the format of a report, which shall include details regarding testing methodology, soil assessment, and photographs. If the results of testing, as approved by SMBMI, are positive, then SMBMI and the Lead Agency shall, in good faith, consult concerning appropriate treatment of the resource(s), guidance for which is outlined in mitigation measure CUL-8. If the results of testing, as approved by SMBMI, are negative, then SMBMI will conclude consultation unless additional discoveries are made during project implementation in which consultation would resume. All discoveries made during project implementation shall be subject to the treatment protocol outlined within the Testing Plan, as well as the treatment guidelines within mitigation measures CUL-6 and CUL-8. **CUL-8** If a pre-contact tribal cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. If a pre-contact tribal cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 100 feet around the		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource(s). As outlined in CEQA, the applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in place, and therefore the removal of the resource(s) is necessary to mitigate impacts, a research design shall be developed in consultation with SMBMI. The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloguing and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to		

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the project developer/applicant to pay for those fees. All draft archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI. **CUL-9** Prior to ground-disturbing activities, the project proponent shall provide evidence that a Native American tribal monitor from the Morongo Band of Mission Indians has been retained to monitor ground disturbing excavation activities.		
3.5-6 Would the project result in cumulative impacts related to historical, archaeological, paleontological, or tribal cultural resources?	Mitigation Measures **CUL-1** through **CUL-9.**	During ground disturbing activities	San Bernardino County
Geology and Soils			
3.6-1b Would the project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	**GEO-1**. Prior to the issuance of grading permits, the project proponent/operator shall retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered and licensed professional engineer and	Before ground disturbing activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	consistent with the recommendations in the *Preliminary Geotechnical Engineering Report* prepared by Terracon Consultants, Inc. (2018).		
3.6-1c Would the project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Mitigation Measure **GEO-1**.	Before ground disturbing activities	San Bernardino County
3.6-4 Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Mitigation Measure **GEO-1**.	Before ground disturbing activities	San Bernardino County
3.6-6 Would the project result in cumulative impacts related to geology and soils?	Mitigation Measure **GEO-1**.	Before ground disturbing activities	San Bernardino County
Hazards and Hazardous Material			
3.8-2 Would the project 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?	**HM-1** The following actions will be taken to address potential RECs associated with the project site. • Perform a review of relevant environmental documents of the properties associated with the RECs to validate the REC conclusion and further evaluate potential contaminants and areas of concerning order to inform locations where shallow soil sampling may be required and any soil disposal requirements prior to issuance of the grading permit for Phase 2 only (not required for other phases). • Perform shallow soil sampling along the project site boundaries that are immediately adjacent to the Barstow-Daggett Airport in locations determined by the review required above and where grading is planned to screen the soils for elevated contaminant prior to issuance of the grading permit for Phase 2 only (not required for other phases) • Prior to issuance of a grading permit, prepare a Soil Management Plan to provide background information regarding the project site, highlight areas of concern that the grading contractor should be aware of during grading activities, and define the procedures for addressing suspected	During construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	contaminated materials or subsurface anomalies that may be encountered during grading activities.		
3.8-5 Would the project result in a safety hazard for people residing or working in the project area, or result in a safety hazard for people residing or working in the vicinity of a private airstrip?	**HM-2** Prior to issuance of building and grading permits for each CUP phase, the Applicant shall provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration (FAA) at representative perimeter locations of the CUP phase to verify that structures do not pose a hazard to aircraft navigation.	Prior to issuance of building and grading permits	San Bernardino County
Land Use and Planning			
3.10-2 Would the project conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Mitigation Measure **HM-2**.	Prior to issuance of building and grading permits	San Bernardino County
Noise			
3.11-1 Would the project result in exposure of people to, or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**NOI-1** The following noise mitigation measures are required to minimize noise impacts: • Maintain all construction tools and equipment in good operating order according to manufacturers' specifications. • Limit use of major excavating and earthmoving machinery to daytime hours. • To the extent feasible, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited activities, such as concrete pours, will be required to occur continuously until completion. • Equip any internal combustion engine related to the job with a properly operating muffler that is free from rust, holes, and leaks. • For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible.	During construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	• Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment. • Utilize a complaint resolution procedure to address any noise complaints received from residents. • Post signage showing the overall construction schedule. • Deploy temporary sound barrier or other engineering solution when construction activities are located within 200 feet of a residence so that the noise level at the residents' property line is less than the federal transit administration threshold of 80 dBA. The sound barriers should be placed so that the construction equipment is blocked with a buffer of approximately 20 feet from the equipment to edges of the barrier. This reduction in noise can also be accomplished using a comparable engineering solution to minimize noise. **NOI-2** Battery storage containers located at the eastern portion of the project shall be rotated so that the heating, ventilation and air conditioning units are pointed away from receptors; or a comparable engineering solution to minimize noise from this equipment shall be implemented, such that noise levels do not exceed the County daytime threshold of 55 dBA		
3.11-2 Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Mitigation Measure **NOI-2**	During construction activities	San Bernardino County
3.11-3 Would the project cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Mitigation Measure **NOI-1**	During construction activities	San Bernardino County
3.11-7 Would the project result in cumulative noise impacts?	Mitigation Measure **NOI-1**	During construction activities	San Bernardino County
Transportation and Traffic			
3.12-1 Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all	**TRA-1** Prior to commencement of construction activities, the applicant shall prepare and submit a Construction Traffic Control Plan to the County in accordance with both the Caltrans (2014) California Manual on Uniform Traffic Control Devices (CA MUTCD) and the	During construction activities	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Work Area Traffic Control Handbook for review and approval by the County, which will include: • Timing the delivery of heavy equipment and building materials under the contractors' control during non-peak commute hours, to the extent feasible. • Directing construction traffic with a flag person. • 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. • Ensuring access for emergency vehicles to the project site. • Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections. • Designating bicycle and pedestrian detour plans if/where applicable. • Maintaining access to adjacent property. • Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hours, distributing construction traffic flow across alternative routes to access the project site in a way that maintains level of service conditions at the time of construction, and avoiding residential neighborhoods to the maximum extent feasible. • Coordinating the traffic control plan with the County, as well as potential traffic control plan adjustments, in the event of concurrent projects generating potentially overlapping traffic effects. • Conducting additional traffic control plan coordination with Caltrans regarding the SR-58 Hinkley Expressway Project if construction of the proposed project occurs concurrently with construction of the expressway project.		
3.12-3 Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Mitigation Measure **HM-2.**	Prior to issuance of building and grading permits	San Bernardino County

Mitigation Monitoring and Reporting Program (continued)

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
3.12-5 Would the project result in inadequate emergency access?	Mitigation Measure **TRA-1.**	During construction activities	San Bernardino County

EXHIBIT K

Conditions of Approval

CONDITIONS OF APPROVAL
Daggett Solar Power Facility (PROJ-2020-00164)
Conditional Use Permit

GENERAL REQUIREMENTS
Of Operation and Procedure

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved to construct and operate a utility scale photovoltaic solar power generating facility with battery storage capacity on approximately 305 acres, in the community of Daggett. Project No: PROJ-2020-00164.

2. Code Compliance. The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and approved site plan to every current and future developer to facilitate compliance with these conditions of approval and continuous use requirements for the project site.

3. Project Location. The project is located on approximately 305 acres 5 miles east of the town of Daggett.

4. Revisions. Any proposed change to the approved site plan, conditions of approval, approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)

5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

   Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

   The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

   This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

6. Expiration. The proposed modified project is intended to be incorporated into and developed with the previously approved project (P201700679) which includes 6 conditional use permits. This proposed modified project constitutes the 7th conditional use permit for the overall project. This project permit approval shall expire and become void if at least one of the seven CUP's it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The approval is deemed "exercised" and all of the CUP's shall remain effective for a period not to exceed ten (10) years when either:
    a. The permittee has commenced actual construction or alteration under at least one CUP within three (3) years under a validly issued building permit and construction of all future phases has commenced within ten (10) years of the date of this approval, or
    b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
    c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
        - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
        - The land use is determined by the County to be abandoned or non-conforming.
        - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

    PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non- complying situation.

8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

9. Project Account. The Project account number is PROJ-2020-00164. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10. Condition Compliance - Construction. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
    a. Grading Permits: A copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
    b. Building Permits: A copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
    c. Final Inspection/Occupancy: A copy of the signed CCRF for final inspection, after an on-site

compliance inspection by County Planning.

11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

12. State and Federal Endangered Species Act. This approval does not relieve the property owner or project proponent of responsibility to comply with State and Federal Endangered Species Acts. If any listed sensitive species are identified during grading, building or land disturbing activity, all on-site activities in the vicinity of the species observation must cease, the California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) (as applicable) must be contacted for consultation. Construction may recommence upon determination by the County I consultation with USFWS and CDFW that appropriate avoidance, minimization and/or mitigation measures have been implemented.

13. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts eligible for protection as historic resources under CEQA or under the National Historic Preservation Act be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

14. Cultural Resources Mitigation. Fencing shall be installed and maintained along the 50-foot buffer around the known boundaries of historical resources (P-36-001961, P-36-005067, Coolwater HDR-23, Coolwater HDR-57, Coolwater HDR-58, Coolwater HDR-61, Coolwater HDR-45 [a component of P-36-07883], and Coolwater ISO-56) to protect them in place during construction, operation, and decommissioning.

15. Cultural Resource Mitigation. In the event that previously unknown historic era archaeological resources (sites, features, or artifacts) are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Pursuant to CEQA Guidelines Section 15126.4(b)(3), proposed project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the County. Protocol for discovery and treatment of pre-contact resources is outlined in Mitigation Measure **CUL-8.**

16. Cultural Resource Mitigation. In the event that paleontological resources are exposed during grading and/or construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. If it is demonstrated that resources cannot be avoided, the qualified paleontologist shall develop additional treatment measures in consultation with the County, which may include recovery or other appropriate measures. The qualified archaeologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.

17. Cultural Resource Mitigation. In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The project lead/foreman shall designate an Environmentally Sensitive Area (ESA) physical demarcation/barrier 100 feet around the resource and no further excavation or disturbance of the site shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative will then determine, in consultation with the property owner, the disposition of the human remains.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

18. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
    a. FEDERAL: U.S Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (USFWS);
    b. STATE: California Department of Fish and Wildlife (CDFW), Mojave Desert Air Quality Management District, Lahontan Regional Water Quality Control Board (RWQCB);
    c. COUNTY: Land Use Services – Building and Safety, Code Enforcement, Land Development; Public Health – Environmental Health Services; Public Works – County Surveyor; Daggett Fire; Newberry Fire; and
    d. LOCAL: None

19. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is not visually derelict and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
    a. Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
    b. Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
    c. Dust control: The developer shall maintain dust control measures on any undeveloped areas where soil stabilization is required.
    d. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
    e. External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
    f. Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
    g. Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
    h. Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
    i. Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
    j. Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan, as applicable. Any modification to parking and access layout requires the Planning Division review and approval, as applicable. The markings and signs

shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations, as applicable.

k. Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking" designations and “Fire Lane” designations, as applicable.

20. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste, including during construction. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
    - Odors: No offensive or objectionable odor
    - Emissions: No emission of dirt, dust, fly ash, and other particulate matter.
    - Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published by the United States Bureau of Mines).
    - Radiation: No dangerous amount of radioactive emissions.
    - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
    - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.

21. Lighting. Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

22. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.

23. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards.

24. Public Safety Services Impact Fees. Upon completion and final construction of the Project, the developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:

Parcel Size	Fee Per Acre
0-4.99 acres	$580
5-14.99 acres	$280
15 acres or greater	$157

Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project’s public safety services impacts, which study shall be paid at the developer’s expense, using a consultant approved by the County.

Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

25. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
    - **a.** All construction equipment shall be muffled in accordance with manufacturer's specifications.
    - **b.** All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
    - **c.** All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
    - **d.** Maintain all construction tools and equipment in good operating order according to manufacturers' specifications.
    - **e.** Limit use of major excavating and earthmoving machinery to daytime hours.
    - **f.** To the extent feasible, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited activities, such as concrete pours, will be required to occur continuously until completion.
    - **g.** Equip any internal combustion engine related to the job with a properly operating muffler that is free from rust, holes, and leaks.
    - **h.** For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible.
    - **i.** Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment.
    - **j.** Utilize a complaint resolution procedure to address any noise complaints received from residents.
    - **k.** Post signage showing the overall construction schedule.
    - **l.** Deploy temporary sound barrier or other engineering solution when construction activities are located within 200 feet of a residence so that the noise level at the residents' property line is less than the federal transit administration threshold of 80 dBA. The sound barriers should be placed so that the construction equipment is blocked with a buffer of approximately 20 feet from the equipment to edges of the barrier. This reduction in noise can also be accomplished using a comparable engineering solution to minimize noise.

26. Air Quality Mitigation. All off-road construction equipment shall comply with the EPA's Tier 4 exhaust emission standards.
27. Dust Control Mitigation: Post-Construction Site Stabilization. After construction is complete, disturbed areas will be stabilized at a minimum in accordance with the Stormwater Pollution Prevention Plan (SWPPP), the measures set forth in **AIR-3,** and Attachment 3 (Revegetation Management Details) to the Dust Control Technical Memorandum (**Appendix D-2** to the certified EIR). If the revegetated ground cover for newly planted materials is less than 50% of baseline, the project applicant shall continue to implement measures to revegetate until 50% of the revegetated ground cover has been achieved or stabilized via other approved method.

LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

28. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

29. Weed Abatement. The property owner and "developer" shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387- 8311

30. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

31. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

32. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

33. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

34. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.

35. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.

36. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

DAGGETT FIRE (760) 267-1471

37. The applicant shall conduct informational meetings and training to Daggett Fire staff regarding the battery storage facilities design, fire suppression mechanisms and fire protection procedures.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701

38. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).

PRIOR TO ISSUANCE OF LAND DISTURBANCE OR GRADING PERMITS
The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

39. Joshua Tree Relocation Plan. The developer shall submit and have approved by the Planning Division a relocation plan for Joshua Trees within the developed site area, if present. The relocation plan shall be accompanied with certification from an appropriate arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing Joshua Tree removals from the subject property.

40. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
    - **a.** Implement the approved Coating Restriction Plans.
    - **b.** Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
    - **c.** Grading contractor shall provide the implement the following when possible:
        1. Training operators to use equipment more efficiently.
        2. identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
        3. replacing older, less fuel-efficient equipment with newer models
        4. use GPS for grading to maximize efficiency
    - **d.** Grading plans shall include the following statements:
        - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
        - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
    - **e.** Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
    - **f.** Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
    - **g.** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

41. Air Quality. The Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM_{10} and $PM_{2.5}$ (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
    - **a.** The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
        1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the

site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.

2. The Project proponent shall ensure that all disturbed areas are treated, if necessary, to prevent erosion.
3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_X and PM_{10} levels in the area. The Project proponent will be required to implement the following requirements of the Mojave Desert Air Quality Management District thresholds during operations:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

42. Dust Control Mitigation. Prior to the issuance of grading permits, the project applicant shall submit an Air Quality Construction Management Plan to the County for review and approval. The plan shall describe the fugitive dust control measures which would be implemented and monitored at all locations of proposed project construction. The plan shall comply with the mitigation measures described in the Fugitive Dust Control Rules enforced by the Mojave Desert Air Quality Management District (MDAQMD) (Rules 403 and 403.2), San Bernardino County Development Code Sections 83.01.040 and 84.29.035, as well as the existing State Implementation Plan available for PM_{10} and $PM_{2.5}$. The plan shall be incorporated into all contracts and contract specifications for construction work. The plan shall outline the steps to be taken to minimize fugitive dust generated by construction activities as established in Mitigation AIR-1in the certified EIR.

43. Dust Control Mitigation. Prior to the issuance of grading or building permits, the project applicant shall develop a Dust Control Plan (DCP) per the requirements of MDAQMD Rule 403.2. The DCP shall comply with MDAQMD Rules 403 and 403.2 to control fugitive dust, including PM10, by addressing objectives, key contacts, roles and responsibilities, dust sources, and control measures.

    The DCP will address sources as well as mitigation measures including but not limited to those identified in Mitigation Measure AIR-3 in the EIR.

44. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

45. Desert Tortoise Mitigation. To avoid construction-level impacts to desert tortoise, not more than 45 days prior to ground-disturbing activities for the construction and/or decommissioning phase(s), qualified personnel shall perform a preconstruction clearance survey for desert tortoise. The applicant shall notify and consult with the United States Fish and Wildlife Services (USFWS) and California Department of Fish and Wildlife (CDFW) if tortoise or tortoise sign is identified during pre-construction surveys. If the species is present on-site, individual(s) shall be allowed to leave the site on their own, and in consultation with CDFW, the applicant may be required to install exclusionary/perimeter fencing, with mesh attached to the fence fabric extending from approximately 12 inches below grade to approximately 24 inches above grade to ensure no tortoises re-enter the work limits. No person(s) shall be allowed to touch a tortoise without authorization from USFWS and CDFW.

Disturbance activities shall be monitored, as follows:

- **a.** Environmental awareness training shall be provided for all construction personnel to educate them on desert tortoise, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If tortoises are encountered, such vehicles shall not be moved until the tortoises have voluntarily moved away from them or a qualified biologist has moved the tortoises out of harm's way.
- **b.** If a tortoise is present, a biological monitor shall be present during all disturbance activities in the vicinity of exclusionary fencing (if required) and shall have the authority to stop work as needed to avoid direct impacts to tortoises. Periodic biological inspections and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing (if required). Work may proceed within the excluded area when the biologist confirms all tortoises have left the excluded area.
- **c.** Should tortoises be found during construction activities, the biological monitor shall have the authority to stop work as needed to avoid direct impacts to tortoises, and further consultations with the USFWS and CDFW shall take place.
- **d.** Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs).
- **e.** Employees shall not bring pets to the construction site, which may predate on tortoises.
- **f.** A trash collection system will be established to ensure that all food and other refuse that could attract tortoise predators is properly disposed of in self-closing, sealable containers with lids that latch to prevent entry by wind, common ravens, and mammals.
- **g.** All trash receptacles will be regularly inspected and emptied daily to prevent spillage and maintain sanitary conditions. The receptacles will be removed from the project area when construction or O&M activities are complete.
- **h.** Road-killed animals or other carcasses detected during construction or O&M activities will reported to a qualified biologist. If determined to be non-special-status species, the carcass will be picked up and disposed of immediately (e.g., removal to a landfill or disposal. For special-status species road-kill, a qualified biologist or project representative will contact the USFWS or CDFW, as applicable, prior to removal and disposal.
- **i.** During construction and O&M, storage of materials (e.g., food, trash) that may potentially attract predators will be limited to containers that are not easily accessible to wildlife.
- **j.** Use of water for purposes such as fugitive dust abatement will not be allowed to pool such that it attracts ravens and other tortoise predators.

46. Burrowing Owl Mitigation. To avoid construction-level impacts to burrowing owl, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for burrowing owl in accordance with CDFW guidelines. If the species is present on-site and/or within 500 feet of the site, the biologist shall prepare and submit a passive relocation plan to the CDFW for review/approval and shall implement the approved plan to allow commencement of disturbance activities on-site.

    - **a.** Fencing or flagging shall be installed at a 500 meter radius from occupied burrows to create a non-disturbance buffer area where no work activities may be conducted. Through consultation with the CDFW, the non-disturbance buffers/fence lines may be reduced to 160 feet if all project-related activities that might disturb burrowing owls would be conducted during the nonbreeding season (i.e., September 1 through January 31).
    - **b.** If avoidance of an occupied burrow is infeasible, the owls may be passively relocated by a qualified biologist during the non-breeding season, in accordance with the passive relocation plan. (Note: Occupied burrows may not be disturbed during the breeding season [February 1 to August 31].) At a minimum, the plan shall include the following performance standards:
        (1) Excavation shall require hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow and monitored for at least 48 hours after installation. If burrows will not be directly impacted by the project, one-

way doors shall be installed to prevent use and shall be removed after ground-disturbing activities have concluded in the area. Only burrows that will be directly impacted by the project shall be excavated and filled.

(2) Detailed methods and guidance for passive relocation of burrowing owls to off-site "replacement burrow site(s)" consisting of a minimum of two suitable, unoccupied burrows for every burrowing owl or pair to be passively relocated.

(3) At a minimum of 60 days prior to commencement of scheduled ground disturbance, the project applicant is to submit a Burrowing Owl Mitigation and Monitoring Plan to the CDFW that outlines policies and procedures to minimize unanticipated impacts to burrowing owls during construction, operations, and decommissioning. The Plan shall include the mitigation measures listed in **BIO-2** and additional appropriate measures in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goals of maintaining the functionality of the burrows for a minimum of 2 years.

c. If preconstruction surveys indicate construction activities would occur within 500 feet of off-site occupied burrows during the breeding season (February 1 through August 31), qualified personnel shall monitor project disturbance activities and the off-site active burrows to ensure they are not being adversely affected. If so, the biologist in consultation with the CDFW shall implement additional measures to avoid such disturbances of active nesting efforts.

47. Desert Kit Fox Mitigation. To avoid construction level impacts to desert kit fox, at least 60 days prior to project ground disturbance activities during the construction phase, a Desert Kit Fox Management Plan shall be prepared and submitted to the County and the CDFW that (1) incorporates pre-approval survey data of the desert kit fox population; (2) identifies preconstruction survey methods for kit foxes; (3) describes preconstruction and construction-phase biological monitoring and passive relocation methods, or outlines any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either are necessary; and (4) includes contingency measures if canine distemper is documented in any individuals on-site.

48. Desert Kit Fox Mitigation. To avoid construction-level impacts to desert kit fox, not more than 45 days prior to project disturbance activities, qualified personnel shall perform a preconstruction clearance survey for desert kit fox in accordance with CDFW guidelines. Surveys shall also consider the potential presence of active dens within 100 feet of the boundaries of the on-site disturbance footprint, access roads, and selected alignment for the gen-tie line. If dens are detected, each shall be classified as either inactive, potentially active, or definitely active, and the following actions taken:

a. Inactive dens that would be directly impacted shall be excavated by hand and backfilled to prevent reuse by kit fox.

b. Potentially and definitely active dens that would be directly impacted shall be monitored by a biologist for consecutive nights using a tracking medium (e.g., diatomaceous earth, fire clay) and/or infrared camera stations at the den entrance.

c. If no tracks are observed or no photos of the species are captured after 3 nights, the den shall be excavated and backfilled by hand.

d. If tracks are observed, the den entrance shall be progressively blocked with natural materials (e.g., rocks, dirt, sticks, and vegetation) for the next 3 to 5 nights to discourage the fox from continued use of the den. After verification that the den is unoccupied, it shall then be excavated and backfilled by hand to ensure no foxes are trapped in the den.

e. If an active natal den (i.e., with pups) is detected on-site, per the procedures above, the CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for harm or mortality. The course of action shall depend on the age of the pups, on-site location of the den (e.g., central area, perimeter), status of the perimeter fence (completed or not), and pending construction activities proposed near the den. A 500-foot non-disturbance buffer shall be maintained around all active natal dens.

The following measures are required to reduce the likelihood of distemper transmission:

f. No pets shall be allowed on-site prior to or during construction, with the possible exception of kit fox scat detection dogs during preconstruction surveys, and then only with prior CDFW approval.

g. If the biological monitor deems it necessary to repel foxes attempting to enter the construction zones, animal repellents such as coyote urine shall be used only with prior CDFW approval.

h. Any sick or diseased fox, or documented fox mortality, shall be reported to the CDFW within 24 hours of identification. If a dead fox is observed, it shall be protected from scavengers until the CDFW determines whether the collection of necropsy samples is justified.

49. Nesting Bird Mitigation. To avoid construction-level impacts to nesting birds, the following measures are required:

a. No earlier than 3 days prior to commencement of scheduled ground disturbance during the nesting bird breeding season (February 1 through August 31), qualified personnel shall perform a nest survey within 500 feet of the disturbance footprint, as accessible. If active nests are found, project disturbance activities shall be postponed or halted within a non-disturbance buffer surrounding each active nest (to be established by the biologist) that is suitable to the particular bird species and nest location(s) until the nest(s) are vacated and juveniles have fledged, as determined by the biologist. Any such buffer(s) shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. A biologist shall monitor construction activities near all such buffer(s) to ensure no inadvertent impacts on active nest(s). If listed species are involved, the CDFW and/or USFWS shall be notified immediately for consultation on how to proceed.

b. At a minimum of 60 days prior to commencement of operations, the project applicant shall submit a Bird and Bat Conservation Plan (Plan) to the County for review and approval. The Plan will outline policies and procedures to minimize unanticipated impacts to birds and bats during operations. Site personnel will be provided a set of standardized instructions to follow in response to any bird or bat incidents on-site. The Plan shall include procedures on how to document any bird or bat species discovered dead or injured on the project site. In the event of an injury or death of a listed species, CDFW and/or USFWS shall be contacted to consult on appropriate next steps. The Plan shall be implemented for the life of the project.

50. Indirect Impacts Mitigation. The following best management practices shall be implemented during project grading and construction and decommissioning activities to address potential indirect impacts:

a. The potential for wildlife entrapment shall be avoided as follows:

(1) Backfill trenches**.** At the end of each workday, all potential wildlife pitfalls (e.g., trenches, bores, excavation pits) shall be backfilled, covered, or sloped to allow wildlife egress. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s).

(2) Cover materials. All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s).

b. Minimize construction impacts. The construction limits shall be flagged prior to ground-disturbing activities. All construction activities, including equipment staging and maintenance, shall be conducted within the flagged disturbance limits.

c. Avoid toxic substances on road surfaces. Soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants.

d. Minimize spills of hazardous materials. All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid,

grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.

e. Worker guidelines. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife or bring pets to the project site.

f. Best management practices/erosion/runoff. The project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Colorado River Regional Water Quality Control Board. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.

51. Cultural Resource Mitigation. The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project and conducting subsurface activities. Development of the WEAP shall include consultation with an archaeologist. The training shall include an overview of known historical resources and potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist.

52. Cultural Resource Mitigation. The project proponent/operator shall conduct a Worker Education Awareness Program (WEAP) for relevant construction personnel working on the proposed project on subsurface activities. Development of the WEAP shall include consultation with an archaeologist and an expert with expertise in paleontology. The training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of “older” sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist. Prior to any ground-breaking activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP.

53. Cultural Resource Mitigation. Due to the potential impact to a significant archaeological site (CA-SBR-1961), subsurface archaeological testing shall be conducted by at least one archaeologist, with at least 3 years of regional experience in archaeology, within the area of concern identified by the San Manuel Band of Mission Indians during consultation. Prior to any ground-disturbing activity, testing shall be conducted to confirm presence or absence of subsurface material and to delineate site boundaries.

    Testing may employ a number of subsurface investigative methods, including shovel test probes, and/or deep testing via controlled units, augers or trenching.

    The area of concern will be determined in the testing plan and shall be dug and dry-sifted through 1/8-inch mesh screens. A Testing Plan shall be created by the archaeologist and submitted to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Lead Agency for review at least 10 business days prior to implementation in order to provide time to review/modify the Plan, if needed. The Plan shall outline the protocol of presence/absence testing and contain a treatment protocol detailing that 1) no collection of artifacts or excavation of features shall occur during testing, and 2) all discovered resources shall be properly recorded and reburied in situ (see mitigation measure CUL-8).

The results of testing shall be presented to the applicant, Lead Agency, and SMBMI in the format of a report, which shall include details regarding testing methodology, soil assessment, and photographs. If the results of testing, as approved by SMBMI, are positive, then SMBMI and the Lead Agency shall, in good faith, consult concerning appropriate treatment of the resource(s), guidance for which is outlined in mitigation measure CUL-8. If the results of testing, as approved by SMBMI, are negative, then SMBMI will conclude consultation unless additional discoveries are made during project implementation in which consultation would resume. All discoveries made during project implementation shall be subject to the treatment protocol outlined within the Testing Plan, as well as the treatment guidelines within mitigation measures CUL-6 and CUL-8 of the certified EIR.

54. Cultural Resource Mitigation. If a pre-contact tribal cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. If a pre-contact tribal cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.

    Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), a qualified archaeologist/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource(s). As outlined in CEQA, the applicant shall make a good faith effort to redesign the project area in such a way that impacts to the identified resource(s) can be avoided/preserved in place. Should any resource(s) not be a candidate for avoidance/preservation in place, and therefore the removal of the resource(s) is necessary to mitigate impacts, a research design shall be developed in consultation with SMBMI.

    The research design will include a plan to formally evaluate the resource(s) for significance under CEQA criteria, as well as to formally address the resource(s) place within the landscape identified as a Tribal Cultural Resource (TCR) by the San Manuel Band of Mission Indians. Additionally, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal Monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant, Lead Agency, and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site.

    It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in the case of a single reburial area, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all cataloguing and basic recordation of cultural resources have been completed, and a final report has been approved by SMBMI and the Lead Agency. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (i.e. project plans, conservation/preservation easements, etc.).

    Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the project developer/applicant to pay for those fees.

    All draft archaeological records/reports created throughout the life of the project shall be prepared by the archaeologist and submitted to the applicant, Lead Agency, and SMBMI for their review and approval. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

55. Cultural Resource Mitigation. Prior to ground-disturbing activities, the project proponent shall provide evidence that a Native American tribal monitor from the Morongo Band of Mission Indians has been retained to monitor ground disturbing excavation activities.

56. Seismic Mitigation. Prior to the issuance of grading permits, the project proponent/operator shall retain a California registered and licensed engineer to design the proposed project facilities to withstand probable seismically induced ground shaking at the project site. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered and licensed professional engineer and consistent with the recommendations in the *Preliminary Geotechnical Engineering Report* prepared by Terracon Consultants, Inc. (2018).

57. Soils Management Mitigation. The following actions will be taken to address potential RECs associated with the project site.
    - **a.** Perform a review of relevant environmental documents of the properties associated with the RECs to validate the REC conclusion and further evaluate potential contaminants and areas of concerning order to inform locations where shallow soil sampling may be required and any soil disposal requirements prior to issuance of the grading permit for Phase 2 only (not required for other phases).
    - **b.** Perform shallow soil sampling along the project site boundaries that are immediately adjacent to the Barstow-Daggett Airport in locations determined by the review required above and where grading is planned to screen the soils for elevated contaminant prior to issuance of the grading permit for Phase 2 only (not required for other phases)
    - **c.** Prior to issuance of a grading permit, prepare a Soil Management Plan to provide background information regarding the project site, highlight areas of concern that the grading contractor should be aware of during grading activities, and define the procedures for addressing suspected contaminated materials or subsurface anomalies that may be encountered during grading activities.

58. Aircraft Navigation Mitigation. Prior to issuance of building and grading permits, the Applicant shall provide to the County a Form 7460-1 Determination of No Hazard or equivalent issued by the Federal Aviation Administration (FAA) at representative perimeter locations to verify that structures do not pose a hazard to aircraft navigation. Plans shall also be submitted showing that no project features shall be constructed in the Runway Protection Zones (RPZ) of the Barstow- Daggett Airport.

LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8311

59. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.

60. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

61. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

62. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

63. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A $550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

64. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3975H dated 08/28/2008 Flood Hazards are undetermined in this area but possible.

65. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

66. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

67. On-site Flows On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

68. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

69. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

Department of Public Works - Traffic Division at (909) 387-8186

70. Construction Management Plan: The applicant's engineer shall provide a construction management plan to the Department of Public Works, Transportation Operations Division to determine if a maintenance agreement (during construction) with the County will be required. The construction management plan shall show the number of trucks, type of trucks (size), the total number of Equivalent Single Axle Loads (ESALs), and the truck routes to the site for construction. If it is determined that a maintenance agreement is required, the developer shall enter into a maintenance agreement with the County Department of Public Works to insure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. Prior to issuance of grading permits, the developer/contractor shall contact the Transportation Operations Division at (909) 387-7995 in order to process the maintenance agreement with the County. Please allow a minimum of 12 weeks for the processing of an agreement and obtain approval from the Board of Supervisors. For additional information regarding the maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995. For additional information about the construction management plan, please contact the Department of Public Works - Traffic Division at (909) 387-8186.

71. Construction Traffic Mitigation. Prior to commencement of construction activities, the applicant shall prepare and submit a Construction Traffic Control Plan to the County in accordance with both the Caltrans (2014) California Manual on Uniform Traffic Control Devices (CA MUTCD) and the Work Area Traffic Control Handbook for review and approval by the County, which will include:

    a. Timing the delivery of heavy equipment and building materials under the contractors' control

during non-peak commute hours, to the extent feasible.

b. Directing construction traffic with a flag person.

c. 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.

d. Ensuring access for emergency vehicles to the project site.

e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections.

f. Designating bicycle and pedestrian detour plans if/where applicable.

g. Maintaining access to adjacent property.

h. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hours, distributing construction traffic flow across alternative routes to access the project site in a way that maintains level of service conditions at the time of construction, and avoiding residential neighborhoods to the maximum extent feasible.

i. Coordinating the traffic control plan with the County, as well as potential traffic control plan adjustments, in the event of concurrent projects generating potentially overlapping traffic effects.

j. Conducting additional traffic control plan coordination with Caltrans regarding the SR-58 Hinkley Expressway Project if construction of the proposed project occurs concurrently with construction of the expressway project.

Department of Public Works – Surveyor's Office

72. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
73. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
    a. Monuments set to mark property lines or corners;
    b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
    c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The following shall be completed:

74. Water purveyor shall be Daggett Community Service District or EHS approved.

75. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.

76. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water, if applicable. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.

    Technical report should include the following:

    a. The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.

    b. A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.

    c. A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.

    d. All sources of domestic water supply for the proposed new public water system.

    e. The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.

    f. A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.

    g. A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.

    h. An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.

    i. Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

77. If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), **"An individual well shall be utilized as the domestic water source for each lot. The well shall be installed, pump tested, and the pump test results reviewed and approved by EHS prior to the issuance of building permits for each lot."**

78. Method of sewage disposal shall be the local sewer provider, or, if not available, EHS approved onsite wastewater treatment system (OWTS).

79. Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

80. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.

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81. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

82. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:

    i. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,

    ii. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.

83. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

84. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.

85. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 1-800-442-2283. The recycling center must maintain an amount of less than 10% residual amount of solid waste from the separated waste for reuse; a less than 1% putrescible wastes from the separated waste for reuse material received by weight. As long as the above conditions are met, the facility will not be subject to the Transfer/Processing Regulatory Requirements, pursuant to 14 CCR §17402.5. If the facility exceeds the above stated limitations, a Full Solid Waste Facility Permit will be required.

Land Use Services Department / Building and Safety Division (909) 387-8311

86. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.

87. Avigation Easement: An Avigation Easement shall be granted to the Barstow-Daggett Airport and recorded prior to the issuance of building permits for all construction in the Runway Protection Zones

(RPZ). Avigation easement shall ensure that the RPZ remain free of project features and shall conform to the interior noise levels as per San Bernardino County standards.

88. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

89. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

90. Permits: Obtain permits for all structures located on site and all work done without a permit/ expired permits.

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

91. Lighting. The developer shall comply with all applicable Night Sky Ordinance regulations and ensure that all exterior lights are downshielded and do-not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

92. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
    - **a.** All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
    - **b.** All sign lighting shall not exceed 0.5 foot-candle.
    - **c.** No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
    - **d.** Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

93. Noise Mitigation. Battery storage containers located at the eastern portion of the project shall be rotated so that the heating, ventilation and air conditioning units are pointed away from receptors; or a comparable engineering solution to minimize noise from this equipment shall be implemented, such that noise levels do not exceed the County daytime threshold of 55 dBA

94. Decommissioning Requirements. In accordance with SBCC 84.29.070, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements:
    a) Closure Plan. Following the operational life of the Project, the Project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the Project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed off-site for recycling or

disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.

b) Closure Compliance. Following the operational life of the Project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re- vegetation of the Project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the Project conforms to applicable requirements and would avoid significant adverse impacts. These plans shall include the following as applicable:

- Erosion and Sediment Control Plan
- Drainage Report
- Notice of Intent and Stormwater Pollution Prevention Plan
- Air Quality Permits
- Biological Resources Report
- Incidental Take Permit, Section 2081 of the Fish and Game Code
- Cultural Records Report
- The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

LAND USE SERVICES DEPARTMENT – Land Development Division – Roads Section (909) 387-8311

95. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

a. Valley Center Road (Major Highway – 104')
• Road Dedication. A 52 foot grant of easement is required to provide a half-width right-of-way of 52 feet.
• Curb Returns Dedication. A 35-foot radius return grant of easement is required at the intersection of Valley Center Road and the northwesterly property line. A 35-foot radius return grant of easement is required at the intersection of Valley Center Road and the easterly property line.

b. Easterly Property Line (Section Line – 88')
• Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.

c. Silver Valley Road (Secondary Highway – 88')
• Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
• Curb Returns Dedication. A 35-foot radius return grant of easement is required at the intersection of Silver Valley Road and the easterly property line. A 35-foot radius return grant of easement is required at the intersection of Silver Valley Road and the westerly property line.

d. Westerly Property Line (1/4 Section Line – 88')
• Road Dedication. A 44 foot grant of easement is required to provide a half-width right-of-way of 44 feet.
• Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=12' min – 26' max), and located per San Bernardino County Standard 130.

95. Street Improvements. This project is required to have a minimum 26-foot wide paved section from the main entrance that ties into the nearest County paved maintained road. The off-site paved access shall follow the road Master Plan classification.

96. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

97. Street Type Entrance Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

98. CMRS Exclusion. Road improvements required for this development shall not be entered into the County Maintained Road System (CMRS).

99. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.

100. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

DAGGETT FIRE/NEWBERRY SPRINGS FIRE (760) 267-1471; (760)257-3016

101. The applicant shall conduct informational meetings and training to Daggett Fire staff and Newberry Fire staff regarding the battery storage facilities design, fire suppression mechanisms and fire protection procedures.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701

102. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx. An approved CDWMP Part 1 is required before a permit can be issued.

PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANY

The following shall be completed:

Land Use Services Department / Building and Safety Division (909) 387-8311

103. Condition Compliance Release Form Sign-off: Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

104. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

LAND USE SERVICES DEPARTMENT – Land Development Division – Roads Section (909) 387-8311

105. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

106. Parkway Planting Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

107. Private Roads/Improvements. All required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

108. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.

109. Phased Projects. Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant, inspected and approved for construction of that phase, prior to final inspection or occupancy for any buildings or other structures in that phase.

    The term "phase" as used here shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction which indicates blocks of construction of less than the whole project."

    In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

DAGGETT FIRE (760) 267-1471;

110. The applicant shall conduct informational meetings and training to Daggett Fire staff regarding the battery storage facilities design, fire suppression mechanisms and fire protection procedures.

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

111. The developer shall comply with the maintenance agreement during construction if applicable (Should the maintenance agreement is needed) and/or ensure that all County maintained roads affected by the project during construction shall be restored to pre-construction conditions. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387-7995 for inspection prior to occupancy.

DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701

112. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

113. Improvements Installed. All required on-site improvements shall be installed per approved plans.

114. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.

115. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

116. AQ – Installation. The developer shall submit for review and obtain approval from County Planning of evidence that all air quality-related conditions have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.

117. Dust Control – Operation. Prior to final inspection, the Applicant shall develop an Operational Dust Control Plan that shall be approved and implemented prior to energization of the solar facility. The Operational Dust Control Plan shall include Dust Control Strategies sufficient to ensure that areas within the Project site shall not generate visible fugitive dust (as defined in Mojave Desert Air Quality Management District's [MDAQMD's] Rule 403.2) such that dust remains visible in the atmosphere beyond the property boundary. During high wind events, Dust Control Strategies shall be implemented so as to minimize the Project site's contribution to visible fugitive dust beyond that observed at the upwind boundary.

118. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:
    a) Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR

    b) Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a

licensed civil engineer and approved by the Land Use Services Director.

119. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2020-00164.

120. Revegetation Mitigation. Prior to commencement of the decommissioning phase, the project applicant shall prepare a revegetation plan as part of the Decommissioning Plan to identify performance standards necessary for revegetation of the site with native plants. The Decommissioning Plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover, density, and species richness. Standards of success shall include at least a 50 percent revegetation success rate compared to baseline conditions and shall include annual monitoring for 2 years. If 50 percent revegetation has not been achieved within 2 years due to lack of water or other environmental factors, the applicant shall work with the County to identify and implement an alternate solution to achieve the identified success rate.

FIRE PROTECTION DISTRICT, HAZARDOUS MATERIALS DIVISION

121. Permit Requirements. Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.

122. Reporting Requirements. Prior to Occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) **http://cers.calepa.ca.gov/**

123. Plan Submittal Requirements**:** Prior to Occupancy a businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.

"Hazardous Material" means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment. Additional information can be found at http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

EXHIBIT L

EIR Technical Appendices, including NOP and Public Comments Received

http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx

(Daggett Solar Facility Appendices)