

Exhibit 1:  
CEQA Findings

**INYO COUNTY RENEWABLE ENERGY  
GENERAL PLAN AMENDMENT**

**PROGRAM ENVIRONMENTAL IMPACT REPORT  
FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

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## I. INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are made for the County of Inyo Renewable Energy General Plan Amendment (herein referred to as “REGPA” or “project”). The environmental effects of the REGPA are addressed in the Final Program Environmental Impact Report (PEIR), State Clearinghouse (SCH) No. 2014061039 dated March 2015, which is incorporated by reference herein.

### A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21081, and the State CEQA Guidelines, 14 California Code of Regulations. Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  1. 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 PEIR
  2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
  3. 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 PEIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant

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environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final PEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final PEIR and/or other information in the record. This Statement of Overriding Considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final PEIR, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the County of Inyo (County) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the County and responsible agencies for the implementation of the project.

## **B. Records of Proceedings**

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the County in conjunction with the proposed project;
- The responses to the NOP received by the County;
- The Final PEIR;

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- The Draft PEIR;
  - All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
  - All responses to the written comments included in the Final PEIR;
  - All written and oral public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
  - The Mitigation Monitoring and Reporting Program (MMRP);
  - The reports and technical memoranda included or referenced in any response to comments in the Final PEIR;
  - All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during preparation of, the Draft PEIR and the Final PEIR;
  - Matters of common knowledge of the County, including, but not limited to, federal, state, and local laws and regulations;
  - A Resolution of the Board of Supervisors of the County of Inyo adopted on March 24, 2015, certifying the Program Environmental Impact Report, adopting Mitigation Measures, adopting a Mitigation Monitoring And Reporting Program, making certain Findings of Fact, adopting a Statement of Overriding Considerations and Approving General Plan Amendment No. 2013-02/Inyo County (Renewable Energy). Any documents expressly cited in these Findings and Statement; and
  - Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e).

### **C. Custodian and Location of Records**

The documents and other materials which constitute the administrative record for the County's actions related to the project are located at the County of Inyo, Planning Department, 168 N Edwards Street, Independence, CA 93526. The County Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the County Planning Department. The Draft PEIR also was posted on the County's website at: <http://www.inyoplanning.org/projects/REGPA.htm>.

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The information is provided in compliance with PRC Section 21081.6(a)(2) and Guidelines Section 15091(e).

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## **II. PROJECT SUMMARY**

### **A. Project Location**

Inyo County is located on the east side of the Sierra Nevada, in the east-central part of California. Inyo County is approximately 10,200 square miles and is largely undeveloped. The County has identified eight areas that may be appropriate for solar energy development projects, called Solar Energy Development Areas (SEDA) and the Owens Valley Study Area (OVSA), which comprise the project area. The SEDAs are divided into solar energy groups based on their location in the County and the associated transmission and distribution facilities. The Western Solar Energy Group is comprised of SEDAs in Laws, Owens Lake, Rose Valley, and Pearsonville; it also includes the OVSA. The Southern Solar Energy Group is comprised solely of the Trona SEDA, which is located in the south-central area of the County, along the boundary with San Bernardino County. The Charleston View and Sandy Valley SEDAs are located in the southeastern area of the county and comprise the Eastern Solar Energy Group.

Regional access within the County is provided via US Highway 395 (US 395), which traverses the entire western portion of the County, including portions of the OVSA and the Owens Lake, Rose Valley, and Pearsonville SEDAs. Other major roadways providing access to the western and southern solar energy groups include US 6, which transects the Laws SEDA, and State Routes (SRs) 136, 168, and 190. For the Eastern Solar Energy Group, regional access is provided via SR 178 and SR 127.

### **B. Project Background**

The County is proposing to update its General Plan to include policies for solar energy development within the County. The proposed REGPA involves identifying new and modified General Plan goals, policies, and implementation measures, including SEDAs, based on the results of an Opportunities and Constraints Technical Study (OCTS; Aspen 2014), the County's Background Report (Inyo County 2013), work completed in 2011, and input from stakeholders and the public. From this foundation of work and outreach, eight proposed SEDAs have been identified that may be appropriate for solar energy development projects.

In 2011, the County adopted a REGPA, but it was rescinded due to litigation brought forth by environmental groups over the adequacy of the associated CEQA document. In 2013, the County initiated the development of a new REGPA and prepared a background report for the new REGPA work in October 2013 (Inyo County 2013). Multiple stakeholder and public meetings were held in November and December 2013 to provide opportunities for public involvement in the process. The County Background Report provides an overview of the County's previous and current efforts to include policies for renewable energy development in the General Plan and provides a foundation to identify areas that may be appropriate for future renewable energy development based on a set of criteria.

The County also prepared an OCTS in February 2014. The OCTS combines resource and infrastructure requirements for renewable energy development with key environmental considerations in the County and with available spatial data to identify the County's renewable energy resources and potential locations where development of these resources can most feasibly

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occur. The OCTS identifies areas that would result in the least environmental impacts and so would present the best opportunities for streamlined processing of renewable energy development applications, and identifies levels of constraint for the identified areas.

On February 26, 2014 the Inyo County Planning Commission received a presentation on the new REGPA and took public comment. Following that meeting, the Inyo County Board of Supervisors conducted a series of workshops between March and May 2014 and requested changes to the REGPA. In response to extensive input from the public, wind energy was removed from consideration. The proposed development areas as presented in the REGPA were revised to utilize only existing transmission facilities in the County's western region. The remaining areas in the County with potential development areas were greatly reduced based on public input, and the resulting development areas are the SEDAs evaluated in the PEIR.

On March 4, 2015 the Inyo County Planning Commission held a public hearing and took public comment on the proposed GPA. At the close of the March 4, 2015 hearing, the Planning Commission provided a recommendation to the Board of Supervisors to certify the PEIR and adopt GPA 2013-02/Inyo County Renewable Energy as presented by staff and with the recommended modifications presented by staff and with the additional recommendations to:

- use the Solar Photo Voltaic only alternative;
- use the Commercial Scale only alternative (20 megawatts or less);
- modify the Rose Valley and Pearsonville Solar Energy Development Areas to reflect the Desert Renewable Energy Conservation Plan Development Focus Area boundaries as presented by staff (Attachments 10 and 12 of Attachment A: Planning Commission Staff Report);
- modify the Owens Lake Solar Energy Development Area, by aligning the southern boundary at Highway-190, as presented by staff; eliminate the Chicago Valley Charleston View Solar Energy Development Areas;
- avoid Areas of Critical Environmental Concern and National Landscape Conservation System lands; and,
- emphasized keeping the staff recommendation to remove policies supporting Development Focus Areas and Variance lands as identified in the Desert Renewable Energy Conservation Plan.

### **C. Project Description**

The County is proposing to update its General Plan to add definitions, policies, and implementation measures for responsible renewable solar energy development within the County. The proposed REGPA provides structure and guidance to ensure that potential solar energy development is conducted in a manner consistent with the County's overall goals for development. The policies contained in the REGPA sets limits of where, when, how, and even if, renewable energy generation facilities will be built; and includes: provisions for actual sites identified in the County that may be appropriate for renewable energy development; identifies the specific factors that must be met before development can commence; specifies the conditions

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that must exist before a facility can be built; and the requirements for the termination and decommissioning of a facility.

The REGPA includes proposed changes to the Land Use, Economic Development, Conservation/Open Space, and Public Safety Elements of the General Plan. The REGPA defines a renewable solar energy facility as any electric transmission line or photovoltaic (PV) power plant to be constructed in Inyo County. A renewable energy solar facility does not include small scale renewable energy solar facilities or a pilot or proof of a concept power plant. The REGPA identifies the following four sub-categories:

- **Utility Scale Renewable Energy Solar Facility:** A renewable energy solar facility that produces more than 20 megawatts (MW) of electricity for off-site use, consumption and/or sale, including all equipment and accessory structures related to the facility, including but not limited to, solar collector arrays, mounting posts, substations, electrical infrastructure, transmission lines, operations and maintenance buildings, appurtenant energy storage facilities, and other accessory structures.
- **Commercial Scale Renewable Energy Solar Facility:** A renewable energy solar facility that produces 20 MW or less of electricity for off-site use, consumption and/or sale.
- **Community Scale Renewable Energy Solar Facility:** A renewable energy solar facility that uses renewable solar resources to generate 6 MW or less of electricity for a specific community's use and is located near the community it serves.
- **Small Scale Renewable Energy Solar Facility:** A facility that uses renewable solar resources to generate energy for on-site use such as roof-top or ground mounted photovoltaic (PV) panels.

As part of the proposed REGPA, the County has identified seven SEDAs that may be appropriate for renewable energy development exploration. The SEDAs are areas within which renewable solar energy development may be viable based on criteria developed within the confines of: (1) energy generation ability; (2) proximity to transmission; (3) the presence of sensitive biological and cultural resources; (4) socioeconomic factors; and, (5) visual resources. It is also desirable that these areas be close enough to existing electrical conveyance corridors to export energy without the huge expense and environmental disruption of new transmission lines. The SEDAs have been identified as having the greatest energy generation ability while in proximity to electrical conveyance facilities, and having the least potential impact on known environmental resources.

The SEDAs have been divided into three solar energy groups based on their location. The Western Solar Energy Group is comprised of the Laws, Owens Lake, Rose Valley, and Pearsonville SEDAs; the Southern Solar Energy Group is comprised of the Trona SEDA; and the Eastern Solar Energy Group is comprised of the Charleston View and Sandy Valley SEDAs. The OVSA is grouped within the Western Solar Energy Group, but is not within a SEDA and will be evaluated separately from the SEDAs. The REGPA also establishes caps on the capacity and developable area for utility scale and commercial scale renewable energy solar facilities within each SEDA and the OVSA, as identified in Table 1. Small scale and community scale solar energy facilities are excluded from the SEDA caps and total allowable developable area.

<b>Table 1 TOTAL ALLOWABLE MEGAWATTS AND DEVELOPABLE AREA PER SOLAR ENERGY GROUP BY SOLAR ENERGY DEVELOPMENT AREA</b>			
<b>Solar Energy Group</b>	<b>Solar Energy Development Area</b>	<b>Total Allowable Capacity (MW)</b>	<b>Total Allowable Developable Area (acres)</b>
Western*	Laws	N/A	120
	Owens Lake	N/A	1,500
	Rose Valley	N/A	600
	Pearsonville	N/A	600
	Owens Valley Study Area	N/A	1,500
	<b>Western Solar Energy Group Total</b>	<b>250</b>	<b>1,500</b>
Southern	Trona	N/A	600
	<b>Southern Solar Energy Group Total</b>	<b>100</b>	<b>600</b>
Eastern	Charleston View	N/A	2,400
	Sandy Valley	N/A	600
	<b>Eastern Solar Energy Group Total</b>	<b>500</b>	<b>3,000</b>

MW = megawatts

\*The Western Solar Energy Group includes four Solar Energy Development Areas (SEDAs) – Laws, Owens Lake, Rose Valley, and Pearsonville – and the Owens Valley Study Area which is not a SEDA. The Owens Valley Study Area has been identified for potential development equaling the total allowable capacity for the Western Solar Energy Group. The SEDAs or Owens Valley, or a combination may be developed to not exceed the total allowable capacity of 250 megawatts.

The solar technologies that would potentially be constructed within the SEDAs in accordance with the REGPA include only solar PV technologies. Solar PV technologies convert sunlight directly into electricity. PV facilities consist of PV panels in rectangular arrays that are mounted on existing structures, such as rooftops or parking structures, or ground mounted as free standing structures.

Table 2 identifies siting and the assumed land and water use requirements, as well as the potential sizes of these solar technologies.

**Table 2**  
**SUMMARY OF RENEWABLE ENERGY TECHNOLOGIES AND**  
**REQUIREMENT ASSUMPTIONS**

<b>Technology</b>	<b>Siting Requirements</b>	<b>Land Use Requirements</b>	<b>Water Use (Operation)</b>	<b>Water Use (Construction)</b>	<b>Potential Size</b>
Solar Photovoltaic	Insolation Slope – varies depending on development size (less than 5 percent typical)	6 acres per MW	5 gallons per MW-hour	3 acre feet per MW	Roof-top or parking lot to several thousand acres 4 to 30 feet high

Source: Aspen 2014  
MW = megawatts

**D. Statement of Objectives**

The overall purpose of the REGPA is to regulate and direct the type, siting, and size of future renewable energy development within the County through adoption of land use policies that are consistent with and meet the broader goals and visions for the County as expressed in the Inyo County General Plan. Pursuant to State CEQA Guidelines Section 15124(b) and as described in Section 3.2 of the Final PEIR, the project has the following seven objectives:

1. Direct and constrain solar energy development in Inyo County with a focus on community-based electrical generation and the reuse of severely damaged sites, such as landfills, to generate electricity from solar resources in accordance with the goals established by California State legislation and local policies regarding renewable energy.
2. Focus future solar energy development projects to designated development areas that have been selected through an analysis of geographic, physical, political, cultural, environmental, and socioeconomic opportunities and constraints.
3. Avoid or minimize direct and indirect impact from future solar energy development on the physical, biological, cultural, political, and socioeconomic environments.
4. Collaborate effectively with other public resource agencies, tribal governments, non-governmental organizations, and citizens/residents of Inyo County, and to utilize best available scientific information to aid impact assessment of future solar energy development.
5. Locate future solar development near existing electrical conveyance facilities.
6. Identify the total allowable capacity and developable acreages per Solar Energy Group and SEDA.

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7. Provide for small scale and community scale solar energy production opportunities throughout the County; provide for commercial scale solar energy facilities (20 MW or less) within SEDAs and over and along the Los Angeles Aqueduct.

#### **E. Use of the Certified Program Environmental Impact Report**

State CEQA Guidelines Section 15168(a) states that “a [PEIR] is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related...” The PEIR is intended to serve as the primary environmental document for all future entitlements associated with the REGPA, including all discretionary approvals requested or required by the County of Inyo, as the Lead Agency, and responsible and trustee agencies in order to implement the project. Subsequent actions will be reviewed as required by PRC Section 21166 and State CEQA Guidelines Section 15162. State CEQA Guidelines Section 15168(c) states that, “[s]ubsequent activities in the program must be examined in the light of the [PEIR] to determine whether an additional environmental document must be prepared.

- (1) If a later activity would have effects that were not examined in the [PEIR], a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.
- (2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the [PEIR], and no new environmental document would be required.
- (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the [PEIR] into subsequent actions in the program.
- (4) Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the [PEIR].
- (5) A [PEIR] will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the [PEIR], and no further environmental documents would be required.”

With respect to public review of these “subsequent activities,” State CEQA Guidelines Section 15168(e) provides, “[w]hen a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the [PEIR] for CEQA compliance, the notice for the activity shall include a statement that:

- (1) This activity is within the scope of the program approved earlier, and
- (2) The [PEIR] adequately describes the activity for the purposes of CEQA.”

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Subsequently proposed individual solar energy projects 20 MW and greater, which are located within the SEDAs described in the PEIR and which are consistent with the REGPA, will undergo project specific analysis and will be examined in light of the PEIR to determine whether any additional environmental document must be prepared (State CEQA Guidelines Section 15168(c)) and, if so, the scope of the environmental document. Feasible mitigation measures identified in the PEIR will be incorporated into subsequent actions under the REGPA. Solar energy projects 20 MW or less may be exempt from further CEQA analysis, unless an event specified in PRC Section 21166 occurs as determined by a qualified County planner, in which case a Supplemental EIR or other CEQA document may be required. These determinations will be made for potential projects pursuant to Inyo County Code (ICC) Title 21 and the State CEQA Guidelines. Any future solar energy development that is proposed to be sited outside of the SEDAs (community scale, and/or commercial scale projects) has not been analyzed in the PEIR and will require separate environmental review under CEQA.

### III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On June 11, 2014, in accordance with Section 15082 of the State CEQA Guidelines, the County distributed an NOP for a PEIR to the SCH; State, federal, and local government agencies; and other interested parties. A number of agencies and interested parties responded to the NOP. The County's NOP, associated responses, and comments made during five public scoping meetings held throughout the County on July 16, 18, 24, 25, and 26 of 2014, are included in Appendix A of the Final PEIR. Comments received during the public scoping process were considered in the preparation of the Draft PEIR.

The Draft PEIR was circulated for an initial 45-day public review period and later extended to a 70-day public review period, beginning on November 5, 2014 and concluding on January 14, 2015. A Notice of Completion of the Draft PEIR was sent to the SCH, and the Draft PEIR was circulated to State agencies for review through the SCH, Office of Planning and Research (SCH No. 2014061039). The Notice of Completion was also mailed to various agencies and organizations and to individuals that had previously requested such notice, including individuals who provided NOP comments, and filed with the County Clerk. Availability of the Draft PEIR was provided on the Inyo County website and announced in the Inyo County Register. The County announced and held three public meetings to take comments on the Draft PEIR. These meetings were held on December 2, 3, and 4, 2014 in Bishop, Lone Pine and Tecopa, respectively. The Planning Commission also held a public hearing on December 3, 2014 to take comments; the County's Natural Resources Advisory Committee held a meeting on December 18, 2014 so that they could provide recommendations and take public comment. During the public review period, the County received comments on the Draft PEIR and completed responses to those comments, which have been incorporated into the Final PEIR.

### IV. SUMMARY OF IMPACTS

As described in Section V.A. of these Findings and Statement, the Final PEIR concludes that the proposed project will have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Forestry Resources

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- Greenhouse Gas Emissions
    - consistency with plans
  - Land Use and Planning
  - Population and Housing
  - Recreation and
  - Utilities and Service Systems
    - water and wastewater facilities
    - stormwater drainage facilities
    - solid waste disposal

As described in Section V.B of these Findings and Statement, potentially significant impacts of the proposed project will be mitigated to below a level of significance with respect to the following issues:

- Agricultural Resources
- Air Quality
- Biological Resources
  - special status plants
  - riparian or other sensitive natural communities (i.e. vegetation communities of limited distribution statewide or within a county region)
  - waters of the U.S. and/or State, including wetlands
  - wildlife movement or migratory corridors
  - introduction or spread of invasive plant species or noxious weeds
  - groundwater dependent vegetation from groundwater pumping
  - sensitive species and their habitats from groundwater pumping
- Geology and Soils
- Greenhouse Gas Emissions
  - conformance to GHG thresholds
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Mineral Resources
- Noise
- Public Services
- Socioeconomics
- Transportation and Circulation
- Utilities and Service Systems
  - energy use

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As described in Section V.C of these Findings and Statement, the Final PEIR concludes that the project could result in **significant and unavoidable impacts** with respect to the following issues:

- Aesthetics
- Biological Resources
  - general biological resources
  - special status wildlife (general)
- Cultural Resources
  - historical and archaeological resources and cultural landscapes
  - paleontological resources

## V. FINDINGS REGARDING IMPACTS

The Findings Regarding Impacts are organized as follows:

- Environmental impacts determined to be less than significant;
- Findings Regarding Potential Environmental Impacts that will be Mitigated to Below a Level of Significance;
- Environmental impacts determined to be significant and unavoidable after mitigation.

### A. Potential Environmental Impacts Determined to be Less Than Significant

This section of the Findings summarizes the potential effects evaluated in the Final PEIR that were determined to be less than significant with no mitigation required.

#### 1. Forestry Resources

**Potential Impact:** As identified in Section 4.2 of the Final PEIR, no significant impacts to forestry resources would occur.

**Finding:** No impact

**Rationale:** The Final PEIR analyzed potential impacts to forestry resources in Section 4.2. Lands within the SEDAs and the OVSA do not meet the PRC Section 12220(g) definition of forest land as land that can support ten percent native tree cover of any species under natural conditions. Therefore, the REGPA would not result in the loss or conversion of forest land to non-forest use.

#### 2. Greenhouse Gas Emissions

**Potential Impact:** As identified in Section 4.7 of the Final PEIR, no significant impacts related to greenhouse gas (GHG) emissions consistency with local and regional plans would occur.

**Finding:** Less than significant

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Rationale: The Final PEIR analyzed potential impacts regarding consistency with plans adopted for the purpose of reducing GHG emissions in Section 4.7. The General Plan includes policies that indirectly address global climate change through the reduction in energy use. The proposed project would support the development of solar energy projects which would provide renewable energy and would offset GHG emissions. This reduction would support the goals of the General Plan, as well as the goals of Assembly Bill 32 and the RPS. The REGPA would be consistent with local and regional plans.

### 3. Land Use and Planning

**Potential Impact:** As identified in Section 4.10 of the Final PEIR, no significant land use and planning impacts related to the following were identified:

- Physically divide an established community
- Conflict with any applicable land use plan
- Conflict with any applicable habitat conservation plan (HCP)
- Land use compatibility

**Finding:** Less than significant

**Rationale:** The Final PEIR analyzed potential impacts regarding land use and planning in Section 4.10. The REGPA would be consistent with the County's land use and planning objectives to accommodate appropriate solar energy resource development. The County is responsible for reviewing development proposals for specific impacts to land use and planning. Projects will be further analyzed to determine if there are potential impacts regarding the physical division of a community and will be subject to County approval before being developed. Approved projects would be located in rural and undeveloped areas and are not likely to physically divide a community.

The REGPA would comply with the Inyo County General Plan and includes new policies and updates to the Land Use, Economic Development, Conservation/Open Space, and Public Safety Elements. Compliance with existing General Plan policies, as well as future land use review and CEQA analysis requirements would ensure that the proposed REGPA would reduce or avoid impacts associated with General Plan consistency. Where the County has appropriate jurisdiction, it will further comply with other regional land use plans including the Inyo County Zoning Ordinance, Inyo County Code Title 21: Renewable Energy Ordinance, Inyo County Airport Land Use Commission Policy Plan and Airport Comprehensive Land Use Plan, Owens Valley Land Management Plan (OVLMP), and Bishop Resource Management Plan.

Although the SEDAs and OVSA are within the boundaries of the proposed Desert Renewable Energy Conservation Plan and the OVLMP HCP, neither HCP is currently approved or being implemented. If eventually approved, the OVLMP HCP would only apply to actions on Los Angeles Department of Water and Power (LADWP) lands.

The County has limited jurisdiction over the approval and environmental impact analysis required for projects sited on Bureau of Land Management (BLM) and LADWP lands; however,

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the County strives to coordinate with public agencies to harmonize the land use plans of the County with the public agencies plans. General Plan contains goals and policies (General Plan Goal GOV-1 and Policy GOV-1:1) to work with the agencies to promote consistency with the County's General Plan. Pursuant to existing policies of the General Plan, future development on BLM or LADWP lands under the REGPA would be required to be consistent with any HCP. If the DRECP is approved, future projects within the boundaries of the DRECP would be required to comply with the requirements of the HCP, although the County would get Endangered Species Act Section 10 coverage only if it becomes a signatory of the DRECP. Implementation of the REGPA would be consistent with the regionally occurring HCPs, if approved.

Based on existing land uses within the SEDAs, it is expected that future solar energy projects within the SEDAs would be relatively isolated from other uses; however, most of the SEDAs do contain some amount of residential uses or other uses that could be sensitive to activities associated with a solar development project, if it was located in close proximity. Future development of solar energy projects within the SEDAs would require appropriate siting and is subject to further review and approval from the County. As such, the REGPA would not result in significant impacts associated with land use compatibility.

#### **4. Population and Housing**

**Potential Impact:** As identified in Section 4.13 of the Final PEIR, no significant population and housing impacts related to the following were identified:

- Population growth inducement
- Displacement of existing housing or people

**Finding:** Less than significant

**Rationale:** The REGPA is designed to minimize impacts to housing opportunities in the County by constraining renewable energy development throughout the County in conjunction with the General Plan's existing protection for such resources. Indirectly, individual future projects have the potential to impact housing resources. The proposed REGPA would require temporary workforces associated with the construction of future solar energy developments and would generate the need for temporary housing, which would be provided in areas near the SEDAs. Long-term operation of future solar development projects would not induce substantial growth by providing a large number of new job opportunities. Therefore, the REGPA would not require the construction of new housing.

Existing housing has been identified within some of the SEDA areas and presents some potential for displacement; however, given the vast amount of undeveloped land within the SEDA this would be unlikely. Some housing may be removed, but it is expected that such housing would be the more isolated units and would only be a fraction of the units present within each SEDA. The small number of residents that could be displaced as a result of future solar development within the SEDAs would likely be able to find replacement housing within the County given the inventory and vacancy rate of housing Countywide.

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## 5. Recreation

**Potential Impact:** As identified in Section 4.15 of the EIR, no significant impacts regarding recreation were identified for the following thresholds:

- Recreational Use Impacts
- Population Based Park and Recreation Facility Impacts
- Commercial Scale and Community Scale Facilities

**Finding:** Less than significant

**Rationale:** The REGPA is designed to minimize impacts to recreation opportunities in the County by constraining renewable energy development throughout the County in conjunction with the General Plan's existing protection for such resources. The County has identified areas that may be appropriate for solar energy development projects through analysis of geographic, physical, cultural, and environmental constraints and opportunities. Areas containing recreational uses and resources have generally been excluded from future solar energy development so direct and indirect impacts to existing recreational impacts would be less than significant.

A temporary influx of construction workers to an area may be anticipated during individual project development; however, it is not expected that this would increase demand on parks and recreational facilities because even construction workers coming from areas outside of the County are not expected to relocate to the area with their families and are not expected to generate a substantial demand for local park services. Operation and maintenance crews would be substantially smaller than construction crews and are anticipated to be filled by existing County residents or in some cases by individuals relocating to the County on a permanent basis. Based on the relatively small number of permanent positions associated with operations and maintenance of utility scale solar facilities (approximately 10 to 50 people), the resulting increase in the County's population would be minimal and would have a minimal increase in the usage of local parks. Due to the nature of the proposed project, no additional recreational facilities would be constructed and individual projects under the REGPA would not result in population increases requiring that recreational facilities be expanded or new recreational facilities be constructed. These potential impacts would be further reduced for construction and operation of commercial scale and community scale projects.

## 6. Utilities and Service Systems

**Potential Impact:** As identified in Section 4.18 of the PEIR, no significant impacts regarding utilities and service systems were identified for the following:

- Wastewater Treatment Requirements and Wastewater Capacity
- New or Expanded Water or Wastewater Treatment Facilities
- Stormwater Drainage Facilities
- Solid Waste Disposal

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**Finding:** Less than significant

**Rationale:** The REGPA is designed to minimize impacts to utilities and service systems in the County by constraining renewable energy development throughout the County in conjunction with the General Plan’s existing protection for such resources. Due to the remoteness of the project sites, future solar development projects will likely be served by onsite wastewater treatment systems and would not connect to existing systems. Projects would be required to comply with the requirements of the RWQCB, as well as the County’s land use entitlement and CEQA process to ensure adequate wastewater service for the site, in compliance with the RWQCB’s discharge requirements. Water usage and wastewater generation would vary based on the needs of the individual future solar energy project. Specific project analysis would be required as part of the land entitlement process and applicants would be required to identify viable sources of water supply to meet a project’s construction and operational needs. Future solar development projects could create new impervious surfaces and alter natural drainage patterns; however, projects would be required to install applicable stormwater drainage facilities that are adequately sized to handle flows. Future projects are not expected to generate substantial waste. Solid waste produced would be associated with packaging for new and replacement project materials; worker-generated trash during construction, operation, and decommissioning; demolition materials during construction (where existing structures are unable to be avoided for a solar project), broken or old equipment during operation, and decommissioning. All solid waste generated by future solar development projects would be handled and disposed of in accordance with applicable federal, state, and local requirements. Due to the small amount of waste generated, and the requirements associated with disposal, the future projects would result in less than significant impacts to the County landfills, and no impacts regarding compliance with solid waste disposal standards.

**B. Potential Environmental Impacts that will be Mitigated to Below a Level of Significance**

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the Inyo County Board of Supervisors finds that for each of the following significant effects as identified in the Final PEIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the Final PEIR. The following discussion includes all issue areas of potentially significant effects for which changes or alterations (mitigation measures) have been required in, or incorporated into, the project which avoid or substantially lessen each of the significant environmental effects as identified in the Final PEIR. The rationales are included for each issue area discussed in this section.

**1. Agricultural Resources**

**Potential Impacts**

As identified in Section 4.2 of the Final PEIR, potentially significant direct impacts to agricultural resources could occur as a result of the REGPA due to conversion of agricultural uses to non-agricultural uses, as well as indirect impacts associated with the spread of non-native vegetation onto nearby agricultural lands. Although no mapped Farmlands are designated in the

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County (per the California Department of Conservation Farmland Mapping and Monitoring Program [FMMP]), the County plans to coordinate with the Natural Resource Conservation Service (NRCS) to identify Farmlands pursuant to the FMMP and identify Farmlands of Local Importance. If, pursuant to the General Plan, FMMP Farmlands or Farmlands of Local Importance are identified in the County, impacts to those resources as a result of solar developments under the REGPA would result in a potentially significant impact. The County also considers the use of any agricultural lands used for crop or livestock production, or apiary operations for solar development to result in a potentially significant impact. These lands may include lands currently identified as agricultural land use in the General Plan, grazing allotments managed by the BLM, and LADWP-owned lands maintained for agricultural purposes or grazing leases.

In addition, construction sites provide opportunities for the introduction and spread of invasive plants. Once established, these invasive plants can be difficult to control and could disperse onto nearby agricultural lands reducing the forage quality of rangelands or affecting crop production. Impacts to forage values of agricultural lands and other operations, and the introduction and spread of invasive species is considered potentially significant.

### **Mitigation Measures**

#### MM AG-1: Review development proposals for potential impacts to agricultural operations.

The County Agricultural Commissioner shall be responsible for reviewing new development proposals adjacent to agricultural operations to ensure they do not significantly impact agricultural operations.

#### MM AG-2: Conduct site specific investigations for agricultural lands.

Site-specific agricultural resource investigations shall be completed for proposed solar development projects within the individual SEDAs and the OVSA that are located on lands utilized for agricultural operations prior to final project design approval. If agricultural operations are identified within the project area, alternative designs should be implemented to avoid and/or minimize impacts to those resources. This may include mitigating conversion of agricultural lands based on the mitigation ratios identified in consultation with affected agencies at the cost of the project applicant to the satisfaction of the County. Mitigation ratios and impact fees assessed, if any, shall be outlined in the Renewable Energy Development Agreement, Renewable Energy Permit, or Renewable Energy Impact Determination.

#### MM AG-3: Invasive plant species or noxious weeds.

To prevent the introduction and spread of noxious weeds, a project-specific integrated weed management plan shall be developed for approval by the permitting agencies, which would be carried out during all phases of the project. The plan shall include the following measures, at a minimum, to prevent the establishment, spread, and propagation of noxious weeds:

- The area of vegetation and/or ground disturbance shall be limited to the absolute minimum and motorized ingress and egress shall be limited to defined routes.

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- Project vehicles shall be stored onsite in designated areas to minimize the need for multiple washings of vehicles that re-enter the project site.
  - Vehicle wash and inspection stations shall be maintained onsite and the types of materials brought onto the site shall be closely monitored.
  - The tires and undercarriage of vehicles entering or re-entering the project site shall be thoroughly cleaned.
  - Native vegetation shall be re-established as quickly as practicable on disturbed sites.
  - Weed Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions.
  - Use certified weed-free straw, hay bales, or equivalent for sediment barrier installations.

### **Rationale**

The REGPA is designed to minimize impacts to agricultural resources by constraining renewable energy development in the County in conjunction with the General Plan's existing protection for such resources. The General Plan contains goals (GOV-6.1 and AG-1) and associated policies related to preserving agricultural resources and providing and maintaining agricultural industry in the County. Future development under the REGPA would be subject to these goals and policies. Additionally, the REGPA includes a modification to an existing agricultural resources policy (Policy AG-1.3) which encourages avoidance of the use of productive agricultural lands for renewable energy solar facility development.

The above mitigation measures will reduce potentially significant impacts to agriculture resources to a less than significant level by requiring a review of proposals by the Agriculture Commissioner and site specific resource investigations on lands utilized for agriculture to ensure there is not an overall loss of agriculture land. Potentially significant impacts to agriculture land from invasive plant species will also be reduced to a less than significant through project specific weed management plans designed to prevent the establishment, spread, and propagation of noxious weeds. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

Mitigation Measures AG-1 through AG-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **2. Air Quality**

### **Potential Impacts**

As identified in Section 4.3 of the Final PEIR, future utility scale, commercial scale, and community scale solar energy facility projects under the REGPA could result in potentially significant air quality impacts related to: (1) daily threshold exceedances during construction activities; (2) daily threshold exceedances during operations; and (3) cumulatively considerable net increase in criteria pollutants during construction activities.

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Construction of solar developments would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment and off-site trucks hauling construction materials, including water to the site. Because details regarding individual solar projects are unknown at this time, project-specific analyses will be necessary to ensure that potential emissions associated with construction comply with the daily emission thresholds. Therefore, impacts related to construction emissions are considered potentially significant.

The operation of solar developments would result in emissions from worker vehicles, personnel transport vehicles, panel washing equipment, and service trucks during operation and maintenance. Emissions would be dependent on the size of solar development and the associated number of operation and maintenance personnel. Because details regarding the design of individual solar projects are unknown at this time, project-specific analyses will be necessary to ensure that potential emissions associated with operations comply with the daily emission thresholds. As such, impacts are considered potentially significant.

As discussed previously, implementation of the proposed project would result in the temporary addition of pollutants to the local airshed caused by construction activities of numerous potential solar developments. The extent to which all reasonably foreseeable cumulative projects and the proposed project would result in significant cumulative impacts depends on their proximity and construction schedules. Generation of construction-related emissions when combined with other cumulative projects, particularly those occurring nearby and simultaneously, would result in a potentially significant temporary cumulative air quality impact.

## **Mitigation Measures**

### MM AQ-1: Prepare site-specific air quality technical report.

Prior to issuance of Major Use Permits for solar energy projects, a site-specific air quality technical report shall be prepared and approved by the County, which will verify compliance with County and Great Basin Unified Air Pollution Control District standards during construction and operation of the solar project.

Mitigation Measures AQ-2 and AQ-3, as defined below, will be incorporated into the site specific technical report, and will be implemented during construction and operation of future projects. These measures require implementation of dust control practices during construction activities and solar project operations.

### MM AQ-2: Reduce fugitive dust and particulate matter emissions during construction.

To control emissions of particulate matter, and to ensure compliance with Great Basin Unified Air Pollution Control District Rules 401 and 402 as well as applicable best management practices (BMP) from the Renewable Energy Action Team's (REAT's) Best Management Practices and Guidance Manual (REAT 2010), solar projects shall implement fugitive dust and particulate matter emissions control measures including, but not limited to the following:

- Water and/or coarse rock all active construction areas as necessary and indicated by soil and air conditions;

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- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
  - Pave or apply (non-toxic) soil stabilizers on all unpaved access roads;
  - Sweep daily (with water sweepers) all paved access roads; Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
  - Suspend excavation and grading activity when sustained winds make reasonable dust control difficult to implement, e.g., for winds over 25 miles per hour (mph); and,
  - Limit the speed of on-site vehicles to 15 mph.

MM AQ-3: Implement dust control measures during operation.

To control emissions of particulate matter, and to ensure compliance with Great Basin Unified Air Pollution Control District Rule 401 and 402 as well as applicable BMPs from REAT's Best Management Practices and Guidance Manual (REAT 2010), solar projects shall incorporate feasible dust control measures into the site design including, but not limited to, the following:

- Incorporate perimeter sand fencing into the overall design to prevent migration of exposed soils into the surrounding areas. The perimeter fence is intended to provide long-term protection around vulnerable portions of the site boundary; it is also intended to prevent off-road site access and sand migration across site boundaries and the associated impacts;
- Incorporate wind deflectors intermittently across solar project sites. The solar panels themselves, especially where installed to transverse primary wind direction, will provide some measure of protection of the ground surface. Wind deflectors enhance this effect by lifting winds that may otherwise jet beneath panels, thereby disrupting long wind fetches, and reducing surface wind velocities and sand migration;
- Orient infrastructure/solar panels perpendicular to primary wind directions and adjust panel operating angles to reduce wind speeds under panels;
- Perform revegetation in areas temporarily denuded during construction. These areas would be replanted with native plant species that exist on the site presently. Irrigation would be applied temporarily during the plant establishment period (typically multiple years), but after establishment it is expected that these areas would require little or no maintenance. Vegetation provides dust control by protecting and preventing threshold wind velocities at the soil surface. Studies have shown that an 11 to 54 percent vegetation cover on a site can provide up to 99 percent PM10 control efficiency (GBUAPCD 2008);
- As the installation of solar panels and associated equipment progresses, each area that is completed (i.e. where no further soil disturbance is anticipated) will be treated with a dust palliative to prevent wind erosion. CARB certifications indicate that the application of dust suppressants can reduce PM10 emissions by 84 percent or more (CARB 2011).

**Rationale**

The above mitigation measures will reduce potentially significant impacts to air quality to a less than significant level by requiring an air quality technical report prior to construction that

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complies with Great Basin Unified Air Pollution Control District (GBUAPCD) regulations. Proposed projects will also have to comply with GBUAPCD rules and Best Management Practices to reduce emissions of particulate matter and implement all prescribed dust control measures as provided for in the MMRP. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

Mitigation Measures AQ-1 through AQ-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **3. Biological Resources**

#### **Potential Impact – Special Status Plants**

Potentially significant impacts to special status plant species could occur during construction and/or operation of the future solar developments under the REGPA.

#### **Mitigation Measures**

##### **MM BIO-1: Prepare project level biological resources evaluation and mitigation and monitoring plan.**

Prior to the approval of any solar development projects or related infrastructure under the REGPA with the potential to impact biological resources as determined by a qualified biologist (defined as a biologist with documented experience or training related to the subject species), a project level biological resource evaluation shall be prepared by a qualified biologist for the project. The biological resource evaluation shall include field reconnaissance and focused surveys as determined necessary by a qualified biologist to identify special status species and natural communities present or having the potential to occur on the site, an evaluation of the extent of those habitats, an evaluation of the potential for impacts to each special status species and/or habitat, and shall prescribe specific mitigation measures to avoid impacts to biological resources to the maximum extent practicable. The qualifications of any biologists conducting special status species surveys or focused habitat assessments will be submitted to California Department of Fish and Wildlife (CDFW) prior to conducting fieldwork. The level of biological resource analysis will be based on factors such as the size of the proposed project, the extent of impacts to biological resources, and the sufficiency of existing data to determine impacts.

An evaluation of the potential for off-site impacts to special status species and sensitive habitats will be included in the biological resources evaluation, especially for projects involving groundwater pumping. Chapter 2 of the Basin Plan protects beneficial uses for groundwater with respect to groundwater recharge and freshwater replenishment and beneficial uses for wildlife habitats and flora and fauna including cold freshwater habitat, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, spawning, reproduction, and development, preservation of biological habitats of special significance, and migration of aquatic organisms (RWQCB 1995). A project-specific evaluation of potential impacts to beneficial uses for

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groundwater as specified in the Basin Plan will be included in the biological resources evaluation.

For projects in the Charleston View SEDA, potential impacts to special status species and/or riparian and other groundwater dependent habitat in the Amargosa Watershed will be evaluated. If any solar development projects are proposed in the Laws SEDA that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for impacts to the hydrology of Fish Slough and/or populations of Fish Slough milk-vetch. US Fish and Wildlife Service (USFWS) and CDFW shall be contacted during preparation of the biological resources evaluation to obtain the best available scientific data on such potential impacts including existing hydrologic studies (e.g., the unpublished State of the Basin Report-2014 prepared by Zdon and Associates, Inc.).

For projects with the potential to impact on- or off-site special status species or habitats as determined in the biological resources evaluation, a project-specific biological resources mitigation and monitoring plan shall be prepared that meets the approval of permitting agencies. The plan shall be implemented during all phases of the project and shall identify appropriate mitigation levels to compensate for significant direct, indirect, and cumulative impacts, including habitat, special status plant, and wildlife species losses as well as impacts to groundwater dependent vegetation or off-site impacts to special status species or sensitive habitats due to groundwater pumping. The plan shall address at a minimum:

- Biological resource avoidance and minimization measures and mitigation, monitoring and compliance measures required by federal, state, and local applicable permitting agencies.
- Documentation (based on surveys) of sensitive plant and wildlife expected to be affected by all phases of the project (project construction, operation, abandonment, and decommissioning). Agencies may request additional surveying, based on the documentation or past experience working with the resources. Include measures to avoid or minimize impacts to species and habitat.
- A detailed description of measures to minimize or mitigate permanent and temporary disturbances from construction activities.
- All locations on a map, at an approved scale, of sensitive plant and wildlife areas subject to disturbance and areas requiring temporary protection and avoidance during construction.
- Aerial photographs or images, at an approved scale, of areas to be disturbed during project construction activities.
- Duration for each type of monitoring and a description of monitoring methodologies and frequency.
- Performance standards and criteria to be used to determine if/when proposed mitigation is or is not successful.
- All standards and remedial measures to be implemented if performance standards and criteria are not met.

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- A closure/decommissioning or abandonment plan, including a description of funding mechanism(s).
  - A process for proposing plan modifications to the County project manager.

MM BIO-2: Minimize impacts to special status plants.

Prior to the approval of any solar development projects or related infrastructure under the REGPA, a CDFW-approved botanist shall evaluate the potential for special status plant species to occur on the site and conduct surveys, if necessary, to determine presence or infer absence of special status plants on the site following the November 24, 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* or the most current guidelines. When special status plants are found on a site, the project shall be redesigned or modified to avoid direct and indirect impacts on special status plants, to the maximum extent feasible, as determined by the County. In order to avoid direct and indirect impacts to special status plants, the projects should be re-sited or re-configured to provide an avoidance buffer of at least 0.25 mile from special status plant populations to account for the physical and biological processes that provide these species with their habitat and pollinator needs.

If special status plants are identified in the project area and complete avoidance of direct and indirect impacts is not feasible as determined by the County, the following measures shall be implemented to avoid and minimize impacts on special status plants:

- If feasible, when special status plants are found on a site, the project shall be redesigned or modified to avoid direct and indirect impacts on special status plants, as determined by the County. In order to avoid direct and indirect impacts to special status plants, the projects should be re-sited or re-configured to provide an avoidance buffer of at least 0.25 mile from special status plant populations to account for the physical and biological processes that provide these species with their habitat and pollinator needs.
- For projects that are determined to have the potential to result in “take” of state or federally-listed plant species, consultation shall be conducted with CDFW or USFWS respectively prior to project commencement, and appropriate mitigation measures developed if necessary.
- When individuals of a special status species occur within an area proposed for construction and take cannot be avoided, avoidance of special status plants is not feasible, mitigation shall be developed in coordination with USFWS and/or CDFW to reduce impacts on the local population of the special status species. Mitigation measures approved by USFWS and/or CDFW may include transplantation under the direction of a CDFW approved botanist if transplantation of such species is deemed likely to succeed, or seed shall be collected prior to destruction of the plants and dispersed in suitable habitats not impacted by construction, if such habitats exist and seed collection is deemed likely to be successful by a qualified CDFW-approved botanist with experience propagating the species in question. In all cases, CDFW will be notified at least 10 days prior to removal of any special status plant to allow transplantation or collection of seed at their discretion.

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- If transplanting is proposed, the botanist shall coordinate with the appropriate resource agencies and local experts to determine whether transplantation is feasible. If the agencies concur that transplantation is a feasible mitigation measure, the botanist shall develop and implement a transplantation plan through coordination with the appropriate agencies. The special status plant transplantation plan shall involve identifying a suitable transplant site; moving some or all of the plant material and seed bank to the transplant site; collecting seed material and propagating it in a nursery (in some cases it is appropriate to keep plants onsite as nursery plants and sources for seed material); and monitoring the transplant sites to document recruitment and survival rates. Monitoring shall be conducted for a period of five years and transplantation shall be considered successful if an 80 percent survival rate has been achieved by the end of the five-year monitoring period.
  - A mitigation and monitoring plan shall be developed by a qualified botanist/restoration ecologist and submitted to CDFW for approval prior to approval of the proposed project. The mitigation and monitoring plan will dictate appropriate avoidance and minimization measures, compensatory mitigation, and monitoring requirements as pertinent to the specific species and level of impact(s). Mitigation shall include, but is not limited to: 1) protection of special status plant populations not directly impacted by construction or implementation of the project as stated above; 2) transplantation and/or collection of seed from impacted plants if feasible, as stated above; and 3) the preservation in perpetuity of an equivalent or larger off-site population for every individual or population of special status plant impacted including sufficient land surrounding the preserved population to ensure its survival in perpetuity as determined by a qualified botanist/restoration ecologist. The qualified botanist/restoration ecologist shall include plans to restore and enhance the preserved populations to the extent feasible.
  - If any solar development projects are proposed in the Laws SEDA that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for impacts to the hydrology of Fish Slough and/or populations of Fish Slough milk-vetch, pursuant to Mitigation Measure HYD-2 in Section 4.9, Hydrology and Water Quality. If any solar development projects are proposed in the Charleston View SEDA that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for down-watershed impacts to the habitats for special status plants in the Amargosa Watershed including the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic.” If such studies conclude that any project has the potential to result in indirect impacts to the hydrology of off-site habitat for special status plant species (e.g., Fish Slough, marshes, riparian areas, alkaline flats in the Amargosa Watershed and the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic”), a management plan will be prepared in coordination with the County and submitted to the appropriate resource agency with oversight for the species or habitat in question. The plan shall describe any appropriate monitoring, such as vegetation and/or water table monitoring, and prescribe mitigation to offset the impacts of the project on off-site habitat for special status plants such as preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County.

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MM BIO-23: Implement general design guidelines to minimize impacts to biological resources.

All projects authorized under the REGPA will incorporate the following design guidelines as applicable in coordination with the County:

- Design and site the project, in consultation with the permitting agencies, to avoid or minimize impacts to sensitive and unique habitats and wildlife species. Locate energy generation facilities, roads, transmission lines, and ancillary facilities in the least environmentally sensitive areas (such as away from riparian habitats, streams, wetlands, vernal pools, drainages, sand dunes, critical wildlife habitats, wildlife conservation, management, other protected areas, or unique plant assemblages).
  - Design facilities to use existing roads and utility corridors as much as possible to minimize the number and length/size of new roads, laydown, and borrow areas.
  - Design transmission line poles, access roads, pulling sites, storage, and parking areas to avoid special status species or unique plant assemblages adjacent to linear facilities.
  - Locate and/or design facilities to minimize or mitigate wildlife movement disruptions.
  - Locate and/or design facilities to minimize or mitigate wildlife movement disruptions.
  - Design facilities to discourage their use as bird perching, drinking, or nesting sites.
  - Design facility lighting to prevent side casting of light toward wildlife habitat and skyward protection of light that may disorient night-migrating birds.
  - Avoid using or degrading high value or large intact habitat areas, such as areas identified as sensitive natural habitat, Wilderness Areas, ACEC, critical habitat; riparian, sand dunes.
  - Avoid severing movement and connectivity corridors. Consider existing conservation investments such as protected areas and lands held in trust for conservation purposes.
  - Locate facilities so they do not disrupt sand transport processes nor remove some or all of a sand source that contributes to sand dune systems harboring listed or otherwise sensitive species. Avoid armoring nearby dune system sand sources.

### **Rationale**

The above mitigation measures will reduce potentially significant impacts to special status plants by requiring project specific evaluations by a CDFW-approved biologist for the potential of special status plants to occur or be impacted by the project (Mitigation Measure BIO-1). If such biological resources are found, applicants will be required to follow the mitigations prescribed in Mitigation Measures BIO-2, and -23 (included above). Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

MM BIO-1, 2, and 23 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

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## Potential Impact – Special Status Natural Communities and Protected Natural Areas

Potentially significant impacts to special status natural communities (i.e., vegetation communities of limited distribution statewide or within a county or region) and protected natural areas could occur as a result of implementation of the REGPA if construction and/or operation of the future solar developments results in the disturbance or loss of special status natural communities or protected natural areas.

### Mitigation Measure

MM BIO-19: Minimize impacts to special status natural communities and protected natural areas.

Solar development authorized under the REGPA will not be sited within any special status natural communities or protected natural areas. If solar development is sited adjacent to any special status natural communities or protected natural areas or is determined to have the potential to impact any off-site special status natural communities or protected natural areas during the project level biological resources evaluation (e.g., projects in the Laws SEDA could impact the hydrology of critical habitat for Fish Slough milk-vetch; projects in the Charleston View SEDA could impact down-watershed habitats in the Amargosa Watershed (including habitats within the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic.”), a management plan will be developed in consultation with CDFW and/or USFWS. The management plan will address the potential offsite effects of the construction and on-going operations of the facility on special status species including but not limited to the effects of human disturbance, noise, nighttime maintenance activities, increased lighting, increased traffic on desert roads, and barriers to movement for special status species. The management plan will also address potential mechanisms of offsite habitat degradation such as introduction of invasive weeds, introduction or attraction of feral animals or other species attracted to areas with anthropogenic disturbance, hydrologic disruption due to groundwater impacts or alteration of surface drainage patterns, and increased risk of wildfires. The management plan will also outline the specific measures to be undertaken to avoid and/or minimize indirect effects of the solar development on the adjacent sensitive habitat and special status species and include a plan for long term monitoring of the adjacent habitat as well as an adaptive management plan. If riparian communities (other than water birch riparian scrub – a special status natural community that must be avoided) are present in a project area, impacts to riparian communities shall be avoided or minimized by implementing the following measures:

- The project shall be redesigned or modified to avoid direct and indirect impacts on riparian communities, if feasible.
- Riparian communities adjacent to the project site shall be protected by installing environmentally sensitive area fencing
- The potential for long term loss of riparian vegetation shall be minimized by trimming or mowing vegetation rather than removing the entire shrub. Shrub vegetation shall be cut at least 1 foot above ground level to leave the root systems intact and allow for more rapid regeneration of the species. Cutting shall be limited to a minimum area necessary within

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the construction zone. This type of removal shall be allowed only for shrub species (all trees shall be avoided) in areas that do not provide habitat for sensitive species (e.g., willow flycatcher).

- If riparian vegetation is removed as part of a project, the loss of riparian vegetation shall be mitigated to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies (including CDFW and USFWS). Compensation shall be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, or mitigation credits. A restoration and monitoring plan shall be developed and implemented that describes how riparian habitat shall be enhanced or recreated and monitored over a minimum period of time, as determined by the appropriate state and federal agencies.

### **Rationale**

The above mitigation measures will reduce potentially significant impacts to special status natural communities and protected natural areas, by avoiding special status natural communities and protected natural areas and requiring management plans as prescribed in BIO-19 (see above) for proposed projects adjacent to areas with special status species or protected natural areas. The removal of riparian vegetation will be mitigated to ensure no net loss as determined through coordination with state and federal agencies and as prescribed in BIO-19.

Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measure BIO-19 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **Potential Impact – Waters of the US and/or State**

Construction and maintenance activities associated with future projects implemented under the REGPA could result in disturbance or loss of waters of the US and/or State which would be a potentially significant impact. These wetlands or other waters of the US/State could be affected through direct removal, filling, hydrological interruption (including dewatering), alteration of bed and bank, and other construction related activities.

### **Mitigation Measure**

MM BIO-20: Minimize impacts to waters of the US/State, including wetlands.

The following measures apply to all projects developed under the REGPA that are determined during the project level biological resource evaluation to have the potential to impact waters of the US or waters of the State, including wetlands, and shall be implemented to avoid, minimize, and mitigate for such impacts. These measures shall be incorporated into contract specifications and implemented by the construction contractor. In addition, the project proponent shall ensure

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that the contractor incorporates all state and federal permit conditions into construction specifications.

- Wetlands and other waters of the US/State shall be delineated on the project site using both USACE and CDFW definitions of wetlands. USACE jurisdictional wetlands shall be delineated using the methods outlined in the USACE 1987 Wetlands Delineation Manual and the Arid West Manual, or the most recent guidance. This information shall be mapped and documented as part of the CEQA documentation, as applicable, and in wetland delineation reports. All applicable permits shall be obtained prior to impacting waters of the US/State including CWA Section 404 and 401 permits from the USACE and the RWQCB respectively and a Streambed Alteration Agreement from CDFW.
- The project shall be redesigned or modified to avoid direct and indirect impacts on waters of the U.S./State, if feasible.
- Standard erosion control measures shall be implemented for all phases of construction and operation where sediment runoff from exposed slopes threatens to enter waters of the State and/or waters of the US. Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. All disturbed soils and roads within the project site shall be stabilized to reduce erosion potential, both during and following construction. Areas of disturbed soils (access and staging areas) with slopes trending towards a drainage shall be stabilized to reduce erosion potential.
- Wetland habitats that occur near the project site shall be protected by installing environmentally sensitive area fencing if necessary, in coordination with the project biologist.
- All construction vehicles and equipment shall use existing roadways to the extent feasible to avoid or reduce impacts to waters of the U.S./State.
- Installation activities shall be avoided in saturated or ponded wetlands during the wet season (spring and winter) to the maximum extent possible. Where such activities are unavoidable, protective practices, such as use of padding or vehicles with balloon tires, shall be used.
- Wetland habitats that occur near the project site shall be protected by installing environmentally sensitive area fencing at least 20 feet from the edge of the wetland.
- Depending on site-specific conditions and permit requirements, this buffer may be wider than 20 feet in coordination with the project biologist. The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area.
- Installation activities shall be avoided in saturated or ponded wetlands during the wet season (spring and winter) to the maximum extent possible. Where such activities are

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unavoidable, protective practices, such as use of padding or vehicles with balloon tires, shall be used.

- Where determined necessary by resource specialists, geotextile cushions and other materials (e.g., timber pads, prefabricated equipment pads, or geotextile fabric) shall be used in saturated conditions to minimize damage to the substrate and vegetation.
- Exposed slopes and stream banks shall be stabilized immediately on completion of installation activities. Other waters of the US shall be restored in a manner that encourages vegetation to reestablish to its pre-project condition and reduces the effects of erosion on the drainage system.
- In highly erodible stream systems, banks shall be stabilized using a non-vegetative material that will bind the soil initially and break down within a few years. If the project engineers determine that more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products shall be used.
- During construction, trees, shrubs, debris, or soils that are inadvertently deposited below the ordinary high-water mark of drainages shall be removed in a manner that minimizes disturbance of the drainage bed and bank.
- If wetlands are filled or disturbed as part of the highway solar project, compensation will be implemented for the loss of wetland habitat to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies (including CDFW, USFWS, and USACE). The compensation shall be at a minimum 1:1 ratio (1 acre restored or created for every 1 acre filled) and may be a combination of onsite restoration/creation, off-site restoration, or mitigation credits. A restoration and monitoring plan shall be developed and implemented if onsite or offsite restoration or creation is chosen. The plan shall describe how wetlands shall be created and monitored for the duration established by the regulatory agency.
- For solar projects proposing groundwater pumping, hydrological studies shall be performed to assess the potential for off-site impacts to jurisdictional waters that depend on groundwater. Projects shall be designed to avoid and/or minimize impacts to groundwater-dependent jurisdictional resources off-site, and all proposed impacts to such resources shall be reviewed by the agencies with jurisdiction over the affected resources, and mitigated according to those agencies' requirements.

## **Rationale**

Consistent with the mitigation measure included above, future projects under the REGPA would be required to conduct project specific evaluations to identify the presence and potential for impacts to waters of the US and/or State. Projects with the potential to cause impacts will be required to follow the mitigations as prescribed in BIO-20 (above). These mitigations require delineating wetlands and other waters of the US/State on the project site, implementing project design elements to avoid or minimize impacts to the waters of the US/State, obtaining the appropriate permits from the regulatory agency with jurisdiction over the affected waters, and

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providing compensatory mitigation for impacts at a minimum of a 1:1 ratio to achieve no net loss of waters of the US/State. Implementation of these measures would reduce potential impacts to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measure BIO-20 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **Potential Impact – Wildlife Movement or Resident or Migratory Corridors**

Impacts to wildlife movement or corridors could occur as a result of implementation of the REGPA. Project activities that would interfere with the movement of resident or migratory species or impede fish or wildlife corridors, or nursery habitat would be considered to be a potentially significant impact.

#### MM BIO-21: Minimize impacts to movement or migratory corridors or native wildlife nursery sites.

The following mitigation measures will be implemented to minimize impacts to movement of migratory corridors or native wildlife nursery sites:

- Solar development authorized under the REGPA should shall not be sited in or within 1,000 feet of any areas determined by the County in consultation with responsible and trustee agencies to be Important Bird Areas, essential connectivity areas or linkages identified in the 2001 Missing Links in California's Landscape Project (Penrod et al. 2001), or tule elk and mule deer movement corridors unless potentially significant impacts are avoided. The appropriate buffer distance shall be determined on a project-by-project basis as determined by the County in consultation with responsible and trustee agencies.
- Any proposed solar development projects in the OVSA shall be required to study the potential impact of the project on tule elk and mule deer movement corridors prior to project approval. If a proposed project is determined to be located within an important tule elk and mule deer movement corridor, the applicant shall be responsible for the preparation of a plan to avoid and/or minimize impacts to such corridors in coordination with CDFW.
- As stated in Mitigation Measure BIO-6, projects shall not be sited within areas identified for desert tortoise recovery or conservation according to the Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*) (USFWS 2011) (such as designated critical habitat, ACEC, DWMA, priority connectivity areas, and other areas or easements managed for desert tortoises).

### **Rationale**

The above mitigation measure will reduce potential impacts to wildlife movement or corridors by not allowing development within 1,000 feet of Important Bird Areas, essential connectivity

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areas or linkages, or tule elk and mule deer movement corridors unless potentially significant impacts are avoided. The appropriate buffer distance shall be determined on a project-by project basis in consultation with responsible and trustee agencies. Projects are also not allowed in desert tortoise recovery areas. These prescribed avoidance areas and buffers will reduce potentially significant impacts to wildlife movement or corridors to less than significant. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measure BIO-21 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **Potential Impact – Introduction and Spread of Invasive Plants or Noxious Weeds**

The introduction and spread of invasive plant species or noxious weeds could occur as a result of implementation of the REGPA. The introduction and spread of invasive species would have the potential to cause an adverse effect on a variety of special status species and sensitive natural communities through alteration of a broad range of ecological interactions. This would be a potentially significant impact.

### **Mitigation Measure**

#### MM BIO-22: Minimize spread of invasive plant species or noxious weeds.

For projects implemented under the REGPA that are determined during the project level biological resource evaluation to have the potential to result in the spread of invasive plant species or noxious weeds, the following mitigation measures shall be implemented:

To prevent the introduction and spread of noxious weeds, a project-specific integrated weed management plan shall be developed for approval by the permitting agencies, which would be carried out during all phases of the project. The plan shall include the following measures, at a minimum, to prevent the establishment, spread, and propagation of noxious weeds:

- The area of vegetation and/or ground disturbance shall be limited to the absolute minimum and motorized ingress and egress shall be limited to defined routes.
- Project vehicles shall be stored onsite in designated areas to minimize the need for multiple washings of vehicles that re-enter the project site.
- Vehicle wash and inspection stations shall be maintained onsite and the types of materials brought onto the site shall be closely monitored.
- The tires and undercarriage of vehicles entering or re-entering the project site shall be thoroughly cleaned.
- Native vegetation shall be re-established quickly on disturbed sites.
- Weed Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions.
- Use certified weed-free straw, hay bales, or equivalent for sediment barrier installations.

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## **Rationale**

The above mitigation measure will reduce potential impacts as a result of the introduction and spread of noxious weeds through evaluating the potential for the introduction and spread of weeds during the biological resources evaluation phase, and by requiring projects that could cause impacts through the spread of invasive or noxious weeds to follow the prescribed mitigations measures as listed in BIO-22 (see above). These measures include project design parameters and best management practices that would reduce potential impacts to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. MM BIO-22 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **Potential Impact – Groundwater Dependent Vegetation**

Implementation of the REGPA has the potential to result in significant impacts to groundwater dependent vegetation, primarily within the Owens Valley.

## **Mitigation Measure**

MM BIO-24: Minimize impacts to groundwater dependent vegetation and ecosystems.

Any solar development projects or related infrastructure implemented under the REGPA which are located on City of Los Angeles-owned land or which could affect City of Los Angeles owned land shall comply with the terms of the Agreement. A qualified biologist/botanist with experience in Inyo County shall evaluate the potential for any project implemented under the REGPA to impact groundwater dependent vegetation or ecosystems located on City of Los Angeles-owned land. If the qualified biologist/botanist determines that the project has the potential to impact groundwater dependent vegetation or ecosystems, a groundwater dependent vegetation management plan will be prepared. The plan will include an evaluation of the potential impacts to groundwater dependent vegetation or ecosystems and appropriate measures to avoid or reduce the impacts to the extent feasible. The plan shall be prepared in coordination with the County and LADWP and should describe any appropriate monitoring, such as vegetation and/or water table monitoring, and prescribe mitigation to offset the impacts of the project on groundwater dependent vegetation or ecosystems as deemed appropriate by the qualified biologist in coordination with the County and LADWP. Projects that are likely to affect groundwater resources in a manner that would result in a substantial loss of riparian or wetland natural communities and/or habitat for sensitive flora and fauna associated with such habitats shall be avoided to the extent feasible and impacts shall be mitigated to a level determined to be acceptable by the County. The project and vegetation management plan shall be approved by both the County and LADWP prior to implementation.

## **Rationale**

The above mitigation measures will reduce potential impacts to sensitive species and their habitats from groundwater pumping by requiring projects that is owned by or could affect lands

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owned by the LADWP to have an evaluation by a qualified biologist/botanist on the potential impacts to groundwater dependent vegetation. For projects that are determined to have potential impacts, impacts will be avoided to the extent feasible and for unavoidable impacts, a groundwater dependent vegetation management plan will be prepared and approved by the County and the LADWP. Implementation of the requirements contained in BIO-24, including avoiding impacts to the extent feasible, implementing a groundwater dependent vegetation management plan, and providing mitigation to a level determined acceptable by the County would reduce potentially significant impacts to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. MM BIO-24 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **Potential Impact – Sensitive Species and their Habitats from Groundwater Pumping**

Implementation of the REGPA has the potential to result in indirect, potentially significant impacts to sensitive species and their habitats due to groundwater pumping.

### **Mitigation Measure**

MM BIO-25: Minimize potential indirect impacts due to groundwater pumping.

Mitigation measures for potential indirect impacts due to groundwater pumping are included in Mitigation Measure BIO-1, Mitigation Measure BIO-2, Mitigation Measure BIO-3, and Mitigation Measure BIO-4. Prior to approval of any project under the REGPA requiring groundwater pumping, the potential effects of the groundwater pumping on biological resources will be evaluated during preparation of the project-specific biological resources evaluation and will be based on the results of the hydrologic study conducted as a requirement of Mitigation Measure HYD-2 in Section 4.9, Hydrology and Water Quality. If groundwater pumping is determined to have the potential to result in off-site impacts to biological resources, measures will be included in the project-specific biological resources mitigation and monitoring plan to avoid, minimize, and mitigate for any such impacts. The measures will be commensurate with the resource and level of impact and may include but are not limited to vegetation and/or water table monitoring, preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County, a requirement that the project be water sustainable and a requirement for the project applicant to purchase and retire currently exercised water rights along the same flowpath as the water being used by the facility at a minimum 1:1 ratio.

### **Rationale**

Consistent with the mitigation measure included above, future projects involving groundwater pumping under the REGPA would be required to conduct project specific evaluations of the potential effects of ground water pumping. Projects with the potential to impact biological resources as a result of groundwater pumping would be required to follow the mitigations as prescribed in Mitigation Measures BIO-1 through 4, HYD-2 and BIO-25. These measures

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include project design parameters to avoid or minimize the effects from groundwater pumping, and require that project specific compensatory mitigation be provided commensurate with the resource being impacted and the level of the impact. Implementation of these measures to avoid and/or minimize, and provide project-specific compensatory mitigation will reduce potentially significant impacts to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. MM BIO-1 through 4, HYD-2, and BIO-25 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

#### **4. Geology and Soils**

##### **Potential Impacts**

Future utility scale, commercial scale, and community scale solar energy facility projects under the REGPA could result in potentially significant impacts related to: (1) seismic ground rupture, ground acceleration (ground shaking), and liquefaction/related effects (e.g., dynamic settlement); (2) landslides/slope instability; (3) geologic and soil instability; and, (4) expansive soils.

##### **Mitigation Measure**

MM GEO-1: Conduct site-specific geotechnical investigations.

Site-specific geotechnical investigations will be completed for utility scale proposed development within the individual SEDAs and the OVSA, and the potential off-site transmission corridors associated with the Charleston View, and Trona SEDAs (if applicable), prior to final project design approval. These investigations will identify site-specific criteria related to considerations such as grading, excavation, fill, and structure/facility design. All applicable results and recommendations from the geotechnical investigations will be incorporated into the associated individual project design documents to address identified potential geologic and soil hazards, including but not necessarily limited to: ground rupture; ground acceleration (ground shaking); soil liquefaction (and related issues such as dynamic settlement and lateral spreading); landslides/slope instability; geologic and soil instability (including compressible/collapsible soils, subsidence, and corrosive soils); and expansive soils. The final project design documents will also encompass applicable standard design and construction practices from sources including the CBC, IBC, and County standards, as well as the results/recommendations of County plan review and on-the-ground geotechnical observations and testing to be conducted during project excavation, grading and construction activities (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications). A summary of the types of remedial measures typically associated with identified potential geologic and soil hazards, pursuant to applicable regulatory and industry standards (as noted), is provided below. The remedial measures identified/recommended as part of the described site-specific geotechnical investigations will take priority over the more general types of standard regulatory/industry measures listed below.

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- Ground Rupture: (1) locate (or relocate) applicable facilities away from known active (or potentially active) faults and outside of associated CGS Earthquake Fault Zones; and (2) require appropriate (typically 50-foot) building exclusion buffers on either side of applicable fault traces.
  - Ground Acceleration (Ground Shaking): (1) incorporate applicable seismic loading factors (e.g., IBC/CBC criteria) into the design of facilities such as structures, foundations/slabs, pavement, utilities, manufactured slopes, retaining walls and drainage facilities; (2) use remedial grading techniques where appropriate (e.g., removing/replacing and/or reconditioning unsuitable soils); and, (3) use properly engineered fill per applicable industry/regulatory standards (e.g., IBC/CBC), including criteria such as appropriate fill composition, placement methodology, compaction levels, and moisture content.
  - Liquefaction and Related Effects: (1) remove unsuitable soils and replace with engineered fill (as previously described), per applicable regulatory/industry standards (e.g., IBC/CBC); (2) employ measures such as deep soil mixing (i.e., introducing cement to consolidate loose soils) or use of subsurface structures (e.g., stone columns or piles) to provide support (i.e., by extending structures into competent underlying units); (3) use subdrains in appropriate areas to avoid or reduce near-surface saturation; and, (4) design for potential settlement of liquefiable materials through means such as use of post-tensioned foundations and/or flexible couplings for utility connections.
  - Landslides/Slope Instability: (1) construct properly drained shear keys and/or replace susceptible deposits with manufactured buttress fills where appropriate; (2) employ applicable slope laybacks (i.e., shallower slopes) and/or structural setbacks; (3) incorporate structures such as retaining walls and stability fills where appropriate to provide support; and, (4) implement proper slope drainage and landscaping where applicable per established regulatory/industry standards (e.g., IBC/CBC).
  - Geologic and Soil Instability: (1) use standard efforts such as over-excavation and recompaction or replacement of unsuitable soils with engineered fill, and enhanced foundation design in applicable areas (e.g., post-tensioned or mat slab foundations); (2) use engineered fill, subdrains, surcharging (i.e., loading prior to construction to induce settlement) and/or settlement monitoring (e.g., through the use of settlement monuments) in appropriate areas; (3) implement groundwater withdrawal monitoring/restrictions per established legal/regulatory/industry standards (if applicable); and, (4) remove unsuitable deposits and replace with non-corrosive fill, use corrosion-resistant construction materials (e.g., corrosion-resistant concrete and coated or non-metallic facilities), and install cathodic protection devices (e.g., use of a more easily corroded “sacrificial metal” to serve as an anode and draw current away from the structure to be protected) per established regulatory/industry standards (e.g., IBC/CBC).
  - Expansive Soils: (1) replace and/or mix expansive materials with non-expansive fill; and, (2) cap expansive soils in place with an appropriate thickness of non-expansive fill per established regulatory/industry standards (e.g., IBC/CBC).

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## **Rationale**

Consistent with the above mitigation measures, future solar projects under the REGPA are required to conduct project-specific geotechnical investigations prior to project approval, and if the project is deemed to have the potential for impacts to geology and soils, then the appropriate remedial measures prescribed as part of the geotechnical investigation and/or as identified in Mitigation Measure GEO-1 (above) will be implemented. These remedial measures constitute project design measures to reduce or avoid the potential impact, and would reduce potential impacts to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. MM GEO-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **5. Greenhouse Gas Emissions**

### **Potential Impact**

Future utility scale, commercial scale, and community scale solar energy facility projects under the REGPA could result in potentially significant impacts related to daily threshold exceedances during construction and operation activities.

### **Mitigation Measure**

MM GHG-1: Prepare site-specific technical greenhouse gas report.

Prior to approval of a Renewable Energy Permit, Renewable Energy Development Agreement, or Renewable Energy Impact Determination for a solar energy project, a site-specific technical GHG report will be prepared and approved by the County. The site-specific technical report will identify project-specific emissions to ensure compliance with the interim South Coast Air Quality Management District (SCAQMD) GHG thresholds, as well as measures to reduce operational GHG emissions. The technical report will be completed and approved by the County prior to the County's action.

### **Rationale**

Consistent with the above mitigation measure, future solar projects under the REGPA are required to prepare a project-specific GHG report prior to project approval. As outlined in Mitigation Measure GHG-1 (see above) the report will identify project specific emissions to ensure compliance with the interim SCAQMD GHG thresholds, and will include measures to reduce operational GHG emissions. By ensuring compliance with the SCAQMD GHG thresholds, and requiring measures to reduce operational GHG emissions, GHG-1 will reduce potential impacts to GHG emissions to a less than significant level. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have

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been adopted by such agency or can and should be adopted by such other agency. Mitigation Measure GHG-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **6. Hazards and Hazardous Material**

### **Potential Impacts**

Implementation of a solar facility project as part of the REGPA could result in potentially significant impacts related to: (1) the known or potential occurrence of hazardous material sites in the SEDAs, the OVSA, and the potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs; (2) airport-related hazards for the Laws, Trona, Charleston View, and Sandy Valley SEDAs, the OVSA, and the potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs; (3) school-related hazards for the OVSA; and, (4) wildfire hazards for all SEDAs, the OVSA, and the potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs.

There are several recorded hazardous materials sites within or adjacent to the SEDAs and OVSA. Because the exact nature and location of the future solar energy facilities have not been identified, as well as the fact that potential exists for currently unknown hazardous material sites, associated site-specific impacts cannot be determined at this time and are therefore, considered potentially significant.

The Laws, Trona, Charleston View, and Sandy Valley SEDAs, OVSA, and the potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs are located in close proximity to an airport. Solar facilities could potentially result in safety hazards related to placement of structures such as transmission towers and solar arrays within airport hazard zones, depending on their nature and location. As a result, associated potential impacts would be significant.

Numerous school sites are present within the OVSA, with most located in the City of Bishop and the communities of Big Pine and Lone Pine. While potential project-related development would be limited to less than one percent of the OVSA as noted above, because the exact nature and location of this development have not been identified, the associated site-specific effects to schools from the use or emission of hazardous materials or wastes would be potentially significant.

Areas within all of the SEDAs, OVSA, and potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs are rated as moderate and high for wildfire hazards by the California Department of Forestry and Fire Protection (CAL FIRE). The occurrence of wildfires within these areas with a moderate to high wildfire hazard rating could potentially expose people and/or structures to related hazards, and associated potential impacts would be significant.

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## **Mitigation Measures**

### **MM HAZ-1: Conduct site-specific Phase I ESA.**

Site-specific Phase I ESAs shall be completed for all utility scale proposed development projects within the individual SEDAs and the OVSA, as well as the potential off-site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), prior to final project design approval. Specifically, Phase I ESA investigations shall be conducted for the noted areas to identify the potential occurrence of hazardous materials and Recognized Environmental Conditions, (RECs, as defined in ASTM International E1527-05, Section 1.1.1), potentially involving the presence of contaminated soil or groundwater, and/or structures or facilities containing hazardous materials such as asbestos insulation, lead-based paint and polychlorinated biphenyls. Phase I investigations shall include: (1) appropriate regulatory database records review; (2) site reconnaissance; (3) review of appropriate maps, aerial photographs and other pertinent documents; (4) interviews with current/previous property owners, local government/industry officials, and other individuals with knowledge of the property and/or local environmental conditions; (5) documentation of known or potential RECs; and, (6) identification of recommendations to address RECs or other concerns, if applicable (including Phase II ESA investigations, as outlined below).

Depending on the results of the described Phase I ESAs, one or more Phase II ESA investigations shall be conducted if identified as part of the Phase I recommendations. Phase II ESAs consist of “intrusive” investigations, in which original samples of soil, groundwater and/or building materials are collected and submitted for laboratory analysis to identify applicable contaminants. Based on the results of this testing, the Phase II ESAs shall identify the type and extent of REC (or other) contamination, and provide appropriate remedial measures to address associated hazards. Typical remedial measures may include efforts such as removal and proper disposal of contaminated materials (or on-site treatment and reuse, if applicable), or in situ treatments such as oxidation (use of aerobic bacteria to accelerate natural attenuation of organic contaminants) or bioremediation (e.g., using bacteria to remove contaminants from groundwater).

All ESAs conducted for the proposed project shall be prepared in conformance with applicable regulatory and industry standards, including ASTM International E1527-05: Standard Practice for Environmental Site Assessments; and CFR Part 312: Standards and Practices for All Appropriate Inquiries. Applicable results and recommendations from the described Phase I and Phase II investigations shall be incorporated into the associated individual final project design documents to address identified potential hazardous material concerns.

### **MM HAZ-2: Conduct site-specific Airport Safety Investigations.**

Site-specific Airport Safety Investigations shall be completed for all utility scale proposed development projects in the Laws, Trona, Charleston View, and Sandy Valley SEDAs, the OVSA, and related potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs that are within two miles of a public or private airport prior to final project design approval. These investigations will assess the site-specific design and location of proposed facilities to determine if they are compatible with existing and planned future activities

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at nearby airports. The Airport Safety Investigations shall utilize applicable criteria from proposed project design information (e.g., facility locations and heights), airport Comprehensive Land Use Plans and/or Management Plans (if applicable), the Inyo County Airport Hazard Overlay Ordinance, and/or other pertinent information related to considerations such as airport hazard zones and traffic patterns, to identify potential safety conflicts. If such conflicts are identified, the Airport Safety Investigations shall provide remedial measures to address these concerns, potentially including efforts such as relocating and/or redesigning proposed facilities to avoid potential hazards. Applicable results and recommendations from the described Airport Safety Investigations shall be incorporated into the associated individual final project design documents to address identified potential airport-related concerns.

MM HAZ-3: Conduct site-specific School Safety Investigations.

Site-specific School Safety Investigations shall be completed for all proposed utility scale solar development projects in the OVSA that are within 0.25 mile of an existing or proposed school, prior to final project design approval. These investigations will assess the site-specific design and location of proposed facilities to determine if they are compatible with existing and planned future activities at schools located within one-quarter mile. The School Safety Investigations shall utilize applicable criteria from proposed project design information, such as proposed hazardous material use/storage, associated facility locations, and required measures in HMBEPs and/or Risk Management Plans (e.g., proper inventory documentation, storage/containment, transport, employee training, and spill response/clean-up measures) to assess potential hazards to local schools from the use or emission of hazardous materials or wastes. If such hazards are identified, the School Safety Investigations shall provide remedial measures to address these concerns, potentially including efforts such as relocating (i.e., outside of the one-quarter mile boundary) and/or redesigning proposed facilities (e.g., providing enclosures or secondary containment) to avoid potential hazards. Applicable results and recommendations from the described School Safety Investigations shall be incorporated into the associated individual final project design documents to address identified potential school-related concerns.

MM HAZ-4: Conduct site-specific Wildfire Safety Investigations.

Site-specific Wildfire Safety Investigations shall be completed for all proposed utility scale solar development projects within the individual SEDAs and the OVSA, as well as the potential off site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), that are in areas rated as moderate or high for wildfire hazards by CAL FIRE prior to final project design approval. Specifically, the Wildfire Safety Investigations shall be conducted for the noted areas to identify site-specific fire hazard ratings and associated risks to people and structures at proposed development sites. The Wildfire Safety Investigations shall include assessment of the following criteria for the noted areas and surrounding environments: (1) fire history; (2) fuel (vegetation) types; (3) climatic conditions (including wind patterns); (4) projected fire behavior (including flame lengths) from computer modeling (e.g., BehavePlus Fire Modeling System 5.0.4); (5) documentation of known or potential wildfire hazards to on-site people and structures; and, (6) identification of remedial measures, if applicable (per applicable regulatory standards such as the California Building, Fire, and Residential Codes) potentially including efforts such as the use of fuel modification, structural features (e.g., non-combustible materials and fire/ember/smoke barriers), alarm systems, and/or automatic

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sprinklers. Applicable results and recommendations from the described Wildfire Safety Investigations shall be incorporated into the associated individual final project design documents to address identified potential wildfire-related concerns.

## **Rationale**

The above mitigation measures will reduce potential impacts to hazardous materials to a less than significant level. MM HAZ-1 requires preparation of site-specific Phase I ESAs for all utility scale proposed development projects within the individual SEDAs and the OVSA, as well as the potential off-site transmission corridors associated with the Trona and Charleston View SEDAs. Depending on the results of the Phase I ESAs, one or more Phase II ESA investigations will be conducted if identified as part of the Phase I recommendations. MM HAZ-2 requires preparation of Site-specific Airport Safety Investigations for all utility scale proposed development projects in the Laws, Trona, Charleston View, and Sandy Valley SEDAs, the OVSA, and related potential off-site transmission line corridors associated with the Trona and Charleston View SEDAs that are within two miles of a public or private airport. MM HAZ-3 requires preparation of Site-specific School Safety Investigations for all proposed utility scale solar development projects in the OVSA that are within 0.25 mile of an existing or proposed school. MM HAZ-4 requires preparation of Site-specific Wildfire Safety Investigations for all proposed utility scale solar development projects within the individual SEDAs and the OVSA, as well as the potential off site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), that are in areas rated as moderate or high for wildfire hazards by CAL FIRE. Mitigation Measures HAZ-1 through HAZ-4 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **7. Hydrology and Water Quality**

### **Potential Impacts**

Implementation of a solar facility project as part of the REGPA would result in potentially significant impacts related to hydrologic conditions (including drainage alteration, runoff rates and amounts, flood hazards, and existing/planned storm drain system capacity); groundwater resources; and long-term water quality.

### **Mitigation Measures**

#### **MM HYD-1: Conduct site-specific hydrologic investigations.**

Site-specific hydrologic investigations will be completed for proposed utility scale solar facility development projects within the individual SEDAs and the OVSA (i.e., those with grading, excavation or other activities potentially affecting hydrologic conditions, as determined by the County), as well as the potential off-site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), prior to final project design approval. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential hydrologic concerns, including but not necessarily limited to: drainage alteration, runoff rates and amounts, flood hazards, and existing/planned storm drain system capacity. The final project design documents will also encompass applicable standard design and construction practices from sources

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including NPDES, Basin Plan and County standards, as well as the results/recommendations of County plan review (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications). A summary of the types of remedial measures typically associated with identified potential hydrologic concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The remedial measures identified/recommended as part of the described site-specific hydrologic investigations will take priority over the more general types of standard regulatory/industry measures listed below.

- **Drainage Alteration:** (1) locate applicable facilities and activities (e.g., staging areas and soil/material stockpiles) outside of surface drainage courses and drainage channels; (2) re-route surface around applicable facilities, with such re-routing to be limited to the smallest area feasible and re-routed drainage to be directed back to the original drainage course at the closest feasible location (i.e., the closest location to the point of diversion); and, (3) use drainage structures to convey flows within/through development areas and maintain existing drainage patterns.
- **Runoff Rates and Amounts:** (1) minimize the installation of new impervious surfaces (e.g., by surfacing with pervious pavement, gravel or decomposed granite); and, (2) use flow regulation facilities (e.g., detention/retention basins) and velocity control structures (e.g., riprap dissipation aprons at drainage outlets), to maintain predevelopment runoff rates and amounts.
- **Flood Hazards:** (1) work to locate proposed facilities and activities outside of mapped 100-year floodplain boundaries; (2) based on technical analyses such as Hydrologic Engineering Center-River Analysis System (HEC-RAS) studies, restrict facility locations to avoid adverse impacts related to impeding or redirecting flood waters; and, (3) based on HEC-RAS studies, use measures such as raised fill pads to elevate proposed structures above calculated flood levels, and/or utilize protection/containment structures (e.g., berms, barriers or waterproof doors) to avoid flood damage.
- **Storm Drain System Capacity:** (1) implement similar measures as noted above for runoff rates and amounts; and, (2) utilize additional and/or enlarged facilities to ensure adequate on- and off-site storm drain system capacity.

MM HYD-2: Conduct site-specific groundwater investigations.

Site-specific groundwater investigations will be completed for all proposed solar facility development projects within the individual SEDAs and the OVSA proposing to utilize groundwater resources, prior to final project design approval. These investigations will identify site-specific criteria related to considerations such as local aquifer volumes and hydrogeologic characteristics, current/proposed withdrawals, inflow/recharge capacity, and potential effects to local aquifer and well levels, as well as effects to groundwater-dependent surface water features including springs, marshes and bosques, from proposed project withdrawals. All applicable results and recommendations from these investigations will be incorporated into the associated individual project design documents to address identified potential impacts to groundwater resources (per applicable regulatory standards), with all related requirements to be included in

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associated engineering/design drawings and construction contract specifications. A summary of the types of remedial measures typically associated with identified potential effects to groundwater and related surface water resources is provided below. The remedial measures identified/recommended as part of the described site-specific groundwater investigations will take priority over the more general types of standard measures listed below.

- **Aquifer/Well drawdown:** (1) monitor local aquifer and private/production well levels to verify the presence or absence of project-related effects during pre-construction, construction, and operation periods (based on a methodology and monitoring schedule approved by the RWQCB and County); (2) document background and pre-construction groundwater conditions and comparable project-related construction and operation trends, along with related factors such as precipitation levels and groundwater budgets; (3) prepare scaled maps depicting the associated site(s), existing and proposed monitoring well locations, relevant natural (e.g., springs and groundwater-dependent vegetation) and other features (e.g., reservoirs), and pre- post-project groundwater contours, along with a description of cumulative water level changes; (4) restrict project-related groundwater withdrawals to appropriate levels to avoid significant adverse effects to local aquifers/wells and/or other groundwater-dependent uses (e.g., vegetation, springs or other related surface water features), based on thresholds approved by the RWQCB and County; and, (5) provide mitigation for affected wells or other uses/resources where applicable, potentially including well modifications (e.g., deepening pumps or wells), and/or financial compensation, and compensatory mitigation for impacts to groundwater-dependent surface water features and habitats.
- **Groundwater Recharge Capacity:** (1) reduce the area of on-site impervious surface if appropriate, through increased use of surfacing materials such as gravel, decomposed granite, or pervious pavement; and, (2) use facilities such as retention/percolation basins and unlined drainage facilities to increase local infiltration and groundwater recharge. The County may employ water injection as a method of groundwater recharge as deemed appropriate on a case by case basis. This decision would be made during project specific CEQA analysis for a given solar energy development proposal.

### MM HYD-3: Conduct site-specific water quality investigations.

Site-specific water quality investigations will be completed for long-term solar facility operations associated with applicable proposed development projects within the individual

SEDAs and the OVSA (i.e., those with activities potentially affecting water quality conditions, as determined by the County), as well as the potential off-site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), prior to final project design approval. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential long-term water quality issues related to conditions such as: anticipated and potential pollutants to be used, stored or generated on-site; the location and nature (e.g., impaired status) of on-site and downstream receiving waters; and project design features to avoid/address potential pollutant discharges. The final project design documents will also encompass applicable standard design practices from sources including NPDES, Basin Plan and County

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standards, as well as the results/recommendations of project-related hazardous materials investigations and regulatory standards (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications). A summary of the types of BMPs typically associated with identified potential water concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The BMPs identified/recommended as part of the described site-specific water quality investigations will take priority over the more general types of standard regulatory/industry measures listed below.

- **Low Impact Development (LID)/Site Design BMPs:** LID/site design BMPs are intended to avoid, minimize and/or control post-development runoff, erosion potential and pollutant generation to the maximum extent practicable by mimicking the natural hydrologic regime. The LID process employs design practices and techniques to effectively capture, filter, store, evaporate, detain and infiltrate runoff close to its source through efforts such as: (1) minimizing developed/disturbed areas to the maximum extent feasible; (2) utilizing natural and/or unlined drainage features in onsite storm water systems; (3) disconnecting impervious pervious to slow concentration times, and directing flows from impervious surfaces into landscaped or vegetated areas; and, (4) using pervious surfaces in developed areas to the maximum extent feasible. **Source Control BMPs:** Source control BMPs are intended to avoid or minimize the introduction of pollutants into storm drains and natural drainages to the maximum extent practicable by reducing on-site pollutant generation and off-site pollutant transport through measures such as: (1) installing no dumping” stencils/tiles and/or signs with prohibitive language (per current County guidelines) at applicable locations such as drainages and storm drain inlets to discourage illegal dumping; (2) designing trash storage areas to reduce litter/pollutant discharge through methods such as paving with impervious surfaces, installing screens or walls to prevent trash dispersal, and providing attached lids and/or roofs for trash containers; (3) designing site landscaping (if applicable) to maximize the retention of native vegetation and use of appropriate native, pest-resistant and/or drought-tolerant varieties to reduce irrigation and pesticide application requirements; and, (4) providing secondary containment (e.g., enclosed structures, walls or berms) for applicable areas such as trash or hazardous material use/storage.
- **Treatment Control/LID BMPs:** Treatment control (or structural) BMPs are designed to remove pollutants from runoff to the maximum extent practicable through means such as filtering, treatment or infiltration. Treatment control and/or LID BMPs are required to address applicable pollutants, and must provide medium or high levels of removal efficiency for these pollutants (per applicable regulatory requirements). Based on the anticipated pollutants of concern, potential LID and treatment control BMPs may include (1) providing water quality treatment and related facilities such as sediment basins, vegetated swales, infiltration basins, filtration devices and velocity dissipators to treat appropriate runoff flows and reduce volumes prior to off-site discharge (per applicable regulatory requirements); and, (2) conducting regular inspection, maintenance and as-needed repairs of pertinent facilities and structures.

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## **Rationale**

The above mitigation measures will reduce potential impacts to hydrology and water quality by requiring renewable energy solar applicants to conduct site-specific hydrologic investigations, site-specific groundwater investigations and site specific water quality investigations. The criteria, recommendations, and results of these studies will be required to be incorporated into any final project designs. Proposed projects will also be subject to the requirements prescribed in Mitigation Measures HYD-1 through -3. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measures HYD-1 through HYD-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **8. Mineral Resources**

### **Potential Impacts**

Implementation of the REGPA (including implementation of utility scale, commercial scale and/or community scale facilities) could result in potentially significant impact to mineral resources related to the loss of regionally or locally important mineral resources, as well as associated potential conflicts with valid mineral entries.

### **Mitigation Measure**

#### MM MIN-1: Conduct site-specific mineral resource investigations

Site-specific mineral resource investigations will be completed for proposed development projects within the individual SEDAs, the OVSA, and the potential off-site transmission corridors associated with the Trona and Charleston View SEDAs (if applicable), prior to final project design approval. These investigations will include the following elements: (1) descriptions of regional and on-site geologic environments; (2) identification of site-specific potential for the occurrence of mineral resources; (3) assessment of estimated mineral resource quantities and extents (as applicable); (4) evaluation of associated potential for economic resource recovery, including considerations such as supply and demand, and production, processing and transportation costs; (5) determination of the presence of mineral entries such as mining claims and mineral leases, including descriptions of individual mineral entry types, issuing agencies and status; (6) assessment of potential impacts from project implementation to identified regionally- or locally-important mineral resources, associated exploration/recovery efforts, and valid mineral entries; and, (7) development of remedial measures to address identified impacts to mineral resources, operations and entries, as feasible, potentially including efforts such as avoidance, use of proposed project development timing or phasing to accommodate mineral operations, or locating proposed project facilities to accommodate multiple use operations (e.g., through shared use of access or infrastructure). All applicable results and recommendations from the described investigations identifying identified potential

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mineral resource impacts and remedial measures will be incorporated into the associated individual project design documents.

## **Rationale**

The above mitigation measures will reduce potential impacts to mineral resources related to losses of regionally or locally important mineral resources and potential conflicts with valid mineral entries by requiring site specific mineral resource investigations and off site transmission corridors. The applicable results and recommendations from these investigations will be incorporated into the project design documents. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measure MIN-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **9. Noise**

### **Potential Impacts**

As identified in Section 4.12, future utility scale, commercial scale, and community scale solar energy facility projects under the REGPA could result in potentially significant impacts related to: (1) exposure of persons to or generation of noise levels in excess of established standards during project operations; and, (2) temporary or periodic increases in ambient noise levels during construction.

The REGPA proposes new General Plan policies and implementation measures to encourage and direct the type, siting, and size of future renewable energy development within the County, including the following new Noise Implementation Measure as part of the Public Safety Element of the General Plan:

1. Work with developers and other agencies to minimize noise from renewable energy solar facility development.

Development of solar energy projects that have the most potential of generating operational noise that would exceed noise levels in the General Plan Noise Element would be from equipment noise, washer stations, power generators, and maintenance activities. Noise impacts would be dependent on the size, location, and proximity to noise sensitive land uses. However, since details regarding specific projects are unknown at this time, impacts are considered potentially significant.

Implementation of the proposed project would result in a temporary or periodic increase in ambient noise levels related to construction equipment, activities, and vehicles. Noise impacts from construction activities occurring within a project site would be dependent on the type, location, and duration of the noise-generating construction activities, and the distance to noise sensitive land uses. The County does not provide noise limits for construction noise; however Policy NOI-1.7 requires that contractors implement noise reduction measures if construction is

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located within close proximity to noise sensitive land uses. Therefore, if construction of solar energy projects or the transmission line are located within 500 feet of a residence or noise sensitive land use and do not include noise-reducing measures, impacts would be potentially significant.

### **Mitigation Measures**

#### **MM NOI-1: Prepare technical noise report for solar facilities proposed within 500 feet of noise sensitive land uses.**

If a proposed utility scale solar energy project resulting from implementation of the REGPA is within 500 feet of a residence or other noise sensitive land use, prior to issuance of a Major Use Permit, a site-specific noise technical report will be prepared and approved by the County. The technical report will verify compliance with all applicable County laws, regulations, and policies during operation of the solar project, including that noise levels would not exceed the relevant thresholds described in the General Plan Noise Element (60 dBA  $L_{DN}$  for noise sensitive land uses such as residences, schools, transient lodging and medical facilities). The site specific noise technical report will include project specifications, applicable noise calculations, project design features, applicable BMPs and related information from the REAT's Best Management Practices and Guidance Manual (REAT 2010), and mitigation measures applicable to the project. The technical noise report will address operational related noise sources, as well as noise from the use of generators during an emergency. The technical report will calculate specific anticipated noise and vibration levels from operations in accordance with County standards and provide specific mitigation when noise levels are expected to exceed County standards.

#### **MM NOI-2: Implement construction noise reduction measures.**

If utility scale solar development resulting from implementation of the REGPA is proposed within 500 feet of a residence or other noise sensitive receptor, the following measures, in addition to applicable BMPs and related information from REAT's Best Management Practices and Guidance Manual (REAT 2010), shall be implemented to reduce construction noise to the extent feasible:

- Whenever feasible, electrical power will be used to run air compressors and similar power tools.
- Equipment staging areas will be located as far as feasible from occupied residences or schools. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
- Stationary equipment shall be placed such that emitted noise is directed away from sensitive noise receptors.
- Stockpiling and vehicle staging areas shall be located as far as practical from occupied dwellings.

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### MM NOI-3: Prepare a Helicopter Noise Control Plan.

In the event that a utility scale solar project site would have limited access and would require the use of helicopters during operation or maintenance of a facility, the County shall prepare a Helicopter Noise Control Plan that indicates where helicopters would be used and the frequency and duration for such use. The plan shall demonstrate compliance with the noise level limits within the County Noise Element for helicopter noise to properties within 1,600 feet of proposed helicopter use locations.

#### **Rationale**

The above mitigation measures will reduce potential impacts to people from noise levels in excess of establish standards by requiring technical noise reports for proposed solar facilities within 500 feet of noise sensitive land uses. The report will include verifications of compliance with all applicable laws regarding noise levels and specifications for the project to ensure compliance. If a solar development is proposed within 500-ft of a residence or other noise sensitive receptors the mitigations, as listed in NOI-2 (see above) will be required for the project. Also, if the project is situated in such a way that helicopters are needed for project operations a helicopter noise control plan that demonstrates compliance with county noise requirements. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. MM NOI-1 through NOI-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

#### **10. Public Services**

##### **Potential Impacts**

As identified in Section 4.14, future utility scale, commercial scale, and community scale solar energy facility projects under the REGPA could result in potentially significant impacts related to fire and police protection.

Future solar development projects in the SEDAs would require fire protection services in the event of fire, hazardous materials incidents, medical emergencies, or other emergency situations. The SEDAs are generally located in more remote areas of the County, where provision of fire protection would take some time to be provided. Some of the SEDAs are located at distances that would require over an hour drive time to the SEDA boundary from the nearest fire stations. The remote locations of some of the SEDAs would result in the commitment of fire protection resources to a larger than average time commitment for emergency services response, which could reduce resources available elsewhere during the response time. The proposed REGPA includes a proposed Economic Development policy (Policy ED-4.4) which requires renewable energy solar facility development to provide the means to offset the costs to the County, including, but not limited to, the cost of infrastructure improvements and County services. This policy also indicates that economic impacts from renewable energy solar facility development identified by the County shall be offset. Additionally, existing General Plan polices already in

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place require the provision of public facilities and services to new development and the payment of fees for new development to offset impacts to existing services and infrastructure. Nonetheless, for the reasons described above, the commitment of fire protection resources to future solar development projects is considered a potentially significant impact.

Police protection service needs for future solar development projects could be associated with increased traffic along access routes to the project site. Construction of future solar development projects would generate activity at respective project sites, including trips to and from the project sites for hauling of project materials and the transport of construction workers to the site. This increased activity could result in an increase in vehicle accidents along the route to a project site. The need for law enforcement at future solar development project sites could also occur for incidents related to worker conflicts and potential vandalism and/or theft during construction and long-term operation of the projects. While existing law enforcement is in place in the County, the Inyo County Sheriff's Department and California Highway Patrol provide services to a large area. Some of the SEDAs are located in isolated areas at a considerable distance from the nearest police substation and therefore, it is expected that response times to several SEDAs would be excessive, and a round trip to a project site within some of the SEDAs and back to a substation would take a considerable amount of time, potentially removing law enforcement resources that are needed elsewhere in the County. As previously discussed, the proposed REGPA includes a proposed Economic Development Element policy (ED-4.4), which requires renewable energy solar facility development to provide the means to offset the costs to the County for County services. Additional General Plan policies are also in place for offsetting the cost of providing services to new development. Nonetheless, for the reasons described above, the need for law enforcement services for future solar development project sites in the SEDAs is considered a potentially significant impact.

### **Mitigation Measures**

#### MM PUB-1: Analyze public safety and protection response times and staff levels for each project.

Site specific analysis of fire and police protection service response times and staffing levels shall be completed for proposed future solar development projects, as deemed appropriate by the County, at the cost of the project applicant, prior to final project design approval of each project. The analysis shall include a determination regarding a project's impact to fire and police protection services and outline feasible measures to maintain adequate response times for fire and police protection services.

#### MM PUB-2: Provide onsite security during the construction and long-term operation of the project.

For project sites associated with proposed future solar development projects that are determined through Mitigation Measure PUB-1 to have insufficient law enforcement protection services or significant impacts to law enforcement services, project proponents shall be required to provide adequate, onsite private security for the duration of construction activities and during the long-term operation of the project to the satisfaction of the County. The actual size and configuration

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of the security detail shall be determined by the County during preparation of the Development Agreement for the future solar energy project.

MM PUB-3: Pay mitigation fees for public safety and protection services.

The County shall require project proponents to pay established County development mitigation fees for fire and police protection services. Said fees shall be used to maintain proper staffing levels for fire and, police protection, and emergency services and to sustain adequate response times as required by the County.

**Rationale**

The above mitigation measures will reduce potential impacts associated with fire and police protection services by requiring site specific analysis of fire and police services to evaluate the project's impact to those services and outline measures to maintain response times. Projects that are evaluated by PUB-1 (see above) to have insufficient police protection will be required to provide onsite security to the satisfaction of the county. Project proponents will also be required to pay the County development mitigation fees to ensure proper staffing levels of police and fire personnel so that adequate response times are sustained. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

MM PUB-1 through PUB-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

**11. Socioeconomics**

**Potential Impacts**

As identified in Section 4.16 in the Final PEIR, implementation of the REGPA would result in potentially adverse socioeconomic effects related to changes in the local economy, housing availability related to temporary construction workers, and levels of public service provision.

During construction of utility scale renewable energy facilities and larger commercial scale facilities, the temporary in-migration of construction workers would likely result in an increased demand for transient housing. Because outdoor recreation is a vital part of the County's economy, a disruption to available transient housing could result in adverse local economic impacts. As construction of larger utility scale renewable energy projects can extend for multiple years, a substantial increase in transient housing demand could have a sustained economic impact if outdoor recreationists and other visitors are unable to find adequate accommodations. While new economic development policy strategies are proposed within the REGPA to facilitate local hiring, there is a potential that the proposed project could lead to adverse effects to the local transient housing market.

Renewable energy and electric infrastructure facilities can pose public safety risks, and large scale utility scale projects and associated construction worker population in-migration can result in negative effects to existing public service ratios and response times; this is particularly true if

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the influx of construction workers exceeds the population levels planned for by the County. Property taxes collected by the state for utility scale projects would result in an indirect positive economic effect on County general funds and development at all scales generates some level of local economic stimulus. When negative demands on public services and positive economic offsets are compared, the critical concern is overburdening public services (mainly fire and police protection) from the temporary in-migration of construction workers. While new economic development policy strategies are identified within the REGPA to offset County costs, there is a potential that the proposed project could lead to adverse effects on County public service levels and the demands placed on providers.

## **Management Measures**

### MM SOC-1 Minimize impacts on transient housing.

To further offset potential negative effects and increased demand on transient housing, General Plan Policy ED-4.5, Employ and Train Local Labor, shall be supplemented with the following:

- For renewable energy projects where the construction schedule exceeds one-year, community monitoring programs shall be developed that would identify and evaluate transient housing demand and other socioeconomic effects utilizing economic models such as JEDI. Measures developed for monitoring may include the collection of data reflecting the workforce demands and social effects (such as tracking any demonstrable drop in recreational usership) as a result of increased transient housing demand from construction workers at the local and County level.
- Project developers shall work with the County, local chambers of commerce, and/or other applicable local groups to assist transient workers in finding temporary lodging. If temporary lodging is not available, developers of utility scale projects shall consider the feasibility of providing on-site temporary housing accommodations for all projects.

### MM SOC-2 Minimize impacts on County public services.

To further off-set potential negative effects on County public services, General Plan Policy ED-4.4, Offset the Cost to the County for Service Provision, shall be supplemented with the following:

- Cooperative agreements between project applicants and the County shall be secured prior to issuance of a building permit or project-specific entitlement to ensure the following:

Unless property taxation of a renewable energy installation is deemed sufficient by the County, project applicants shall pay a fair-share public service impact fee. A potential method for estimating a fair-share contribution could be calculated by:

[annual service budget] X [estimated number of temporary workers temporarily immigrating ÷ County population served].

The public service fee (and formula used for calculating fair-share) shall be adjusted based on the duration of project construction (e.g., a project only lasting 9 months would

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utilize 75 percent of the annual budget, one lasting 1.5 years would utilize 150 percent of the annual budget, etc.); and,

- Project applicants shall maximize the County's receipt of sales and use taxes paid in connection with construction of the project by methods such as including language in construction contracts identifying jobsites to be located within the County and requiring construction contractors to attribute sales and use taxes to the County in their Board of Equalization filings and permits.

## **Rationale**

The above management measures will reduce potential adverse socioeconomic effects related to changes in the local economy by requiring offsets to increased demands on transient housing and requirements for hiring and training local labor as listed in SOC-1 (see above). Potential negative effects on County services will be offset per General Plan policy ED4.4 and supplemented by the requirements listed in SOC-2 (see above). Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Management measures SOC-1 and SOC-2 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **12. Transportation**

### **Potential Impacts**

Implementation of the REGPA could result in potentially significant traffic impacts related to: (1) construction traffic; (2) air traffic safety hazards; and, (3) design-related traffic hazards.

### **Mitigation Measures**

MM TRA-1 Prepare site-specific traffic control plans for individual projects.

Site-specific traffic control plans shall be prepared for all proposed solar energy projects within the individual SEDAs and the OVSA to ensure safe and efficient traffic flow in the area of the solar energy project and within the project site during construction activities. The traffic control plan shall, at minimum, contain project-specific measures to be implemented during construction including measures that address: (1) noticing; (2) signage; (3) temporary road or lane closures; (4) oversized deliveries; (5) construction times; and, (6) emergency vehicle access.

MM TRA-2 Implement recommendations from traffic impact analysis on surrounding roadways and intersections.

Site-specific construction traffic impact analyses shall be prepared for all proposed solar energy projects within the individual SEDAs and the OVSA to evaluate potential traffic impacts on surrounding roadways and intersections during the construction period. Applicable results and recommendations from the project-specific construction traffic impact analysis shall be

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implemented during the appropriate construction phase to address identified potential construction traffic impacts.

### **Rationale**

The above mitigation measures will reduce potential adverse impacts to traffic by requiring solar facility proposals to provide site specific traffic control plans to ensure safe traffic flows during construction as listed in TRA-1 (see above). Site specific analysis is also required for surrounding roadways and intersections. Findings from this analysis will be implemented during construction phases to address the identified impacts at the appropriate times. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measures TRA-1 and TRA-2 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

## **13. Utilities and Service Systems**

### **Potential Impacts**

Implementation of the REGPA would result in potentially significant impacts related to the need for new transmission lines to provide electrical transmission for future solar development.

### **Mitigation Measures**

MM UTIL-1: Projects within the Western Solar Energy Group will not exceed a combined maximum of 250 MW or 1,500 acres.

Future projects within the Western Solar Energy Group shall be limited to a combined maximum of 250 MW or 1,500 acres of development area). The County shall implement a tracking program to ensure all future solar development projects within the Western Solar Energy Group do not exceed 250 MW.

MM UTIL-2: Projects within the Southern and Eastern Solar Energy Groups will be required to have necessary and /or adequate transmission lines.

Future development within the Southern and Eastern Solar Energy Groups shall be required to include the necessary transmission lines or provide proof of adequate transmission capabilities for the project.

### **Rationale**

The above mitigation measures will reduce potential adverse impacts to utilities and service systems by capping the amount of allowed energy generation to the current capacity on the existing transmission that would serve the Western Solar Energy Group (250 MW).

Development in the southern and western group will require proposals to provide proof of adequate transmission capabilities for the project. Changes or alterations have been required in,

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or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. Mitigation Measures UTIL-1 and UTIL-2 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

### **C. Potential Environmental Impacts Determined to be Significant and Unavoidable After Mitigation**

Pursuant to Section 15091(a)(3) of the State CEQA Guidelines, the Inyo County Board of Supervisors finds that, for each of the following significant effects identified in the Final EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or project alternatives infeasible:

#### **1. Aesthetics**

##### **Potential Impacts**

Future solar energy developments within the SEDAs and OVSA could result in potentially significant visual impacts related to: (1) scenic vistas and scenic resources; (2) degradation of the existing visual character or quality of the site and its surroundings; and, (3) light and glare.

##### **Mitigation Measures**

MM AES-1: Prepare visual studies that include existing views, scenic vistas, and visual resources and evaluate the potential impacts to existing visual resources.

Site-specific visual studies shall be prepared to assess potential visual impacts for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA. The visual study shall include assessment of the existing visual environment, including existing views, scenic vistas, and visual resources, and evaluate the potential of the proposed solar energy project to adversely impact resources and degrade the visual character or quality of the site and its surroundings. The study shall include assessment of public views from key observation points, the locations of which shall be determined in consultation with County staff and, if applicable, other public agencies with jurisdiction over the project site (e.g., BLM). Visual simulations shall be prepared to conceptually depict post-development views from the identified key observation points.

The analysis and results of the study shall be documented in a memorandum that will include: (1) an assessment of the existing visual environment, including existing views, scenic vistas, and visual resources and, (2) an evaluation of the potential of the proposed solar energy project to adversely impact resources and degrade the visual character or quality of the site and its surroundings. Applicable recommendations from the project-specific visual analysis shall be incorporated into the associated individual project design to address identified potential visual impacts.

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MM AES-2: Reduce potential effects of glare by preparing site-specific glare studies that inform project design.

Site-specific glare studies shall be prepared for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA to assess potential glare impacts. Applicable results and recommendations from the project-specific glare study shall be incorporated into the associated individual project designs to address identified potential visual impacts.

MM AES-3: Minimize visual contrast using colors that blend with surrounding landscape and do not create excessive glare.

For proposed solar energy projects that are greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources, the surfaces of structures and buildings that are visible from public viewpoints shall be treated so that (1) their colors minimize visual contrast by blending with the surrounding landscape and (2) their colors and finishes do not create excessive glare. Surface color treatments shall include painting or tinting in earth tone colors to blend in with the surroundings desert and mountains. Materials, coatings, or paints having little or no reflectivity shall be used.

MM AES-4: Install natural screens to protect ground-level views into the project.

For all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA, and where existing screening topography and vegetation are absent or minimal, natural-looking earthwork landforms (such as berms or contour slopes), vegetative, or architectural screening shall be installed to screen ground-level views into the project site. The shape and height of the earthwork landforms shall be context sensitive and consider distance and viewing angle from nearby public viewpoints.

MM AES-5: Prepare lighting plan using BMPs consistent with the Renewable Energy Action Team's (REAT's) Best Management Practices and Guidance Manual (REAT 2010) to reduce night lighting during construction and operation.

The project applicant shall prepare a lighting plan for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA that documents how project lighting would be designed and installed to minimize night sky impacts during construction and operation. The lighting plan shall include, at minimum, the following lighting design parameters:

- Lighting shall be of the minimum necessary brightness consistent with operational safety and security requirements.

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- Lighting shall incorporate fixture hoods/shielding with light directed downward and toward the area to be illuminated.
  - Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security.
  - Project lighting shall be kept off when not in use whenever feasible and consistent with safety and security requirements.

MM AES-6: Treat PV solar panel glass with anti-reflective coating.

For proposed PV facilities greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA, glass used to cover solar panels shall be treated with an anti-reflective coating to further decrease reflection and increase the transmission of light through the glass to the cells.

MM AES-7: Coordinate with the FAA when considering the use of audio-visual warning systems.

For projects requiring aircraft warning lights, the project applicant shall coordinate with the FAA to consider the use and installation of audio-visual warning systems technology<sup>1</sup> on tower structures. If the FAA denies a permit for the use of audio-visual warning systems, the project applicant shall limit lighting to the minimum required to meet FAA safety requirements.

MM AES-8: Projects on federal land will comply with the respective federal agency's visual guidelines and policies.

Solar energy projects proposed on federal land within individual SEDAs and the OVSA shall be coordinated with the federal agency that is responsible for the management of the land and shall comply with the respective federal agency's visual guidelines and policies.

MM AES-9: The project will implement BMPs and measures during construction to reduce the visual and aesthetic effects of the construction site.

The following measures shall be implemented for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA during construction:

- Construction boundaries and staging areas shall be clearly delineated and where appropriate fenced to prevent encroachment onto adjacent natural areas.

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<sup>1</sup> Audio-visual warning system technology consists of all-weather, day and night, low-voltage, radar-based obstacle avoidance systems that activate lighting and audio signals to alert pilots of the presence of potential obstacles. The lights and audio warnings are inactive when there is no air traffic in the area of potential obstruction.

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- Provide for setbacks, siting, orientation, screening and buffers, on a project by project basis, to avoid impacts to views of the Old Spanish Trail located in the Charleston View SEDA.
  - Construction staging and laydown areas visible from nearby roads, residences, and recreational areas shall be visually screened using temporary fencing. Fencing shall be of an appropriate design and color to visually blend with the site's surroundings.
  - Existing native vegetation shall be preserved to the greatest extent possible.
  - Project grading shall utilize undulating surface edges and contours that repeat the natural shapes, forms, textures, and lines of the surrounding landscape.
  - Exposed soils shall be restored to their original contour and vegetation.
  - Stockpiled topsoils shall be reapplied to disturbed surfaces.

MM AES-10: Projects requiring overhead electrical transmission connections will consider design and installation techniques that reduce visual impacts.

For projects that require overhead electrical transmission connections to existing transmission lines and for the potential off-site transmission corridor to serve the Trona and Charleston View SEDAs, the following shall be considered in the design and alignment of the transmission line connections:

- Avoid placing transmission towers and structures along ridgelines, peaks, or other locations where they would silhouette against the sky and affect the horizon.
- Place transmission corridor connection alignments along edges of clearings or at transition areas (i.e., natural breaks in vegetation or topography).
- To the extent practicable, treat transmission towers and structures with color and surfaces to reduce visual contrast with the surrounding visual landscape. Alternative methods to reduce visual impacts may be considered for structures that cannot use conventional methods of painting without impeding electrical conveyance or without causing long-term environmental impacts through the constant reapplication of paint. These methods may include, but shall not be limited to, galvanizing or similar factory-applied conductive non-paint treatments.
- Use of appropriate and context-sensitive transmission tower types (i.e., lattice structures compared to monopoles) to reduce visual contrast with the surrounding visual landscape.

## **Rationale**

While above mitigation measures may reduce visual impacts for future utility scale, commercial scale, and community scale solar energy projects, it cannot be concluded with certainty that impacts would be reduced to below a level of significance without project-specific information about the location of a project, the type and layout of solar development technology, and the number and types of viewers. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and

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jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

At the programmatic level of analysis provided in the Final PEIR, it is not possible to know the particular characteristics of future solar energy projects. Because of this uncertainty, at the programmatic level of analysis visual impacts resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. A Statement of Overriding Considerations is being adopted to address this significant and unmitigated impact.

## **2. Biological Resources**

### **Potential Impact – Biological Resources**

Implementation of the REGPA (including implementation of utility scale, commercial scale, and/or community scale) could result in potentially significant impacts related to sensitive biological resources, including special status plants and wildlife, riparian habitats and other sensitive natural communities, and waters of the US, and/or state. Potential impacts to specific resource areas are described individually in the following sections.

#### **Mitigation Measure**

MM BIO-1: Prepare project level biological resources evaluation and mitigation and monitoring plan.

Refer to the mitigation measure included in the discussion of special status plants in Section IV.A.

MM BIO-23: Implement general design guidelines to minimize impacts to biological resources.

Refer to the mitigation measure included in the discussion of special status plants in Section IV.A.

#### **Rationale**

While above mitigation measures may reduce impacts to biological resources for future utility scale, commercial scale, and community scale solar energy projects, it cannot be concluded with certainty that impacts would be reduced to below a level of significance without project-specific information about the location of a project, the type and layout of solar development technology, and the biological resources present. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

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At the program level of analysis, impacts to biological resources are considered significant and unavoidable for all SEDAs and the OVSA even after all feasible mitigation due to the uncertainty of impacts, and possibility of the impacts to avian species discussed in Section 4.4 of the Final PEIR. Impacts to birds from collision with utility scale solar facilities would be unmitigable and would remain significant and unavoidable. By implementing Mitigation Measure BIO-18 (refer to the discussion of impacts to wildlife in the next section), which contains measures to minimize bird mortality and to minimize impacts from collisions, the effects of the impacts may be reduced, but would not be able to be reduced to below a level of significance. Although there are numerous measures that reduce the likelihood of impacts to birds, including project siting, clearing vegetation, suspending operation at key migration times, and spacing panels and mirrors and/or retrofitting them with designs to make them appear less like water, there are currently no technologies for utility or commercial scale solar facilities that fully avoid or mitigate for these impacts. If mitigation measures are not developed to address these impacts, they will remain significant and unavoidable.

Mitigation measures have been identified for the remainder of the potential impacts to biological resources identified in the Final PEIR. During future project level analysis, mitigation measures would be developed for the individual resources as outlined in the Final PEIR. With the implementation of the proposed mitigation measures, the remaining impacts to biological resources identified in Section 4.4 of the Final PEIR are expected to be reduced to a less than significant level; however, certain impacts resulting from implementation of the REGPA are unable to be mitigated and would remain significant and unavoidable in all SEDAs and the OVSA. Because of the uncertainty of project specific impacts at the programmatic level of analysis, impacts to biological resources resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. A Statement of Overriding Consideration is being adopted to address this significant and unmitigated impact.

### **Potential Impact – Special Status Wildlife (General)**

Potentially significant impacts to special status wildlife species could occur as a result of implementation of the REGPA if construction and/or operation of the future solar developments would occur within or adjacent to suitable habitat. This includes potentially significant impacts to special status fish, amphibians, reptiles, birds, and mammals.

### **Mitigation Measures**

#### **MM BIO-3: Minimize impacts to special status wildlife.**

Prior to the approval of any solar development projects or related infrastructure under the REGPA with the potential to impact special status wildlife as determined by a qualified biologist, a CDFW-approved wildlife biologist shall conduct a survey to document the presence or absence of suitable habitat for special status wildlife in the project site. The following steps shall be implemented to document special status wildlife and their habitats for each project, as determined by the CDFW-approved wildlife biologist:

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- **Review Existing Information.** The wildlife biologist shall review existing information to develop a list of special status wildlife species that could occur in the project area or be impacted by the proposed project, either directly or indirectly (e.g., groundwater pumping could result in indirect impacts to off-site habitats for special status wildlife). The following information shall be reviewed as part of this process: the USFWS special status species list for the project region, CDFW's CNDDDB, previously prepared environmental documents, and USFWS issued biological opinions for previous projects. If the project is taking place on BLM or state administered lands (e.g., BLM, State Trust Lands), the list of special status wildlife from that land managing agency shall be obtained and reviewed in addition to the lists previously mentioned.
  - **Coordinate with State and Federal Agencies.** The wildlife biologist shall coordinate with the appropriate agencies (CDFW, USFWS, BLM) to discuss wildlife resource issues in the project region and determine the appropriate level of surveys necessary to document special status wildlife and their habitats.
  - **Conduct Field Studies.** The wildlife biologist shall evaluate existing habitat conditions and determine what level of biological surveys may be required. The type of survey required shall depend on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. Depending on the existing conditions in the project area and the proposed construction activity, one or a combination of the following levels of survey may be required:
  - **Habitat Assessment.** A habitat assessment determines whether suitable habitat is present. The wildlife biologist shall conduct project-specific habitat assessments consistent with protocols and guidelines issued by responsible agencies for certain special status species (e.g., USFWS' 2004 Protocol for Evaluating Bald Eagle Habitat and Populations in California). Habitat assessments are used to assess and characterize habitat conditions and to determine whether return surveys are necessary. If no suitable habitat is present for a given special status species, no additional species-focused or protocol surveys shall be required.
  - **Species-Focused Surveys.** Project-specific species-focused surveys (or target species surveys) shall be conducted if suitable habitat is present for special status wildlife and if it is necessary to determine the presence or absence of the species in the project area. The wildlife biologist shall conduct project-specific surveys focusing on special status wildlife species that have the potential to occur in the region. The surveys shall be conducted during a period when the target species are present and/or active.
  - **Protocol-Level Wildlife Surveys.** The wildlife biologist shall conduct project specific protocol level surveys for special status species with the potential to be impacted by the proposed project. The surveys shall comply with the appropriate protocols and guidelines issued by responsible agencies for the special status species. USFWS and CDFW have issued survey protocols and guidelines for several special- status wildlife species that could occur in the project region, including (but not limited to): bald eagle, burrowing owl, golden eagle, Swainson's hawk, least Bell's vireo, willow flycatcher, desert tortoise, and desert kit fox. The protocols and guidelines may require that surveys be conducted

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during a particular time of year and/or time of day when the species is present and active. Many survey protocols require that only a USFWS- or CDFW-approved biologist perform the surveys. The project proponent shall coordinate with the appropriate state or federal agency biologist before the initiation of protocol-level surveys to ensure that the survey results would be valid. Because some species can be difficult to detect or observe, multiple field techniques may be used during a survey period and additional surveys may be required in subsequent seasons or years as outlined in the protocol or guidelines for each species.

- Habitat Mapping. The wildlife biologist shall map special status wildlife or suitable habitat identified during the project-specific field surveys.
- A Scientific Collecting Permit is required to take, collect, capture, mark, or salvage, for scientific, educational, and non-commercial propagation purposes, mammals, birds and their nests and eggs, reptiles, amphibians, fishes and invertebrates (Fish and Game Code Section 1002 and Title 14 Sections 650 and 670.7). All biologists will be required to obtain a Scientific Collecting Permit that may be required to handle any live or dead animals during construction or operation of a project.

In addition, the following measures should be implemented to avoid and minimize impacts on special status species and their habitats if they occur within a site:

- For projects that are determined to have the potential to result in “take” of state or federally-listed animal species, consultation shall be conducted with CDFW or USFWS respectively and appropriate mitigation measures developed as necessary, and take authorization shall be obtained prior to project commencement, if relevant.
- If ground disturbing activities are required prior to site mobilization, such as for geotechnical borings or hazardous waste evaluations, a CDFW-approved biologist shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.
- In areas that could support desert tortoise or any other sensitive wildlife species, a qualified biologist with the appropriate CDFW and/or USFWS approvals for the species being relocated shall be onsite and respond accordingly should an animal need to be relocated.
- Vehicular traffic during project construction and operation shall be confined to existing routes of travel to and from the project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicles shall not exceed 25 mph on the project site. Vehicles shall abide by posted speed limits on paved roads.
- A CDFW-approved biologist shall be designated to oversee compliance with biological resources avoidance and minimization measures during mobilization, ground disturbance, grading, construction, operation, and closure/decommissioning, or project abandonment, particularly in areas containing or known to have contained sensitive biological resources, such as special status species and unique plant assemblages. The CDFW-approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The boundaries of all areas to be

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disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the biological monitor. Spoils shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special status species. Parking areas, staging and disposal site locations shall also be located in areas without native vegetation or special status species habitat. All disturbances, vehicles, and equipment shall be confined to the flagged areas. The CDFW-approved biologist shall be responsible for actions including, but not limited to, the following:

- Clearly marking sensitive biological resource areas and inspecting the areas at appropriate intervals for meeting regulatory terms and conditions.
- Inspecting, daily, active construction areas where wildlife may have become trapped (for example, trenches, bores, and other excavation sites that constitute wildlife pitfalls outside the permanently fenced area) before beginning construction. At the end of the day, conducting wildlife inspections of installed structures that would entrap or not allow escape during periods of construction inactivity. Periodically inspecting areas with high vehicle activity (such as parking lots) for wildlife in harm's way.
- Periodically inspect stockpiled material and other construction material and equipment (including within the fenced areas) throughout the day as some species such as desert kit fox may enter the project site at any time.
- Overseeing special status plant salvage operations.
- Immediately recording and reporting hazardous spills immediately as directed in the project hazardous materials management plan.
- Coordinating directly and regularly with permitting agency representatives regarding biological resources issues, and implementation of the biological resource avoidance and minimization measures.
- Maintaining written records regarding implementation of the biological resource avoidance and minimization measures, and providing a summary of these records periodically in a report to the appropriate agencies.
- Notifying the project owner and appropriate agencies of non-compliance with biological resource avoidance and minimization measures.
- At the end of each work day, the biological monitor shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) have been backfilled or if backfilling is not feasible, the biological monitor shall ensure that all trenches, bores, and other excavations are sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically, but no less than three times, throughout the day and at the end of each workday by the CDFW-approved biologist. Should a tortoise or other wildlife become trapped, the CDFW and USFWS-approved desert tortoise biologist shall remove and relocate the individual as described in the project's Desert Tortoise Relocation/Translocation Plan. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed.
- Any construction pipe, culvert, or similar structure with a diameter greater than 1 inch, stored less than 8 inches aboveground, and within desert tortoise habitat

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(i.e., outside the permanently fenced area) for one or more nights, shall be inspected by the biological monitor for desert tortoises or other special status species such as fringe-toed lizard, before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks. These materials would not need to be inspected or capped if they are stored within the permanently fenced area after the clearance surveys have been completed.

- Access roads, pulling sites, storage and parking areas outside of the fenced solar facility area shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee (APLIC) Suggested Practices for Avian Protection on Power Lines (APLIC 2006) and Mitigating Bird Collisions with Power Lines (Edison Electric Institute and APLIC 2012) to reduce the likelihood of bird electrocutions and collisions.
- Facility lighting shall be designed, installed, and maintained to direct light downwards towards the project site and avoid light spillover to wildlife habitat.
- Construction and operation related noise levels shall be minimized to minimize impacts to wildlife.
- All vertical pipes shall be capped to prevent the entrapment of birds and other wildlife.
- All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The biological monitor shall be informed of any hazardous spills immediately. Hazardous spills shall be immediately cleaned up and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.
- Road surfacing and sealants as well as soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. Anticoagulants shall not be used for rodent control. Pre-emergents and other herbicides with documented residual toxicity shall not be used. Herbicides shall be applied in conformance with federal, state, and local laws and according to the guidelines for wildlife- safe use of herbicides in BIO-24 (Weed Management Plan).
- The following measures shall be implemented to minimize attractants to wildlife:
  - If the application of water is needed to abate dust in construction areas and on dirt roads, use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites. The biological monitor shall patrol these areas to ensure water does not puddle and attract desert tortoise, common ravens, and other wildlife to the site and shall take appropriate action to reduce water application where necessary.

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- Water shall be prohibited from collecting or pooling for more than 24 hours after a storm event within the project retention basin. Standing water within the retention basin shall be removed, pumped, raked, or covered. Alternative methods or the timeframe for allowing the water to pool may be modified with the approval of the biological monitor.
  - Dispose trash and food-related items in self-closing, sealable containers with lids that latch to prevent wind and wildlife from opening containers. Empty trash containers daily and remove from the project site those associated with construction when construction is complete.
  - To avoid attracting insectivorous birds and bats, prepare a facility vector (such as mosquitoes or rodents) control plan, as appropriate, that meets the permitting agency approval and would be implemented during all phases of the project.
  - Workers or visitors, while on project property, shall be prohibited from feeding wildlife, bringing domestic pets to the project site, collecting native plants, or harassing wildlife.
  - To reduce the potential for the transmission of fugitive dust the project proponent shall implement dust control measures. These shall include:
    - The project proponent shall apply non-toxic soil binders, equivalent or better in efficiencies than the California Air Resources Board (CARB) - approved soil binders, to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions.
    - Water the disturbed areas of the active construction sites at least three times per day and more often if uncontrolled fugitive dust is noted. Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles with a 5 percent or greater silt content. Agents with known toxicity to wildlife shall not be used.
    - Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures above) or otherwise create stabilized surfaces on all unpaved areas at each of the construction sites within 21 days after active construction operations have ceased.
    - Increase the frequency of watering, if water is used as a soil binder for disturbed surfaces, or implement other additional fugitive dust mitigation measures, to all active disturbed fugitive dust emission sources when wind speeds (as instantaneous wind gusts) exceed 25 mph.
  - A project-specific worker environmental awareness program (WEAP) shall be developed and carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning, or project abandonment, and restoration/reclamation activities). The WEAP shall include the biological resources present and the measures for minimizing impacts to those resources. Interpretation for non-English speaking workers shall be provided, and all new workers shall be instructed in the WEAP. The project field construction office files will contain the names of onsite personnel (for example, surveyors, construction engineers, employees, contractors, contractor's employees/ subcontractors) who have participated in the education program. All employees and contractors shall be trained to carry out the WEAP and on their role in ensuring the effectiveness of implementing the Plan. At a minimum, the WEAP shall including the following:

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- Photos and habitat descriptions for special status species that may occur on the project site and information on their distribution, general behavior, and ecology.
  - Species sensitivity to human activities.
  - Legal protections afforded the species.
  - Project measures for protecting species.
  - State and federal law violation penalties.
  - Worker responsibilities for trash disposal and safe/ humane treatment of special status species found on the project site, associated reporting requirements, and specific required measures to prevent taking of threatened or endangered species.
  - Handout materials summarizing the contractual obligations and protective requirements specified in project permits and approvals.
  - Project site speed limit requirements and penalties.
- A project specific restoration, re-vegetation, and reclamation plan that meets the approval of permitting agencies shall be prepared and carried out for all projects. The plan shall address at a minimum:
    - Minimizing natural vegetation removal and the trimming or mowing of vegetation rather than total removal, whenever possible.
    - Salvage and relocation of cactus and yucca from the site before beginning construction.
    - Identification of protocols to be used for vegetation salvage.
    - Reclaiming areas of temporarily disturbed soil using certified weed free native vegetation and topsoil salvaged from excavations and construction activities.
    - Restoration and reclamation of temporarily disturbed areas, including pipelines, transmission lines, staging areas, and temporary construction-related roads as soon as possible after completion of construction activities. The actions are recommended to reduce the amount of habitat converted at any one time and promote recovery to natural habitats.
    - Specifying proper seasons and timing of restoration and reclamation activities to ensure success.
  - If any solar development projects are proposed that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for indirect off-site impacts to special status wildlife species and/or their habitats. If such studies conclude that any project has the potential to result in indirect impacts to the hydrology of off-site habitat for special status wildlife species (e.g., Amargosa vole, Ash Meadows naucorid), a management plan will be prepared in coordination with the County and submitted for approval to the appropriate resource agency with regulatory oversight for the species or habitat in question. The plan shall describe any appropriate monitoring, such as vegetation and/or water table monitoring, and prescribe mitigation to offset the impacts of the project on off-site habitat for special status wildlife such as preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County.

MM BIO-4: Minimize impacts to special status fish.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation

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Measure BIO-1) to have the potential to affect special status fish, a project-specific groundwater impact analysis will be conducted to address potential impacts to habitat for special status fish. In addition, consultation with USFWS shall be conducted for projects with the potential to impact federally listed species including Owens pupfish or Owens tui chub and coordination with CDFW will be conducted for projects with the potential to impact state listed species or CDFW species of special concern including Owens sucker and Owens speckled dace. For projects that are determined to have the potential to result in “take” of state or federally listed fish species, consultation shall be conducted with CDFW or USFWS respectively and take authorization obtained prior to project commencement.

For all projects proposed in the Charleston View SEDA, an analysis of potential down-watershed impacts to special-status fish species in the Amargosa Watershed will be conducted prior to project approval, if the project involves impacts to groundwater and/or requires pumping of groundwater . If the project is determined to have the potential to result in down-watershed impacts that could alter the hydrology of habitats for special-status fish species, a mitigation and monitoring plan will be prepared by the applicant to address potential impacts to groundwater and down-watershed biological resources and submitted to USFWS and CDFW for approval prior to project implementation. Mitigation measures will be developed in coordination with USFWS and CDFW to offset these impacts. Mitigation measures should include but are not limited to 1) a requirement for the project applicant to purchase and retire currently exercised water rights along the same flowpath as the water being used by the facility at a minimum 1:1 ratio; 2) hydrological and biological monitoring of the impacts of groundwater pumping on the groundwater system and the sensitive habitats down-watershed; and, 3) adaptive management to increase the ratio of water rights purchased and retired and restore habitats down-watershed if hydrological and biological monitoring indicates that the projects groundwater pumping is having detrimental effects to sensitive biological resources (e.g., special status species or sensitive natural communities as designated by USFWS, CDFW, or CNPS) within the watershed as determined by a qualified hydrologist/hydrogeologist or biologist in coordination with USFWS and/or CDFW.

MM BIO-5: Minimize impacts to amphibians.

The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect special status amphibians.

- Surveys for special status amphibians including but not limited to northern leopard frog, Owens Valley web-toed salamander, and Inyo Mountains slender salamander shall be conducted by a CDFW-approved biologist with experience surveying for and/or handling these species. If construction is scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted within two weeks prior to the commencement of construction. If construction is not scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted during the optimal period of identification for these species (in the calendar year prior to construction) and again within two weeks prior to the commencement of construction.

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- If any of these species are found on a project site during the surveys, CDFW shall be contacted and avoidance and mitigation measures appropriate to the species will be developed. Avoidance measures could include actions such as waiting to begin construction until the animal passively disperses from the project site, active relocation of the animal, or allowing construction to begin with the institution of an appropriate no disturbance buffer until the animal has passively dispersed. Mitigation measures could include restoration of temporarily disturbed habitats.
  - If federal or state-listed amphibians not discussed above are determined to have the potential to occur on a project site or otherwise be impacted by the project, consultation shall be conducted with USFWS and CDFW respectively to determine the survey protocol and mitigation measures appropriate to the species. For projects that are determined to have the potential to result in “take” of state or federally-listed amphibian species, consultation shall be conducted with CDFW or USFWS respectively and take authorization shall be obtained prior to project commencement.

MM BIO-6: Minimize impacts to desert tortoise.

The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect desert tortoise in order to avoid, minimize, and mitigate for impacts:

- Consultation shall be conducted with CDFW and USFWS for any projects where desert tortoise or signs of their presence is found on the site and/or the project is determined by a CDFW-approved biologist to have the potential to impact desert tortoise. In such cases, permits under Section 2080 of the Fish and Game Code and Section 7/10 of FESA authorizing incidental take of desert tortoise will be obtained from CDFW and USFWS respectively prior to implementation of the project, including any project-related ground disturbing activities. All requirements of the 2081/2080.1 permit and the Biological Opinion shall be implemented.
- The project proponent shall fully mitigate for habitat loss and potential take of desert tortoise. The project specific mitigation shall be developed in coordination with CDFW and USFWS, and would be reflective of the mitigation measures described in the Biological Opinion prepared by the USFWS for the project.
- The project developer shall provide funds for regional management of common ravens through the payment of a per-acre fee as determined in consultation with the USFWS. The fee shall be commensurate with current per-acre fees (at the time of project approval) required by the BLM and the CEC for development projects in the desert with the potential to provide subsidies to common ravens such as shelter, perching sites, and food. The fee shall be used by the Desert Managers Group to manage common ravens in the California desert with the goal of reducing their predation on desert tortoises.
- Projects shall not be sited within areas identified for desert tortoise recovery or conservation according to the Draft Revised Recovery Plan for the Mojave Population of

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the Desert Tortoise (*Gopherus agassizii*) (USFWS 2011) (such as designated critical habitat, Areas of Critical Environmental Concern (ACECs), Desert Wildlife Management Areas (DWMAs), priority connectivity areas, and other areas or easements managed for desert tortoises).

- On project sites containing desert tortoise, consultation shall be conducted with USFWS and CDFW to determine the need for and/or feasibility of conducting desert tortoise translocation (changing location or position) to minimize the taking of the tortoises, if they are observed within the proposed project area. See [http://www.fws.gov/ventura/speciesinfo/protocols\\_guidelines/](http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/) for federal translocation plan guidance. Translocation plan development and implementation may require, but not be limited to: additional surveys of potential recipient sites; translocated and resident tortoise disease testing and health assessments; monitoring protocols; and consideration of climatic conditions at the time of translocation. Due to the potential magnitude of proposed renewable energy project impacts on desert tortoises, USFWS and CDFW must evaluate translocation efforts on a project by project basis in the context of cumulative effects.
- A desert tortoise authorized biologist approved by CDFW and USFWS shall be contracted to oversee and be responsible for ensuring compliance with desert tortoise avoidance and minimization measures before initiation of and during ground-disturbing activities. The desert tortoise biologist shall conduct clearance surveys, tortoise handling, artificial burrow construction, egg handling, and other procedures in accordance with the Guidelines for Handling Desert Tortoise During Construction Projects (Desert Tortoise Council 1999) or the most current USFWS guidance. The desert tortoise biologist shall be present on site from March 15 through October 31 (active season) during ground-disturbing activities in areas outside the tortoise exclusion fencing. It is recommended that the biologist be on call from November 1 to March 14 (inactive season) and checks such construction areas immediately before construction activities begin.
- Refer to the Ventura Fish and Wildlife Office website <<http://www.fws.gov/ventura/endangered/species/surveys-protocol.html>> for desert tortoise authorized biologist and monitor responsibilities and qualifications, and survey and translocation guidance, and refer to the Nevada Fish and Wildlife Office (desert tortoise recovery office) website <[http://www.fws.gov/nevada/desert\\_tortoise/dtro/.html](http://www.fws.gov/nevada/desert_tortoise/dtro/.html)> for desert tortoise federal recovery plan documents. Methods for clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling and other procedures shall be consistent with those described in the 2013 USFWS Desert Tortoise Field Manual available at the Ventura Fish and Wildlife Office website listed above, or more current guidance provided by CDFW and USFWS. All terms and conditions described in the Biological Opinion for the project prepared by the USFWS shall be implemented.
- The project owner shall undertake appropriate measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to desert tortoise. These measures include, but are not limited to, the following:

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- The project applicant shall notify the USFWS and CDFW prior to project commencement and prior to the commencement of any ground disturbing activities.
  - Before starting project ground disturbing activities, the project proponent shall avoid potential desert tortoise harm by incorporating desert tortoise exclusion fencing into permanent fencing surrounding the proposed facility, and installing desert tortoise exclusion fencing around temporary project construction areas such as staging area, storage yards, excavations, and linear facilities. The tortoise exclusion fencing shall be constructed consistent with the USFWS 2010 Desert Tortoise Exclusion Fence Specifications or the most current guidance provided by USFWS and CDFW, and should be constructed in late winter or early spring to minimize impacts to desert tortoise and accommodate subsequent tortoise surveys.
  - Within 24 hours before starting tortoise exclusion fence construction, the desert tortoise biologist shall survey the fence alignment and utility right-of-way alignments and clear desert tortoises from the area. The surveys and relocation methods shall be conducted using techniques approved by the CDFW and USFWS. Following construction of the tortoise exclusion fence, the desert tortoise biologist shall conduct clearance surveys within the fenced area to ensure as many desert tortoises as possible have been removed from the site. Burrows and tortoises identified within the project area shall be handled according to the 2013 USFWS Desert Tortoise Field Manual, and tortoises requiring relocation shall be handled in accordance with the project Desert Tortoise Relocation/Translocation Plan.
  - Heavy equipment may enter the project site following the completion of project area desert tortoise clearance surveys by the desert tortoise biologist. Monitoring initial clearing and grading activities by the biologist will help ensure that tortoises missed during the initial clearance survey are moved from harm's way.
  - The desert tortoise biologist shall be responsible for appropriate documentation and reporting to the permitting agencies for desert tortoises handled, in accordance with the project Desert Tortoise Relocation/Translocation Plan.
  - Security gates shall be designed with minimal ground clearance to deter ingress by tortoises. The gates shall be kept closed, except for the immediate passage of vehicles, to prevent desert tortoise passage into the project area.
  - Following installation of the desert tortoise exclusion fencing, both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected by the biological monitor. The biological monitor shall ensure that damage to the permanent or temporary fencing is immediately blocked to prevent tortoise access and permanently repaired within 72 hours between March 15 and October 31, and within 7 days between November 1 and March 14. The biological monitor shall inspect permanent fencing quarterly and after major rains to ensure fences are intact and there is no ground clearance under the fence that would allow tortoises to pass. The biologist shall inspect construction pipes, culverts, or similar structures: (a) with a diameter of one inch or greater, (b) stored for one or more nights, (c) less than 8 inches aboveground, and, (d) within desert tortoise habitat (outside the permanently fenced area), before the materials are moved, buried, or capped. As an alternative, the materials may be capped before storing outside the fenced area or placing on pipe racks. Inspection or capping is not necessary if the materials are stored within the permanently fenced area after completing desert tortoise clearance surveys.

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- The project proponent shall ensure vehicular traffic does not exceed 25 mph within the delineated project areas or on access roads in desert tortoise habitat. On unpaved roads suppress dust and protect air quality by observing a 10-mile per hour speed limit.
  - To avoid vehicle impacts to desert tortoise, workers shall be responsible for inspecting the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside the permanently fenced area. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, the desert tortoise biologist may remove and relocate the animal to a safe location.
  - The project proponent shall develop and implement a Desert Tortoise Relocation/Translocation Plan that is consistent with current USFWS approved guidelines. The goal of the plan will be to safely exclude desert tortoises from within the fenced project area and relocate/translocate them to suitable habitat capable of supporting them, while minimizing stress and potential for disease transmission. The plan shall be developed in consultation with the USFWS to ensure the document does not conflict with conditions issued under an Incidental Take Statement. The plan will utilize the most recent USFWS guidance on translocation that includes siting criteria for the translocation site and control site, methods for translocation/relocation including the holding pen, and post translocation/relocation monitoring. Development and implementation of a translocation plan may require, but may not be limited to, additional surveys of potential recipient sites; disease testing and health assessments of translocated and resident tortoises; and consideration of climatic conditions at the time of translocation. The plan shall designate a relocation site as close as possible to the disturbance site that provides suitable conditions for long term survival of the relocated desert tortoise and outline a method for monitoring the relocated tortoise.
  - The Desert Tortoise Relocation/Translocation Plan must be approved by the CDFW and USFWS prior to any project-related ground disturbing activity. Plans may also be subject to approval by the County as part of the conditions of approval for future projects.
  - Within 30 days after initiation of relocation and/or translocation activities, the Designated Biologist shall provide to the Project Manager for review and approval, a written report identifying which items of the plan have been completed, and a summary of all modifications to measures made during implementation of the plan. Written monthly progress reports shall be provided to the Project Manager for the duration of the plan implementation.
  - The project proponent shall design and implement a Raven Monitoring, Management, and Control Plan that is consistent with the most current USFWS raven management guidelines. The goal of the plan shall be to minimize predation on desert tortoises by minimizing project-related increases in raven abundance. The plan shall be approved by CDFW and USFWS prior to the start of any project-related ground disturbing activities. Plans may also be subject to approval by the County as part of the conditions of approval for future projects.

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MM BIO-7: Minimize impacts to special status reptiles (except desert tortoise).

The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect special status reptiles (with the exception of desert tortoise which has separate mitigation measures):

- Surveys for special status reptiles including but not limited to northern sagebrush lizard, Panamint alligator lizard, and Mojave fringe-toed lizard shall be conducted by a CDFW-approved biologist with experience surveying for and/or handling these species. If construction is scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted within two weeks prior to the commencement of construction. If construction is not scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted during the optimal period of identification for these species (in the calendar year prior to construction) and again within two weeks prior to the commencement of construction.
- If any of these species are found on a project site during the surveys, CDFW will be contacted and avoidance and mitigation measures appropriate to the species will be developed. Avoidance measures could include actions such as waiting to begin construction until the animal passively disperses from the project site, active relocation of the animal, or allowing construction to begin with the institution of an appropriate no disturbance buffer until the animal has passively dispersed. Mitigation measures could include restoration of temporarily disturbed habitats.
- If federal or state-listed reptiles not discussed above are determined to have the potential to occur on a project site or otherwise be impacted by the project, consultation shall be conducted with USFWS and CDFW respectively to determine the survey protocol and mitigation measures appropriate to the species.

MM BIO-8: Minimize impacts to Swainson's hawk.

The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect Swainson's hawk:

- Surveys shall be conducted for Swainson's hawk by a CDFW-approved biologist according to the 2010 Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (CDFG 2010) or more recent guidance, unless otherwise directed by CDFW. This guidance dictates survey methods for detecting Swainson's hawk nesting in or in the vicinity of a project site and measure to avoid and/or reduce impacts to nesting Swainson's hawk if they are found. The project applicant shall be responsible for coordinating with CDFW and ensuring that the CDFW guidance is implemented.

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MM BIO-9: Minimize impacts to burrowing owl.

The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect burrowing owl, unless otherwise directed by CDFW:

- In the calendar year that construction is scheduled to commence, surveys will be conducted by a CDFW-approved biologist to determine presence/absence of burrowing owls and/or occupied burrows in the project site and accessible areas within 500 feet according to the CDFW's *Staff Report on Burrowing Owls* (CDFG 2012). A non-breeding season survey will be conducted between December 1 and January 31 and a breeding season survey will be conducted between April 15 and July 15 according to established protocols (CDFG 2012). Pre-construction surveys will also be conducted within 30 days prior to construction to ensure that no additional burrowing owls have established territories since the initial surveys. If no burrowing owls are found during any of the surveys, no further mitigation will be necessary. If burrowing owls are found, then the following measures shall be implemented prior to the commencement of construction:
  - During the non-breeding season (September 1 through January 31) burrowing owls should be evicted by passive relocation as described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). A burrowing owl exclusion plan will be prepared and submitted to CDFW for approval prior to implementation of burrowing owl exclusion or relocation activities.
  - Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31); occupied burrows shall not be disturbed and shall be provided with a protective buffer as stipulated in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), unless a qualified biologist approved by CDFW verifies through non-invasive means that either: (1) the birds have not begun egg laying or, (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.
  - If on-site avoidance is required, the location of the buffer zone will be determined by a CDFW-approved biologist. The developer shall mark the limit of the buffer zone with yellow caution tape, stakes, or temporary fencing. The buffer will be maintained throughout the construction period.
  - Where on-site avoidance is not possible, CDFW should be consulted regarding the appropriate avoidance and minimization measures to avoid impacts to this species.
  - Impacts to occupied burrowing owl habitat as defined by CDFW will be mitigated in compliance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) including restoration of temporarily disturbed habitats to pre-project conditions and compensatory mitigation for permanent impacts. A burrowing owl mitigation plan will be prepared and submitted to CDFW for approval prior to commencement of any ground disturbing activities. The plan will describe potential impacts to burrowing owl resulting from the proposed project and prescribe mitigation measures in accordance with CDFW guidelines.

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MM BIO-10: Minimize impacts to western snowy plover, western yellow-billed cuckoo, Inyo California towhee, and bank swallow.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect federally-listed bird species for which survey protocols have not been published, including the western snowy plover, Inyo California towhee, and bank swallow, the USFWS shall be contacted to develop project specific measures to determine the potential for presence/absence of the species in the project area and appropriate avoidance and mitigation measures. For projects in the desert portions of the County, contact the Palm Springs Fish and Wildlife Office. For projects in the forested portions of the County or the Owens Valley, contact the Nevada Fish and Wildlife Office. Mitigation measures shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, and compensatory mitigation for loss of habitat. For projects that are determined to have the potential to result in “take” of federally-listed bird species, consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. Western yellow-billed cuckoo, Inyo California towhee, and bank swallow are also state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in “take” of these species (as defined by the Fish and Game Code).

MM BIO-11: Minimize impacts to southwestern willow flycatcher.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect southwestern willow flycatcher, surveys shall be conducted according to Southwestern Willow Flycatcher Protocol Revision 2010 (<http://www.fws.gov/mountain-prairie/endspp/protocols/SWWFReport.pdf>) following the guidelines for the revised protocol for project-related surveys or the most recent guidance as determined in coordination with the USFWS Pacific Southwest Region Nevada Fish and Wildlife Office. For projects that are determined to have the potential to result in “take” of southwestern willow flycatcher, consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. Southwestern willow flycatcher is also a state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in “take” of this species (as defined by the Fish and Game Code). Mitigation measures shall be implemented and shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, and compensatory mitigation for loss of habitat.

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MM BIO-12: Minimize impacts to bald and golden eagle.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect bald and golden eagles, the project proponent shall implement the following measures to avoid and offset impacts:

- Site specific surveys and monitoring of known or suspected eagle nesting and foraging habitat in areas where eagles occur (i.e., all of California) shall be conducted to provide background information related to bald eagle take permits (golden eagle is fully protected pursuant to Fish and Game Code and no permits may be issued for their take). Surveys shall be conducted using (at least) methods and qualified personnel as recommended by CDFW and USFWS. Surveys shall be conducted according to the USFWS's 2010 *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* (available online at [http://www.fws.gov/southwest/es/oklahoma/documents/te\\_species/wind%20power/usfw\\_interim\\_goea\\_monitoring\\_protocol\\_10march2010.pdf](http://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfw_interim_goea_monitoring_protocol_10march2010.pdf)), the USFWS's 2004 *Protocol for Evaluating Bald Eagle Habitat and Populations in California* and CDFW's 2010 *Bald Eagle Breeding Survey Instructions* (both documents are available online at [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)) or the most recent guidance regarding non-breeding season surveys for winter, migratory, and floating populations of eagles determined in coordination with CDFW and USFWS.
- Where proposed projects may result in take of bald eagles, the USFWS shall be consulted to determine the standards and requirements for the permit titled "Eagle Take – Necessary to Protect Interests in a Particular Locality." Bald eagle take permits are performance based and will hinge on the merits of the application. The permit application form and related information are on the USFWS website: <http://www.fws.gov/migratorybirds/baldeagle.htm>. The final rule (Federal Register / Vol. 74, No. 175, September 11, 2009), Environmental Assessment ([http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/FEA\\_EagleTakePermit\\_Final.pdf](http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/FEA_EagleTakePermit_Final.pdf)), implementation and protocol documents, and consultations with USFWS will provide additional guidance.
- Projects shall avoid, to the extent needed to comply with state and federal requirements, siting project facilities and infrastructure in a location or manner that would cause bald and golden eagle mortality, injury, and/or disturbance; i.e., locate facilities outside of eagle breeding home ranges as well as important breeding, wintering, and dispersal foraging areas, migration stopovers and corridors, and areas used by eagles for thermal or orographic lift.
- Projects shall incorporate actions to avoid eagle disturbance (refer to the USFWS National Bald Eagle Management Guidelines, May 2007 and Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance, Attachment II) in consultation with the USFWS to obtain the most current guidance and measures.

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MM BIO-13: Minimize impacts to least Bell's vireo.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to contain habitat for least Bell's vireo on or adjacent to the site, surveys shall be conducted according to the USFWS's *Least Bell's Vireo Survey Guidelines* (<http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/LBVireo.2001.protocol.pdf>) or the most recent guidance as determined in coordination with the USFWS Pacific Southwest Region Nevada Fish and Wildlife Office.

For projects that are determined to have the potential to result in "take" of least Bell's vireo, either on or off-site due to direct or indirect impacts, consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. Least Bell's vireo is also a state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in "take" of this species (as defined by the Fish and Game Code).

For projects with the potential to result in direct or indirect impacts to least Bell's vireo or its habitat, mitigation measures shall be developed in consultation with USFWS and CDFW and shall be implemented prior to project implementation. Such measures shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, habitat restoration, and compensatory mitigation for loss of habitat that may include implementation of captive breeding programs.

MM BIO-14: Minimize impacts to bighorn sheep.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect bighorn sheep, the project applicant shall retain a qualified biologist, approved by the USFWS and CDFW, to conduct preconstruction surveys for Sierra Nevada bighorn sheep and/or Peninsular and Mojave bighorn sheep depending on the location of the project. Due to low detection probabilities, the following data shall be used when evaluating potential projects impacts to the species: data relative to historic ranges of bighorn sheep; known and potential wildlife corridors (such as, those identified in the BLM Mojave and Colorado deserts land use plans); point location data; and existing literature. If bighorn sheep or their migration routes exist, are known or likely to occur on or in the vicinity of the project site, and may be affected by project-related activities, consultation shall be conducted with USFWS, CDFW, and other stakeholders, as appropriate, regarding avoidance, minimization, compensatory mitigation, or site abandonment.

MM BIO-15: Minimize impacts to Sierra Nevada red fox.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation

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Measure BIO-1) to have the potential to affect Sierra Nevada red fox, CDFW shall be contacted to develop project specific measures to determine the potential for presence/absence of this species in the project area and appropriate avoidance and mitigation measures. Mitigation measures shall include, but are not limited to, a species specific habitat assessment and/or focused surveys to determine whether Sierra Nevada red fox or its habitat is present in or adjacent to the project site, measures to avoid or minimize impacts to this species during construction and operation of the solar development, and compensatory mitigation for loss of habitat. For projects that are determined to have the potential to result in “take,” consultation will be conducted with CDFW under CESA and incidental take authorization will be obtained prior to project commencement.

MM BIO-16: Minimize impacts to Mohave ground squirrel.

Protocol Mohave ground squirrel surveys shall be required for projects that propose impacts to habitat with potential to support Mohave ground squirrel or are within or adjacent to the species’ known range. Mohave ground squirrel surveys consist of a visual survey followed by 3 trapping sessions of 5 nights each (CDFG 2003 as amended). Each trapping session must be conducted during a specific time frame. The first session must be conducted between March 15 and April 30; the second between May 1 and May 31; and the third between June 15 and July 15. Trapping can be discontinued if a Mohave ground squirrel is trapped or observed, in which case the survey area is deemed to be occupied. If survey results are negative, the survey area will be deemed to be unoccupied for one year during which pre-construction surveys are not required. If survey results are positive, the project shall obtain an incidental take permit from CDFW under CESA Section 2081. If Mohave ground squirrels are found in project site burrows during project

MM BIO-17: Minimize impacts to American badger and kit fox.

Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect American badger and/or kit fox, the following measures shall be implemented to avoid, minimize, and mitigate for impacts to these species:

- The project proponent shall prepare and implement an American badger and/or kit fox management plan. The plan shall be prepared in accordance with the most current CDFW guidelines for these species. The plan shall be approved by CDFW prior to implementation. The plan shall include the following components:
  - Preconstruction surveys and mapping efforts: biological monitors shall perform pre-construction surveys for badger and kit fox dens in the project area, including areas within 250 feet of all project facilities, utility corridors, and access roads. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active, including characterization of den type for kit fox (natal, pupping, likely satellite, atypical) per CDFW guidance, and mapped along with major project design elements.
  - Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox. Excavation and filling activities shall be performed by a CDFW-approved biologist. Potentially

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- and confirmed active dens shall not be disturbed during the whelping/pupping season (February 1 to September 30).
- Monitoring requirements. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the CDFW-approved biologist for three consecutive nights (during weather conditions favorable for detection) using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den.
  - Passive relocation strategies. The management plan shall contain, at a minimum, several strategies to passively relocate animals from the site. These methods may entail strategic mowing, fencing, or other feasible construction methods to assist in moving animals offsite toward desirable land. The plan shall address location of preferred offsite movement of animals, based on CDFW data and land ownership. Even with permission from the landowner, private land is to be avoided to the maximum extent practicable.
  - Escape dens shall be installed along the perimeter fencing to reduce predation risk.
  - Kit fox disease prevention measures. The CDFW-approved biologist shall notify the County project manager and CDFW within 24 hours if a dead kit fox is found or appears sick. The plan must also detail a response to a kit fox injury, including a necropsy plan, reporting methods, and scope of adaptive methods in the event of a known or suspected outbreak. The project owner will pay for any necropsy work.

MM BIO-18: Minimize impacts to other special status birds, raptors, migratory birds, nesting birds and bats.

The following measures apply to all projects developed under the REGPA that are determined during the project level biological resource evaluation to have the potential to impact nesting birds and/or bats and shall be implemented to avoid, minimize, and mitigate for impacts to birds and bats. These measures are for bird species without established protocols and non-listed bird species that lack species-specific mitigation measures (not applicable to the common raven). For future development proposed to be located on or near land with old mines, specific survey protocols and mine closure considerations shall be developed.

**Pre-Construction Bird Surveys and Avoidance Measures**

If project construction occurs between roughly February 1 and August 31, a CDFW-approved biologist shall conduct preconstruction surveys for nesting birds. The biologist(s) conducting the surveys shall be experienced bird surveyors and familiar with standard nest-locating techniques. Surveys shall be conducted in accordance with the following guidelines:

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- CDFW and/or USFWS (depending on the avian species in question) shall be contacted to obtain approval of pre-construction survey methodology prior to commencement of the surveys.
  - Surveys shall cover all potential nesting habitat in the project site and within 500 feet of the project site and linear facilities boundaries – inaccessible areas outside of the project boundary may be surveyed from within the project site or publicly accessible land with the aid of binoculars.
  - Vegetation removal or other ground disturbing activities should be avoided between February 1 and August 31; however if it cannot be avoided, the CDFW-approved biologist shall survey breeding/nesting habitat within the survey radius described within one week prior to the start of project activities.
  - CDFW and/or USFWS must provide concurrence with the survey findings prior to the start of construction. Site preparation and construction activities may begin after receiving the concurrence and if no breeding/nesting birds are observed. Additional follow up surveys shall be conducted if periods of construction inactivity exceed one week in any given area, an interval during which birds may establish a nesting territory and initiate egg laying and incubation.

If active nests are detected during the survey, a no-disturbance buffer zone (protected area surrounding the nest, the size of which is to be determined by the project biologist in consultation with CDFW and/or USFWS) and a monitoring plan shall be developed. The nesting bird plan shall identify the types of birds that may nest in the project area, the proposed buffers, monitoring requirements, and reporting standards that will be implemented to ensure compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Codes 3505 and 3505.3. The CDFW-approved biologist shall monitor the nest until he or she determines that nestlings have fledged and dispersed.

### **Pre-Construction Bat Surveys and Avoidance Measures**

Preconstruction bat surveys shall be conducted by a CDFW-approved biologist(s) familiar with standard bat survey techniques. If night or day roosting bats are identified in project structures they shall not be disturbed and a 100-foot non-disturbance buffer shall be placed between the roost and the construction activities until a determination is made whether the roost is a maternity roost or a non-breeding roost. Maternity colonies shall not be disturbed until coordination with CDFW is conducted to determine appropriate measures including an appropriate no-disturbance buffer. If the CDFW-approved bat biologist determines roosting bats consist of a non-breeding roost, the individuals shall be safely evicted under the direction of a CDFW-approved bat biologist. CDFW shall be notified of any bat evictions within 48 hours.

### **Bird and Bat Conservation Strategy**

A bird and bat conservation strategy (BBCS) shall be prepared to reduce potential project impacts on migratory birds. The BBCS shall describe proposed actions to avoid, minimize, and mitigate adverse effects to migratory birds protected under the MBTA during construction and operations of the proposed project. The BBCS shall be submitted to USFWS and CDFW for approval prior to the start of ground disturbing activities. The BBCS shall address buffer

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distances for specific bird species and include a robust, systematic monitoring protocol to document mortality and habitat effects to birds. The monitoring protocol should incorporate the following objectives at a minimum: (1) a minimum of weekly monitoring for mortality and immediate necropsy to determine cause of death, both during construction and throughout the life of the project; (2) systematic data collection and reporting of bird mortality including data on the following: species, date, time, how the animal died (e.g., exhaustion, trauma), as well as any information on what might be attracting animals to the PV cells (light, insects, etc.); (3) a method to estimate the overall annual avian mortality rate associated with the facility, including mortality associated with all the features of the project that are likely to result in injury and mortality (e.g., fences, ponds, solar panels); and, (4) methods to determine whether there is spatial differentiation within the solar field in the rates of mortality (i.e., panels on the edge of the field versus interior of the field). Biologists performing this work would be required to have a Scientific Collecting Permit from CDFW. Standardized and systematic data on bird and bat mortalities will be collected to contribute to the improvement of the scientific communities' understanding of both baseline and PV-related mortality that occurs in solar projects in the desert and is needed in order to identify improved methods to minimize adverse effects on migrating birds and bats.

In the absence of a permit from the USFWS, the temporary or permanent possession of protected migratory birds and their carcasses is a violation of the MBTA. Because of the need for carcass collection to adequately monitor avian impacts during BBCS implementation and to reduce the food subsidy that carcasses may provide to common ravens (*Corvus corax*) and other predators, developers shall be required to obtain a special purpose utility permit from the USFWS allowing the collection of migratory birds and/or their carcasses prior to implementation of the monitoring protocol.

#### General Bird Mortality Avoidance Measures

The following measures shall be implemented to minimize bird mortality from birds attracted to solar facilities:

- All potential nesting vegetation (e.g., trees, shrubs) shall be removed within the fenced area of the facility to decrease attractive habitat.
- The most current science regarding visual cues to birds that the solar panel is a solid structure shall be implemented. This may include but is not limited to UV-reflective or solid, contrasting bands spaced no further than 28 centimeters from each other. An adaptive management approach for reducing bird collisions with solar panels shall be implemented in coordination with the USFWS so that measures used are systematically tested and modified as appropriate.
- Projects with documented avian mortality shall work with the USFWS to conduct additional research to test measures for reducing avian mortality. Such measures could include, but are not limited to, experimental lighting within the solar field and use of detection and deterrent technologies.
- Developers of power tower operations shall implement adaptive management in consultation with the USFWS should mortality monitoring indicate that suspension of power tower operations during certain periods is necessary to reduce impacts on local or

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regional bird populations. Such measures may include, but are not limited to, suspending or reducing project operations during peak migration seasons.

- Vertical orientation of mirrors shall be avoided whenever possible (for example, mirrors shall be tilted during washing). Perch deterrent devices shall be placed on tower railings.
- Exclusionary measures shall be employed to prevent bats from roosting in and around the facility.

#### Minimize Impacts from Open Evaporation Ponds

The following mitigation measures shall be implemented for projects that require the use of open evaporation ponds:

- An evaporation pond management plan shall be prepared and submitted to CDFW for approval prior to project approval.
- If the use of open evaporation ponds is permitted for the project and especially if the water would be considered toxic to wildlife, ponds shall be designed to discourage bird and other wildlife use by properly netting or otherwise covering the pond.

#### Avoid Impacts from Electric Lines and Lights

The following design measures shall be implemented for applicable projects to minimize impacts to bats and birds:

- Transmission lines and electrical components shall be installed and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC) *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (APLIC 2006) or the most recent guidance to reduce the likelihood of electrocutions of raptors and other large birds.
- Transmission lines and electrical components shall be installed and maintained in accordance with the APLIC's *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (Edison Electric Institute and APLIC 2012) or the most recent guidance to reduce the likelihood of bird collisions.
- Low and medium voltage connecting power lines shall be placed underground, if feasible. If burial of the lines is not feasible due to cost or other logistical reasons (for example in shallow bedrock areas) or may cause unacceptable impacts to biological habitats and their dependent species, overhead lines may be installed in compliance with the following requirements:
  - low and medium voltage overhead lines shall be sited away from high bird crossing locations, such as between roosting and feeding areas or between lakes, rivers, and nesting areas;
  - and/or low and medium voltage overhead lines shall be installed parallel to tree lines or be otherwise screened so that collision risk is reduced.

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- Permanent communication towers and permanent meteorological towers shall not be constructed with guy wires, if feasible. If guy wires are necessary for permanent or temporary towers, bird flight diverters or high visibility marking devices shall be used. In such cases a monitoring plan shall be developed and carried out to determine the diverters'/devices' effectiveness in reducing bird and bat mortality.
  - Facility lighting shall be installed and maintained to prevent upward and side casting of light towards wildlife habitat and motion sensors shall be used. If the FAA requires turbine or tower lighting to alert aircraft, red or white strobe lights shall be used on the structures to minimize avian collision risks. The strobes shall be on for as brief of a period as possible and the time between strobe or flashes shall be the longest allowable. Strobes shall be synchronized so that a strobe effect is achieved and towers are not constantly illuminated.
  - Lights with sensors and switches shall be used to keep lights off when not required.
  - The use of high-intensity lighting, steady-burning, or bright lights such as sodium vapor or spotlights shall be minimized.

### **Compensatory Mitigation for the Cumulative Loss of Migratory Bird Habitat along the Pacific Flyway**

The County shall require solar development projects implemented under the REGPA to mitigate for the loss of habitat by funding activities to restore, enhance, or conserve important habitat for migratory birds or to remove other mortality sources from the Pacific Flyway. Such funding may be directed to the Sonoran Joint Venture (<http://sonoranjv.org>), Central Valley Joint Venture (<http://www.centralvalleyjointventure.org>), or Intermountain West Joint Venture (<http://iwjv.org>), or other groups able to implement conservation of migratory birds within the Pacific Flyway. The amount of funding will be determined by the County in coordination with USFWS and shall be commensurate with the level of impact.

### **Rationale**

While the above mitigation measures may reduce impacts to biological resources for future utility scale, commercial scale, and community scale solar energy projects, it cannot be concluded with certainty that impacts would be reduced to below a level of significance without project-specific information about the location of a project, the type and layout of solar development technology, and the biological resources present. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency. At the program level of analysis, impacts to biological resources are considered significant and unavoidable for all SEDAs and the OVSA even after all feasible mitigation due to the uncertainty of impacts, and possibility of the impacts to avian species discussed in Section 4.4 of the Final PEIR. Impacts to birds from collision with utility scale solar facilities would be unmitigable and would remain significant and unavoidable. By implementing Mitigation Measure BIO-18 (see above), which contains measures to minimize bird mortality and to minimize impacts from collisions, the

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effects of the impacts may be reduced, but would not be able to be reduced to below a level of significance. Although there are numerous measures that reduce the likelihood of impacts to birds, including project siting, clearing vegetation, suspending operation at key migration times, and spacing panels and mirrors and/or retrofitting them with designs to make them appear less like water, there are currently no technologies for utility or commercial scale solar facilities that fully avoid or mitigate for these impacts. If mitigation measures are not developed to address these impacts, they will remain significant and unavoidable.

Mitigation measures have been identified for the remainder of the potential impacts to biological resources identified in the Final PEIR. During future project level analysis, mitigation measures would be developed for the individual resources as outlined in the Final PEIR. With the implementation of the proposed mitigation measures, the remaining impacts to biological resources identified in Section 4.4 of the Final PEIR are expected to be reduced to a less than significant level; however, certain impacts resulting from implementation of the REGPA are unable to be mitigated and would remain significant and unavoidable in all SEDAs and the OVSA. Because of the uncertainty of project specific impacts at the programmatic level of analysis, impacts to biological resources resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. A Statement of Overriding Consideration is being adopted to address this significant and unmitigated impact.

### **3. Cultural Resources**

#### **Potential Impact – Historical and Archaeological Resources and Cultural Landscapes**

Implementation of future projects associated with the REGPA has the potential to cause a substantial adverse change in the significance of a historical or archaeological resources, and cultural landscapes, as defined in Section 15064.5 of the State CEQA Guidelines.

#### **Mitigation Measures**

##### MM CUL-1: Minimize impacts to cultural resources.

Adverse effects to historical resources (CRHP-eligible cultural resources) would be resolved on a project-specific level. As part of this process, resource identification efforts including pedestrian surveys, formal government-to-government tribal consultation with state lead agencies, and engagement with Native American communities would be necessary. Examples of ways to resolve adverse effects include:

- Plan ground disturbance to avoid cultural resources.
- Deed cultural resources into permanent conservation easements.
- Cap or cover archaeological resources with a layer of soil before building on the location.
- Plan parks, greenspace, or other open space to incorporate cultural resources.

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- Write synthetic documents summarizing the current understanding of the history and prehistory of the project area and vicinity.
  - Recover data for archaeological resources.
  - Develop interpretive material to correspond with recreational uses to educate the public about protecting cultural resources and avoiding disturbance of sensitive resources.
  - Develop partnerships to assist in the training of groups and individuals to participate in site stewardship programs.
  - Coordinate with visual resources staff to ensure visual management standards consider cultural resources and tribal consultation to include landmarks of cultural significance to Native Americans (e.g., TCPs, trails).
  - Require renewable energy solar facility developers to recognize the Old Spanish Trail as a cultural resource and to ensure that it and its immediate surroundings in the Charleston View SEDA are preserved and protected.
  - Measures to address visual impacts to the setting of built-environment resources include:
    - Existing mature plant specimens shall be used for screening during construction, operation, and decommissioning phases. The identification of plant specimens that are determined to be mature and retained shall occur as part of the design phase and mapped/identified by a qualified plant ecologist or biologist and integrated into the final design and project implementation.
    - Revegetation of disturbed areas within the project area shall occur as various activities are completed. Plans and specifications for revegetation shall be developed by a qualified plant ecologist or biologist before any extant vegetation is disturbed. The revegetation plan shall include specification of maintenance and monitoring requirements, which shall be implemented for a period of 5 years after project construction or after the vegetation has successfully established, as determined by a qualified plant ecologist or biologist. Plant material shall be consistent with surrounding native vegetation.
    - The color of the wells, pipelines, storage tanks, control structures, and utilities shall consist of muted, earth-tone colors that are consistent with the surrounding natural color palette. Matte finishes shall be used to prevent reflectivity. For example, integral color concrete should be used in place of standard gray concrete.
    - The final revegetation and painting plans and specifications shall be reviewed and approved by an architect, landscape architect, or allied design professional licensed in the State of California to ensure that the design objectives and criteria are being met.
    - Specific impact identification and adjustments to finish specifications shall occur during project design. Implementation of the revegetation and coloration plans shall occur during oilfield development. Maintenance and monitoring requirements shall be implemented after initial project construction for a period of 5 years, or after the vegetation has successfully established, as determined by a qualified plant ecologist or biologist.
  - Protective measures and monitoring protocols can be implemented for built environment resources located in close proximity to a project but that are not anticipated to be directly

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impacted by demolition or development but which may be subject to other direct impacts such as change in historic setting, vibration, noise, or inadvertent damage include:

- Historic Structures Reports (HSR) shall be prepared for buildings and structures adjacent to the project area for which detailed information is required to develop protection measures. Reports shall be completed for buildings and structures that appear to be in poor condition and, therefore, potentially sensitive to development-related activities such as vibration. These reports shall determine if predevelopment stabilization through temporary shoring and bracing of these buildings is warranted.
- Predevelopment condition assessments shall be prepared for buildings and structures that qualify as historical resources that are adjacent to the project area and are structurally stable, but could be unintentionally damaged during development. Should there be any question as to whether the project caused damage, these condition assessments will provide confirmation of the predevelopment condition.
- Precautions to protect built environment historical resources from construction vehicles, debris, and dust may include fencing or debris meshing. Temporary mothballing, and fire and intrusion protection may be needed if the buildings are unoccupied during oil and gas field development.
- Protective measures shall be field checked as needed during development by a qualified architectural historian with demonstrated experience conducting monitoring of this nature. Vibration monitoring may be required for buildings determined susceptible to vibration damage located in close proximity to development activities or machinery that cause vibration.
- These measures are designed to avoid direct impacts such as vibration that may result in structural damage or inadvertent direct impacts. Structural damage or demolition would otherwise potentially result in a significant impact because character-defining features and aspects of historic integrity that convey the resource's significance could be materially impaired.
- Redesign of relevant facilities shall be used to avoid destruction or damage where feasible.
- For built resources that will be directly and significantly impacted, mitigation typically includes:
  - Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscape Survey (HALS) records will be prepared for historical resources that will be demolished. The HABS/HAER/HALS documentation will be prepared as appropriate for the impacted historical resource with HABS normally completed at Level II. These reports will include written and photographic documentation of the significant and character-defining features of these properties. While this documentation will not reduce impacts to a less than a significant level, it is needed to capture and preserve a description of the significant information and characteristics associated with the resource.
  - All HABS/HAER/HALS reports are subject to review and approval by the NPS. Following approval, the lead agencies will produce sufficient copies for distribution to identified repositories, including the Library of Congress, the California State Library, the University of California Water Resources Center Archives, and any local repositories, as appropriate and agreed upon with the County Planning Department

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- and interested parties. Distribution will ensure the formal documentation is retained and conveyed to a wide audience.
- Deconstruction and salvage of materials from demolished buildings will be performed to the extent feasible to enable the restoration of similar buildings and structures outside of the area of direct impact. Deconstruction and salvage will not reduce impacts to a less than significant level, but will help to ensure that similar resources are restored and maintained in manner that will ensure that examples of the resource type are preserved.
  - Relocate historically significant resources for which demolition cannot be feasibly avoided by development. In such circumstances, relocation must meet the requirements for the Special Criteria Consideration for Moved Buildings, Structures, and Objects to ensure the significance of the building is retained.
  - Require that the preservation or reuse of an eligible structure follow Department of the Interior Standards and Guidelines for Archeology and Historic Preservation. If the building is considered a historic resource under CEQA, the local building inspector must grant code alternatives under the State Historic Building Code.
  - In a case where HABS/HAER documentation does not provide adequate mitigation to reduce impacts to a less than significant level, projects would normally be required to take additional steps to capture the history and memory of the resource and share this information with the public using various methods such as Web media, static displays, interpretive signs, use of on-site volunteer docents, or informational brochures.
- Avoidance and minimization are the preferred means by which the County would prevent potential impacts to cultural resources, including cultural landscapes. Preservation in place is the preferred manner to avoid and minimize impacts to historical and archaeological resources. All impacts to cultural resources that are eligible or potentially eligible for listing on the CRHR shall be avoided, to the greatest extent possible. Preservation in place may be accomplished by, but is not limited to, the following: Avoidance of significant or potentially significant cultural resources through project redesign and the relocation of project element.
  - Following avoidance and minimization, measures to address impacts to cultural resources at a landscape scale should follow the guidance in *A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior* (Clement, et. al. 2014) and the *National Park Service Preservation Brief 36 - Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes* (Birnbaum 1994), including but not limited to:
    - Document the individual landscape characteristics and features in the context of the landscape as a whole in a Cultural Landscape Report, including contributing and non-contributing features.
    - Develop compensatory mitigation.
    - Coordinate with other agencies.
    - Monitor and evaluate the progress of long-term mitigation.
    - Develop and maintain geospatial information systems for use in identifying existing and potential conservation strategies and development opportunities.

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MM CUL-1a: Designate project cultural resources staff.

Project Cultural Resources Specialist. Prior to the approval of a Renewable Energy Permit, Renewable Energy Development Agreement, or Renewable Energy Impact Determination by the County Planning Department, a cultural resources specialist whose training and background conforms to the US Secretary of Interior's Professional Qualifications Standards, as published in Code of Federal Regulations Title 36, part 61 shall be retained by the project owner to conduct a cultural resources inventory, evaluate any resources, produce a Cultural Resources Management and Treatment Plan and other related plans for the approved project and to implement any required plans and mitigation, as necessary as determined by the cultural resource specialist. Their qualifications shall be appropriate to the needs of the project, and shall include local knowledge. If the project primarily impacts resources archaeological in nature, the cultural resources specialist shall have a background in archaeology, anthropology or cultural resource management. If the project impacts primarily built environment resources, the cultural resources specialist shall have a background in architectural history. Resumes of the proposed cultural resources staff shall be submitted to the County Planning Department or other CEQA lead agency for review and approval. The Monitoring and Treatment Plan (Mitigation Measure CUL-1c) shall be prepared and implemented under the direction of the cultural resources specialist and shall address and incorporate CUL-1a through CUL-1g.

Additional Cultural Resources Staff. The project's cultural resources specialist may obtain the services of specialists, cultural resources monitors and field crew if needed, to assist in identification, evaluation, mitigation, monitoring, and curation activities. Cultural resources staff shall have a Bachelor's degree in anthropology, archaeology, history, architectural history or related field, and demonstrated field experience. These individuals must also meet local lead agency qualifications and their resumes must be reviewed and approved by local lead agency staff prior to beginning work.

MM CUL-1b: Draft a Historical Resources Treatment Plan.

To mitigate the potential impacts on historical resources identified during inventory of the project area, a treatment plan for historical resources shall be developed by, depending on the nature of the resources identified, an archaeologist and/or architectural historian who meets the Secretary of Interior's Professional Qualifications Standards. This treatment plan would include data recovery plans that would address NRHP/CRHR-eligible cultural resources that would be impacted by the project by requiring some level of extracting the scientific value and analysis of the resources prior to development.

MM CUL-1c: Draft a Monitoring and Treatment Plan.

To mitigate the potential impacts related to inadvertent discovery of archaeological resources during construction, the project proponents shall have a Secretary of the Interior-qualified archaeologist implement a monitoring program and an unanticipated archaeological resource treatment plan. The qualified archaeologist will evaluate any resources uncovered during ground disturbing activities implement appropriate treatment as specified in the archaeological resource treatment plan. During all phases of the project that include ground disturbance, these ground-

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disturbing activities will be observed by an archaeological monitor, as determined necessary by the archaeologist.

- a. If, during the course of monitoring, a potentially significant resource is discovered, the qualified archaeologist will have the authority to stop or redirect ground disturbing activities away from the resource until it can be evaluated.
- b. If previously unknown cultural deposits are discovered during the course of construction, such as previously undiscovered stratified cultural deposits, a testing program will be implemented to evaluate the stratified cultural deposit.
- c. A separate Native American monitor shall be retained by the project proponent to monitor ground disturbing activities in and around archaeological resources. The Native American monitor shall be selected through consultation with Native American tribal groups. The Native American monitor shall work in conjunction with the qualified archaeologist.

MM CUL-1d: Grant authority to halt project activities.

Prior to the approval of a Renewable Energy Permit, Renewable Energy Development Agreement, or Renewable Energy Impact Determination by the County or the relevant CEQA lead agency, the project owner shall submit a written document granting authority to halt project related activities to the project's cultural resources specialist (as defined in Mitigation Measure CUL-1a) and cultural resources monitors in the event of a discovery or possible damage to a cultural resource. Redirection of project related activities shall be accomplished under the direction of the project supervisor in consultation with the cultural resources specialist. The details of this agreement shall be stipulated in the Cultural Resources Management and Treatment Plan as required in Mitigation Measure CUL-1b.

MM CUL-1e: Develop a Cultural Resources Worker Environmental Awareness Program.

Prior to and for the duration of project activities, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment at the project site. The training shall be prepared by the project's cultural resources specialist (as defined in CUL-1) in consultation with local Native Americans and shall incorporate the traditions and beliefs of local Native American groups into the presentation. The presentation may be conducted by any qualified cultural resources specialist and a Native American, if possible, and may be presented in the form of a video. A consulting fee or honorarium shall be negotiated with the local Native American consultants and presenter and paid to them for their participation. The training may be discontinued when project activities are completed or suspended, but must be resumed when project activities resume.

The training shall include:

1. A discussion of applicable laws and penalties under the law;
2. Samples or visuals of artifacts that might be found in the project vicinity;

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3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed;
  4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during ground-disturbance, and the range of variation in the appearance of such deposits;
  5. A discussion of what local Native American beliefs are, how those beliefs are related to cultural resources that may be found in the area, and the appropriate respectful behavior towards sacred places and objects;
  6. Instruction that all cultural resources specialists have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the project cultural resources specialist (as defined in CUL-1);
  7. Instruction that employees are to avoid areas flagged as sensitive for cultural resources;
  8. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the project cultural resources specialist (as defined in CUL-1), and that redirection of work would be determined by the project supervisor and the project cultural resources specialist;
  9. An informational brochure that identifies reporting procedures in the event of a discovery;
  10. An acknowledgement form signed by each worker indicating that they have received the training which shall be submitted to the County Planning Department and any other CEQA lead agency; and,
  11. A sticker that shall be placed on hard hats indicating that environmental training has been completed.

MM CUL-1f: Conduct cultural resources reporting.

The project cultural resources specialist shall document results in interim and final reports as necessary. The contents and timing of these reports shall be stipulated in the Cultural Resources Management and Treatment Plan (CUL-1b).

Final reports for archaeological resources, human remains, and some landscapes, shall be written by or under the direction of a Secretary of the Interior qualified archaeologist or architectural historian as appropriate for the project. Reports shall be provided in the State Office of Historic Preservation's *Archaeological Resource Management Reports: Recommended Contents and Format* and local agency formats. Final documents shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, Department of Parks and Recreation 523 forms, data recovery reports, and any additional research reports not previously submitted to the CHRIS and the State Historic Preservation Officer shall be included as appendices.

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MM CUL-1g: Proper curation of cultural resources collections.

All archaeological materials retained as a result of the cultural resources investigations (survey, testing, data recovery) shall be curated in accordance the California State Historical Resources Commission's *Guidelines for the Curation of Archaeological Collections*, into a retrievable storage collection in a public repository or museum. Additionally, all collection and retention of archaeological materials as a result of cultural resources investigations must comply with the regulations and policies of the land managing agency or property owner.

MM CUL-2: Implement proper actions in the event of the incidental discovery of human remains.

In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, the Coroner shall notify the NAHC within 24 hours. In accordance with California PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant of the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the County, the disposition of the human remains.

Should human remains be discovered at any time during construction of the project, construction in the vicinity would halt and the County Coroner would be contacted immediately. If the Coroner determines that the remains do not require an assessment of cause of death and are probably Native American, then the NAHC would be contacted to identify the most likely descendant.

**Rationale**

While above mitigation measures may reduce impacts to archaeological and historic resources, and cultural landscapes as a result of future projects under the REGPA, it cannot be concluded with certainty that impacts would be reduced to below a level of significance without project-specific information about the location of a project, the location, extent, and particular characteristics of the impacts. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

Because of the uncertainty of project specific impacts at the programmatic level of analysis, impacts to archaeological and historic resources and cultural landscapes resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other

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considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. A Statement of Overriding Considerations is being adopted to address this significant and unmitigated impact.

### **Potential Impact – Paleontological Resources**

Implementation of future projects associated with the REGPA has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

### **Mitigation Measure**

#### MM PALEO-1: Protect paleontological resources.

Project developers shall document in a paleontological resources assessment report whether paleontological resources exist in a project area on the basis of the following: the geologic context of the region and site and its potential to contain paleontological resources (including the fossil yield potential), a records search of institutions holding paleontological collections from California desert regions, a review of published and unpublished literature for past paleontological finds in the area, and coordination with paleontological researchers working locally in potentially affected geographic areas (or studying similar geologic strata).

If paleontological resources are present at the site or if the geologic units to be encountered by the project (at the surface or the subsurface) have a high/very high or moderate/unknown fossil yield, a Paleontological Resources Management Plan shall be developed.

The plan shall include the following types of requirements:

1. The qualifications of the principal investigator and monitoring personnel
2. Construction crew awareness training content, procedures, and requirements
3. Any measures to prevent potential looting, vandalism, or erosion impacts
4. The location, frequency, and schedule for on-site monitoring activities
5. Criteria for identifying and evaluating potential fossil specimens or localities
6. A plan for the use of protective barriers and signs, or implementation of other physical or administrative protection measures
7. Collection and salvage procedures
8. Identification of an institution or museum willing and able to accept any fossils discovered
9. Compliance monitoring and reporting procedures

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If the geologic units that would be affected by the project have been determined to have low fossil yield potential, paleontological resources shall be included as an element in construction worker awareness training. The training shall include measures to be followed in the event of unanticipated discoveries, including suspension of construction activities in the vicinity.

The Paleontological Resources Management Plan shall evaluate all of the construction methods proposed, including destructive excavation techniques. Where applicable, the principal investigator shall include in the plan an evaluation of the potential for such techniques to disturb or destroy paleontological resources, an evaluation of whether loss of such fossils would represent a significant impact, and discussion of mitigation or compensatory measures (such as recordation/recovery of similar resources elsewhere on the site) that are necessary to avoid or substantially reduce the impact.

### **Rationale**

While above mitigation measures may reduce impacts to paleontological resources as a result of future projects under the REGPA, it cannot be concluded with certainty that impacts would be reduced to below a level of significance without project-specific information about the location of a project, the location, extent, and particular characteristics of the resource being impacted. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

Because of the uncertainty of project specific impacts at the programmatic level of analysis, impacts to paleontological resources resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. A Statement of Overriding Considerations is being adopted to address this significant and unmitigated impact.

### **D. Alternatives to the Proposed Project**

State CEQA Guidelines (Section 15126.6) require that a discussion of project alternatives be part of any EIR. Any such identified alternatives must significantly meet project objectives, or they cannot be said to be true project alternatives. Further, State CEQA Guidelines 15091(a)(3) and 15091(b) require an explanation and analysis of why project alternatives are infeasible. As a result, Chapter 6 of the FEIR discusses the following alternatives: No Project Alternative; Solar Photovoltaic Only Alternative (no solar thermal); Commercial Scale Only Alternative (20MW or less); Reduced SEDA Alternative (elimination of the Laws, Rose Valley, Pearsonville and Chicago Valley SEDAs); and the Solar Energy Development on Previously Disturbed Land Only Alternative.

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## **1. No Project Alternative**

### **Description**

Under this alternative a REGPA would not be adopted. The No Project Alternative is required under Section 15126.6(e) of the State CEQA Guidelines and represents a possible scenario that could occur if the proposed REGPA was not approved. According to Section 15126.6 (e)(3)(A) of the State CEQA Guidelines, when the project is the revision of an existing land use plan or regulatory plan, policy or ongoing operation, the “no project” alternative would be the continuation of the existing plan, policy or operation into the future. Therefore, under the No Project Alternative, the County would process proposed renewable energy project applications countywide without the benefit of the policy framework provided by the REGPA. Significant portions of the County could be impacted by the development of solar and/or wind energy projects (all of which would be subject to CEQA review). The County would be limited in its ability to discourage project applicants from submitting renewable energy development proposals due to lacking regulatory guidance on the location, siting and size of such projects. Additionally, the County would not set a MW cap on the amount of renewable energy development.

### **Finding and Rationale**

This alternative is deemed infeasible, as it does not fulfill the majority of the project objectives as described in Section 3.2 of the PEIR, because it would not regulate the size, capacity and impacts of potential solar energy development projects. Specific economic, social, or other considerations make infeasible the project alternative identified in the PEIR.

## **2. Solar Photovoltaic Only Alternative**

### **Description**

Under this alternative, only solar PV projects would be allowed under the REGPA – no solar thermal technology projects would be approved without a General Plan amendment. The Solar PV Only Alternative would provide for solar PV projects to be implemented within the eight proposed SEDAs; no solar thermal projects including solar trough, and/or solar power tower, would be allowed within the County. Distributed generation would still be supported within the County. Selection of this alternative would remove the more controversial types of solar energy projects from consideration; solar thermal applications would be denied by the County outright. Because this alternative would continue to allow solar PV development in the proposed SEDAs, it would meet the project objectives outlined in Section 4.2 of the PEIR. However, solar thermal projects could be processed by other agencies. This alternative would likely result in slightly less impacts to aesthetics, biological resources, and cultural resources, although it would not reduce the impacts to below a level of significance. It is difficult to determine if socioeconomic impacts to the County would be lessened through exclusion of solar thermal projects. Solar thermal projects may require specialized workers during construction and operations due to the complexity of the technology. Therefore, potentially beneficial economic impacts of this alternative may be slightly reduced. However, the overall socioeconomic impacts would likely be similar to the proposed project.

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## **Finding and Rationale**

This alternative is deemed feasible. Under this alternative, the County would have a lessened ability of the County to influence potential solar thermal projects because solar trough, solar thermal projects and/or solar power tower projects could be processed by other agencies. If this alternative were chosen these potential projects would not have County General Plan policies associated with them and would be far more difficult for the County to influence. However, because this alternative would continue to allow solar PV development in the proposed SEDAs, it would meet the project objectives outlined in the PEIR. The Solar PV Only Alternative would provide for solar PV projects to be implemented within the eight proposed SEDAs; no solar thermal projects, solar trough, and/or solar power tower, would be allowed within the County. However,

### **3. Commercial Scale Alternative**

Under this alternative, projects over 20 MW could not be approved without a General Plan Amendment. The Commercial Scale Renewable Energy Solar Facility Only Alternative would result in continued County support for solar energy projects ranging from 1 to 20 MW. No SEDAs are proposed under this alternative. Under this alternative, applications for projects over 20 MW would be denied outright by the County, effectively prohibiting the construction and operation of solar energy projects greater than 20 MW within the County's jurisdiction. Implementation of the Commercial Scale Renewable Energy Solar Facility Only Alternative would not meet all of the project objectives outlined in Section 4.2 of the PEIR as this alternative would be less supportive of the State's goal of reduced reliance on petroleum-based energy sources in favor of renewable energy sources. Utility scale projects could still be processed by other land management agencies. The MW and acreage development caps identified for the proposed project would be followed for the Commercial Scale Renewable Energy Solar Facility Only alternative. This alternative would result in fewer impacts to all environmental topic areas analyzed in the PEIR, but not likely to below a level of significance for aesthetics, biological resources, and cultural resources. The socioeconomic effects of the Commercial Scale Renewable Energy Solar Facility Only Alternative would likely be neutral: the County would neither benefit from nor be negatively affected financially by implementation of this alternative. When compared to utility scale projects, solar facilities less than 20 MW would require a smaller construction workforce so there would be a reduction in local economic benefits from this alternative compared with the proposed project.

## **Finding and Rationale**

This alternative does not meet all of the project objectives outlined in Section 4.2 of the PEIR as this alternative would be less supportive of the State's goal of reduced reliance on petroleum-based energy sources in favor of renewable energy sources. Utility scale projects could still be processed by other land management agencies. If this alternative were chosen these potential projects would not have County General Plan policies associated with them and would be far more difficult for the County to influence. Specific economic, social, or other considerations make infeasible the project alternative identified in the PEIR.

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#### **4. Reduced SEDA Alternative**

##### **Description**

Under this alternative the areas that might allow solar energy development would be reduced. Under the Reduced SEDA Alternative, the County would eliminate certain SEDAs from potential development, while maintaining the total allowable MW capacity (900 MW) and allowable developable acreage (5,400 acres) included in the proposed project. Under this alternative, the Western Solar Energy Group would be reduced to only the Owens Lake SEDA (the Laws, Rose Valley, and Pearsonville SEDAs would be eliminated). The solar energy development cap of 250 MW on 1,500 acres would be maintained for this SEDA. The Southern Solar Energy Group (the Trona SEDA) would not change. The Eastern Solar Energy Group would maintain a solar energy development cap of 500 MW on 3,000 acres.

##### **Finding and Rationale**

This alternative does not meet all of the project objectives outlined in the PEIR as this alternative is less supportive of the reuse previously disturbed sites. This alternative would remove the Laws, Rose Valley, and Pearsonville SEDAs. Each of these SEDAs has areas within them that have been identified as disturbed. If this alternative were chosen less total area of disturbed land for potential solar energy development would be identified. Specific economic, social, or other considerations make infeasible the project alternative identified in the PEIR.

#### **5. Solar Energy on Previously Disturbed Lands Only Alternative**

##### **Description**

Under this alternative the majority of the projects would be on previously disturbed lands within the eight proposed SEDAs. The term “majority” is defined as greater than 60 percent. Under this alternative, the County would require that future applicants for solar energy development projects site over 60 percent of their projects on previously disturbed lands within the eight proposed SEDAs under this alternative. Disturbed lands include Owens Lake, abandoned mine lands, degraded lands, former landfill sites, Superfund sites, brownfields, and/or abandoned grazing/agricultural lands. The acreage and development caps presented under the proposed project would remain intact for the Solar Energy Development on Previously Disturbed Lands Alternative, although the feasibility of providing adequate sites to achieve this development potential is unknown.

##### **Finding and Rationale**

This alternative does not meet all of the project objectives outlined in the PEIR as the feasibility of available sites is unknown and therefore it may be more difficult to ensure locations near existing transmission as well as makes it difficult to evaluate the MW totals in relation to available acreage. Specific economic, social, or other considerations make infeasible the project alternative identified in the PEIR.

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## **E. Cumulative Impacts**

Cumulative impacts were analyzed in section 5.1 of PEIR Section 5.1 of the Final PEIR which concludes, that even with the adoption of each mitigation measure identified in the PEIR, the project could result in significant and unavoidable cumulative impacts with respect to the following issues:

- Aesthetics
- Biological Resources
  - general biological resources
  - special status wildlife (general)
- Cultural Resources
  - historical and archaeological resources and cultural landscapes
  - paleontological resources

## **Findings and Rationale**

While the adoption of mitigation measures may reduce cumulative impacts, as a result of future projects under the REGPA, it cannot be concluded with certainty that cumulative impacts would be reduced to below a level of significance without project-specific information about the location of a project, the location, extent, and particular characteristics of the resource being impacted. Changes or alterations have been required in, or incorporated into the project, which mitigate or avoid the significant environmental effects thereof as identified in the completed PEIR. Such changes or alterations may be within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency.

Because of the uncertainty of project specific impacts at the program level of analysis, cumulative impacts resulting from future utility scale, commercial scale, and community scale solar energy development are considered significant and unavoidable, and specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR. During future project level analysis, mitigation measures would be developed for the cumulative impacts on individual resources as outlined in the Final PEIR. With the implementation of the proposed mitigation measures, the remaining cumulative impacts identified in Section 5.1 of the Final PEIR are expected to be reduced to a less than significant level; however, because certain impacts resulting from implementation of the REGPA are unable to be mitigated and would remain significant and unavoidable in all SEDAs and the OVSA, a Statement of Overriding Consideration is being adopted to address this significant and unmitigated cumulative impacts.

## **F. Environmental Impact Report Recirculation**

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New

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information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The State CEQA Guidelines provide the following examples of significant new information under this standard (State CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5, subd. (b)).

### **Findings and Rationale**

Volume II of the PEIR shows modifications that have made to the text of the Draft PEIR. The County Board of Supervisors finds that the changes identified in the proposed modifications do not identify any new impacts or identify any substantial increase in the severity of an environmental impact that would not be reduced to a less than significant level through mitigation. Because no new unmitigated impacts have been identified, the PEIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project and, therefore, recirculation of the PEIR is not required.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, County approval of the proposed REGPA will potentially result in significant environmental impacts to Aesthetics, Biological Resources and Cultural Resources and in cumulative impacts that cannot be avoided even with adoption of all feasible mitigation measures. Potentially significant impacts that could occur as a result of renewable energy projects being developed in the identified SEDAs were identified at a programmatic level and all feasible mitigation is prescribed in the PEIR; however, without project-specific information coupled with a project-level analysis under CEQA, it can't be stated with certainty that these potential impacts would be reduced to below a level of less than significant at a programmatic level. That is why the PEIR reaches the conservative conclusion that impacts from future projects remain potentially significant and unavoidable.

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Whenever a lead agency adopts a project that will result in a significant and unavoidable impact, the agency must, pursuant to PRC Section 21002 and 21081(b) and State CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the PEIR and/or other information in the administrative record.

Pursuant to PRC Section 21081(b) and State CEQA Guidelines Section 15093, the County has balanced the benefits of the project against its unavoidable adverse impacts to Aesthetics, Biological Resources, and Cultural Resources, and has adopted all feasible mitigation measures with respect to these significant and unavoidable impacts. The County, having considered all of the foregoing, finds that there are specific overriding economic, legal, social, technological, and/or other benefits associated with the proposed project that outweigh unavoidable direct and/or cumulative impacts related to Aesthetics, Biological Resources, and Cultural Resources. The County also has examined alternatives to the proposed project and found that all of them (save the No Project Alternative) would be environmentally superior to the proposed project. Still, the County determined that although environmentally superior, all of the developable alternatives would result in significant and unavoidable impacts to Aesthetics, Biological Resources, and Cultural Resources.

The County, (i) having independently reviewed the information in the Final PEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant environmental impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the Final PEIR; and, (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, technological, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the County's judgment, the benefits of the project outweigh the unavoidable significant impacts. Each of the benefits described below serves as an independent basis that justifies approval of the project and for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Therefore, the County expressly finds in accordance with PRC Section 21081, the following benefits outweigh the unavoidable adverse environmental impacts of the project.

**A. Findings for Statement of Overriding Considerations**

**1. The REGPA will help reduce the reliance on, and consumption of, fossil fuels and will help to achieve mandated greenhouse gas emissions reduction targets.**

Global climate change refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns, precipitation, and storms. Gases that trap heat in the atmosphere are referred to as GHGs because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. Both natural processes and human activities emit GHGs. The accumulation of GHGs in the atmosphere regulates the earth's temperature; however, it is believed that emissions from human activities, such as electricity production and motor vehicles, have elevated the concentration of GHGs in the atmosphere and contributed to global climate change. The principal GHGs are carbon dioxide, methane, nitrous

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oxide, sulfur hexafluoride, perfluorocarbons, hydrofluorocarbons, and water vapor, but carbon dioxide is the reference gas for climate change.

Effects of global climate change generally include rising sea temperatures, melting of polar ice, rising sea levels, changing major ocean current systems, and ocean acidification. More specifically, changes to the global climate system would potentially affect California through the loss of sea ice and mountain snowpack resulting in higher sea levels and higher sea evaporation rates; decline of Sierra Nevada snowpack which accounts for approximately half of the surface water storage in California; rise in global average sea level; changes in weather that include widespread changes in precipitation, ocean salinity, and wind patterns; and more energetic aspects of extreme weather, an increase in the number of days conducive to ozone formation, and a high potential for erosion of California's coastlines and sea water intrusion into delta and levee systems.

California is a large producer of carbon dioxide, the primary heat-trapping GHG that contributes to global climate change, and the State has recognized its responsibility to reduce carbon dioxide and of GHG emissions. In 2006, the State of California passed the Global Warming Solutions Act, known as Assembly Bill (AB) 32, which set into law the recommendation for reducing California's GHG emissions to 1990 levels by 2020. It directed the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. California needs to reduce GHG emissions by approximately 15.3 percent below CARB's latest business-as-usual predictions to achieve this goal.

The proposed project would permit solar energy developments with a total allowable capacity of approximately 850 MW of electricity under peak solar conditions (250 MW in the Western Solar Energy Group, 100 MW in the Southern Solar Energy Group, and 500 MW in the Eastern Solar Energy Group). Based on the total allowable capacity, the maximum energy generated by the proposed project is estimated to be approximately 2,000 gigawatts per year. This energy would replace the energy consumption provided by the burning of fossil fuels and the use of water at central power generation plants, thereby resulting in an indirect reduction of GHG emissions. It is estimated that the project could result in a total reduction of GHG emissions of up to approximately one million metric tons carbon dioxide equivalents per year that might otherwise have been emitted to generate electricity.

## **2. The REGPA will assist in achieving the State of California's Renewable Portfolio Standard objectives.**

In 2002, the State of California passed Senate Bill (SB) 1078, the California Renewable Portfolio Standard (RPS). Initially, the RPS required that investor-owned utilities, electric service providers, and community choice aggregators procure 20 percent of electricity from eligible renewable energy resources by 2017. In 2006, the RPS was accelerated by SB 107 to meet the 20 percent goal by 2010, and in 2011, it was expanded under SB 2 to require 33 percent by 2020. In his State of the State address in January 2015, Governor Brown indicated his desire to increase the RPS during his administration to 50 percent by 2030.

In light of the RPS, interest in renewable energy generation grew in Inyo County making it apparent to County staff and officials that structure and guidance would be required to ensure

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that potential development is conducted in a manner consistent with the County's overall goals for development. The policies and revisions to the General Plan under the proposed project set the limits of where, when, how, and even if, renewable energy generation facilities will be built; include provisions for areas identified in the County that are appropriate for renewable energy development; define what specific factors must be met before development can commence; state under what conditions a facility can be built; and, define the requirements for the termination of a facility.

The project would contribute to achieving the State's RPS objectives by providing for the potential generation of approximately 850 MW of California RPS-qualified solar energy (250 MW in the Western Solar Energy Group, 100 MW in the Southern Solar Energy Group, and 500 MW in the Eastern Solar Energy Group). The maximum energy generated by the proposed project is estimated to be approximately 2,000 GW per year. This potential renewable energy generation within the County would contribute towards meeting the overall State's target goals for renewable energy.

### **3. The REGPA will potentially result in improved regional air quality.**

The project is located in Inyo County, which is part of the Great Basin Valleys Air Basin (Basin). The Basin encompasses Inyo, Alpine, and Mono Counties. The Basin is a federal and state nonattainment area for fugitive dust (PM<sub>10</sub>), and a state nonattainment area for ozone. An area is designated in attainment when it is in compliance with federal or state air quality standards for pollutant emissions, which are set by the U.S. Environmental Protection Agency or CARB for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or the public welfare. Pollutant emissions typically refer to the amount of pollutants or pollutant precursors introduced into the atmosphere by a source or group of sources. Primary pollutants are emitted directly into the atmosphere from emission sources and secondary pollutants are formed through atmospheric chemical reactions that are influenced by meteorology, ultraviolet light, and other atmospheric processes. The primary source of fugitive emissions in the County is from the dry Owens Lakebed.

The project will implement fugitive dust control measures during construction and operation that would result in a reduction of fugitive dust. Solar arrays can work effectively as a dust control measure by blocking wind and dust. The use of wind deflectors can enhance this effect by lifting winds that may otherwise flow beneath panels. With incorporation of wind deflectors and other dust control measures, solar developments throughout the SEDAs and the OVSA could assist in the reduction of fine particulate matter (PM<sub>10</sub>) concentrations throughout the Basin and would thereby help the Basin in becoming an attainment area for PM<sub>10</sub>. Furthermore, implementation of the project would reduce region-wide emissions of criteria pollutants by promoting facilities that generate energy from sustainable sources (i.e., solar energy), which are not dependent on combustion of fossil fuels to supply energy needs for the region.

### **4. The REGPA will provide a basis for local input on solar facility land use decisions made Countywide.**

The REGPA will provide a regulatory framework to direct and constrain potential future renewable energy development within the County to ensure the future development is conducted

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in a manner consistent with the County's overall goals for development. The policies contained in the REGPA sets limits of where, when, how, and even if, renewable energy generation facilities will be built; and include provisions for areas identified in the County that may be appropriate for renewable energy development; define what specific factors must be met before development can commence; state under what conditions a facility can be built; and, define the requirements for the termination of a facility. Federal, state and city managed lands make up more than 98 percent of the County's land area identified in the General Plan. Although the County is solely responsible for the lands under its own jurisdiction, having General Plan policy in place that regulates renewable energy development in the County would allow the County to have a more significant influence on the activities of other agencies in the County in regards to renewable energy development, and as it pertains to the cultural values, and economic and social welfare of the residents of the County.

**5. The REGPA will direct and constrain solar energy development in the County to provide an additional mechanism for the protection of resources Countywide.**

The REGPA constrains potential solar development in the County to within the SEDAs and directs development in those areas to avoid and minimize direct and indirect impacts on the physical, biological, cultural, political, and socioeconomic environments. It establishes the total allowable developable area for each development area and limits the total MW of electricity able to be produced, thereby limiting the total development footprint allowed in the County and minimizing the need for additional transmission upgrades and associated disturbance. By eliminating the most resource sensitive areas from potential development, directing potential development to areas with the relatively least impact to the resources evaluated (the SEDAs), and establishing minimization and mitigation measures based on those resources, the REGPA directs future developments to areas the County has identified as most appropriate for development and away from areas that are not. In doing so, the REGPA effectively affords protection of resources Countywide while facilitating feasible solar energy development.

**6. The REGPA has the potential to result in economic benefits for the County.**

Renewable energy development has the potential to add to the County's economic base. An initial boost to the local economy can occur during construction in the form of an increase in the labor force that requires goods and services, land sales, and the use of local materials. The REGPA would support the use of local workforce for future solar energy development projects, thereby providing new job opportunities within the County. The proposed new Economic Development Element Policy ED-4.5 requires that the County encourage developers to employ the local labor force.

In the long term, renewable energy development can provide higher property and sales tax revenues, the continued use of local materials, and the provision of some long term jobs that can, in turn, generate a permanent increase in the procurement of local goods and services.

The REGPA also provides opportunities for economic benefit by requiring developers to offset costs to the County, including lost economic development potential (proposed new Economic Development Element Policy ED-4.4), and by encouraging developers to provide compensation

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in the form of reduced rates for communities impacted by development (proposed new Economic Development Element Policy ED-4.6).

**7. The REGPA will support the repurposing of disturbed lands within the County.**

The REGPA would encourage repurposing of disturbed lands in the County which minimizes environmental impacts to undisturbed lands and provides a revenue source from otherwise economically unviable lands. Previously disturbed or contaminated lands that have lost their habitat value and are unsuitable for agricultural production provide opportunities for renewable energy solar facilities. Repurposing degraded lands for solar energy facilities provides property owners a land use option and a revenue source for lands that would otherwise remain vacant and economically unviable, and in some cases may mitigate existing environmental conditions – for example, developing untreated areas of Owens Lake with low habitat value and lacking other sensitive resources could provide some dust mitigation.

**B. CONCLUSION**

For the foregoing reasons, the County finds that the project’s adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the County has adopted these Findings of Fact and Statement of Overriding Considerations.

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## VII. REFERENCES

- Avian Power Line Interaction Committee (APLIC)  
2012. Reducing Avian Collisions with Power Lines. The State of the Art in 2012. Edison Electric Institute and APLIC. Washington, D.C.
2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute and the California Energy Commission. Washington, D.C., and Sacramento, CA.
- Aspen Environmental Group (Aspen)  
2014. Renewable Energy General Plan Amendment, Opportunities and Constraints Technical Study. February.
- Birnbaum, Charles A.  
1994. National Park Service Preservation Brief 36 - Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes. September.
- California Air Resources Board (CARB)  
2011. Midwest Soil-Sement Certified Performance Claim. <http://www.arb.ca.gov/eqpr/midwest.htm>. September 9.
- California Department of Fish and Game (CDFG)  
2012. Staff Report on Burrowing Owls.
- 2003 as amended. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010.
1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. November.
- California Department of Fish and Wildlife (CDFW)  
2014. California Department of Fish and Game, Natural Diversity Database Biogeographic Data Branch. Sacramento, California. RareFind 5.0. Accessed on July 30, 2014.
2010. Bald Eagle Breeding Survey Instructions. Available at: [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). Accessed on July 25, 2014.
- California Energy Commission and California Department of Fish and Game (CEC and CDFG)  
2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California.
- Clement, J. P., A. d'A. Belin, M. J. Veau, T. A. Boling, J. R. Lyons.  
2014. A strategy for Improving the Mitigation Policies and Practices of the

---

Department of the Interior: A Report to the Secretary of the Interior from the Energy and Climate Change Task Force. April.

Desert Tortoise Council, The

1999. Guidelines for Handling Desert Tortoises During Construction Projects. July 1994, revised July 1999.

Edison Electric Institute and Avian Power Line Interaction Committee (Edison Electric Institute and APLIC)

2012. Mitigation Bird Collisions with Power Lines: The State of the Art in 2012.

Great Basin Unified Air Pollution Control District (GBUAPCD).

2008. *2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan* (January 28).. Bishop, CA.  
<http://www.gbuapcd.org/ovpm10sip.htm>.

Penrod, K., R. Hunter, and M. Marrifield

2001. Missing Linkages: Restoring connectivity to the California landscape. California Wilderness Coalition, the Nature Conservancy, US Geological Survey, Center for Reproduction of Endangered Species, and California State Parks. Available at: [ftp://ftp.dfg.ca.gov/BDB/GIS/BIOS/Public\\_Datasets/](ftp://ftp.dfg.ca.gov/BDB/GIS/BIOS/Public_Datasets/).

Renewable Energy Action Team (REAT)

2010. Best Management Practices and Guidance Manual for Desert Renewable Energy Projects. November.

Regional Water Quality Control Board (RWQCB) – Lahontan Region

1995. Water Quality Control Plan for the Lahontan Region, North and South Basins (Basin Plan). As amended through April 2014.

United States Army Corps of Engineers

2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). September.

1987. Wetlands Delineation Manual. Environmental Laboratory, US Army Corps of Engineers. Vicksburg, MS. January.

United States Fish and Wildlife Service (USFWS)

2011. Revised Recovery Plan for the Mojave Population of the Desert Tortoise. Region 8, Pacific Southwest Region. Sacramento, California.

2010. Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations. Available at:  
[http://www.fws.gov/southwest/es/oklahoma/documents/te\\_species/wind%20power/usfws\\_interim\\_goea\\_monitoring\\_protocol\\_10march2010.pdf](http://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf). Accessed on August 14, 2014.

- 
2010. Southwestern Willow Flycatcher Protocol Revision. Available at:  
<http://www.fws.gov/mountain-prairie/endspp/protocols/SWWFReport.pdf>.
2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*).  
Region 8, Sacramento, California.
2007. USFWS National Bald Eagle Management Guidelines. May.
2004. Protocol for Evaluating Bald Eagle Habitat and Populations in California.  
Available at: [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).  
Accessed on August 14, 2014.
2001. Least Bell's Survey Guidelines. Available at:  
<http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/LBVireo.2001.protocol.pdf>. Accessed on August 14, 2014.

Zdon and Associates, Inc.

2014. State of the Basin Report, Amargosa River Basin (unpublished).