ADDENDUM

KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Commission

STAFF REPORT

Date: November 10, 2011

FILE: CUP #75, Map #164
S.D.: #2 - Scrivner

TITLE: Conditional Use Permit Case No. 75, Map No. 164

PROPOSAL: A Conditional Use Permit to allow for the construction and operation of a 20 megawatt (MW) photovoltaic solar energy generation facility (Section 19.12.030.G) on approximately 158 acres in an A (Exclusive Agriculture) District

APPLICANT: RE Tehachapi Solar by RE Tehachapi Solar, LLC (PP10266)

PROJECT SIZE: 158 acres

LOCATION: Southwest of Highline Road and Bailey Road, Tehachapi area; being a portion of Section 36, T32S, R31E, MDB&M; unincorporated area of Kern County

GENERAL PLAN DESIGNATION: 8.1/2.7 (Intensive Agriculture - Liquefaction Risk)

SURROUNDING LAND USE/ZONING: North - Vacant, residences, and agriculture/A; East, South, and West - Vacant and agriculture/A

PROJECT ANALYSIS: This case was last scheduled for consideration by your Commission on October 27, 2011, however, was continued to tonight’s hearing in order to complete preparation of the Response to Comments as required by the California Environmental Quality Act (CEQA). The project before your Commission’s consideration is the RE Tehachapi Solar project, a proposed 20 megawatts photovoltaic (PV) solar electrical generating facility on 158 acres. This project was included in the applicant’s submittal of the “RE Distributed Solar Project” which consisted of ten different PV solar projects for ten facility sites, totaling 1,709 acres on seven separate and noncontiguous parcels in the southeastern portion of Kern County. The ten sites were analyzed collectively in the Final Environmental Impact Report (EIR); however, are presented separately for your Commission’s consideration since each of the solar facilities represents a standalone solar electric generation facility that could be developed and operated independently from any other facility.

Overview of Project

Site Location and Surrounding Area

The RE Tehachapi Solar project site is located within the Cummings Valley area of unincorporated Kern County, approximately 6-1/2 miles west of City of Tehachapi (outside the City’s sphere of influence), within the jurisdiction of the Greater Tehachapi Area Specific and Community Plan. The project site is eight parcels (Assessor Parcel Numbers 448-052-35, -36, -37, -38, -39, -40, -41, -42)
and is located between Highline Road, Dale Road, Baily Road, and Pellisier Road. The site is also located less than one mile west of the California Correctional Institution.

The site consists of agriculture land (primarily sod production) as well as vacant land (see following table for a list of crops planted at the proposed RE Tehachapi Solar site). The site is not located within a Federal Emergency Management Agency (FEMA) designated Flood Zone. It lies within the boundaries of Agricultural Preserve No. 18 and is considered Prime Farmland by the Farmland Mapping and Monitoring Program (FMMP), but the site is not under a Williamson Act Land Use Contract. Adjacent land uses consist predominantly of agriculturally farmed land and some residences. There is one additional solar project being proposed approximately 1,500 feet north of the project site (RE Tehachapi Solar 2). As previously stated, these PV solar projects are separate actions for your Commission’s consideration.

<table>
<thead>
<tr>
<th>Year</th>
<th>Crops Planted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>Sod</td>
</tr>
<tr>
<td>2006</td>
<td>Sod</td>
</tr>
<tr>
<td>2007</td>
<td>Sod/carrot</td>
</tr>
<tr>
<td>2008</td>
<td>Sod/onion</td>
</tr>
<tr>
<td>2009</td>
<td>Sod/alfalfa/potatoes</td>
</tr>
<tr>
<td>2010</td>
<td>Sod/alfalfa</td>
</tr>
</tbody>
</table>

**Project Characteristics**

Major components of the proposed project include: (1) a solar field of approximately 100,000 PV panels mounted on steel and aluminum structures; (2) an electrical collection system that aggregates the output from the PV panels and converts the electricity from direct current to alternating current; (3) a project operator substation including a 600-square-foot relay enclosure and weather monitoring equipment; (4) a separate SCE substation; (5) a 0.1-mile generation-tie power line; and (6) infrastructure including driveways and fencing. Construction of the proposed project will also require a temporary construction storage, staging, and laydown area.

**Transmission**

Power generated at the RE Tehachapi Solar project would be transferred to Southern California Edison’s (SCE) existing 66 Kilovolt (kV) transmission line running along Highline Road approximately 500 feet to the north of the project site. The power would then be sold to the wholesale market or retail electric providers such as utilities, municipalities, or other purchasers, in furtherance of the goals of the California Renewable Energy Portfolio Standards and other similar renewable programs in the State.

**Access**

Primary entry to the proposed project site is anticipated to be from gated access on Pellisier Road and Highline Road which are designated as a collector (secondary) highway alignment in the Circulation Element of the Greater Tehachapi Area Specific and Community Plan. Final decision on site access will be confirmed by the California Department of Transportation (Caltrans) and the Kern County Roads Department.
Proposal

Implementation of the RE Tehachapi Solar project requires the approval of a conditional use permit to construct and operate a solar energy generation facility.

Conditional Use Permit

A conditional use permit is being proposed for the development and operation of a 20 megawatts PV solar energy electrical generation facility on approximately 158 acres. Conditional use permits are required of commercial-scale PV solar facilities greater than one acre within the A (Exclusive Agricultural) zone district. Conceptual site plans have been included with the Final EIR and this report in order to provide potential installation design of the RE Tehachapi Solar site.

Final Environmental Impact Report

As previously stated, the proposed RE Distributed Solar Project consists of ten individual solar projects for ten different facility sites. Although there are ten separate project sites discussed in the Final EIR, they are collectively referred to as the “proposed project” or individually referenced as “Sites 1 though 10.” Each of the ten solar facilities, as listed below, represents a standalone solar electric generation facility that could be developed and operated independently from any other facility.

Site 1 — RE Rosamond One by Rosamond Solar One LLC
Site 2 — RE Rosamond Two by RE Rosamond Two LLC
Site 3 — RE Tehachapi Solar by RE Tehachapi Solar LLC
Site 4 — RE Tehachapi Solar 2 by RE Tehachapi Solar 2 LLC
Site 5 — RE Columbia by RE Columbia LLC
Site 6 — RE Columbia Two by RE Columbia Two LLC
Site 7 — RE Columbia 3 by RE Columbia 3 LLC
Site 8 — RE Rio Grande by RE Rio Grande LLC
Site 9 — RE Great Lakes by RE Great Lakes LLC
Site 10 — RE Barren Ridge 1 by RE Barren Ridge 1 LLC

It should be noted that Sites 1 and 2, Sites 3 and 4, and Sites 5, 6, and 7 are discussed as individual groups in the Final EIR due to their relative location to each other. However, the impacts of the proposed project were analyzed individually as well as in concert with the other proposed projects. This allowed for a clearer picture of what was being proposed and the effects of all the projects. The project before your Commission’s consideration is the RE Tehachapi Solar project (Site 3).

The EIR prepared for this project was in accordance with CEQA Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. This Final EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA.

A Notice of Preparation/Initial Study (State Clearinghouse No. 2011011005) was circulated for a 30-day public review period beginning on January 4, 2011, and ending on February 3, 2011. A scoping meeting was noticed and held on January 28, 2011. In response, Staff received 11 written comments during circulation of the Notice of Preparation/Initial Study and two verbal comments at the scoping meeting. These comments were used in the preparation of the Draft EIR.

As required by Department procedures for processing of an EIR, an indemnification agreement has been executed by the applicant.
Based on the analysis contained in the Initial Study and comments received in response to the Notice of Preparation, a Draft EIR was prepared and circulated for a 45-day public review period beginning on July 28, 2011, and ending on September 12, 2011. One hundred and twenty copies of the Draft EIR were distributed, in addition to 140 Notices of Availability. The Draft EIR was also available on the Department’s webpage. Sixty-six written comments were received on the Draft EIR during this public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses, 13 days before this hearing.

In accordance with State CEQA Guidelines, a Final EIR has been completed comprised of three documents:

- Volume 1 Draft Environmental Impact Report – (Chapters 1 through 10) (July 2011)
- Volume 2 Draft Environmental Impact Report – (Appendices A – I) (July 2011)
- Volume 3 Chapter 7 – Response to Comments to the Draft EIR (October 2011)

These documents have been provided to your Commission for your review and consideration.

**Effects Found to Have No Impact**

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

- Mineral Resources
- Population and Housing
- Recreation

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

The EIR prepared addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the EIR, the following environmental impact areas were determined to be significant unless mitigation was incorporated into specific proposed projects:

- Aesthetics (Project)
- Agriculture and Forest Resources (Project)
- Air Quality (Project)
- Biological Resources (Project and Cumulative)
- Cultural Resources (Project and Cumulative)
- Geology and Soils (Project and Cumulative)
- Greenhouse Gas Emissions (Project and Cumulative)
- Hazards and Hazardous Materials (Project and Cumulative)
- Hydrology and Water Quality (Project and Cumulative)
- Land Use and Planning (Cumulative)
- Noise (Project and Cumulative)
- Public Services (Project and Cumulative)
- Traffic and Transportation (Project and Cumulative)
- Utilities (Project and Cumulative)
The Final EIR contains 47 mitigation measures, of which 42 are applicable to the RE Tehachapi Solar project, to reduce significant impacts from the project. A Mitigation Measure Monitoring Program has been included for your review and consideration as Exhibit C of this report.

**Significant and Unavoidable Impacts**

**Significant and Unavoidable Project Impacts**

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. The following impact(s) were determined to be significant and unavoidable after the project complies with all regulatory, statutory, and feasible and reasonable mitigation measures:

- Aesthetics

**Significant and Unavoidable Cumulative Impacts**

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

- Aesthetics
- Agriculture and Forest Resources
- Air Quality

**Table 2: Summary of Significant and Unavoidable Impacts of the Proposed Project**

<table>
<thead>
<tr>
<th>Resources</th>
<th>Project Impacts</th>
<th>Cumulative Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetics</td>
<td>The project would substantially degrade the existing visual character or quality of the site and its surroundings. Even after implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, impacts are considered significant and unavoidable.</td>
<td>The project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. The conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated and is considered significant and unavoidable.</td>
</tr>
<tr>
<td>Agriculture and Forest Resources*</td>
<td>The project would convert 315 acres of agricultural land designated as Prime Farmland. Mitigation Measure MM 4.2-1 would reduce project-level impacts to less than significant.</td>
<td>The continued regional trend of converting prime agricultural farmland to residential commercial, and/or industrial uses in response to housing demand is considered a significant and unavoidable impact.</td>
</tr>
</tbody>
</table>
Table 2: Summary of Significant and Unavoidable Impacts of the Proposed Project

<table>
<thead>
<tr>
<th>Resources</th>
<th>Project Impacts</th>
<th>Cumulative Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>Construction activities on each of the project sites would result in the emission of criteria pollutants. Mitigation Measures 4.3-1 through 4.3-5 would reduce project-level impacts to less than significant.</td>
<td>Construction and operation of the proposed project would result in a net increase of any criteria pollutant for which the project region is nonattainment under applicable federal or state ambient air quality standards (including releasing emissions that exceed quantitative thresholds for ozone precursors. This is considered a significant and unavoidable impact.</td>
</tr>
</tbody>
</table>

* Only applicable to Site 3 (RE Tehachapi Solar) and Site 4 (Tehachapi Solar 2)

Aesthetics

It has been determined that the proposed projects themselves would substantially degrade the existing visual character or quality of the site and its surroundings. There are no criteria in either State or County regulations for measuring aesthetic impacts. This issue is viewed differently by various members of the community. Some citizens would describe the visual loss of open space and farmland to development as a significant impact. Others may view well designed landscaped development as aesthetically pleasing comparable to the qualities of expanses of agricultural land and open space. The proposed projects would represent a change in visual character of the project site from an undeveloped, natural state to one with human development. However, the proposed projects would result in a significant and unavoidable impact on the existing visual character of the project site and its surroundings because it would introduce an industrial element into a predominantly rural, agricultural, open landscape. Impacts of the proposed projects would have the potential to combine with impacts from past, present, and reasonably foreseeable projects within the Kern County viewed in a way that increases the utilitarian character of the viewed by introducing additional utility-grade infrastructure, thereby changing the area from a rural, agricultural, open space character to a more industrial character. MM 4.1-1 through MM 4.1-3 requires the use of fence slats, drought-tolerant plants, debris removal, shielded lighting, and diffusion coatings to help soften the aesthetic effect of the project. However, even with these mitigation measures, the effects of the project cannot be mitigated to the point where the existing agricultural open space landscape character is preserved, while at the same time developing the proposed projects. Therefore, cumulative impacts on the visual character of the project sites and area would be significant and unavoidable.

Agriculture and Forest Resources

The proposed projects, specifically Sites 3 and 4 (the proposed project, and Tehachapi Solar 2), would convert 315 acres of Prime Farmland to nonagricultural use. The conversion of farmland to non-agricultural use would be limited in scope because project would not introduce a non-agricultural use that is sensitive to or incompatible with agricultural operations that would occur nearby. The conversion of Prime Farmland, while significant to the farmland located within Cummings Valley, is a small percentage of Prime Farmland existing within Kern County, and an even smaller percentage of Prime Farmland located within the state. While the applicant is proposing to graze animals on these sites, MM 4.2-1 would serve to reduce impacts to agricultural resources by preserving farmland outside the project site for lands that cannot be used for grazing activities. However, it would not entirely replace the lands presently used for agriculture and, therefore, the cumulative impacts would be significant and unavoidable.
Air Quality

In accordance with Kern County’s Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports (2006), geographic scope for cumulative air quality impacts includes projects within one and six mile radius of the various project sites. Kern County’s Guidelines require three steps for estimating the potential significance of cumulative impacts: (1) evaluate localized impacts (Guideline Instruction 16a); (2) evaluate consistency with existing air quality plans (Guideline Instruction 16b); and (3) summarize California Air Resources Board air basin emissions (Guideline Instruction 16c). These steps are analyzed in detail in Appendix C of the Final EIR.

As shown in Table 3-13, “Cumulative Project List” (refer to Chapter 3, “Project Description” of this Final EIR), 16 solar energy projects on a minimum of 8,875 acres are presently under development within the vicinity of the project sites, including the Rosamond Solar Array (1,177 acres), Rosamond Solar by SGS Antelope Valley, Willow Springs Solar Array (1,402 acres); Sinarpower, Inc., two Sunlight Partners, LLC projects; and WDG Capital Partners; and other projects. Notably, individual project construction-period emissions for the proposed project would not exceed Eastern Kern Air Pollution Control District thresholds. However, because there would likely be some overlap of construction periods for the various projects in the cumulative analysis, cumulative construction-period emissions are also likely to exceed thresholds of significance and result in cumulatively significant impacts. Based on the project-level analysis above, an exceedance of the thresholds of significance is most likely to be evident with NOx and PM10, CO, SOx, and VOCs are less likely to exceed thresholds because project-level impacts are far below thresholds.

### Site 3 Construction Emissions

<table>
<thead>
<tr>
<th>Construction Year</th>
<th>Criteria Pollutant Emissions (tpy)</th>
<th>With Water Control</th>
<th>With Palliative Control</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG  NOx  SOx  CO  PM1  PM2.0</td>
<td>PM1  PM2.0</td>
<td>PM1  PM2.0</td>
</tr>
<tr>
<td>Site 3 Construction</td>
<td>1.3  9.0  0.0  8.0  18.6  2.6</td>
<td>9.2  1.6</td>
<td>4.8  1.2</td>
</tr>
<tr>
<td>Exceed Threshold?</td>
<td>No  No  No  -  Yes  -</td>
<td>No  -</td>
<td>No  -</td>
</tr>
</tbody>
</table>

tpy = tons per year
Source: Rincon, 2011.

Operational period emissions for the project are negligible. Because the other projects in the cumulative analysis are similar in design and operation, their operational emissions are likely to be equally small. The development of solar power generation has positive air quality impacts by providing electricity that would otherwise come from other sources, a significant portion of which produce air pollution through the burning of fossil fuels. Overall, the projects in the cumulative analysis would create a minimal operational-period impact related to air quality.

### Site 3 Operations Emissions

<table>
<thead>
<tr>
<th></th>
<th>Criteria Pollutant Emissions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG  NOx  SOx  CO  PM10  PM2.5</td>
</tr>
<tr>
<td>Site 3 Operations (tpy)</td>
<td>0.0  0.0  0.0  0.0  0.1  0.0</td>
</tr>
<tr>
<td>EKAPCD Threshold (tpy)</td>
<td>25  25  27  -  15  -</td>
</tr>
<tr>
<td>Exceed Threshold?</td>
<td>No  No  No  -  No  -</td>
</tr>
<tr>
<td>Site 3 Operations (lbs/day)</td>
<td>0.01  0.02  0.0  0.10  0.98  0.10</td>
</tr>
<tr>
<td>EKAPCD Threshold (lbs/day)</td>
<td>137  137  -  -  -  -</td>
</tr>
<tr>
<td>Exceed Threshold?</td>
<td>No  No  -  -  -  -</td>
</tr>
</tbody>
</table>

Source: Rincon, 2011.
In summary, significant cumulative impacts from the proposed project, when considered with nearby, reasonably foreseeable planned projects, would potentially occur only during facility construction, as the majority of the proposed project emissions would occur during that timeframe. Minimal emissions and insignificant cumulative impacts would occur during operation of the proposed project facilities.

**Applicant’s Project Objectives**

The applicant has identified the following objectives to meet the primary purpose of the proposed project:

- Establish solar PV power-generating facilities that are of sufficient size and configuration to produce up to 214 megawatts (20 megawatts from the RE Tchachapi Solar project) of clean electricity in order to assist the State of California in achieving the 33 percent renewable portfolio standard for 2020 by providing a significant new source of renewable energy.
- Develop solar energy facilities in locations that optimize connection to the electrical grid, are close to customer loads, and are able to connect to existing power lines at or near the project site.
- Develop solar energy facilities that utilize a reliable and proven solar technology that is available, easily maintained, recyclable, environmentally safe, and requires minimal natural resources.
- Develop solar energy facilities that are economically feasible and commercially financeable.
- Develop solar energy facilities that take advantage of the climate of Kern County with sunshine and little rainfall, together with cool evening temperatures, occurring throughout the year.
- Produce and transmit electricity at a competitive cost in a manner that is commercially financeable.
- Minimize environmental effects by:
  - Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable;
  - Minimizing impacts to threatened species and/or endangered species, and other sensitive biological resources;
  - Locating the project facilities in an area with compatible zoning and land uses to the extent possible;
  - Minimizing water use;
  - Reducing greenhouse gas emissions; and,
  - Using technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.

**Alternatives**

CEQA requires an EIR to assess a reasonable range of project alternatives that would achieve the project objectives with less environmental impact than the proposed project. The alternatives to be considered should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, social, technological, and legal factors.

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

- Alternative A: No Project
- Alternative B: Reduced Project (Elimination of Sites 5, 6, and 7)
- Alternative C: Reduced Project (Elimination of Site 10)
- Alternative D: Reduced Project (Elimination of Sites 3 and 4)
- Alternative E: No Utility-Scale Solar Development – Distributed Commercial and Industrial Rooftop Solar Only
The discussion in the Final EIR presents a description of each alternative and focuses on the degree to which the identified alternative might accomplish the project objectives and would reduce one or more of the identified significant impacts to aesthetics, agriculture and forest resources, and air quality.

**Environmentally Superior Alternative**

An EIR must identify the environmentally superior alternative to the proposed project. Alternative A, the No Project alternative, would be environmentally superior to the proposed project on the basis of the minimization or avoidance of physical environmental impacts. The CEQA Guidelines state that if the No Project alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives” (CEQA Guidelines, Section 15126.6[e][2]).

The environmentally superior alternative would be Alternative E, or the No Utility-Scale Solar Development—Distributed Commercial and Industrial Rooftop Solar Only. This alternative would avoid all significant and unavoidable impacts that would occur under the proposed project. No substantially adverse and long-term impacts would occur to the environment as a result of this alternative. This alternative would also result in fewer impacts to aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, public services, traffic and transportation of the proposed project. Impacts to land use and planning, and utilities and service system would be similar to those of the proposed project. Impacts from noise generating activities would be greater than the proposed project.

**Findings (Exhibit A and B)**

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included for each significant and insignificant impact as identified in the Final EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, agriculture and forest resources, and air quality are included in the Statement of Overlaying Considerations. The Statement of Overlaying Considerations in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur. A Mitigation Measure Monitoring Program has been prepared and is attached for your review and consideration as Exhibit C.

**Public Comments on the Draft EIR – Response to Comments**

Staff received 66 written comments on the Draft EIR from federal, State, and local agencies, and from interested parties. These comments and responses have been provided to your Commission as Volume 3 Chapter 7 Response to Comments (RTC), of the Final EIR. A complete list of names of each commenter is provided on page 7-2 of Chapter of the Final EIR. Upon preparation of Chapter 7, Staff also identified additional text clarifications to the environmental document. These proposed changes are considered minor and do not change any conclusions identified in the analysis.

At this time, Staff would like to note that several common concerns were raised by many participants. The following offers a summary of those shared topics; however, each of the commenter’s concerns are addressed individually in the Response to Comments.
Aesthetics

Many commenters stated concerns that the projects would obstruct views of the surrounding area or change the aesthetic nature in the area. The EIR includes multiple visual simulations of each project site. As shown in the before and after simulations, solar panels and accessory structures would add new development that would substantially alter the existing visual environment. CEQA analysis focuses on any changes to the existing viewsheild. Staff notes that Kern County does not have an ordinance requiring protection of individual viewsheilds, and none of the ten projects are located within a scenic highway or corridor as defined by the State of California that would require additional analysis and potential mitigation. The Final EIR acknowledges that the introduction of the proposed solar facility on these sites would result in significant and unavoidable visual impacts to nearby sensitive viewers, even after the incorporation of six mitigation measures to address aesthetic impacts. As such, in order to approve the proposed project, a Statement of Overriding Considerations must be adopted. This is included as Attachment B to this staff report for your Commission’s consideration.

Agriculture

Commenters stated opposition to Sites 3 and 4 (RE Tehachapi and RE Tehachapi 2) due to the loss of agricultural land. As discussed in Chapter 4.2 of the EIR “Agriculture and Forest Resources,” implementation of the proposed project at Sites 3 and 4 would impact agricultural use on approximately 315 acres of active, prime farmland. However, the conversion of prime farmland at these sites to nonagricultural use would be limited in scope as noted in the EIR discussion above. Further, the project would be consistent with the goals, policies, implementation measures, and action programs of the Kern County General Plan (Goals 2, 3, and 5; Policies 7, 9, and 12) and the Greater Tehachapi Area Specific and Community Plan (GOAL LU.17 and Policy LU.39) that promote the preservation and use of available natural resources. Staff acknowledges that current agricultural uses would no longer occur on the project sites with the project as proposed; however, if the solar facility would cease operations the current Exclusive Agriculture (A) zoning and the County’s standard mitigation measure requiring a Decommissioning Plan and financial assurances (see Mitigation Measure 4.10-1) would promote the conversion of the site back to agricultural uses. Additionally, under Mitigation Measure 4.2-1 the project proponent would be required to mitigate for all lands under the panels, substation, transformer, inverter, and building foundations. The remaining land on the aforementioned sites is to be used for grazing. Even with these mitigation measures that address the project-specific loss of agricultural land, the EIR makes the finding that the cumulative loss of agricultural land is significant and unavoidable. As such, in order to approve the proposed project, a Statement of Overriding Considerations must be adopted. As previously noted, this is included as Attachment B to this staff report.

Staff also notes that while the conversion of the 315 acres of Prime Farmland can be perceived as a large area locally, the conversion of these acres should also be considered in the context of County and statewide land and agricultural production. In 2008 the State of California had 5,249,119-acres of Prime Farmland inventoried, with 626,217-acres located in Kern County. The project would constitute a 0.006 percent decrease in Prime Farmland statewide, and would constitute 0.05 percent loss of Prime Farmland within Kern County. It is also noted that less than 1.5 percent of the project site (3.08 acres) would actually be converted with impervious surface by construction and operation of the proposed project.

Biological Resources

Commenters stated concerns that the proposed projects would have a negative effect on biological resources. The Final EIR also acknowledges that several wildlife species including desert tortoise, Mohave ground squirrel, burrowing owl, Swainson’s hawk, American badger, and several other avian
species protected under California Department Fish and Game Code and/or the Migratory Bird Treaty Act, have the potential to occur on several of the project sites. Consequently, a total of ten mitigation measures are included for the project sites to address impacts on species identified as a candidate, sensitive or special status biological resources. These include, but are not limited to: (1) preconstruction surveys; (2) focused surveys; (3) buffer zones; (4) compensation land; and (5) compliance with California Department of Fish and Game Guidelines and Avian Power Line Interaction Committee Guidelines.

Other Comments

At this time, Staff would also like to note that a comment letter was received from Adams, Broadwell, Joseph, and Cardozo representing a group called Kern County Citizens for Responsible Solar. This group is an unincorporated association of individuals and labor unions including California Unions for Reliable Energy (CURE), Wesley L. Simpson of Rosamond, Ron Derbyshire of Tehachapi and Don L. Schultz of Ridgecrest. The letter and attachments are included in their entirety as Comment Letter #31 in the Final EIR, Chapter 7, Response to Comments. Each of their concerns are addressed in detail in the responses that follow their letter. However, the following summarizes several of that firm's additional concerns that were not addressed above.

Transmission Needs

The commenter stated that the transmission facilities were not adequately described in the EIR and that the EIR did not identify the interconnection substations or definite route for the transmission lines. Staff disagrees with this assertion. The Final EIR fully describes each project’s transmission needs: (1) Chapter 3, Table 3-2, includes the proposed interconnection points for each site; (2) pages 3-14 through 3-16, in the subsection titled “Interconnection to the State Wide Grid,” includes a description of the proposed generation tie-line routes for all ten project sites; and (3) the proposed points of interconnections (POI) are shown on the project site plans, included as Figures 1-7, 1-8, 1-18 through 1-21, 1-27, 1-31A, and 1-31B. The Final EIR describes the transmission infrastructure required to allow the sites an energy-only interconnection to the grid. This is an interconnection that allows delivery of power when there is adequate capacity in the system to transmit it. All transmission upgrades that are required to implement an energy-only interconnection are fully described in the Final EIR. As acknowledged on page 3-16 of the Final EIR, a full deliverability interconnection (allowing transmission of power that can be generated from the facility at any time is currently under study by the California Independent Service Operator (CAISO) Corporation for these ten sites. The scope and location of potential future upgrades to allow a full deliverability interconnection is not yet known. Further, these additional facilities may or may not be constructed, depending in part whether, and where, other new generation projects come on line. It would be speculative for the EIR analysis to predict the scope and location of potential facilities which may or may not be constructed, and the scope of which cannot be yet be predicted. However, as required by Section 15145 of the CEQA Guidelines, if, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Hazards Evaluation

The commenter states that the EIR fails to describe hazardous conditions on the ten project sites so that the public and decision makers can assess the project’s potentially significant impacts to public health. The commenter also argues that the EIR is insufficient because it does not contain a Phase I Environmental Site Assessment (ESA) to analyze impacts. Staff notes that CEQA requires that the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and other similar relevant information sufficient to permit full assessment of significant environmental
impacts by reviewing agencies and members of the public (CEQA Guidelines Section 15147). Neither CEQA nor the Lead Agency requires preparation of any particular Phase I as suggested by the commenter as part of the CEQA process.

The commenter further states that the lack of an ESA may have impacts on the analysis of potential contamination on Sites 5 thru 7 (Columbia, Columbia Two, and Columbia 3). The commenter contends that due to the Columbia sites’ proximity to a former heap leaching operation, there may be cyanide and heavy metal contamination. Staff notes that the former heap leaching operation was established for the Standard Hill mine as a pilot heap leach test facility and the environmental document prepared for said facility was approved on April 24, 1986 for a two year period. On October 8, 1987, an addendum environmental document was approved to expand the pilot program (i.e. allow a conditional use permit for a surface mine and reclamation plan in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975). It should also be noted mitigation associated with the mining operation included that construction of the leaching system be in accordance with the Regional Water Quality Control Board’s discharge requirements as set forth in Title 23, Chapter 3, Subchapter 15, California Administrative Code. This includes designing the system for zero discharge with double liner and capacity equal to 150,000 tons plus required freeboard for precipitation storage and one foot of dry freeboard. A sand layer was also required to be placed between the lines and a leak protection system installed. In 1994, the mine operator subsequently released their interest in a portion of the site to Granite Construction in order for that company to mine aggregate while the original operator retained the mineral lease on the area that contained the heap leach pad. All of these measures were designed to prevent the contamination of off-site soils and groundwater.

In August 2001, the mine operator completed reclamation of the site (excluding the portion under control of Granite Construction) and the County of Kern and the Bureau of Land Management subsequently agreed that the mine operator satisfied requirements as set forth in the approved reclamation plan. However, on July 22, 2010, the State Office of Mine Reclamation noted that the site could not be deemed reclaimed in accordance with SMARA until such a time as the Regional Water Quality Control Board rescinded their Waste Discharge Requirements permit and the groundwater monitoring wells were abandoned in compliance with State and local laws. It should be noted that the Regional Water Quality Control Board did not raise concerns during their review of the Draft EIR with regard to impacts of the heap leach pad on the Columbia sites.

As proposed, no on-site groundwater wells will be utilized on the Columbia sites. Nonetheless, mitigation measures MM 4.3-1 and 4.3-4 are designed to reduce air quality impacts from fugitive dust emissions and would reduce airborne dust to the greatest degree possible which should also serve to reduce the potential for any soil-borne pollutants to impact construction personnel.

**Water Supply**

The commenter states that the EIR fails to disclose impacts to regional water supplies and does not provide enforceable mitigation measures to ensure that the project has sufficient water supplies to serve the project activities. In response, Staff notes that impacts to water supply and its related effects to groundwater are discussed in two locations in the EIR (pages 4.9-34 and 4.9-35 in “Hydrology and Water Quality” and pages 4.14-21 through 4.14-27 in “Utilities and Service Systems”). As analyzed in both of these locations and as shown in revised Table 3-11 (Chapter 7, Response to Comments), construction water use would vary between sites and would total approximately 349.83 acre-feet of one time use. It is noted that the EIR contains an error by reporting 54,744 acre-feet of water would be used on an annual operational basis, when the actual total (based on the Water Supply Report as Appendix I) is considerably lower at 9,978 acre-feet per year (this correction is shown in the Errata
portion of Chapter 7). The ultimate source of water (be it potable, non-potable, recycled, or groundwater), would be determined by each of the individual water purveyors for the sites.

As stated on page 4.14-23 of the EIR, there are three water purveyors that could serve Site 3, with a variety of sources including recycled water, imported water, and groundwater. Overall water use at Site 3 would be greatly reduced from what is currently used on-site for agricultural purposes. The Cummings Valley Groundwater Basin is not known to be in an over drafted condition. Non-potable surface water supplies are available and in the recent past have been delivered to the project site for agricultural purposes by the Tehachapi Cummings County Water District. Recycled water supplies are also currently available from the nearby California Correctional Institute (CCI) water treatment facility. Potable water supplies will be provided by the Stallion Springs Community Service District (SSCSD).

All of the potential water purveyors are under no obligation to serve water to the project sites, and the EIR does not assume that sufficient water supplies are available. However, the overall use of water for construction purposes would be a short-term temporary use and as stated in the Final EIR, this demand (a portion of which but not all could be from groundwater and would be distributed across the three different groundwater basins) would not have a lasting significant effect on groundwater supplies. The annual demand for water at each site is very low, and it is anticipated that less than one acre-feet of potable water (which would include groundwater) for all sites except Site 10 would be used.

Staff notes that Mitigation Measure 4.14-1, as revised in the Response to Comments, would require that water agreements ensuring availability would be required for both short-term and long-term needs prior to issuance of building or grading permits (indicating that the project would not be built without them). The measure stipulates where recycled/untreated non-potable water is available that it be the primary source of water, in order to limit any impact to groundwater resources. Staff believes that given the relatively small amount needed, this requirement is sufficient in limiting impacts to groundwater basins, including the Antelope Valley groundwater basin, and no further mitigation is required.

Public Comments Received After Preparation of Response to Comments

Staff has notified all affected agencies, County departments, property owners within 1,000 feet of the project site, and interested parties that contacted Staff. In response to the approximately 160 hearing notices distributed for the RE Tehachapi Solar project, Staff received 14 comment letters. Copies of these letters are attached to this staff report for your Commission’s reference.

Southern California Gas Company submitted a letter stating that they had no comments or recommendations regarding the project.

Staff received two comment letters in support of the RE Distributed projects. Casey Malone expressed support noting that their land development company has recently employed five new employees due in part to the working relationship with the renewable energy industry. The Stallion Springs Community Service District (CSD) noted that Sites 3 and 4 (RE Tehachapi Solar and RE Tehachapi Solar 2) are within that District’s sphere of influence and overly their well basin. The Stallion Springs CSD Board supports both projects noting that the projects will mitigate the over-pumping of the Cummings Valley and alleviate some of the District’s water delivery challenges. However, their support is based upon the following provisions:

1) The County upholds the EIR which states that water usage will be no more than 2 acre feet per year; and
2) The County considers limiting renewable energy production, within the Cummings Valley, to these project because the District also supports the vitality of agriculture in the Cummings Valley.

Additionally, Staff received a letter from the Tehachapi-Cummings Valley County Water District. That District questioned the use of treated wood for the mounting and support piers and the possible impacts that could leach into the groundwater. Staff notes that the Final EIR states that the solar panel will be supported by steel or concrete pillars. Additionally, the applicant is proposing the use of steel poles to support powerlines as opposed to the typical wood poles.

Staff also received eight comment letters in opposition to Sites 3 and 4 (RE Tehachapi Solar and RE Tehachapi Solar 2). In addition to several concerns that are addressed in the Response to Comments section of this staff report, the commenters also raised concerns regarding the following topics:

**Lowering of Property Values**

Commenter's were concerned that the solar projects would damage property values. Regarding concerns with the lowering of property values, *CEQA Guidelines* provide that “economic and social effects of a project shall not be treated as significant effects on the environment” (Section 15131(a)). CEQA is concerned only with a project’s economic impacts where there is the potential for such impacts to result in an indirect physical impact to the environment. Accordingly, *CEQA Guidelines* Section 15131(a) provides that “intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effects. The focus of the analysis shall be on the physical changes.” Additionally there is no data available to suggest that solar projects cause devaluation to surrounding property. Staff notes that while the possibility of decreasing property values in the area of the proposed project is not an issue directly addressed by CEQA, it is a land use compatibility issue that is within the purview of your Commission to take into consideration. Furthermore, as a conditional use permit is required for approval of the project, the recommended conditions of approval are intended to ensure that the project complies with all applicable laws, ordinances, and regulations in addition to offering the necessary assurances to area residents that it will not adversely affect their properties. Additionally, the conditions of approval will ensure that the project will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity. A study entitled, *The Effect of Wind Development on Local Property Values*, was completed by the Renewable Energy Policy project, in May of 2003. This study included an examination of land in eastern Kern County. This study found that wind development did not affect property values for land within the viewshed of the development. Development of wind projects generally had a greater impact on the environment than solar projects due to the height of the turbines and the spinning components. If wind development with turbines greater than 400 feet in height and spinning blades does not affect property values, it can be reasonably asserted that PV solar panels also would not affect property values. A copy of this study is included as Attachment D to Chapter 7, Response to Comments, of the Final EIR.

**Reflection and Glare**

Several commenters raised concern that the glare of the solar panels would negatively affect their lifestyle and property values. Staff notes that the RE Tehachapi Two Solar site is the closest of the two proposed projects to the commenter’s residence (site is approximately two miles to the south). Based on the fact that the projects would have south-facing panels, there would be minimal glare issues for the properties in question. By design, solar panels absorb rather than reflect light, thereby resulting in only minimal glare. A solar panel comprises numerous solar cells. A solar cell differs from a typical reflective surface in that it has a microscopically irregular surface designed to trap the rays of sunlight for the purposes of energy production. The intent of solar technology is to increase
efficiency by absorbing as much light as possible (which further reduces reflection and glare). Solar glass sheets (the glass layer that covers the PV panels) are typically tempered glass that is treated with an anti-reflective or diffusion coating that further diffuses the intensity of glare produced. The reflection of sunlight is the primary potential producer of glare off the glass surfaces of the solar panels in the proposed project. Panels would reflect less than half the light reflected by typical residential or commercial glasses. This comparison is included solely to provide a way to imagine the effect of the proposed project. As described in Chapter 3, “Project Description,” the project would use trackers. Trackers allow the panels to follow the sun in its path from east to west across the southern sky as the day progresses. These devices orient the solar panels perpendicular to the incident solar radiation, thereby maximizing solar cell efficiency and potential energy output. During midday conditions, when the sun is high in the sky, the law of reflection indicates that the reflected ray would be at an equally low angle and reflected in a direction toward the light source or back into the atmosphere away from receptors on the ground. When the sun is low on the horizon (near dawn or dusk), the sun’s angle in the sky is low; however, reflected rays would still be directed away from ground-level receptors. Nonetheless, impacts related to glare and reflectivity of solar panels are discussed in-depth on Pages 4.1-104 through 4.1-108 of the Final EIR. The project also incorporates MM 4.1-4 through 4.1-6 to minimize nighttime lighting, maximize use of non-reflective building materials, and design solar panels and hardware to minimize glare and spectral lighting (a source of polarized light pollution), which could also serve to reduce effects of polarized light pollution. Concerns regarding property values are addressed above.

**Project Abandonment**

Comments were received stating concerns with site abandonment. Staff acknowledges this concern and, therefore, Mitigation Measure 4.10-1 has been incorporated that requires the project proponent submit a Decommission Plan to the Kern County Planning and Community Development Department for review and approval, prior to issuance of any building permits. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining vacant land. The assumption, when preparing the estimate, is that the project proponent is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work. In addition to submittal of a Decommission Plan, the project proponent shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time the project proponent determine it is not in their best interest to operate the facility. The plan would be carried out by the proposed proponent or a County-contracted consulting firm(s) at a cost to be borne by the project proponent.

**Relocation of Solar Projects to Desert Regions**

Commenters stated that it would be more appropriate for solar facilities to be located in the desert regions, however, only if a complete complex EIR is prepared. Project sites are selected based on criteria such as: proximity to existing transmission lines or substations, zoning appropriate for the proposed use, surrounding uses which may be incompatible, legal access, and potential environmental issues. As previously mentioned, the RE Tehachapi Solar and RE Tehachapi Solar Two sites were included in the applicant’s submittal of the “RE Distributed Solar Project” which consisted of ten different PV solar projects for ten facility sites, totaling 1,709 acres on seven separate and noncontiguous parcels in the southeastern portion of Kern County. This includes sites within the desert region. The Final EIR prepared for these projects was in accordance with CEQA Guidelines and includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed projects.
Economic Impacts

One commenter expressed concerns that the “historical economic woes of solar projects” would negatively impact the economic vitality of the Tehachapi area. Staff notes that the CEQA Guidelines provide that “economic and social effects of a project shall not be treated as significant effects on the environment: (CEQA Guidelines Section 15131). CEQA requires that a project’s economic impacts only be considered where there is the potential for such impacts to result in an indirect physical impact to the environment. Accordingly, CEQA Guidelines Section 15131 provides that “intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” In addition, the life of the project is estimated as 30 years after which the use may continue, or be decommissioned and used for other proposes, including agriculture. No zoning changes, Specific Plan Amendments, or General Plan Amendments would be required for development of solar facilities at these sites, and they could be redeveloped consistent with allowable uses, in the future.

Continued Farming Activities

Commenters stated that Grimmway Farms has expressed interest regarding the project sites; specifically, in purchasing the properties for use in organic farming. At this time, Staff cannot confirm that statement as the commenter(s) did not provide supporting documentation from Grimmway Farms. A commenter also proposes a process for conversion of the land for use as organic farming. Comments were also offered regarding how Grimmway Farms establishes weed control procedures compared to the proposed use of grazing by the solar project. Their concern is that sheep do not eat two of the most troublesome weeds, and therefore, these species would grow out of control and pose additional hazards if blown over the security fence. Staff notes that Mitigation Measure 4.2-1 (as revised) does not limit grazing to sheep. Nonetheless, the project proponent shall prepare and submit an Agricultural Management Plan to the Planning and Community Development Department for review and approval. This plan shall include, among other items, a list of plant species to be utilized for seeding purposes, performance standards for grazing, monitoring reports, and a contingency plan to identify steps to be taken should the grazing operations not be successful. Additionally, Mitigation Measure 4.1-1 requires the project proponent to clear debris from the project area at least twice per year. However, signs shall be erected with contact information for the project proponent’s maintenance staff at regular intervals along the site boundary, and they shall respond within two weeks to resident requests for additional cleanup of debris.

Staff also received meeting “Minutes” from the Stallion Springs Community Service District and the Tehachapi Cummings Land Trust. Staff notes that minutes are a record of proceedings of a deliberative assembly and since they were not presented to the County for action, no response is required at this time.

Memorandum of Understanding

Section 53091 of the California State Government Code provides an exemption from local building and zoning ordinances for a city or county project that includes the location or construction of facilities for the production or generation of electrical energy, among other uses. In addition, utility companies regulated by the California Public Utilities Commission have specific exemptions for transmission lines and other generating facilities. Mandates for renewable energy projects have made commercial solar and wind projects an attractive investment for utilities, cities, and counties. To ensure conformance to the land use regulations adopted and implemented by this County, past projects have included a Memorandum of Understanding/Agreement that binds any buyer or operator to agree to be bound by the Kern County Zoning Ordinance, including Kern County building permit requirements, the conditions of the conditional use permit, and the Mitigation Measure Monitoring Program.
regardless of any exemption they may have under Section 53091. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. The Agreement, signed by the applicant, is attached for your review.

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

Staff notes that Kern County represents a unique opportunity for the development of commercial solar facilities. Due to favorable climatic conditions and an abundance of open space, large scale use of solar energy represents a major potential energy resource. Solar energy is a renewable resource that has been used in other areas of the County and in Europe, to reduce the need for natural gas, petroleum, and coal based power plants. This reduces the need for nonrenewable resources, as well as reducing the emissions of greenhouse gases.

The Board of Supervisors recently approved a Kern County Renewable Energy Goal for the production of ten gigawatts from wind and solar facilities by 2015. This goal would include projects in all Kern County jurisdictions: cities, school, and water districts; and would create an estimated 8,000 construction jobs, 1,500 operational jobs, and up to 25 billion dollars of investment in the County’s future, as well as provide power for over seven million people. Pursuing this goal sends a clear message that Kern County is committed to encouraging the private and public sector investment needed for economic growth through the appropriate siting and construction of quality renewable energy projects. Staff notes that the proposed project would provide up to 108 construction jobs. No full-time jobs would be required. Additionally the project would add 20 megawatts to the County’s renewable portfolio.

Staff believes this project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities, such as Southern California Edison to increase their sale of electricity produced by renewable energy sources to 33 percent.

It is Staff’s opinion that there is adequate justification for the Planning Commission to find that the public benefit resulting from implementation of the project would outweigh the objectives of Chapter 3. The project site will not be converted to urban use; therefore, approval of this request should not affect urban development patterns. Because the small number of employees at the proposed facility should not require new commercial amenities near the project site, surrounding agriculturally-zoned land and uses should not be disrupted.

Staff believes that the proposed PV solar facilities are compatible with the nearby agricultural uses and is consistent with the agriculturally zoned district. The site is not located within a FEMA designated Flood Zone. The site is highly disturbed and unable to be used as habitat for native species. The site is situated to take advantage of an existing 66kV generation tie-line along Highline Road. The Zoning Ordinance allows for construction of solar energy electrical facilities within the A District with the approval of a conditional use permit. The project is compatible with the policies and programs of the Greater Tehachapi Area Specific and Community Plan and does not appear to be in conflict with any adopted land use plan or policy. Staff also notes that any changes or expansions of the proposed project would require the applicant to obtain a modification to this conditional use permit or a discretionary approval of a new conditional use permit, which may include additional environmental review. Conditions of approval have been added which would ensure future impact is less than significant.

Staff also believes your Commission, pursuant to Section 19.104.040 of the Kern County Zoning Ordinance, can make the necessary findings to approve the conditional use permit request. Implementation of the conditional use permit in accordance with the proposed mitigation measures and recommended conditions of approval will not be materially detrimental to the public health,
safety, or welfare or to property or residents in the vicinity. The project is located in an area with
sparse habitation and a history of projects involving large amounts of land disturbance and alterations
in visual character, including the California Correctional Institution. The farming operations taking
place on the project site are water-intensive, and the proposed use will use significantly less water. The
recently prepared Greater Tehachapi Area Specific Community Plan identified water issues throughout
the area, and determined that there would not be enough water available for the future full build out of
the Plan.

The following table summarizes the project water demand associated with the Tehachapi and
Tehachapi 2 projects and shows water demand for construction activities, establishment of
landscaping, the ongoing water demand for cleaning of solar photovoltaic panels, and ongoing
non-potable water demand for other onsite operation and maintenance activities. The total annual demand
for operation and maintenance is also shown.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Water Demand Projections</th>
<th>Tehachapi and Tehachapi 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Acre-feet)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction 1</td>
<td>Operation and Maintenance</td>
</tr>
<tr>
<td></td>
<td>Activities</td>
<td>Landscape</td>
</tr>
<tr>
<td>Tehachapi (20 MW)</td>
<td>3.19</td>
<td>3.42</td>
</tr>
<tr>
<td>Tehachapi 2 (20 MW)</td>
<td>3.19</td>
<td>3.33</td>
</tr>
<tr>
<td>Total (40 MW)</td>
<td>6.38</td>
<td>6.75</td>
</tr>
</tbody>
</table>

1 Total water demand need to complete construction of the proposed facility. Landscaping estimates the establishment
period water demand generated by the proposed onsite landscaping design. Water demand estimates for landscaping
assume that the entire perimeter of the site is landscaped with a 15-foot buffer, which equate to 158,250 square feet (3.63
acres) for Tehachapi and 154,200 square feet (3.54 acres) for Tehachapi 2. Assumed a Maximum Water Allowance of
0.94 acre-feet per acre using an ETa factor of 56.73 as set forth in Table 2-1 of the Tehachapi RUWMP.
2 Annual water demand needed to clean solar panels 4 times per year. Assumes that each cleaning requires 3.375 gallons
per megawatt.
3 Annual water demand for ancillary activities.

Turf and sod farming is not a high value crop, and the area was previously proposed for a suburban-
density housing community. There is a mitigation measure requiring a 1:1 for net acreage lost prior to
conversion to address the change in land use. The proposed project represents a highest and best use of
land in the area. The site is less than 1/4 mile from a major transportation corridor, allowing for an
efficient delivery of project components. The project would result in increased tax revenues for the
County for its estimated 20-year lifespan. These conditions are intended to ensure that the project
complies with all applicable laws, ordinances, and regulations in addition to offering the necessary
assurances to area residents that it will not adversely affect their properties. Staff, therefore,
concludes that the conditional use permit aspect of the request sufficiently demonstrates compliance with the
necessary findings.

Staff has reviewed the project with regard to compatibility with renewable energy, land use
compatibility, and environmental concerns. It is Staff's opinion that the Final EIR prepared for this
project is a comprehensive document with the best available information at this time which details the
environmental effects of the project on surrounding land use. The Final EIR includes 47 mitigation
measures, of which 42 are applicable to the RE Tehachapi Solar project, that provide for the protection
of the environment and provide funding for impacts to public services. CEQA requires that all
feasible and reasonable mitigation be imposed on projects to reduce the impacts on the environment.
Staff also concludes the Final EIR fully complies with CEQA and these clarifications and
modifications do not meet any of the conditions of CEQA Section 15088.5. No new information has
been provided or feasible project mitigation rejected or environmental impact increased in severity that
would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in the Section 15091 Findings of Facts, Section 15093 Statement of Overriding Consideration, and Mitigation Measure Monitoring Program for this project. Based on the aforementioned analysis, Staff is recommending that your Commission approve of the project as requested.

PUBLIC INQUIRY OR CORRESPONDENCE: Southern California Gas Company; Stallion Springs Community Service District; Tehachapi-Cummings County Water District; Tehachapi Cummings Land Trust; Sharon Bank; John Canizo; Marianne Canizo; James Colozzo; Casey Malone; Michael McCallion; Chuck McCollough; Angela Muvehill; Socorro Schmidt

CEQA ACTION: Environmental Impact Report

DEPARTMENT RECOMMENDATION: Certify the Environmental Impact Report; adopt Section 15091 Findings and Section 15093 Statement of Overriding Considerations; adopt the Mitigation Measure Monitoring Program; approve conditional use permit as requested, subject to the listed conditions of approval; approve the Memorandum of Understanding/Agreement and authorize the Board of Supervisors Chairman to sign; and adopt the suggested findings as set forth in the attached Draft Resolution.

CMM:MAH:je

Attachments
Maps
Comments
October 14, 2011

Kern County Planning Dept
2900 M Street, Suite 100
Bakersfield, CA 93301

Re: 10/14/2011 Various Projects

<table>
<thead>
<tr>
<th>Notice of Public Hearing (NOPH) 11221 Famoso Porterville Hwy - MAYES</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOPH 2230 and 2326 Welch Drive - THOMSEN</td>
</tr>
<tr>
<td>NOPH 26529 Kimberlina Rd - MAYES</td>
</tr>
<tr>
<td>NOPH 1401 Skyway Drive - DMOHOWSKI</td>
</tr>
<tr>
<td>NOPH 25072 Hwy 33 - MAYES</td>
</tr>
<tr>
<td>NOPH 31139 Seventh Standard Rd - GOLDEN</td>
</tr>
<tr>
<td>NOPH 3127 East Panama Lane - MAYES</td>
</tr>
<tr>
<td>NOPH SWC McCoy Ave and Sherwood - VASQUEZ</td>
</tr>
<tr>
<td>NOPH 2807 and 2765 Park Avenue - MAYES</td>
</tr>
<tr>
<td>NOPH 1848 HWY 58 - GOLDEN</td>
</tr>
<tr>
<td>NOPH W 10th Street West - KOPP</td>
</tr>
<tr>
<td>NOPH Hwy 14, Holt St, etc - KOPP</td>
</tr>
<tr>
<td>NOPH SE Purdy Ave and Holt - KOPP</td>
</tr>
<tr>
<td>NOPH SW HIGHLINE Rd and Bailey Rd - KOPP</td>
</tr>
<tr>
<td>NOPH 14819 Warren Street - VASQUEZ</td>
</tr>
<tr>
<td>NOPH 56533 Hwy 58 -HALL</td>
</tr>
<tr>
<td>NOPH 2 Miles W/Backus Rd and Tehachapi Willow Springs Rd - KITCHEN</td>
</tr>
<tr>
<td>NOPH 28381 Braeburn PI - MAYES</td>
</tr>
<tr>
<td>NOPH 13573 Tehachapi Blvd - VASQUEZ</td>
</tr>
<tr>
<td>NOPH 16237 Rowlee Rd -MAYES</td>
</tr>
<tr>
<td>NOPH - 1654 Calloway Drive - DMKOHOWSKI</td>
</tr>
</tbody>
</table>
Southern Region Transmission, a division of Southern California Gas Company, has no facilities within your proposed improvement. However, their Distribution department may have some facilities within your construction area. To assure no conflict with the local distribution's pipeline system, please contact them at (559) 739-2312.

Sincerely,

Rosalyn Squires
Pipeline Planning Assistant
Transmission Department
Kern County Planning and
Community Development Department
Lorelei Oviatt, Director
2700 M Street, Suite 100
Bakersfield, CA 93301-2370

October 20, 2011

Dear Ms. Oviatt,

At the Stallion Springs Community Services District Board meeting of October 18, 2011, the Board of Directors voted to support the RE Distributed Solar Project. Our comments are specifically relevant to Site 3 (Tehachapi Solar) and Site 4 (Tehachapi Solar 2) – the sites within our sphere of influence.

The support of the Board reflects our responsibility to provide residents with water for domestic use. The two projects overlap our primary well basin. According to the EIR, both projects are projected to use less than 2 acre feet of water per year. This is a significant decrease from the historical use of the current property owner which is 800 to 1200 acre feet of annual usage. This “known land use” will provide a more stable water resource for the Stallion Springs CSD.

The District’s support is based upon these provisions:

1. The County upholds the EIR stated water usage of no more than 2 acre feet per year;
2. The County considers limiting renewable energy production, within the Cummings Valley, to this project.

The RE Distributed Solar Project (Sites 3 and 4) fits into the water provision goals of the District. We believe the proposed land use will mitigate the over-pumping of the Cummings Valley and alleviate some of our District’s water delivery challenges. Please understand that we support the vitality of agriculture in the Cummings Valley and do not anticipate supporting additional projects.

If you require further clarification, please contact our General Manager, Mary Beth Garrison at 822-3268.

Sincerely,

[Signature]
Sandra Young
President, Stallion Springs CSD

cc: SSCSD Board Members, 2nd District County Supervisor Zack Scrivner, Craig Murphy, Charity Wagner, Dick Considine

27800 Stallion Springs Dr. Tehachapi, CA 93561 — www.myscsd.com — Tel 661-822-3268 | 661-822-1878 Fax
October 25, 2011

Sara Kopp, Planner 3
Kern County Planning and Community Development Dept.
2700 M Street, Suite 100
Bakersfield, CA 93301

Re: RE Tehachapi Solar and Tehachapi Solar 2 (PP10266)

Dear Ms. Kopp:

I read the following in the DEIR:

System installation would begin with teams installing the mounting and support structures, which would incorporate steel/concrete piers. The exact design would be finalized pending specific soil conditions, and the methods may include (but not limited to) pile driving and/or vibration screw piles and above ground ballast foundations.

Do you know what material will be used for the piles? If they are pressure-treated wood, what chemicals will be used to treat the wood? Will arsenic be used? Will any other chemicals be used that could leach into the groundwater?

Thank you for your response.

Sincerely,

John Martin
General Manager
October 21, 2011

Ms. Sarah Kopp
Planner II
Kern County
Planning Department
2700 “M” Street Suite 100
Bakersfield, CA 93301-2323

Dear Ms. Kopp,

I am writing this letter to express my support for the RE Distributed Solar Projects being proposed by Recurrent Energy that will be discussed during the November 11th Planning Commission meeting to address comments on the DEIR that was released in July, 2011. These are important projects that will advance the goals of California’s Renewable Portfolio Standards. It is exciting to see the pace of development in the renewable energy sector, which has positioned California to be a world leader in the development of utility scale solar and wind power.

I work for a land development company that until the housing market crash has focused on traditional tract home development throughout Southern California. We were left with significant land holdings in areas around Mojave and Rosamond. During the recession when all home building had ceased, it was renewable energy companies like Recurrent who began knocking on our doors to purchase these properties for solar energy development. As my boss puts it, it was the renewable energy industry that has kept the lights on. We have now developed close working relationships with many of the leading renewable energy companies helping to acquire viable sites and lending our expertise in the permitting process. Our Company is now growing along with the solar and wind industries. We have added 5 new positions over the past few months while many other companies have remained stagnant in the hiring of new employees. The growth of this industry will also supply thousands of much needed construction jobs throughout the state as well as provide much needed income to the state in the form of property and income taxes.

Our success as well as many other firms can be directly attributed to this burgeoning industry as companies from around the nation and the world flock to California to tap the clean abundant sources of energy unique to our state and especially Kern County.

Sincerely,

Casey Malone

11282 Vista La Cuesta Drive, San Diego, CA 92131
caseypmalone@hotmail.com (619)895-1836
Ms. Sara Kopp, PlannerIII  
Kern County Planning and Community Development Department  
2700 M Street Suite 100  
Bakersfield Ca 93301  

Re: SCH2011011105RE Tehachapi Solar and RE Tehachapi Solar 2  

Dear Ms. Kopp:  

I have lived in Tehachapi since 1999, and I am extremely apposed to the solar site proposed to be built in Cummings valley as it would be an eyesore and a Ruin forever valuable farmland, it would damage my property values as it would destroy the country atmosphere of Tehachapi, the solar project would not be conducive to a rural life style for which I came here for. Vineyards have taken hold in this area and will expand in time increasing property values. The solar project will only lower them and eliminate employment.  

I ask you to not allow this project to be built in the Cummings valley of Tehachapi and help preserve the natural beauty of the area for future generations. You never know you might want to live here someday often the natural beauty of an area is sacrificed for the profit of a few.  

Sincerely:  

[Signature]  

Angela Muvchill  
22601 Pheasant Ct.  
Tehachapi CA 93561
Ms. Sara Kopp, PlannerIII
Kern County Planning and Community Development Department
2700 M Street Suite 100
Bakersfield Ca 93301

Re: SCH2011011005RE Tehachapi Solar and RE Tehachapi Solar 2

Dear Ms. Kopp:

I have lived in the hills above Cummings valley since 1992, and I am vehemently opposed to the construction of an solar plant in Cummings valley as it would be an eyesore and a waste of valuable farmland, it would damage my property values as the whole purpose of living in Tehachapi was to escape the overdevelopment and industrialization of the surrounding landscape and for a better way of life this solar project would not be conducive to this as I would be looking at it every time I look out my windows and I am afraid that the reflection or glare from the sun would hinder me from ever selling my house in the future if I chose to do so.

I implore you to not allow this solar project to be built in the valleys of Tehachapi and help preserve the natural beauty of the area, much to often the natural beauty of an area is sacrificed for the profit of a few.

Sincerely:

[Signature]
Marianne A Canizo
22680 Pheasant Ct.
Tehachapi CA 93561
October 4, 2011

Ms. Sara Kopp, Planner III
Kern County Planning and Community Development Department
2700 M Street Suite 100
Bakersfield CA 93301

Regarding: SCH2011011005 RE Tehachapi Solar and RE Tehachapi Solar 2

Dear Ms. Kopp:

I as a long time home owner in the foothills of Cummings Valley I strongly oppose the proposed solar projects proposed for Cummings Valley and urge the planning department to reject this project because of the following reasons:

I built my home in Cummings/Bear Valley in 1994-1995 because of the rural nature of the area. Because of this project Cummings Valley would be permanently destroyed and severely impacting my property values and as if it has not been impacted enough already due to the very poor economy and creating a major visual and physical blight that cannot be mitigated by any type of shielding and making out side activities almost impossible for home sites due to the reflective qualities of the solar panels, transmission site and supporting equipment.

Cummings Valley consists of very rich farm land that would be lost forever with a net loss of job in the area. With the continual loss of farm land over time will increase the cost of agricultural food products, this Country can ill afford to continually rely on other County’s for our food production.

Wind turbine and Solar sites should be relegated to the deserts as the soils are very poor and the deserts are not historically farmed and there would minimal impact on the surrounding communities.

Historically the argument that the construction of said sites brings in jobs to the community is a falsehood as the construction companies are from out of state as are their construction crews, I know this to be true as my son in law is a project manager for a major turbine manufacturer and solar sites require minimal personnel to maintain them.

There have been wind energy sites that have gone bankrupt after they were built in Tehachapi and were abandoned and became eyesores for many years, who is to say this cannot happen to the solar sites in question especially if the federal government at some
time in the future withdraws tax credits or funding who is going to clean the abandoned site up?, Probably not the developers as many sites are sold to 2nd parties after construction.

It is surprising that the Bakersfield Californian and the Tehachapi News have not had major rite ups about this proposed project, although the Tehachapi news is owned by the Bakersfield Californian, other stories and advertising always seem to bump anything about this project. According to smart growth – Tehachapi valleys. I wonder if there is a concerted effort to slide this project past the general public as most do not know what an Environmental Impact report is and with out a rite up in the local papers they wouldn’t know about this project.

In closing I urge your department to reject this project based on the reasons given above and for the preservation of the Tehachapi valleys and the coverall quality of life here as else where in Kern County, should you like to speak with me further on this subject I can be reached at the phones listed below

Sincerely and Respectfully;

John M Canizo
22701 Pheasant Ct.
Tehachapi Ca. 93561
661-821-6622 Hm
661-599-1151 Cell
October 3, 2011

Kern County Planning and Community Development Department
Attn: Ms. Sara Kopp, Planner 3
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Reference: Project Title: RE Distributed Solar Projects (PP10266)
Conditional Use Permit 75, Map 164; (RE Tehachapi Solar by Tehachapi Solar LLC);
Conditional Use Permit 76, Map 164; (RE Tehachapi Solar 2 by RE Tehachapi Solar 2 LLC)

Dear Ms. Kopp:

I am writing to express my opposition to the Proposed Solar Project known as RE Tehachapi Solar and RE Tehachapi Solar 2.

I moved to the Tehachapi area because of the rural charm of the location. It is mostly free of major developments and maintains a country atmosphere. The area of the proposed solar project is in the Cummings Valley. This is an agricultural area that adds to the rural charm of the Greater Tehachapi Area.

With the proposed solar development this farmland would be converted to electricity production. This is a bad idea. We would be turning land used for food production into an electric generator. As seen with the current situation with ethanol, where we use corn for fuel instead of food, prices for corn based food products have skyrocketed. The same would happen with the farmland in the Cummings Valley. Produce prices would go up because there is less land for food production. With this development the natural beauty of the Cummings Valley would also be destroyed.

With the large expanse of desert nearby, these areas would be more suited for solar projects. They have more ground area for solar collection and have less adverse weather conditions. The Cummings Valley gets snow which would shut down solar production for varying times in the winter. The desert gets rain but this will not significantly reduce solar production. I hope this is not a situation where the developers can bypass Environmental Impact Reports because they are converting farmland to other uses. If they try to develop the desert they have to complete complex Environmental Impact Reports before they can build. Using farmland for solar production is not using common sense. Solar has not been proven to be viable according to capital markets. Without the government subsides solar is not a going concern. Just look at the case of Solyndra in Northern California. Without government subsides, they could not survive, even with government backed loans they could not survive. Why do we think this solar project will survive without government subsides? If this project fails, what will happen to the carcass of the solar facilities? Will they be deteriorating wrecks of a bad idea.? When a mine goes into operation, regulations require that the location must be returned to the previous state after mining operations cease.
Will their be these type of restrictions on this solar project? If this project fails will the developers put up a bond so that the land would be returned to its previous state, farmland? If political change happens in Washington DC and subsides are cut or eliminated, what will happen to this solar project? This project might create some temporary construction jobs but how many permanent jobs will it create? Will these jobs come from the local area, out of county or out of state? Once a solar project is complete their is not much need for permanent jobs, all you really need is a person with a truck, squeegee and glass cleaner to keep the operation going. Is this the type of permanent job that is expected? How many agricultural workers will lose their jobs because of this solar project? Many questions need to be asked and answered.

In my opinion this project causes more concerns and problems than it's worth. Kern County has always been the crutch for Southern California and they keep taking more from us to supply their energy and waste appetite.

In this slow economy, development and planning have to be careful not to ultimately cause blight in the zeal for tax revenue. I agree that progress is important but it should not be at the expense of common sense.

Thank you for your time and consideration.

Sincerely,

James T. Colozzo
Tehachapi, California
Gentlemen:

I am writing in opposition to two photovoltaic projects proposed for Cummings Valley. Namely; RE Tehachapi Solar, LLC_CUP75, Map 164 and RE Tehachapi Solar 2, LLC_CUP76, Map165.

Cummings Valley, in its present state, is some of the finest organic farmland in the county. It supports many workers and produces a wealth of goodness for many people. Agriculture is the highest use the can be made of this beautiful setting. To allow the industrialization of this place would be a travesty of the highest order. When I say industrialization I mean what I say. This solar energy project is industry plain and simple. It has no place in Cummings Valley!

These proposals would forever change the face of the valley for once agriculture is lost it never returns. There is a high likelihood that these projects will be ephemeral. They are based on the assumption that energy prices will remain high and that the tax subsidies they are based on will continue. Doubtful in both cases.

I urge you to deny these two projects as unworthy of Cummings Valley.

Yours Truly,
Michael McCallion
Cummings Valley Resident
661-823-1819
The agricultural land of Cummings Valley is highly productive. We buy from Grimmway organic every year. We also have vineyards going in the valley. The damage from the solar panel to the land would be a great loss of productive land. This project brings nothing but damage to the land. What about the people who bought for a view and the loss of value of their property. You can not hide solar panels and were is the transfer station going to be. This project does not bring in jobs. Just brings in lose of the value to the land. I feel they should put them in the desert were the rest of the solar panels are going not in the middle of a productive valley.

Thank You

Sharon Bank
28220 Bear Valley Way
Tehachapi, Ca. 93561
October 26, 2011

Kern County Planning Department
2700 M Street, Suite 100
Bakersfield, California

Gentlemen:

RE Tehachapi Solar LLC--CUP 75, Map 164 and RE Tehachapi Solar 2, LLC--CUP 76

The area in question is agricultural and must remain so. Like so much of Kern County, it is prime farmland with access to a good water supply. Nearby acreage is devoted to organic farming, an increasingly popular and profitable agricultural commodity. Also nearby are vineyards. They, and the tourism they bring, are new and developing businesses in our area. They fit in beautifully with the residential properties which surround them.

You must agree that a greater economic vitality exists in the sister valleys of the Tehachapi area than is seen in most of the balance of Kern County. The latest unemployment figures for the county confirm that only Ridgecrest has lower unemployment than does Tehachapi. In recent years the City of Tehachapi has taken a proactive roll in bettering its circumstances; the positive impact is clear to all.

On the other hand, solar energy projects have historically suffered from economic woes. Except during construction, they furnish minimal employment and most people regard them as a blight on the landscape. At the present time, solar projects do not generate much in the way of tax revenues; neither do they generate much electricity. The industry has a poor efficiency rating. One can well consider the industry to be in the experimental stage.

The county should not take prime farmland out of production for the foreseeable future to make room for an experimental industry. California is a large state and has other less valuable lands available for such endeavors.

Of late, one is inclined to think that government at all levels is funding clean energy projects of dubious value. Increasingly troubling is the fact that the County of Kern possess some of the richest agricultural lands to be found worldwide, yet it does not value them nor declare them out of bounds for solar developments.

When an area is doing better than most during these economically troubled times, please do not tamper with that dynamic.

Very truly yours,

(Mrs.) Socorro Schmidt
211 West Valley Boulevard
Tehachapi, California 93561
November 1, 2011

Ken County Planning and Community Development Department
Lorelei Oviatt, Director
2700"M" Street, suite 100
Bakersfield, CA 93301

Re: Alternative to Cummings Valley Solar Project.

Dear Sirs:

Grimmway Farms has written me that they are very interested in purchasing the Superior Sod Co. acreage proposed for the solar project to expand their production of organic vegetables, if at reasonable farmland price. My understanding is that at least three years are required to return soil to organic status following termination of use of chemical fertilizers and pesticides.

There are currently 600 acre-feet per year of tertiary treated effluent available at little cost from CCI, with the turnout connection adjacent to the Superior Sod acreage. If Grimmway were to use this effluent during conversion to organic, there should be no need to pump from the aquifer. Crops grown during this time could be for animal feed.

With cessation of sod growing, water levels in the Stallion Springs wells have recovered comfortably. Another three years of no agricultural pumping should improve the aquifer condition substantially. In addition, there is a general rule that 15% of irrigation water percolates to the aquifer, so use of the effluent would contribute to the recovery.

A subsequent balance of State Project water and well water could be needed to ensure farming economics and maintenance of supply to Stallion Springs.

Anyone visiting Cummings Valley has to be impressed by the beautiful farming practices of Grimmway Farms. No weeds, and all tilled and cover cropped at the end of the growing season. It should also be noted that they are not irrigating all year as did the sod farms.

In contrast, the Recurrent Energy proposal is to control weeds by sheep grazing. Sheep do not eat the two most troublesome weeds – Tumble Mustard and Russian Thistle Tumbleweed. In the frequent wind storms these would be expected to blow across the valley, seeding farmland, or pile up against any fences until they go over the top and pose driving hazards and problems for farms. And how would blowing dust be controlled?

Please recommend that the solar project not be approved. Alternatives that will preserve this unique and irreplaceable farmland while accommodating the Stallion Springs water needs surely exist and must be fully evaluated without pressure.

Chuck McCollough
Recurrent Energy Comments from Sept. 20, 2011 Board Meeting

Comments Supporting the Project:

- Significantly less water will be used by the Solar Project than has been historically used by the current property owners: 1200 acre feet vs. 2 acre feet;
- 200 Construction jobs to build the solar project;
- 1:1 Land Mitigation (conservancy) requirement;
- No sound impact: panels function quietly;
- No traffic impact: preserving roadways/lack of congestion.

Comments Opposing the Project:

- Overlying water rights are transferred with the sale of the property;
- Removing farmland out of crop production;
- Only two full-time, permanent jobs;
- Tarnishing of the Cummings Valley view;
- Potential degrading of property values in Stallion Springs;
- Federal Government subsidies of the project;
- Recurrent will pay less in property taxes than current owner;
- Questioning of the validity of the project given the number of cloudy days.
- Hazardous chemicals leaching into the groundwater from the solar panels.
New information:

- According to the EIR Report on the project, the developers have stated that they will use no more than 2 acre feet of water per year. The County CUP requires the applicant to abide by the parameters outlined in the EIR;

- The Solar Project is a known land use for the next 25 years;

- Land is currently held as 20 acre parcels, the project will not be sold as 20 acre mini ranches;
Minutes of the meeting of the Tehachapi Cummings Land Trust (TCLT) Board of Directors on October 11, 2011 to consider the mitigation proposal by Recurrent Energy relative to Their Cummings Valley solar proposal.

Directors present: Chuck McCollough, President; Jo Anne Huckins, Vice President; Sally Fox, Secretary; Laurie Rude, Corresponding Secretary. Absent: Priscilla Mester, Treasurer.

President McCollough opened the meeting with information about the proposal to mitigate the negative effects of a three hundred plus acre solar farm on prime agricultural land in the middle of Cummings Valley by donating a Conservation Easement on land elsewhere.

Vice President, Jo Anne Huckins reviewed the criteria for land characteristics qualifying for a Conservation Easement in order of importance:

1. Agricultural value, especially when suitable for producing healthful food for human consumption.
2. Scenic viewscapes visible to the public.
3. Recreational values open for public use.
4. Historical value.
5. Preservation of important wildlife.

It was immediately apparent to the Board that the land proposed for the Solar farm has the two most important qualities for preservation.

McCollough mentioned that in communications with Grimmway Farms, they have stated that they would like to buy the property to expand their organic vegetable production.

Jo Anne pointed out that the stunning views of well tended farms and open space from tourism sites such as the wine tasting patios of Souza Family Vineyard and Triassic Legacy along with other existing and future tourism sites would be spoiled by a huge array of solar panels. This would be true as well for the many homes in the hills surrounding the valley. It could adversely affect the agritourism enjoyment of visitors crossing the valley on Pellisier Road.

In the general discussion that followed it was agreed that no other piece of land would likely have a fraction of the preservation value of the proposed solar site.

Jo Anne moved that the Tehachapi Cummings Land Trust position be that the proposed mitigation is not acceptable. Seconded by Sally Fox, and unanimously approved.

Respectfully submitted,

Sally Fox, Secretary

Cc: Cummings Valley Protective Association.
    Smart Growth, Tehachapi Valleys
    Lorelei Oviatt, Director Planning and Community Development
    Zack Scrivner, Second District Kern County Supervisor
Memorandum of Understanding
MEMORANDUM OF UNDERSTANDING AND AGREEMENT

FOR

PERFORMANCE OF ZONING ORDINANCE AND MITIGATION MEASURES

AS ENVIRONMENTAL RESTRICTIONS

(Kern County – Property Owner- Lessee-Operator)

THIS AGREEMENT, made and entered into this ____ day of ___________ 2011 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter “County”) and RE Tehachapi Solar LLC (hereinafter collectively referred to as “Property Owner-Operator”).

WITNESSETH:

WHEREAS, in consideration of the COUNTY’s approval of the RE Tehachapi Solar commercial solar project, Conditional Use Permit No. 75, Map No. 164, and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and project approval CEQA mitigation measures, will be implemented, County and Property Owner-Operator now desires to enter into this Agreement.

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

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

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agree to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Environmental Impact Report, and the
adopted Mitigation Measure Monitoring Program and Conditional Use Permit conditions (Exhibit A) regardless of any exemption under California Law.

3. All notices to Property Owner-Operator under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

   RE Tehachapi Solar LLC
   300 California Street 7th Floor
   San Francisco, CA 94109

All notices to County under this Agreement shall be deemed valid and effective when personally served upon the Department of Planning and Community Development Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Kern County Planning and Community Development Department, 2700 “M” Street, Suite 100, Bakersfield, California 93301.

4. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

5. The persons executing this Agreement on behalf of the Property Owner-Operator warrant and represent that they have the authority to execute this Agreement on behalf of the Property Owner-Operator RE Tehachapi Solar LLC and warrants and represents that they have the authority to bind Property Owner-Operator to their performance hereunder.

6. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

7. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element. Further, the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not by employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8. The obligations of Property Owner-Operator's successors, assigns, transferees, and lessees shall arise upon acquisition of any interest in real property in the RE Tehachapi Solar project site
that will allow them to engage in any of the land uses allowed under Conditional Use Permit No. 75, Map No. 164.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.
RECOMMENDED FOR APPROVAL:
Kern County Planning and Community Development Department

By: ____________________________
    Lorelei H. Oviatt, AICP, Director

Operator – RE Tehachapi Solar LLC

By: ____________________________
    Sheldon A. Kimber, Vice President

Owner – RE Tehachapi Solar LLC

By: ____________________________
    Sheldon A. Kimber, Vice President

APPROVED AS TO FORM:
Office of County Counsel

By: ____________________________
    County Counsel

COUNTY OF KERN

By: ____________________________
    Chairman, Board of Supervisors
Draft Resolution
BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. ***

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 75, MAP NO. 164
Southwest of Highline Road and Bailey Road, Tehachapi area; being a portion of Section 36, T32S, R31E, MDB&M; unincorporated area of Kern County
RE Tehachapi Solar by RE Tehachapi Solar, LLC (PP10266)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by ***, seconded by ***, was duly passed and adopted by said Planning Commission at an official meeting hereof this 10th day of November, 2011, by the following vote, to wit:

AYES: ***
NOES: ***
ABSTAINED: ***
ABSENT: ***

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

RESOLUTION

SECTION 1. WHEREAS:

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

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

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

(d) The Kern County Planning and Community Development Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.504 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

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

APN: 448-052-35 thru 42

Section 36, T32S, R31E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Community Development Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforesaid parcel of real property, and more particularly to allow for the construction and operation of a 20 megawatt (MW) photovoltaic solar energy generation facility on approximately 158 acres in an A (Exclusive Agriculture) District<; and

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

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

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

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

CUP #75, Map #164
November 10, 2011
(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

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

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

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

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

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

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, CERTIFIES said Environmental Impact Report and ADOPTS Mitigation Measure Monitoring Program and APPROVES, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

CUP #75, Map #164
November 10, 2011
(1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.

(2) All necessary building permits must be obtained.

(3) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**

(a) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.

(b) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.

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

(4) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.

(b) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 of the Zoning Ordinance.

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

(d) Trash pickup shall occur a minimum of once each week. All trash and recyclable receptacles shall be enclosed within a six- (6-) foot-high, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard setback and convenient for refuse haulers and which does not interfere with on-site or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials.

(e) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times.

(f) All trash bin enclosures for the Operations and Maintenance buildings shall be screened in such a manner so that they are not visually obtrusive from any off-site location. The location and method of screening for all trash bin enclosures shall be approved by the Director of the Kern County Planning and Community Development Department prior to construction.
(5) The project operator shall encourage all contractors for the project to hire at least 25 percent of their workers from the local Kern County communities. The applicant shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The applicant shall submit a letter detailing the hiring efforts prior to commencement of construction.

(6) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Community Development Director.

(7) Associated flood hazard requirements will need to be incorporated into the design of this project. This will mean elevating and/or flood protecting the structure subject to the approval of the Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management.

(8) Should development as authorized under this approval be phased, or conducted by an operator other than the property owner or applicant, the property owner shall submit to the Director of the Kern County Planning and Community Development Department documentation which identifies the scope of the phased development or extent of the operator's interest/responsibility. Said documentation shall include, but is not limited to, the operator's contact information, legal description for the applicable phase, or extent of operator's responsibility. The operator shall abide by all of the provisions of said permit and any and all conditions appended thereto shall be faithfully performed. Any change of operator shall require the submittal of a new statement of responsibility by the new operator to the Director of the Kern County Planning and Community Development Department.

(9) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.

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

(11) At the time building permits are applied for, a filing fee of $130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at $100 per hour.

(12) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the RE Tehachapi Solar project (Conditional Use Permit 75, Map 164); included as Exhibit C of this Resolution, are hereby incorporated as conditions of approval; and

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

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

CUP #75, Map #164
November 10, 2011

Page 5
(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

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

(4) The proposed use is consistent with the goals and policies of the General Plan.

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

(6) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.

(7) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

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

(9) The fee required by Fish and Game Code Section 711.4 has been previously paid for the processing of the Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tiered or phased as set forth in Sections 15385 and 15165, respectively, of the State CEQA Guidelines, and separate environmental documents or review by the Department of Fish and Game is not required, and further, based on the public interpretation of these statutes by the Department of Fish
and Game staff, find this approval and related Notice of Determination exempt from the payment of the otherwise applicable fee; and

(e) The Secretary of this Commission shall cause a Notice of Determination to be filed with the County Clerk; and

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

- RE Tehachapi Solar by RE Tehachapi Solar, LLC (PP10266) (applicant) (1)
- Kern County Public Health Services Department/Environmental Health Division (1)
- Kern County Fire Department (1)
- Eastern Kern Air Pollution Control District (1)
- Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management (1)
- Kern County Assessor/Chief, Realty Division (1)
- File (3)
Exhibit A

Findings of Fact in Support of
Findings Relating to Significant Environmental Impacts

State CEQA Guidelines Section 15091
FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

State CEQA Guidelines Section 15091
for
RE Distributed Solar Projects

RE Tehachapi Solar by RE Tehachapi Solar LLC

Conditional Use Permit No. 75, Map No. 164

Final Environmental Impact Report
(SCH No. 2011011005)

Lead Agency: Kern County Planning and Community Development Department

SECTION I. INTRODUCTION

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

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

The Planning and Community Development Department issued a notice of preparation of a draft EIR on January 4, 2011. Based on the initial study and notice of preparation, a determination was made that the final EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the notice of preparation. With respect to all impacts identified as “less than significant” or as having “no impact” in the final EIR, the Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the final EIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the Kern County General Plan, applicable Specific Plans, Conditional Use Permit (CUP) requirements, or other adopted regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

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

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

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

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

**Significant Effect**

The project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (Impact 4.1-3)

**Description of Significant Impact**

The proposed projects would create a new source of lighting within each of the ten project sites to provide for nighttime security, and glare could potentially occur from reflection off the solar panels. Increased truck traffic and the transport of the equipment and construction materials to the project sites would temporarily increase glare conditions during construction. However, this increase in glare would be minimal and temporary. Therefore, construction of the proposed projects would not create a new source of substantial glare that would affect daytime views in the area. The proposed projects would include security lighting. Security lighting would likely be installed around the perimeter of the sites. If improperly designed or oriented, such lighting may result in light trespass that falls outside the boundaries of the project site. Under particularly adverse conditions, spillover lighting causes annoyance, discomfort, or loss in visual performance because of its intensity, direction, or source type and visibility.

**Finding**

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

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

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

**MM 4.1-4:** Project facility lighting shall comply with “Dark Sky” lighting guidelines, and be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.

**MM 4.1-5:** Where appropriate, proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Community Development Department.

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

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

Significant Effect

The project would substantially degrade the existing visual character or quality of each site and its surroundings. (Impact 4.1-2)

Description of Specific Impact

Implementation of the proposed projects would ultimately result in the placement of 1,709 acres of photovoltaic solar panels and associated infrastructure on the ten project sites (RE Tehachapi Solar contains 158 acres of the aforementioned total acreage). The utility-scale solar facilities would alter the existing agricultural open-space character of the project sites by introducing a unique energy-generation element into the landscapes. Specifically, there would be potentially significant impacts associated with “cultural modifications,” or manmade features which strongly impact the area’s visual resources, “vegetation” and “color” due to the replacement of open space with solar panels, and “adjacent scenery” because views of hills in the distance would be partially blocked by fencing associated with the project. The area’s visual character would be significantly altered at each of the ten sites.

Finding

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

Brief Explanation of the Rationale for the Finding

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

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

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

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

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

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

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

Significant Effect

The project would result in a cumulative aesthetic impact.

Description of Significant Impact

Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. These projects would cover at least 8,875 acres within the vicinity of the project sites. These have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. As the discussion provided above indicates, the project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. Other projects in the region would also be required to implement various mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree that impacts are no longer significant.

Finding

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

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

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


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

The project would not involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to nonforest use. (Impact 4.2-3)

The project would not result in the cancelation of an open space contract made pursuant to the California Land Conservancy Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres. (Impact 4.2-4)

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

Significant Effect

The proposed projects would convert Prime Farmland, as shown on maps pursuant to the Farmland Mapping and Monitoring Program, to non-agricultural uses. (Impact 4.2-1)

Description of Specific Impact

Implementation of the proposed projects at Sites 3 and 4 would result in the conversion to non-agricultural use of 315 acres of Important Farmland, which are lands designated by the California Department of Conservation as Prime. The conversion of Important Farmland to non-agricultural use results in direct conversion impacts. However, there is potential that the sites could return to their agricultural use upon decommissioning of the solar facilities, as the project would not include substantial grading that would affect the soil quality (approximately 3.08 acres of the 315-acre sites). Soil composition would remain largely unaffected.

Finding

The proposed project at Sites 3 and 4 would result in the direct conversion of agriculturally-designated land. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 at Sites 3 and 4 would reduce impacts to less-than-significant levels.

MM 4.2-1: Prior to the issuance of a grading or building permit, the project proponent shall implement Measures (a) and (b) as specified below:

a) Provide written evidence of completion of one or more of the following measures to mitigate the loss of Important Farmland at a ratio of 1:1 for net acreage of solar panel coverage and associated infrastructure. Net acreage is to be calculated including but not limited to the area covered by the
substation, inverters, transformers, operation and maintenance buildings, and the areas directly under the panels. A plot plan shall be submitted substantiating the net acreage calculation along with written evidence of compliance.

i. Funding and/or purchase of agricultural conversion easements (will be managed and maintained by an appropriate entity);

ii. Purchase of credits from an established agricultural farmland mitigation bank;

iii. Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or

iv. Participation in any agricultural land mitigation program adopted by Kern County that provides equal or more effective mitigation than the measures listed above.

Mitigation land shall meet the definition of prime farmland, farmland of statewide importance, unique farmland and be land of similar agricultural quality or higher, as established by the State Department of Conservation. Completion of the selected measure or a combination of the selected measures, shall include properties located within the Greater Tehachapi Area if feasible, as determined by the Director of the Kern County Planning and Community Development Department (Planning Director). If it is determined by the project proponent that available land in the Greater Tehachapi Area has been exhausted, then the project proponent shall submit proof to the Planning Director. At that time the Planning Director may authorize the project proponent to utilize qualifying land within the State of California of similar agricultural quality or higher.

b) For all land not being mitigated at a 1:1 acre as specified above, the project proponent shall prepare and submit an Agricultural Management Plan to the Kern County Planning and Community Development Department for review and approval. The purpose of the Agricultural Management Plan is to demonstrate how the remaining land will be managed to support dryland pasture suitable for grazing. The Agricultural Management Plan shall include implementation strategies to ensure continued maintenance of the site for grazing which include, but not be limited to:

i. Description of soils on site.

ii. Plant species to be utilized for seeding purposes.

iii. Description of timing when grazing operations shall commence.

iv. Performance standards by which grazing activities will be evaluated (to include that grazing must occur four months or 120 days out of each calendar year).

v. Monitoring reports for the sites shall be completed for the first three years of operation at a minimum. Copies of the report shall be provided to the Kern County Planning and Community Development Department.

vi. Contingency plan to identify the steps to be taken should the grazing operations not be successful.

Should it be determined after one year from the commencement of operations, that the project has not met and will not be able to meet the identified performance standards outlined in the Agricultural Management Plan, the project proponent will be required to mitigate for the remaining loss of agriculture land as specified in part (a) of this Measure.

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

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

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

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

Significant Effect

The projects would result in a cumulative impact to agriculture resources.

Description of Significant Impact

A total of 16 similar alternative energy projects, covering approximately 8,875 acres, are currently proposed within the vicinity of the project sites, as well as 24 additional other developments (residential and other developments). If approved, these projects have the potential to convert agricultural lands to nonagricultural uses. The conversion of 2,502 acres of active farmland (including areas designated as Prime Farmland and Farmland of Statewide Importance) to non-agricultural use, combined with other area development projects that would impact active farmland, would result in a cumulatively significant and unavoidable impact.

Finding

The project’s impact on agriculture resources at Sites 3 and 4 is considered cumulatively considerable. Implementation of Mitigation Measure MM 4.2-1 would reduce cumulative impacts.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that result in a cumulative impact to agriculture resources. Even with implementation of Mitigation Measure MM 4.2-1, implementation of the proposed project at Sites 3 and 4 would result in a cumulatively considerable impact related to agriculture resources due to the loss of Prime Farmland.

AIR QUALITY


The project would not conflict with or obstruct implementation of an applicable air quality plan. (Impact 4.3-1) The following mitigation measures are implemented at all ten sites to further reduce project-related emissions:

MM 4.3-1: The project proponent shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern County Air Pollution Control District. Dust control measures outlined below shall be implemented where
they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

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

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

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

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

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

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

vi. Prior to construction, install wind breaks (such as chain-link fencing including a wind barrier) where appropriate.

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

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

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

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

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

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

i. On-site vehicle speed shall be limited to 15 miles per hour.

ii. All areas with vehicle traffic shall be graveled or treated with dust palliatives.

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

iv. Access to the site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheal washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.
**MM 4.3-2:** The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on all sites:

a) All equipment shall be maintained in accordance with the manufacture’s specifications.
   
b) Equipment shall be shut down when not in use for extended periods of time.
   
c) Construction equipment shall operate no longer than 8 cumulative hours per day.
   
d) Electric equipment shall be used whenever possible in lieu of diesel- or gasoline-powered equipment.
   
e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
   
f) On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines.

**MM 4.3-3:** The project proponent shall continuously comply with the following measures during construction and operation to control NOx emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the project:

a) 2006 engines or pre-2006 engines with CARB certified Level 3 diesel emission controls will be used to the extent possible.
   
b) All on-road construction vehicles, except those meeting the 2006/CARB certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.
   
c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacture’s specifications.

**MM 4.3-4:** The project proponents shall continuously comply with the following during operation to control fugitive dust emissions from the use of unpaved roads on the site:

a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.
   
b) The other unpaved roads at the site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
   
c) Traffic speeds on unpaved roads shall be limited to no more than 15 miles per hour. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.

**MM 4.3-5:** The project operator shall continuously comply with the following during project operation to control emissions from the on-site dedicated equipment (i.e. equipment that would remain onsite each day):

a) All onsite off-road equipment and on-road vehicles for operation/maintenance shall be new equipment that meets the recent California Air Resources Board engine emission standards or alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.
   
b) All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.
   
c) All equipment engines shall be maintained in good operating condition and in proposed tune per manufacturers’ specification.
The project would violate an air quality standard or contribute substantially to an existing or projected air quality standard. (Impact 4.3-2)

The project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region in nonattainment under an applicable federal or state ambient air quality standard. (Impact 4.3-3)

The project would expose sensitive receptors to substantial pollutant concentrations. (Impact 4.3-4)

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

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

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

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

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

There are no cumulative impacts on air quality that would be reduced to a less-than-significant level with the incorporation of the proposed mitigation measures.

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

**Significant Effect**

Cumulative impacts to air quality during the construction period of the ten projects would be significant and unavoidable.

**Description of Significant Impact**

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

**Finding**

Due to the uncertainty of the timing of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that temporary cumulative impacts from construction would remain significant and unavoidable. Implementation of Mitigation Measures MM 4.3-1 through MM 4.3-5 at all ten sites would reduce cumulative air quality impacts.

**Brief Explanation of the Rationale for the Finding**
CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Even after the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-5, impacts related to cumulative air quality construction impacts would remain significant and unavoidable for all ten sites.

BIOLOGICAL RESOURCES


The project would not have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal wetlands), either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means. (Impact 4.4-3)

The project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (Impact 4.4-5)

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

Significant Effect

The project would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by CDFG or USFWS. (Impact 4.4-1)

Description of Significant Impact

Several wildlife species, including desert tortoise, Mohave ground squirrel, American badger, desert kit fox, Swainson’s hawk, burrowing owl, and several other species protected under the California Fish and Game Code and/or the Migratory Bird Treaty Act, have the potential to occur, to varying degrees, on all ten of the project sites in the study area. Sensitive plant species also occur on Sites 1, 2, 5, 6, and 7.

Finding

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

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a Candidate, Sensitive, or Special-Status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS. In consideration of the potential use of the project site by special-status wildlife species, impacts on special-status wildlife species would be significant. Implementation of Mitigation Measures MM 4.4-1 through MM 4.4-9 would reduce impacts to these species to less-than-significant levels.
**MM 4.4-1:** Within fourteen days prior to commencement of any ground disturbing activities, a qualified biologist shall submit documentation to the Kern County Planning and Community Development Department confirming the findings of the original focused botanical surveys, or provide additional actions required.

**MM 4.4-3:** To mitigate for the potential impacts to burrowing owls at all ten sites, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map.

To avoid impacts on western burrowing owl, the following guidelines, adapted from the *California Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (CDFG, 1995), shall be implemented:

a) A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days prior to the start of ground disturbing activities. A copy of the survey shall be submitted to the Kern County Planning and Community Development Department.

b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, including, but not limited to, road construction or installation of solar panels or ancillary facilities, shall be permitted within 250 feet of an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by California Department of Fish and Game. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Game, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.

c) During the non-breeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist shall install one-way doors at the entrance to the active burrow and other potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed.

d) Should burrowing owls be found on-site, and if it is determined that the proposed project would reduce suitable habitat on-site below California Department of Fish and Game threshold levels, the habitat shall be replaced off-site if no suitable on-site habitat is available. Off-site habitat must consist of suitable burrowing owl habitat, as defined in the Burrowing Owl Survey Protocol, and the location shall be approved by the California Department of Fish and Game. The appropriate replacement ratio will be determined through consultation with the California Department of Fish and Game.

**MM 4.4-4:** Prior to issuance of a grading or building permit, appropriate notes shall be included on any grading permit, building permit or final map.

a) Fourteen days prior to site clearing, a qualified biologist shall conduct a preconstruction migratory bird and raptor nesting survey. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of
nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. This survey shall include species protected under the Migratory Bird Treaty Act including Swainson’s hawk and Le Conte’s thrasher. The survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.

b) If construction is scheduled to commence during the non-nesting season, no preconstruction surveys or additional measures are required. To avoid impacts on nesting birds in the project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within 0.5 mile of construction activities that commence during the breeding season (February 1 to August 31). Surveys shall be conducted no more than 30 days prior to construction activities.

c) If active nests are found, a 500-foot, no-disturbance buffer should be created around active raptor nests (0.5-mile buffer for active Swainson’s hawk nest and other fully protected raptors) during the breeding season or until it is determined that young have fledged, unless otherwise authorized by the California Department of Fish and Game. A 250-foot, no-disturbance buffer should be created around nests of non-raptor special-status birds. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project proponent should avoid the area either by delays or ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-siting the project component(s) to avoid the area. In the event that Swainson’s hawks or fully protected raptors are detected within 0.5-mile of a project site, consultation with the Kern County Planning and Community Development Department and the California Department of Fish and Game shall occur; and the project proponent shall take applicable measures as required by the aforementioned consultation.

MM 4.4-6: Prior to commencement of ground disturbing activities, appropriate notes shall be included on any grading permit, building permit or final map.

a) Within two weeks prior to commencement of construction activities, surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within two weeks prior to that portion of the site disturbed. If no potential American badger or desert kit fox dens are present, no further mitigation is required.

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

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

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

iii. Construction activities shall not occur within 30 feet of active badger dens.

iv. Construction activities shall not occur within 100 feet of active or 500 feet of natal desert kit fox dens.

b) If any American badger burrows are determined to be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation.

c) If Mohave ground squirrel is found on-site during subsequent surveys or biological monitoring activities, construction activities shall cease to avoid the potential for take. Consultation with California Department of Fish and Game and the U.S. Fish and Wildlife Service shall then be initiated to obtain the necessary incidental take permit authorizations or provide evidence a permit is not required

d) Post-construction reporting shall be provided to the Kern County Planning and Community Development Department and the California Department of Fish and Game within 90 days of completion of construction.

e) Environmental training shall be provided to all personnel working on the project sites during construction activity. Training materials and briefings shall cover the biological resources that may be found at each of the project sites and their surrounding areas, the laws and regulations that protect those resources, the consequences of non-compliance with these laws and regulations, and a contact person in the event that protected biological resources are discovered on a site. Proof of participation in the training (in the form of sign-in sheets) shall be provided to Kern County Planning and Community Development Staff. All training materials and contact information shall be provided in a commonly used and visible location on each of the sites during long-term operation.

f) If any injured or dead special status species are discovered on a project site, Kern County and the California Department of Fish and Game shall be contacted within 24 hours.

Copies of all surveys and reports shall be submitted to the Kern County Planning and Community Development Department.

**MM 4.4-9:** Prior to issuance of a grading or building permit, appropriate notes shall be included on any grading permit, building permit or final map.

The project proponent shall submit written documentation to the Kern County Planning and Community Development Department showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines. The project proponent shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee document) to protect birds from electrocution and collision. Implementation of these guidelines shall be verified by Kern County. The project proponent shall install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 and Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (Avian Power Line Interaction Committee, 2006; 1994).

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

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

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

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

Significant Effect

The project would result in cumulative biological resource impacts.

Description of Significant Impact

As urbanization pressures increase within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and probable future projects, the proposed project would result in a cumulatively significant loss of biological resources, including the loss and/or fragmentation of a substantial fraction of the existing wildlife habitat in the region even with the implementation of mitigation. This is most notably the case for the cumulative loss of foraging habitat for the Swainson’s hawk. Cumulatively, under a full development scenario across the Antelope Valley, the loss of foraging habitat for Swainson’s hawk may total more than 16,000 acres, or approximately eight percent of the foraging habitat within 10 miles of the known nests.

Finding

Through the implementation of Mitigation Measures MM 4.4-10, the potential cumulative effects to Swainson’s hawk due to loss of foraging habitat associated with this project and other past, present, and reasonably foreseeable future projects would be reduced to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would lead to habitat loss. With the implementation of Mitigation Measures MM 4.4-10, these cumulative land use impacts would be considered less than significant.

MM 4.4-10:

b) Current knowledge of Swainson’s hawk ecology within the Antelope Valley is limited. Research needs for the Antelope Valley population include a determination of home-range size and exact foraging habitat (locations) and acreage for each pair, food habits, natal dispersal, and breeding dispersal locations. With these research needs as a backdrop, the project proponent shall consult with the California Department of Fish and Game regarding the type(s) of research needed to support future management decisions in the Antelope Valley and will contract with a qualified biologist to design and implement a study plan. Prior to the first delivery of power for any of Sites 3 through 10, the project proponent shall fund the research, in an amount not to exceed an overall total of $100,000. Should the California Department of Fish and Game determine that funding can be divided between project sites, the project proponent shall submit evidence of distribution amounts for each site (not to exceed a combined total of $100,000 for the eight sites), in addition to proof of payment(s) to the Kern County
Planning and Community Development Department prior to final sign off of the final building permit for the project.

CULTURAL RESOURCES


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

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

Significant Effect

The project would cause a substantial adverse change in the significance of an archaeological or historical resource. (Impact 4.5-1)

Description of Significant Impact

Cultural resources pedestrian surveys revealed two ineligible resources on Sites 1 and 2, one ineligible resource on Site 4, eight ineligible resources on Sites 5, 6, and 7, and three ineligible resources on Sites 10. There is no potential for The project to affect known historical or archaeological resources. However, there is a potential for the proposed projects to impact additional, unidentified, significant historic-era deposits on all ten sites.

Finding

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

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy a previously unknown significant archaeological or historical resource. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM 4.5-1 and MM 4.5-3.

MM 4.5-1: The project proponent shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and historical resources.

If cultural materials or archaeological remains are encountered during the course of grading or construction, the project contractor shall cease any ground disturbing activities within 50 feet of the find. The qualified archaeologist, retained for the project, shall evaluate the significance of the resources and recommend appropriate treatment measures. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the County. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility, if curation is deemed appropriate.
MM 4.5-3: Prior to the issuance of grading permits a qualified paleontologist shall be retained and approved by the County to monitor all ground-disturbing activity that occurs within younger Quaternary Aeolian deposits at any depth; and within younger Quaternary Alluvium at a depth of five feet or deeper below ground surface. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the lead agency and based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the County, may adjust the level of monitoring to circumstances as warranted.

If a potentially significant fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

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

Significant Effect

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

Description of Significant Impact

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

Finding

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

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to buried archaeological resources including human remains. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measure MM 4.5-4.

MM 4.5-4: If human remains are uncovered during project construction, the project proponent shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices,
where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

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

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

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

Significant Effect

The project would result in cumulatively significant impacts to cultural resources.

Description of Significant Impact

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

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

Finding

The project has the potential to result in cumulatively considerable impacts related to cultural resources, specifically in regards to the progressive loss of historical, archaeological, and paleontological resources resulting from excavation activities associated with projects in the cumulative impacts scenario. The implementation of Mitigation Measures MM 4.5-1 through MM 4.54 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

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

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

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


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

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

Significant Effect

The project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault. (Impact 4.6-1)

Description of Significant Impact

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

Finding

The project has the potential to result significant impacts related to loss, injury, or death involving earthquake activity. The implementation of Mitigation Measure MM 4.6-1 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to seismic activity to less-than-significant. With the implementation of Mitigation Measure MM 4.6-1, these impacts would be considered less than significant.

MM 4.6-1: Prior to approval of grading permits, the project proponent shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismic-induced ground shaking on the sites. All grading and construction on each site shall adhere to all specifications and procedures and site conditions presented in the final design plans, which shall be fully compliant with the seismic requirements of the California Building Code, Uniform Building Codes, Kern County Building Code, Chapter 17, and as recommended by a California registered professional engineer. The procedures and site conditions include, but are not limited to, proper site preparation, foundation specifications, and buried metal protection measures. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final compliance requirements shall be provided to the onsite construction supervisor and Kern County building inspector to ensure compliance.

Significant Effect

The project would result in substantial soil erosion or the loss of topsoil. (Impact 4.6-3)
Description of Significant Impact

Ground-disturbing activity, including grading, would be required on each of the sites, for a total of 1,709 acres of ground disturbance. The PV panel supports would include posts that are driven into the soil to a depth of approximately 12 feet, without excavation. Additionally, installation of the underground electrical circuits, inverter and switchgear enclosure foundations, and transformer foundation would require excavations to a maximum depth of three feet below the ground surface. Electrical conduits and electrical wiring would be installed and buried in designated areas throughout each of the ten sites. Trenching of between three and four feet would be required in order to bury underground conduits and wiring. Installation of the generation tie-lines at each site would also include some ground-disturbing activity, including installation of support poles. This grading and ground disturbing activity would have the potential to result in substantial erosion due to wind and rain on the project sites.

Finding

The project has the potential to result significant impacts related to the loss of topsoil. The implementation of Mitigation Measure MM 4.6-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to erosion and loss of topsoil to less-than-significant. With the implementation of Mitigation Measure MM 4.6-2, these impacts would be considered less than significant.

MM 4.6-2: The project proponent shall limit grading to the minimum area necessary for construction and operation of the project, and the proponent shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction. Final plans will include best management practices to limit on- and off-site erosion and a water plan to treat disturbed areas during construction to reduce dust suppression.

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

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

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

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

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

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

GREENHOUSE GAS EMISSIONS

The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (Impact 4.7-1)

The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Impact 4.7-2)

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

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

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

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

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

Cumulative impacts related to greenhouse gas emissions would result in a less-than-significant impact on the environment.

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

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

**HAZARDS AND HAZARDOUS MATERIALS**

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

The project would not be located within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area. (Impact 4.8-4)

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

**Significant Effect**

The project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Impact 4.8-1)

**Description of Significant Impact**

Most of the hazardous waste generated by the project would occur during the construction period and would consist of liquid waste, including cleaning fluids, dust palliative, herbicides, and solvents. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during
construction. In addition, hazardous materials associated with pesticides from current agricultural uses may be present on Sites 3 and 4. The handling and presence of these potentially hazardous materials would have a significant impact.

Finding

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. The implementation of Mitigation Measure MM 4.8-1 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measure MM 4.8-1, these impacts would be considered less than significant.

MM 4.8-1:

a) In accordance with the California Health and Safety Code and Kern County regulations, the project proponent shall prepare a hazardous materials business plan and submit it to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval. The hazardous materials business plan shall delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, transport, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies, including fires. The project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.

b) The hazardous materials business plan to be prepared shall also include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on Sites 3 and 4. The project operator shall provide the hazardous materials business plan to all contractors working on the project and will ensure that one copy is available at the project site at all times.

d) If, during grading or excavation work, the contractor observes visual or olfactory evidence of contamination or if soil contamination is otherwise suspected, work near the excavation site shall be terminated, the work area cordoned off, and appropriate health and safety procedures implemented for the location by an Occupational Health and Safety Administration-trained individual with a minimum of 40 hours of hazardous material site worker training. Laboratory data from suspected contaminated material shall be reviewed by the contractor’s Health and Safety Officer. If the sample testing determines that contamination is not present, work may proceed at the site; however, if contamination is detected above regulatory limits, the Kern County Environmental Health Services Department shall be notified. All actions related to encountering unanticipated hazardous materials at the site shall be documented and submitted to the Kern County Environmental Health Services Department.

Significant Effect

The project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Impact 4.8-2)

Description of Significant Impact
Construction and ground clearing may require the use of herbicides to control vegetation. This could result in release of hazardous materials.

Finding

The proposed project has the potential to result significant impacts related to hazardous materials. The implementation of Mitigation Measures MM 4.8-2 and 4.8-3 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measures MM 4.8-2 and MM 4.8-3, these impacts would be considered less than significant.

MM 4.8-2: The contractor or personnel shall use herbicides that are approved for use by the California Department of Fish and Game and U.S. Fish and Wildlife Service. Personnel applying herbicides shall have all the appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the product manufacturer’s directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and waterbodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied within 50 feet of any surface water body when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds ten miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.

MM 4.8-3: The hazardous materials business plan to be prepared under Mitigation Measure 4.8-1 shall also include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on Sites 3 and 4. The project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.

Significant Effect

The projects are located within the adopted Kern County Airport Land Use Compatibility Plan and would result in a safety hazard for people residing or working in the area. (Impact 4.8-3)

Description of Significant Impact

Sites 1 and 2, which are approximately 18 miles west of Edwards AFB, are within the geographical boundaries of military restricted airspace, known as the R-2508 Complex. Sites 3 and 4 are located approximately 40 miles northwest of Edwards AFB, outside of the geographical boundaries of military restricted airspace (R-2508 Complex). However due the project’s 58 foot high substation, within 75 miles of the R-2508 Complex, the project falls within the notification boundaries established in Section 4.17.3 of the ALUCP. Sites 5, 6, and 7 are located approximately 2.6 miles south of the Mojave Air and Space Port. Sites 5 and 6 are not located within the sphere of influence of the ALUCP. The northeastern most portion of Site 7 is located within Zone D of the Mojave Air and Space Port, as designated in the ALUCP. Site 8, which is located approximately 16 miles northwest of the Edwards AFB, is within the geographical boundaries of military restricted airspace, (R-2508 Complex). Site 9 is located approximately 0.5 mile west of Edwards AFB. The Rosamond Skypark Airport is located four miles northwest of the site. Although the site is in proximity to the Edwards AFB, it is located outside of the
geographical boundaries of military restricted airspace (R-2508 Complex). However due the projects 58 feet high substation, within 75 miles of the R-2508 Complex, the project falls within the notification boundaries established in Section 4.17.3 of the ALUCP. Site 10, which is located approximately 20 miles north of the Edwards AFB, is within the geographical boundaries of military restricted airspace, (R-2508 Complex).

Finding

The proposed project has the potential to result significant impacts related to airport compatibility and safety. The implementation of Mitigation Measure MM 4.8-4 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measure MM 4.8-4, this impact would be considered less than significant.

**MM 4.8-4:**

a) Prior to issuance of building permits, the project proponent shall submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in 14 Code of Federal Regulation 77.17.

b) The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that the Federal Aviation Administration has issued a “Determination of No Hazard to Air Navigation.” This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in Kern County Zoning Ordinance Figure 19.08.160 that all project components would create no significant military mission impacts.

c) The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that a copy of the approved form(s) has been provided to the operators of Tehachapi Municipal Airport, California City Municipal Airport, Mojave Air and Space Port, Edwards Air Force Base, China Lake Naval Air Weapons Station, Mountain Valley Airport, and Rosamond Skypark.

**Significant Effect**

The project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Impact 4.8-5)

**Description of Significant Impact**

The ten project sites are located in natural/rural areas where the potential wildland fires are a part of the natural condition. Site 3 is the only site located in a defined fire hazard area; however, the site is surrounded by actively irrigated agricultural uses at low risk. Vegetation is sparse and there is little potential for vegetative fuel buildup at all sites, as any vegetation would be removed during O&M activities. The sites are not adjacent to urbanized areas; however, there are isolated residences in proximity to each site, intermixed with wildlands. The proposed project would result in increased activity at each of the project sites, including construction activity and the introduction of maintenance site visits and electrical distribution components that would increase risk for wildfires.
Finding

The proposed project has the potential to result significant impacts related to fire hazards. The implementation of Mitigation Measure MM 4.8-5 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to fire hazards to less-than-significant. With the implementation of Mitigation Measure MM 4.8-5, this impact would be considered less than significant.

**MM 4.8-5:** To minimize the potential for wildfires, the project proponent shall develop and implement a fire safety plan tailored to each site for use during construction and operation. The project proponent shall submit the plan, along with maps of the project sites and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building or grading permits. The fire safety plans shall contain notification procedures and emergency fire precautions including, but not limited to, the following:

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

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

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

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

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

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

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

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

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

Cumulative impacts related to hazards and hazardous materials would result in a less-than-significant impact on the environment.

E. **Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.**
There would be no cumulative impacts on hazards and hazardous materials that would have a significant impact on the environment.

**HYDROLOGY AND WATER QUALITY**

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

The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. (Impact 4.9-2)

The project would not substantially alter the existing drainage patterns of the project sites or area, including through the alteration of the course of a stream or river, in a manner than would result in substantial erosion on-site or off-site. (Impact 4.9-3)

The project would not substantially alter the existing drainage patterns of the project sites or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of runoff in a manner than would result in substantial flooding on-site or off-site. (Impact 4.9-4)

The project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. (Impact 4.9-5)

The project would not otherwise substantially degrade water quality. (Impact 4.9-6)

The project would not place structures within a 100-year flood hazard area structures that would impede or redirect flood flows. (Impact 4.9-7)

The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a dam. (Impact 4.9-8)

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

**Significant Effect**

The project would violate water quality standards or waste discharge requirements. (Impact 4.9-1)

**Description of Significant Impact**

Construction activities on all of the ten sites would have the potential to result in soil erosion and discharge of other construction-related pollutants that could contaminate nearby surface waters. All ten sites are relatively large and range from 40 to 588 acres. Therefore, all sites exceed the one acre threshold and construction activities that would be required to adhere to the NPDES General Construction Permit. However, potentially significant impacts to water quality could still occur.

**Finding**

The proposed project has the potential to result significant impacts related to water quality. The implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.
Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to degradation of water quality to less-than-significant. With the implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2, these impacts would be considered less than significant.

**MM 4.9-1:** Prior to issuance of grading permits, the project proponent shall submit a Stormwater Pollution Prevention Plan for all ten sites to the Kern County Planning and Community Development Department that specifies Best Management Practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended Best Management Practices for the construction phase may include the following:

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

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

c) Implementing erosion controls;

d) Properly managing construction materials; and

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

**MM 4.9-2:** Prior to issuance of grading permits, the project proponent shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include a one-foot clearance above the calculated maximum flood depths for the solar arrays. Solar sites should be graded to direct potential flood waters into channels adjacent to the existing and proposed right of ways, without increasing the water surface elevations more than one-foot or as required by Kern County’s Floodplain Ordinance. The drainage plan shall be prepared in accordance with the Kern County Grading Code and approved by the Kern County Engineering, Surveying and Permitting Services, Floodplain Management Section prior to the issuance of grading permits.

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

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

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

There are no cumulative impacts on hydrology and water quality that would be reduced to a less-than-significant level with the incorporation of mitigation measures.

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

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

**LAND USE AND PLANNING**

The project would not physically divide an established community or contribute to the decline of an existing community. (Impact 4.10-1)

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (Impact 4.10-2)

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

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

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

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

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

Significant Effect

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

Description of Significant Impact

Should solar power generation facilities cease to be commercially viable enterprises, there is the potential for multiple facilities covering thousands of acres to be abandoned within Kern County. The cumulative effects of such abandonment could result in impacts on surrounding land uses. In addition, the military has identified potential conflicts between users of the radio frequency spectrum located both on and off military installations with implementation of the proposed project along with other cumulative renewable energy projects. Operations of unmanned radio-controlled aircraft flights can result in electronic interference from other sources of radio signals.

Finding

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

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2 included below, these cumulative land use impacts would be considered less than significant.

MM 4.10-1: Prior to issuance of any building permit, the project proponent shall provide the Kern County Planning and Community Development Department with a Decommission Plan for review and approval. The plan would be carried out by the proposed proponent or a County-contracted consulting
firm(s) at a cost to be borne by the project proponent. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining vacant land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project proponent is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work. In addition to submittal of a Decommission Plan, the project proponent shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time the project proponent determine it is not in their best interest to operate the facility.

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

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

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

Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the County a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Community Development Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.

MM 4.10-2: Prior to the operation of the solar facility, the project proponent shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.

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

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


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

The project would result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (Impact 4.11-3)

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

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

Significant Effect

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

Description of Significant Impact

There would be no long-term operational noise impacts at any of the sites. Sites 1 and 2 are bordered by rural single-family residential units located southeast of Site 1 and directly south of Site 2, which would be exposed to increased noise levels during short-term construction activities. The nearest residence is located approximately 150 feet from the southern property line of Site 2, just south of Favorito Avenue. At this distance, residences would be exposed to construction noise during the noisiest phase of construction (site preparation) of up to 86 dBA. Sites 3 and 4 are bordered by rural single-family residential units to the north and west of the sites, which would be exposed to increased noise levels during short-term construction activities. The nearest residence is located approximately 75 feet from the western edge of the property line of Site 3... At this distance, residents would be exposed to construction noise levels (during the noisiest phase of construction) of up to 92 dBA when construction occurs along the project boundary. The nearest residence to Site 4 is located approximately 100 feet from the eastern property line, on Bailey Road. At this distance, residents would be exposed to construction noise levels (during the noisiest phase of construction) of up to 89 dBA, when construction occurs along the project boundary. These increased temporary noise levels are considered significant.

Finding

The proposed project has the potential to result significant noise increases during construction activity at Sites 1, 2, 3, and 4. The implementation of Mitigation Measure MM 4.11-1 would reduce impacts to a less-than-significant level. In addition, noise at all sites could cause a disturbance, and Mitigation Measure MM 4.11-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to noise to less-than-significant. With the implementation of Mitigation Measures MM 4.11-1 through MM 4.11-4, these impacts would be considered less than significant.
MM 4.11-1: To reduce short-term construction related noise impacts, the following shall be implemented by the project proponent:

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

b) The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

c) The construction contractor shall ensure that all construction equipment is equipped with manufacturers approved mufflers and baffles.

MM 4.11-2: Project construction hours shall comply with applicable local ordinances. In Kern County, these hours are 6:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on Saturdays and Sundays. It is anticipated that construction shall generally occur between 7:00 a.m. and 6:00 p.m. Monday through Friday. Additional hours may be necessary to make up schedule deficiencies or complete critical construction activities.

MM 4.11-3 A "noise disturbance coordinator" shall be established during construction. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.

MM 4.11-4: Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencement of construction. The notices shall include the construction schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign, legible at a distance of 50 feet, shall also be posted at the construction sites throughout construction which includes the same details as the notices.

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

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

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

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

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

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

PUBLIC SERVICES


The project would not have any environmental effects related to public services that result in no impacts or only less-than-significant impacts.
B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services, which include: fire protection and police protection. (Impact 4.12-1)

Description of Significant Impact

The project would result in substantial adverse physical impacts associated with the provision of or need for new or altered governmental facilities, the construction of which would result in significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for the following public services: fire protection and police/sheriff protection.

Finding

The proposed project has the potential to result significant impacts related to the provision of public services. The implementation of Mitigation Measures MM 4.12-1 and 4.12-2 would reduce potential adverse effects caused by the project to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that result in substantial adverse physical impacts associated with the provision of or need for new or altered governmental facilities, the construction of which would result in significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the following public services: fire protection, police/sheriff protection, schools, parks or other facilities. Project impacts to fire protection and police/sheriff protection are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2.

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

a) The project proponent shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of $29.59 per 1,000 square feet of covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount will be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County auditor/controller by April 30 of each calendar year.

b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Community Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than $1,000 per MW per year, than they will pay those taxes plus an amount necessary to equal the equivalent of $1,000 per MW. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.
c) The Project proponent shall work with County staff to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. This process shall include, but is not necessarily limited to the project proponent: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the State Board of Equalization, using this address for acquisition, purchasing and billing purposes associated with the proposed project. The project proponent shall allow the County to use this sales tax information publicly for reporting purposes.

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

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

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

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

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

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

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

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

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

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

The project would not result in a cumulative effect on public services that would have a significant impact.
E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on public services that would have a significant impact.

TRANSPORTATION AND TRAFFIC


The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. (Impact 4.13-1) The following mitigation measures are implemented at all ten sites to further reduce project-related construction traffic:

MM 4.13-1: Prior to construction, the project proponent shall:

a) Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project related activities are promptly repaired and, if necessary, pave, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.

b) Obtain all necessary Encroachment Permits from the Kern County Roads Department for applicable roads in the Kern County road maintenance system.

c) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:

i. Timing of deliveries of heavy equipment and building materials;

ii. Directing construction traffic with a flag person;

iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

iv. Ensuring access for emergency vehicles to the project site;

v. Temporary closure of travel lanes or disruptions to street segments and intersections during materials delivery, transmission line stringing activities, or any other utility connections;

vi. Maintaining access to adjacent property;

vii. Specification of both construction-related vehicle travel and oversize load haul routes, the minimization of construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the proposed project site, and avoiding residential neighborhoods to the maximum extent feasible; and

viii. Identification of vehicle safety procedures for entering and exiting site access roads.

ix. Provide proof of secured agreement with the Kern County Roads Department to ensure that any County Roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed to meet the requirements of both Caltrans and Kern County.

MM 4.13-2: Prior to issuance of a building or grading permit the following shall occur:

a) Under the encroachment permit to be issued by the Kern County Roads Department, a paved road approach tie-in to Pellisier Road will be constructed.
The project would not exceed, either individually or cumulatively, an LOS standard established by the county Congestion Management Agency or adopted county threshold for designated roads or highways. (Impact 4.10-1)

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

The project would not have any environmental effects on transportation and traffic that can be mitigated to a less-than-significant level.

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

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

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

There are no cumulative impacts on transportation and traffic that would be reduced to a less-than-significant level with the incorporation of the proposed mitigation measures.

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

There are no cumulative impacts on transportation and traffic that would have a significant impact on the environment.

UTILITIES


The project would not exceed wastewater treatment requirements of the applicable regional water quality control board. (Impact 4.14-1)

The project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (Impact 4.14-2)

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

Significant Effect

The project would have insufficient water supplies available to serve the project from existing entitlement and resources, and new or expanded entitlements would be needed. (Impact 4.14-3)

Description of Significant Impact

Construction activity at each of the ten sites would require the use of water for a variety of activities, including but not limited to grading and hydro-consolidation of soils, dust control, street sweeping,
cleaning of construction equipment, and general use. It would also be used for consumption by construction workers. Operation of the solar facilities would require water consumption as well, primarily related to the need for washing of the PV panels and other ancillary activities to ensure project efficiency. The total projected demand for construction water is 343.08 AF. Total operational demand is estimated at 54.744 AF, which includes 53.634 AF for potable water and 1.11 AF of non-potable water. Depending on the location of the site, separate water purveyors need to be contacted to ensure sufficient capacity and delivery mechanisms.

Finding

The proposed project has the potential to result significant impacts related to water supply during construction and operation. The implementation of Mitigation Measure MM 4.14-1 would reduce potential adverse effects caused by the project to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project that result in substantial adverse physical impacts associated with water supply. Project impacts to water supply for all ten sites are considered significant, but would be reduced to a level that is less than significant with implementation of Mitigation Measure 4.14-1.

MM 4.14-1: Prior to the issuance of a building or grading permit, the project proponent shall present proof of agreement to the Kern County Planning and Community Development Department between the project proponent and the respective water purveyor that the water purveyor has the available supply to meet the short-term and long-term demands of the proposed project at each site. This agreement shall identify the following parameters:

The approximate volume of recycled/untreated non-potable water that will be available for use for the sites. Where non-potable water is available by the purveyor, it shall be the primary source of water in order to limit use of local groundwater sources.

a) The volume of potable water that will be used for the sites.

b) Best management practices (BMPs) to limit the use and improve efficiency in the amount of water used, particularly groundwater, during construction activity.

c) Alternative water supply sources shall be identified in the instance that the primary source becomes limited or unavailable during the life of the project.

MM 4.14-2: During construction, operation, and decommissioning, any debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project proponent to facilitate recycling of all construction waste through coordination with the onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and county regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.

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

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

The project would not result in a cumulative effect on utilities that would have a significant impact.

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

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

SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the CEQA Guidelines.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project’s significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives are to:

- The discussion of alternatives shall focus on alternatives to the proposed project or its location that are capable of avoiding or substantially lessening any significant effects of the proposed project, even if these alternatives would impede to some degree the attainment of the proposed project objectives, or would be more costly.

- The No Project Alternative shall be evaluated, along with its impacts. The no project analysis shall discuss the existing conditions at the time the notice of preparation was published, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with available infrastructure and community services.

- The range of alternatives required in an EIR is governed by a “rule of reason;” therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the proposed project.

- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the proposed project need be considered for inclusion in the EIR.

An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. Five alternatives to the project have been defined and analyzed. Section 15126.6 of the CEQA Guidelines provides that alternatives do not need to be evaluated to the same level of detail as the proposed project.

ALTERNATIVE A: NO PROJECT

Under the No Project Alternative, the existing land uses on each of the ten sites would continue to operate as they do under current conditions. The existing land uses, which include vacant and undeveloped desert
land on all sites except Sites 3 and 4 (which contain agricultural uses), would continue. In addition, existing ancillary structures, such as the roadways providing access to the project area, would remain in their current capacity. The undeveloped and agricultural setting of the project sites would continue for an indefinite period and no physical changes within the project sites would occur. The No Project Alternative would maintain the current zoning and land use designations.

Finding

The No Project Alternative would avoid all of the impacts associated with the proposed project’s short-term, long-term, and cumulative impacts. In addition, with the exception of agricultural resources, this alternative would avoid all of the proposed project’s short-term, long term, and cumulative impacts. Alternative A would not meet any of the project objectives.

ALTERNATIVE B: REDUCED PROJECT (ELIMINATION OF SITES 5, 6, AND 7)

Under Alternative B, no development would occur on Sites 5, 6, and 7, which would reduce the acreage under the proposed project by 400 acres for a total of 1,309 acres. The proposed 214 MW solar PV generating facilities would be reduced to 164 MW with implementation of this alternative.

Finding

Alternative B would have similar or slightly fewer project-related impacts associated with aesthetics, air quality, biological resources, hydrology, land use, public services and traffic, when compared to the proposed project. Similar to the proposed project, this alternative would require SPAs, ZCCs, and CUPs.

Alternative B would not avoid the significant and unavoidable project impacts of the proposed project related to aesthetics, or the significant and unavoidable cumulative impacts to agriculture, air quality, and biological resources. Although the Alternative B would result in fewer air quality and greenhouse gas emissions (GHGs) during construction activities, thus resulting in fewer short-term impacts, Alternative B would not offset as many emissions from other petroleum-based sources of energy in the future, resulting in greater long-term impacts when compared to the proposed project. Thus, GHG impacts from this alternative would be greater than those of the proposed project.

Alternative B would not meet the following project objectives:

- Establish solar PV power-generating facilities that are of sufficient size and configuration to produce up to 214 MW of clean electricity in order to assist the State of California in achieving the 33 percent renewable portfolio standard for 2020 by providing a significant new source of renewable energy.

ALTERNATIVE C: REDUCED PROJECT (ELIMINATION OF SITE 10)

Under Alternative C, no development would occur on largest of the project sites - Site 10. This would reduce the acreage under the proposed project by 588 acres for a total of 1,121 acres. The proposed 214 MW solar PV generating facility would be reduced to 140 MW with implementation of this alternative.

Finding

Alternative C would have similar or slightly fewer project-related impacts associated with aesthetics, air quality, biological resources, cultural resources, hydrology, land use, public services and traffic, when compared to the proposed project. Similar to the proposed project, this alternative would require CUPs, SPAs, and ZCCs; however, it would not require a GPA. Alternative C would not avoid the significant and
unavoidable project impacts of the proposed project related to aesthetics or the significant and unavoidable contribution to air quality, agricultural resources, and biological resources.

Alternative C would result in fewer impacts to biological and cultural resources, as compared to the proposed project. In addition, Alternative C would meet some of the applicant’s project objectives. Although Alternative C would result in fewer GHG emissions during construction activities thus resulting in fewer short-term impacts, this alternative would not offset as many emissions from other petroleum-based sources of energy in the future, resulting in greater long-term impacts when compared to the proposed project. Thus, GHG impacts from this alternative would be greater than those of the proposed project.

ALTERNATIVE D: REDUCED PROJECT (ELIMINATION OF SITES 3 AND 4)

Under Alternative D, no development would occur on Sites 3 and 4, which would reduce the acreage under the proposed project by 315 acres for a total of 1,394 acres. The proposed 214 MW solar PV generating facilities would be reduced to 174 MW with implementation of this alternative.

Finding

The Alternative D would have similar or slightly fewer project-related impacts associated with air quality, biological resources, hydrology, land use, public services and traffic, when compared to the proposed project. The Alternative D would not avoid the significant and unavoidable project impacts of the proposed project related to aesthetics, or the significant and unavoidable cumulative impacts to agriculture, air quality, and biological resources. Similar to the proposed project, this alternative would require SPAs, a GPA, ZCCs and CUPs.

Most notably, Alternative D would avoid development in the Tehachapi Valley, which would avoid development on Prime Farmland, and would therefore avoid a contribution to significant cumulative impacts. It would also reduce aesthetic impacts to residences and recreational visitors on the Cummings Valley Trail. Although the Alternative D would result in fewer air quality and GHG emissions during construction activities thus resulting in fewer short-term impacts, the Alternative D would not offset as many emissions from other petroleum-based sources of energy in the future, resulting in greater long-term impacts when compared to the proposed project. Thus, GHG impacts from this alternative would be greater than those of the proposed project.

Alternative D would not meet the following project objectives:

- Establish solar PV power-generating facilities that are of sufficient size and configuration to produce up to 214 MW of clean electricity in order to assist the State of California in achieving the 33 percent renewable portfolio standard for 2020 by providing a significant new source of renewable energy.

ALTERNATIVE E: NO UTILITY-SCALE SOLAR DEVELOPMENT—DISTRIBUTED COMMERCIAL AND INDUSTRIAL ROOFTOP SOLAR ONLY

Alternative E would involve the development of a number of geographically distributed small to medium solar PV systems (100 kilowatts to one MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout Kern County. Under this alternative, no new land would be developed or altered. However, depending on the type of solar modules installed and the type of tracking equipment used (if any), a similar or greater amount of acreage (i.e., greater than 1,709 acres of total rooftop area) may be required to attain proposed project’s capacity of 214 MW of solar PV generating capacity. Because of space or capital cost constraints, many rooftop solar PV systems would
be fixed-axis systems or would not include the same type of sun-tracking equipment that would be installed in a freestanding utility-scale solar PV project and, therefore, would not attain the same level of efficiency with respect to solar PV generation. This objective would enable the generation of 214 MW of electricity, but it would be for on-site use only. This alternative assumes that rooftop development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar installations.

Finding

Alternative E would reduce impacts associated with aesthetics, agriculture resources, air quality, biological resources, cultural resources, GHGs, geologic impacts, hydrology and water quality, public services, and traffic and transportation when compared to the proposed project. Impacts related to, hazards and hazardous materials land use and planning and utilities would be similar to those of the proposed project. There is a potential for an increase in noise impacts associated with this Alternative.

Alternative E would not meet the following project objectives:

- Develop solar energy facilities that are economically feasible and commercially financeable. This alternative includes a number of drawbacks, including, but not limited to the following:

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines require the identification of an environmentally superior alternative to the project (CEQA Guidelines, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

Finding

The Environmentally Superior Alternative to the proposed project would be Alternative E: No Utility-Scale Solar Development—Distributed Commercial and Industrial Rooftop Solar Only. This alternative would avoid all significant and unavoidable impacts that would occur under the proposed project. No substantially adverse and long-term impacts would occur to the environment as a result of this alternative. This alternative would also result in fewer impacts to cultural resources, greenhouse gas emissions, public services, and traffic and transportation and similar impacts to hydrology and water quality and land use and planning as compared to the proposed project.
Exhibit B

Statement of Overriding Considerations

State CEQA Guidelines Section 15093
STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

for

RE Distributed Solar Projects

RE Tehachapi Solar by RE Tehachapi Solar LLC

Conditional Use Permit No. 75, Map No. 164

Final Environmental Impact Report
(SCH No. 2011011005)

Lead Agency: Kern County Planning and Community Development Department

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The RE Tehachapi Solar Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the final environmental impact report (EIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

1) Impact 4.1-2 (The project would substantially degrade the existing visual character or quality of the site and its surroundings). The proposed project would introduce an industrial element into a predominantly rural landscape. Implementation of the proposed project would ultimately result in the placement of 158 acres of solar panels and associated infrastructure, and new substations on the project site. Mitigation is proposed including regular site maintenance to reduce the collection of debris, the installation of visually-shielding fencing, and the placement of landscaping at intervals along the site perimeter. However, impacts to visual resources would be considered significant and unavoidable.

2) The project would result in cumulative aesthetics impacts. The proposed project would result in a cumulatively significant and unavoidable impact on aesthetics. Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. Combined, these have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. The project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation measures including regular site maintenance to reduce the collection of debris, the installation of visually-shielding fencing, and the placement of landscaping at intervals along the site perimeter. Other projects in the region would also be required to implement various mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree that impacts are no longer significant.

3) The project would result in cumulative impacts to agricultural resources. The proposed project would result in a cumulatively significant and unavoidable impact on agriculture resources. A
total of 40 projects, 16 of which are similar solar projects, covering a minimum of 8,875 acres, are currently proposed within the vicinity of the project sites. These projects, if approved, have the potential to convert agricultural lands to nonagricultural uses. Combined, these projects have the potential to result in cumulative impacts to agriculture resources when considered together with the proposed project. The project and other projects in the region would be required to implement various mitigation measures to mitigate for the loss of farmland; however, the project’s contribution to the conversion of thousands of acres of agricultural uses to solar energy production uses cannot be mitigated to a degree that impacts are no longer considered significant.

4) The project would result in cumulative air quality impacts. Construction of the proposed project together with simultaneous construction of nearby, reasonably foreseeable planned projects in the area would result in significant cumulative air quality impacts. The majority of project emissions would occur temporarily during the construction phase, which is expected to be completed over an 18-month period. After that, there would be minimal emissions and insignificant cumulative impacts during operation of the proposed project. Due to the uncertainty of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that temporary cumulative impacts from construction would remain significant and unavoidable.

Findings

This Planning Commission finds and determines that it has considered the identified means of lessening or avoiding the project’s significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation, such impacts are at an unacceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make “acceptable” any such remaining environmental impacts of the project (CEQA Guidelines Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the final EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Planning Commission determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County of Kern as follows:

1) The proposed project would help to meet the increasing demand for clean, renewable electrical power.
2) The proposed project would establish solar PV power-generating facilities that are of sufficient size and configuration to produce up to 20MW of clean electricity, which would supply the energy needs of about 10,000 residences.
3) The proposed project would assist the State of California in achieving the 33 percent renewable portfolio standard for 2020 by providing a significant new source of renewable energy.
4) The proposed project would generate electricity that emits minimal amount of criteria air pollutants in the Eastern Kern Air Pollution Control District.

5) The proposed project would generate approximately 108 construction jobs and provide increased business for local contractors and vendors.

6) The proposed project would develop solar energy facilities that are economically feasible and commercially financeable.

7) The proposed project would develop solar energy facilities that take advantage of the climate of Kern County with sunshine and little rainfall, together with cool evening temperatures, occurring throughout the year.

8) The proposed project would produce and transmit electricity at a competitive cost in a manner that is commercially financeable.

9) The proposed project would minimize environmental effects by:
   a) Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable;
   b) Minimizing impacts to threatened species and/or endangered species, and other sensitive biological resources;
   c) Locating the project facilities in an area with compatible zoning and land uses to the extent possible;
   d) Minimizing water use;
   e) Reducing greenhouse gas emissions; and,
   f) Using technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.

10) Implementation of the proposed project would be consistent with the stated goals and policies of Section 5.4.5 Solar Energy Development, as outlined in the Energy Element of the Kern County General Plan.
Exhibit C

Mitigation Measure Monitoring Program
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Aesthetics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#1 4.1-2</td>
<td>MM 4.1-1: The project proponent shall clear debris from the project area at least twice per year; this can be done in conjunction with regular panel washing and site maintenance activities. The project proponent shall erect signs with contact information for the project proponent’s maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Community Development Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.</td>
<td>During operation and construction</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#2 4.1-2</td>
<td>MM 4.1-2: The project proponent shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Community Development Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], or R-3 [High-Density Residential] zoning), unless the adjacent property is owned by the project proponent (to be verified by the Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Planning and Community Development Department requesting this requirement be waived. Should the project proponent or agency sell the adjacent property, slat fencing or similar view-screening materials will need to be installed prior to the sale.</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#3 4.1-2</td>
<td>MM 4.1-3: Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Community Development Department, shall be planted along the fenceline at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], or R-3 [High-Density Residential] zoning), unless the adjacent property is owned by the project proponent (to be verified by the Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Planning and Community Development Department requesting this requirement be waived. Should the project proponent or agency sell the adjacent property, drought-tolerant will need to be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project proponent in accordance with Section 19.86 (Landscaping Standards)</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>of the Kern County Zoning Ordinance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#4 4.1-3</td>
<td><strong>MM 4.1-4:</strong> Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Kern County Planning and Community Development Department will verify during site plan review.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#5 4.1-3</td>
<td><strong>MM 4.1-5:</strong> Where appropriate, proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Community Development Department.</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Kern County Planning and Community Development Department will verify during site plan review.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#6 4.1-3</td>
<td><strong>MM 4.1-6:</strong> Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Kern County Planning and Community Development Department will verify during site plan review.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

### 4.2 Agricultural Resources

| #7 4.2.1 | **MM 4.2-1:** Prior to the issuance of a grading or building permit, the project proponent shall implement Measures (a) and (b) as specified below: | Prior to issuing grading or building permits | Kern County Planning and Community Development Department |      |          |
|          | a) Provide written evidence of completion of one or more of the following measures to mitigate the loss of Important Farmland at a ratio of 1:1 for net acreage of solar panel coverage and associated infrastructure. Net |                               |                               |      |          |
|          | **Steps to Compliance:** |                               |                               |      |          |
|          | A. The project proponent shall provide written evidence of completion of one |                               |                               |      |          |

---


<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
</table>

a. acreage is to be calculated including but not limited to the area covered by the substation, inverters, transformers, operation and maintenance buildings, and the areas directly under the panels. A plot plan shall be submitted substantiating the net acreage calculation along with written evidence of compliance.

  i. Funding and/or purchase of agricultural conservation easements (will be managed and maintained by an appropriate entity);

  ii. Purchase of credits from an established agricultural farmland mitigation bank;

  iii. Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California; or

  iv. Participation in any agricultural land mitigation program adopted by Kern County that provides equal or more effective mitigation than the measures listed above.

Mitigation land shall meet the definition of prime farmland, farmland of statewide importance, unique farmland and be land of similar agricultural quality or higher, as established by the State Department of Conservation. Completion of the selected measure or a combination of the selected measures, shall include properties located within the Greater Tehachapi Area if feasible, as determined by the Director of the Kern County Planning and Community Development Department (Planning Director). If it is determined by the project proponent that available land in the Greater Tehachapi Area has been exhausted, then the project proponent shall submit proof to the Planning Director. At that time the Planning Director may authorize the project proponent to utilize qualifying land within the State of California of similar agricultural quality or higher.

b) For all land not being mitigated at a 1:1 acre as specified above, the project proponent shall prepare and submit an Agricultural Management Plan to the Kern County Planning and Community Development Department for review and approval. The purpose of the Agricultural Management Plan is to demonstrate how the remaining land will be managed to support dryland pasture suitable for grazing. The Agricultural Management Plan shall include implementation strategies to ensure

or more of the mitigation measures.

B. Kern County Planning and Community Development Department will verify during site and plan review.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>continued maintenance of the site for grazing which include, but not be limited to:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>Description of soils on site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td>Plant species to be utilized for seeding purposes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>Description of timing when grazing operations shall commence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv.</td>
<td>Performance standards by which grazing activities will be evaluated (to include that grazing must occur four months or 120 days out of each calendar year).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>v.</td>
<td>Monitoring reports for the sites shall be completed for the first three years of operation at a minimum. Copies of the report shall be provided to the Kern County Planning and Community Development Department.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>vi.</td>
<td>Contingency plan to identify the steps to be taken should the grazing operations not be successful.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Should it be determined after one year from the commencement of operations, that the project has not met and will not be able to meet the identified performance standards outlined in the Agricultural Management Plan, the project proponent will be required to mitigate for the remaining loss of agriculture land as specified in part (a) of this Measure.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

### 4.3 Air Quality

#### #8 4.3-1

**MM 4.3-1:** The project proponent shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
  - All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with

| Steps to Compliance: | Prior to grading, operation, and construction | Kern County Planning and Community Development Department | Kern County Engineering, Surveying, and Permit Services Department | Eastern Kern Air Pollution Control District |
|----------------------|---------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------|
| A. Prior to grading or building permit issuance, the applicant shall submit | | | | |

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.</td>
<td></td>
<td>B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. All trucks entering or leaving the site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>v. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>vi. Prior to construction, install wind breaks (such as chain-link fencing including a wind barrier) where appropriate.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>vii. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the site, the following dust control practices shall be implemented:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>On-site vehicle speed shall be limited to 15 miles per hour.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td>All areas with vehicle traffic shall be graveled or treated with dust palliatives.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>Streets adjacent to the site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv.</td>
<td>Access to the site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheal washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#9 4.3-1</td>
<td><strong>MM 4.3-2:</strong> The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on all sites:</td>
<td>During construction</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) All equipment shall be maintained in accordance with the manufacturer’s specifications.</td>
<td></td>
<td>Kern County Engineering, Surveying, and Permit Services Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Equipment shall be shut down when not in use for extended periods of time.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Construction equipment shall operate no longer than eight cumulative hours per day.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) Electric equipment shall be used whenever possible in lieu of diesel or gasoline powered equipment.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) On road and off road diesel equipment shall use diesel particulate filters if</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Steps to Compliance:

A. During construction activities the project proponent shall submit evidence of compliance of the use of construction equipment to the Kern County Planning and Community Department.

B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
</table>
| #10 4.3-1 | MM 4.3-3: The project proponent shall continuously comply with the following measures during construction and operation to control NOx emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the project:  
   a) 2006 engines or pre-2006 engines with CARB certified Level 3 diesel emission controls will be used to the extent possible.  
   b) All on-road construction vehicles, except those meeting the 2006/CARB certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.  
   c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer’s specifications. | During operation and construction | Kern County Planning and Community Development Department  
   Kern County Engineering, Surveying, and Permit Services Department  
   Eastern Kern Air Pollution Control District |      |          |
| #11 4.3-1 | MM 4.3-4: The project proponents shall continuously comply with the following during operation to control fugitive dust emissions from the use of unpaved roads on the site:  
   a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.  
   b) The other unpaved roads at the site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.  
   c) Traffic speeds on unpaved roads shall be limited to no more than 15 miles per hour. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex. | During operation and construction | Kern County Planning and Community Development Department  
   Kern County Engineering, Surveying, and Permit Services Department  
   Eastern Kern Air Pollution Control District |      |          |
| #12 4.3-1 | MM 4.3-5: The project operator shall continuously comply with the following during project operation to control emissions from the on-site dedicated equipment (i.e. equipment that would remain onsite each day): | During operation and construction | Kern County Planning and Community Development Department |      |          |
### Mitigation Monitoring Program - RE Distributed Solar Project Environmental Impact Report - SITE 3 - RE Tehachapi Solar

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) All onsite off-road equipment and on-road vehicles for operation/maintenance shall be new equipment that meets the recent California Air Resources Board engine emission standards or alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.</td>
<td></td>
<td>Kern County Engineering, Surveying, and Permit Services Department Eastern Kern Air Pollution Control District</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) All equipment engines shall be maintained in good operating condition and in proposed tune per manufacturers' specification.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. Prior to grading or building permit issuance, the applicant shall submit evidence of compliance with regulation.

B. Kern County Engineering, Surveying, and Permit Services Department will in the field during the construction period.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

#### 4.4 Biological Resources

| #13   | MM 4.4-1: All Ten Sites: Within fourteen days prior to commencement of any ground disturbing activities, a qualified biologist shall submit documentation to the Kern County Planning and Community Development Department confirming the findings of the original focused botanical surveys, or provide additional actions required. | Prior to issuing grading or building permits | Kern County Planning and Community Development Department U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) if necessary |      |          |

**Steps to Compliance:**

A. The project proponent shall conduct a pre-construction survey that is performed by a qualified biologist within fourteen days prior to commencement of any ground disturbing activities.

B. The results of the survey shall be submitted to the Kern County Planning and Community Development Department.

C. The Kern County Planning and Community Development Department shall review the report, with possible coordination with the appropriate wildlife agencies. If sufficient avoidance cannot be established, the USFWS and CDFG shall be contacted for further guidance.

D. If the results of the survey determined impacts to special status plant
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
</table>
| #14 4.4-1 | **MM 4.4-3:** To mitigate for the potential impacts to burrowing owls at all ten sites, the following measures shall be implemented as part of the approval for a grading or building permit. Appropriate notes shall be included on any grading permit, building permit or final map. To avoid impacts on western burrowing owl, the following guidelines, adapted from the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation (CDFG, 1995), shall be implemented:  
  a) A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct a preconstruction survey to locate any breeding or wintering burrowing owls no more than 30 days prior to the start of ground disturbing activities. A copy of the survey shall be submitted to the Kern County Planning and Community Development Department.  
  b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, including, but not limited to, road construction or installation of solar panels or ancillary facilities, shall be permitted within 250 feet of an active burrow during the breeding season (February 1 to August 31), unless otherwise authorized by California Department of Fish and Game. Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Game, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.  
  c) During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 160 feet from the burrow and the site is not directly affected by the project activity. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows. A qualified wildlife biologist shall install one-way doors at the entrance to the active burrow and other species could be impacted, a Habitat Management Plan shall be developed and a Mitigation Measure Monitoring Plan shall be prepared as outlined in MM 4.4-1. | Prior to issuing grading and building permits | Kern County Planning and Community Development Qualified Biologist Department CDFG (if necessary) | | |

**Steps to Compliance:**

A. Contract a qualified biologist to perform pre-construction survey for burrowing owl within 30 days prior to the start of ground disturbing activities.

B. If nests or burrowing owls are found, contract a qualified biologist to prepare site-specific recommendations.

C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.

D. Prior to issuance of grading permits, the applicant shall provide Kern County Planning Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>potentially active burrows within 150 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. d) Should burrowing owls be found on-site, and if it is determined that the proposed project would reduce suitable habitat on-site below California Department of Fish and Game threshold levels, the habitat shall be replaced off-site if no suitable on-site habitat is available. Off-site habitat must consist of suitable burrowing owl habitat, as defined in the Burrowing Owl Survey Protocol, and the location shall be approved by the California Department of Fish and Game. The appropriate replacement ratio will be determined through consultation with the California Department of Fish and Game.</td>
<td>Prior to issuing of grading and building permits and during construction</td>
<td>Kern County Planning and Community Development Department Qualification Biologist CDFG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#15</td>
<td>MM 4.4-4: Prior to issuance of a grading or building permit, appropriate notes shall be included on any grading permit, building permit or final map. a) Fourteen days prior to site clearing, a qualified biologist shall conduct a preconstruction migratory bird and raptor nesting survey. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. This survey shall include species protected under the Migratory Bird Treaty Act including Swainson’s hawk and Le Conte’s thrasher. The survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site. b) If construction is scheduled to commence during the non-nesting season, no preconstruction surveys or additional measures are required. To avoid impacts on nesting birds in the project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within 0.5 mile of construction activities that commence during the breeding season (February 1 to August 31). Surveys shall be conducted no more than 30 days prior to construction activities. c) If active nests are found, a 500-foot, no-disturbance buffer should be created around active raptor nests (0.5-mile buffer for active Swainson’s hawk nest and other fully protected raptors) during the breeding season or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4-1</td>
<td><strong>Steps to Compliance:</strong> A. The project proponent shall conduct a pre-construction survey that is performed by a qualified biologist, or provide evidence of a waiver issued by USFWS and CDFG. B. If active nests are found, a qualified biologist shall implement site specific recommendations. C. The project proponent shall submit a copy of the report to the Kern County Planning and Community Development Department for review and verification of compliance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Time Frame for Implementation</td>
<td>Responsible Monitoring Agency</td>
<td>Date</td>
<td>Initials</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>until it is determined that young have fledged, unless otherwise authorized by the California Department of Fish and Game. A 250-foot, no-disturbance buffer should be created around nests of non-raptor special-status birds. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project proponent should avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by resiting the project component(s) to avoid the area. In the event that Swainson’s hawks or fully protected raptors are detected within 0.5-mile of a project site, consultation with the Kern County Planning and Community Development Department and the California Department of Fish and Game shall occur; and the project proponent shall take applicable measures as required by the aforementioned consultation.</td>
<td>Prior to issuing grading and building permits</td>
<td>Kern County Planning and Community Development Qualified Biologist Department USFWS and CDFG (if necessary)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#16 4.4-1

MM 4.4-6: Prior to commencement of ground disturbing activities, appropriate notes shall be included on any grading permit, building permit or final map.

a) Within two weeks prior to commencement of construction activities, surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within two weeks prior to that portion of the site disturbed. If no potential American badger or desert kit fox dens are present, no further mitigation is required.

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

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

ii. If the qualified biologist determines that potential dens may be

Steps to Compliance:

A. Contract a qualified biologist to perform pre-construction survey for kit fox and American badger.

B. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.

C. If dens are found, contract a qualified biologist to monitor and excavate dens and notify wildlife agencies to discuss and develop relocation options.

D. If necessary, implement relocation options under the guidance of a qualified biologist.

E. Prior to issuance of grading permits, provide Kern County Planning and Community Development Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, monitoring, excavating, and kit fox relocation.

F. Kern County Engineering, Surveying, and Permit Services Department will
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>active, the biologist shall notify the California Department of Fish and Game. Entrances to the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Game. A biologist shall remain on-call throughout construction in the event a tortoise or badger wanders onto the site.</td>
<td>verify escape ramps, capping, and presence of closed containers in the field during the construction period.</td>
<td>iii. Construction activities shall not occur within 30 feet of active badger dens. &lt;br&gt;iv. Construction activities shall not occur within 100 feet of active or 500 feet of natal desert kit fox dens.</td>
<td>b) If any American badger burrows are determined to be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding badgers from occupied burrows by installation of one way doors at burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and excavation and collapse of the burrow to prevent recrui</td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Time Frame for Implementation</td>
<td>Responsible Monitoring Agency</td>
<td>Date</td>
<td>Initials</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------</td>
<td>-------------------------------</td>
<td>------------------------------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>project sites and their surrounding areas, the laws and regulations that protect those resources, the consequences of non-compliance with these laws and regulations, and a contact person in the event that protected biological resources are discovered on a site. Proof of participation in the training (in the form of sign-in sheets) shall be provided to Kern County Planning and Community Development Staff. All training materials and contact information shall be provided in a commonly used and visible location on each of the sites during long-term operation. f) If any injured or dead special status species are discovered on a project site, Kern County and the California Department of Fish and Game shall be contacted within 24 hours. Copies of all surveys and reports shall be submitted to the Kern County Planning and Community Development Department.</td>
<td>Prior to issuing or grading or building permits, and during construction</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#17</td>
<td>MM 4.4-9: Prior to issuance of a grading or building permit, appropriate notes shall be included on any grading permit, building permit or final map. The project proponent shall submit written documentation to the Kern County Planning and Community Development Department showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines. The project proponent shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee document) to protect birds from electrocution and collision. Implementation of these guidelines shall be verified by Kern County. The project proponent shall install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 and Mitigating Bird Collisions with Power Lines: The State of the Art in 1994 (Avian Power Line Interaction Committee, 2006; 1994).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4-4</td>
<td></td>
<td>Kern County Building Inspection Department</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#18</td>
<td>MM 4.4-10: b) Current knowledge of Swainson’s hawk ecology within the Antelope Valley is limited. Research needs for the Antelope Valley population include a determination of home-range size and exact foraging habitat</td>
<td>Prior to issuing of grading and building permits</td>
<td>Kern County Planning and Community Development Qualified Biologist CDFG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumulative</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Time Frame for Implementation</td>
<td>Responsible Monitoring Agency</td>
<td>Date</td>
<td>Initials</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------</td>
<td>------------------------------</td>
<td>-------------------------------</td>
<td>------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| (locations) and acreage for each pair, food habits, natal dispersal, and breeding dispersal locations. With these research needs as a backdrop, the project proponent shall consult with the California Department of Fish and Game regarding the type(s) of research needed to support future management decisions in the Antelope Valley and will contract with a qualified biologist to design and implement a study plan. Prior to the first delivery of power for any of Sites 3 through 10, the project proponent shall fund the research, in an amount not to exceed an overall total of $100,000. Should the California Department of Fish and Game determine that funding can be divided between project sites, the project proponent shall submit evidence of distribution amounts for each site (not to exceed a combined total of $100,000 for the eight sites), in addition to proof of payment(s) to the Kern County Planning and Community Development Department prior to final sign off of the final building permit for the project. | **Steps to Compliance:**  
A. The project proponent shall consult with the CDFG regarding research needed to support future management decisions in the Antelope Valley and will contract with a qualified biologist to design and implement a study plan.  
B. The project proponent shall fund the research, in an amount not to exceed $100,000. Proof of payment shall be submitted to the Kern County Planning and Community Development Department. | | |

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

| 4.5 | Cultural Resources |
| #19 | MM 4.5-1: The project proponent shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and historical resources. If cultural resources are encountered during construction, all activity in the vicinity of the find shall cease until it can be evaluated by a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Standards for professional archaeology. If the qualified archaeologist determines that the resources may be significant, he or she will notify the County and will develop an appropriate treatment plan for the resources. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. |
| 4.5-1 | During grading and construction | Kern County Planning and Community Development Department  
Qualified Archaeologist  
Native American Heritage Commission (if necessary) | | |

**Steps to Compliance:**  
A. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.  
B. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.  
C. Prior to final tract or parcel map recordation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>#20 4.5-2</td>
<td><strong>MM 4.5-3:</strong> Prior to the issuance of grading permits a qualified paleontologist shall be retained and approved by the County to monitor all ground-disturbing activity that occurs within younger Quaternary Aeolian deposits at any depth; and within younger Quaternary Alluvium at a depth of five feet or deeper below ground surface. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the lead agency and based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the County, may adjust the level of monitoring to circumstances as warranted. If a potentially significant fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository. Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the County and to the Natural History Museum of Los Angeles County.</td>
<td>Prior to issuing of grading and building permits, and during ground disturbing activity</td>
<td>Kern County Planning and Community Development Department Qualified Paleontologist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#21 4.5-3</td>
<td><strong>MM 4.5-4:</strong> If human remains are uncovered during project construction, the project proponent shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted</td>
<td>During construction or operation</td>
<td>Kern County Planning and Community Development Department County Coroner Native American Heritage Commission (if necessary)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. If human remains are discovered, halt all work and contact the county...

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. | Time Frame for Implementation: coroner to assess the finds and recommend procedures per Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code.  
B. If the coroner determines that Native American remains have been discovered, contact a Native American monitor to be present during the remainder of construction activities.  
C. If additional resources are discovered, halt all work and a qualified archaeologist/county coroner will be recalled to assess finds and recommend procedures.  
D. If Native American remains are found, provide Kern County Planning and Community Development Department with written evidence, via certified mail, of the Native American monitor’s determination about appropriate procedures.  
E. Follow procedures developed by the Native American monitor.  
F. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period. |

| Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final environmental impact report (EIR) to the extent feasible. |

### 4.6 Geology and Soils

| #22 4.6-1: Prior to approval of grading permits, the project proponent shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismic-induced ground shaking on the sites. All grading and construction on each site shall adhere to all specifications and procedures and site conditions presented in the final design plans, which shall be fully compliant with the seismic requirements of the California Building Code, Uniform Building Codes, Kern County Building Code, Chapter 17, and as recommended by a California registered professional engineer. The procedures and site conditions include, but are not limited to, proper site preparation, foundation specifications, and buried metal protection measures. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final compliance requirements shall be provided to the onsite construction supervisor and Kern County building inspector to ensure compliance. | Prior to issuing building and grading permits, and during grading and construction: Kern County Planning and Community Development Department  
Kern County Building Inspection Department  
Kern County Engineering, Surveying, and Permit Services Department |

<p>| Steps to Compliance: |  |
|----------------------|  |
| A. Provide Kern County Building Inspection Department a copy of the geotechnical report prior to issuance of building and grading permits. |  |
| B. Provide the construction supervisor and building inspector with the geotechnical report and adhere to all specifications and procedures and site |  |</p>
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>conditions in the geotechnical report or, if more stringent, the California Building Code.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C. If the project is altered from what is described in the report, contact a qualified soils engineer to review and reevaluate the changes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>D. If the building inspector finds site preparation or construction activities out of compliance with the geotechnical report or the California Building Code, contact a qualified special investigator to review all grading, construction, and changes and verify that all changes are in accordance with approved grading plan, the geotechnical report, and recognized principles and practices.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>E. If necessary, provide site investigative reports prepared by the applicant’s engineer of record, the geotechnical engineer, and the special investigator for review by Kern County Engineering, Surveying, and Permit Services Department.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>F. If necessary, provide Kern County Planning and Community Development Department, Kern County Building Inspection Department, and Kern County Engineering, Surveying, and Permit Services Department with evidence of compliance with the soils engineer’s review and reevaluation and/or the special investigator’s review.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#23 4.6-3</td>
<td>MM 4.6-2: The project proponent shall limit grading to the minimum area necessary for construction and operation of the project, and the proponent shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction. Final plans will include best management practices to limit on- and off-site erosion and a water plan to treat disturbed areas during construction to reduce dust suppression.</td>
<td>Prior to issuing of building and grading permits and during operation and construction</td>
<td>Kern County Planning and Community Development Department Qualifed California Engineer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. Contact a California registered engineer to review final grading earthwork and foundation plans prior to construction.

B. Submit final plans to the Kern County Planning and Community Development Department.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.7</td>
<td>Greenhouse Gas Emissions</td>
<td>No Mitigation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.8</td>
<td>Hazards and Hazardous Materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>#24 4.8-1</strong></td>
<td><strong>MM 4.8-1:</strong> In accordance with the California Health and Safety Code and Kern</td>
<td>Prior to issuing building and grading permits, during operation</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>County regulations, the project proponent shall prepare a hazardous materials</td>
<td></td>
<td>Kern County Environmental Health Services Department/Hazardous Materials Section</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>business plan and submit it to the Kern County Environmental Health Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department/Hazardous Materials Section for review and approval. The hazardous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>materials business plan shall delineate hazardous material and hazardous waste</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>storage areas; describe proper handling, storage, transport, and disposal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>techniques; describe methods to be used to avoid spills and minimize impacts in</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>the event of a spill; describe procedures for handling and disposing of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>unanticipated hazardous materials encountered during construction; and establish</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>public and agency notification procedures for spills and other emergencies,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>including fires. The project proponent shall provide the hazardous materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>business plan to all contractors working on the project and shall ensure that</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>one copy is available at the project site at all times.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) The hazardous materials business plan to be prepared shall also include</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>procedures to avoid or minimize dust from existing residual pesticide and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>herbicide use that may be present on Sites 3 and 4. The project operator</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>shall provide the hazardous materials business plan to all contractors</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>working on the project and will ensure that one copy is available at the project</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>site at all times.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) If, during grading or excavation work, the contractor observes visual or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>olfactory evidence of contamination or if soil contamination is otherwise</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>suspected, work near the excavation site shall be terminated, the work area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>cordoned off, and appropriate health and safety procedures implemented for the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>location by an Occupational Health and Safety Administration-trained individual</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>with a minimum of 40 hours of hazardous material site worker training. Laboratory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>data from suspected contaminated material shall be reviewed by the contractor's</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health and Safety Officer. If the sample testing determines that</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>contamination is not present, work may proceed at the site; however, if</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>contamination is detected above regulatory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. The project proponent shall submit final hazard material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.

B. Project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.
| #25 4.8-2 | **MM 4.8-2:** The contractor or personnel shall use herbicides that are approved for use by the California Department of Fish and Game and U.S. Fish and Wildlife Service. Personnel applying herbicides shall have all the appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the product manufacturer’s directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and waterbodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied within 50 feet of any surface water body when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds ten miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. | Prior to issuing grading and building permits | Kern County Planning and Community Development Department Kern County Building Inspection |  |  |

| #26 4.8-2 | **MM 4.8-3:** The hazardous materials business plan to be prepared under MM 4.8-1 shall include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on Sites 3 and 4. The project proponent shall provide that hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times. | Prior to issuing grading and building permits | Kern County Planning and Community Development Department Kern County Building Inspection Department |  |  |

| #27 | **MM 4.8-4:** | Prior to issuing building permits | Kern County Planning and Community Development |  |  |
### Mitigation Monitoring Program - RE Distributed Solar Project Environmental Impact Report - SITE 3 - RE Tehachapi Solar

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
</table>
| 4.8-3  | Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in 14 Code of Federal Regulation 77.17.  
  b) The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that the Federal Aviation Administration has issued a “Determination of No Hazard to Air Navigation.” This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in Kern County Zoning Ordinance Figure 19.08.160 that all project components would create no significant military mission impacts  
  c) The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that a copy of the approved form(s) has been provided to the operators of Tehachapi Municipal Airport, California City Municipal Airport, Mojave Air and Space Port, Edwards Air Force Base, China Lake Naval Air Weapons Station, Mountain Valley Airport, and Rosamond Skypark. | Department Federal Aviation Administration |                          |       |          |

### Steps to Compliance:

A. The project proponent shall submit Form 7460-1 (to the Federal Aviation Administration, in the form and manner prescribed in 14 Code of Federal Regulation 77.17.

B. The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that the Federal Aviation Administration has issued a “Determination of No Hazard to Air Navigation.”

C. The project proponent shall provide documentation to the Kern County Planning and Community Development Department demonstrating that a copy of the approved form(s) has been provided to the operators of Tehachapi Municipal Airport, California City Municipal Airport, Mojave Air and Space Port, Edwards Air Force Base, China Lake Naval Air Weapons.

#28

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
</table>
| 4.8-5  | MM 4.8-5: To minimize the potential for wildfires, the project proponent shall develop and implement a fire safety plan tailored to each site for use during construction and operation. The project proponent shall submit the plan, along with maps of the project sites and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building or grading permits. The fire safety plans shall contain notification procedures and emergency fire precautions including, but not limited to, the following:  
  a) All internal combustion engines, stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.  
  b) Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. These vehicle types shall maintain their factory-installed (type) muffler in good condition.  
  c) Fire rules shall be posted on the project bulletin board at the contractor’s field office and areas visible to employees.  
  d) Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials. | Prior to grading and construction and during operation and construction | Kern County Planning and Community Development Department  
Kern County Fire Department  
Kern County Building Inspection Department |       |          |

### Steps to Compliance:

A. The project proponent shall submit a fire safety plan along with maps of the project sites and access roads the Kern County Fire Department for review and approval prior to the issuance of any building or grading permits.  

B. Submit fire safety plan to the Kern County Planning and Community Development Department.  

C. The Kern County Building Inspection Department will verify in the field during construction and operation.

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>e)</td>
<td>Personnel will be trained in the practices of fire the safety plan relevant to their duties and the site. Construction and maintenance personnel shall be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>The project proponent shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside the official fire season. If the above tools are used, water tanks equipped with hoses, fir rakes, and axes will be easily accessible to personnel.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

### 4.9 Hydrology and Water Quality

| #29 4.9-1 | MM 4.9-1: Prior to issuance of grading permits, the project proponent shall submit a Stormwater Pollution Prevention Plan for all ten sites to the Kern County Planning and Community Development Department that specifies Best Management Practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended Best Management Practices for the construction phase may include the following: a) Stockpiling and disposing of demolition debris, concrete, and soil properly; b) Protecting existing storm drain inlets and stabilizing disturbed areas; c) Implementing erosion controls; d) Properly managing construction materials; and e) Managing waste, aggressively controlling litter, and implementing sediment controls. | Prior to issuing of building and grading permits | Kern County Planning and Community Development Department Kern County Engineering, Surveying, and Permit Services Regional Water Quality Control Board Department (RWQCB) |      |         |

**Steps to Compliance:**

A. The project proponent shall prepare a SWPPP and provide a copy to Kern County Engineering, Surveying, and Permit Services Department and RWQCB for review and comment.

B. Implement reviewed and approved SWPPP at the project site that includes monitoring procedures.

C. Kern County Building Inspection Department will verify in the field adherence to the SWPPP during the construction period.

| #30 4.9-2 | MM 4.9-2: Prior to issuance of grading permits, the project proponent shall prepare a drainage plan that is designed to minimize runoff and | Prior to issuing of grading permits | Kern County Planning and Community Development |      |         |

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.9-1</td>
<td>surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include a one-foot clearance above the calculated maximum flood depths for the solar arrays. Solar sites should be graded to direct potential flood waters into channels adjacent to the existing and proposed right of ways, without increasing the water surface elevations more than one-foot or as required by Kern County’s Floodplain Ordinance. The drainage plan shall be prepared in accordance with the Kern County Grading Code and approved by the Kern County Engineering, Surveying and Permitting Services, Floodplain Management Section prior to the issuance of grading permits.</td>
<td>Department Kern County Engineering, Surveying, and Permit Services RWQCB</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. The project proponent shall prepare a drainage plan and provide a copy to Kern County Engineering, Surveying, and Permit Services Department and RWQCB for review and comment.

B. Implement reviewed and approved drainage plan at the project site that includes monitoring procedures.

C. Kern County Building Inspection Department will verify in the field adherence to the drainage plan during the construction period.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

### 4.10 Land Use and Planning

| CUMULATIVE | MM 4.10-1: Prior to issuance of any building permit, the project proponent shall provide the Kern County Planning and Community Development Department with a Decommission Plan for review and approval. The plan would be carried out by the proposed proponent or a County-contracted consulting firm(s) at a cost to be borne by the project proponent. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining vacant land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project proponent is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work. In addition to submittal of a Decommission Plan, the project proponent shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time the project proponent determine it is not | Prior to issuing of building permits | Kern County Planning and Community Development Department Kern County Building Inspection Department | | |

**Steps to Compliance:**

A. Provide Kern County Planning and Community Development Department with a Decommission Plan for review and approval.

B. Kern County Building Inspection Department will verify in the field adherence to the Decommission Plan during the construction period.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in their best interest to operate the facility.</td>
</tr>
<tr>
<td></td>
<td>The financial assurance required prior to issuance of any building permit shall be established using one of the following:</td>
</tr>
<tr>
<td></td>
<td>a) An irrevocable letter of credit;</td>
</tr>
<tr>
<td></td>
<td>b) A surety bond;</td>
</tr>
<tr>
<td></td>
<td>c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or</td>
</tr>
<tr>
<td></td>
<td>d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Community Development Department.</td>
</tr>
</tbody>
</table>

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

Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the County a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Community Development Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field which
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>has been deemed abandoned be permitted to remain in place for more than forty eight (48) months from the date the solar facility was first deemed abandoned.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#32</td>
<td>MM 4.10-2: Prior to the operation of the solar facility, the project proponent shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</td>
<td>Prior to operation</td>
<td>Kern County Planning and Community Development Department Department of Defense</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CUMULATIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steps to Compliance:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. The project proponent shall coordinate with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.11 Noise

| #33 4.11-1 | MM 4.11-1: To reduce short-term construction related noise impacts, the following shall be implemented by the project proponent: | During grading and construction | Kern County Planning and Community Development Department Kern County Building Inspection Department |      |         |
|           | a) The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. |                              |                                                   |      |         |
|           | b) The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. |                              |                                                   |      |         |
|           | c) The construction contractor shall ensure that all construction equipment is equipped with manufacturers approved mufflers and baffles. |                              |                                                   |      |         |
|           | Steps to Compliance:                                                                 |                              |                                                   |      |         |
|           | A. Adhere to construction equipment as outlined in MM 4.11-1.                       |                              |                                                   |      |         |
|           | B. Kern County Building Inspection Department will verify in field during construction period. |                              |                                                   |      |         |

#34 4.11-2 | MM 4.11-2: Project construction hours shall comply with applicable local ordinances. In Kern County, these hours are 6:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on Saturdays and Sundays. It is anticipated that construction shall generally occur between 7:00 a.m. and 6:00 p.m. Monday through Friday. Additional hours may be necessary to | During grading and construction | Kern County Planning and Community Development Department Kern County Building Inspection Department |      |         |
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>make up schedule deficiencies or complete critical construction activities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#35</td>
<td><strong>MM 4.11-3</strong> A “noise disturbance coordinator” shall be established during construction. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.</td>
<td>During grading and construction</td>
<td>Kern County Planning and Community Development Department Kern County Building Inspection Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Adhere to hour limits as described in MM 4.11-2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Kern County Building Inspection Department will verify in the field during the construction period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#36</td>
<td><strong>MM 4.11-4:</strong> Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the construction schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign, legible at a distance of 50 feet, shall also be posted at the construction sites throughout construction which includes the same details as the notices.</td>
<td>During grading and construction</td>
<td>Kern County Planning and Community Development Department Kern County Building Inspection Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>C. Adhere to construction equipment as outlined in MM 4.11-3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>D. Kern County Building Inspection Department will verify in field during the construction period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Justification:</strong> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.12</td>
<td><strong>Public Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#37</td>
<td><strong>MM 4.12-1:</strong> In order to reduce impacts to public services including police and fire protection, the following shall be implemented:</td>
<td>Prior to issuing building and grading permits</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.12-1</td>
<td>a) The project proponent shall pay for impacts to countywide public</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measure</td>
<td>Time Frame for Implementation</td>
<td>Responsible Monitoring Agency</td>
<td>Date</td>
<td>Initials</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td></td>
<td>protection, sheriff patrol and investigation, and fire services at a rate of $29.59 per 1,000 square feet of covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount will be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County auditor/controller by April 30 of each calendar year. b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Community Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than $1,000 per MW per year, than they will pay those taxes plus an amount necessary to equal the equivalent of $1,000 per MW. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year c) The Project proponent shall work with County staff to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. This process shall include, but is not necessarily limited to the project proponent: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the State Board of Equalization, using this address for acquisition, purchasing and billing purposes associated with the proposed project. The project proponent shall allow the County to use this sales tax information publicly for reporting purposes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. The project proponent shall pay fees to countywide public protection, sheriff patrol and investigation, and fire services.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. The project proponent shall provide Kern County Planning and Community Development Department written verification of ownership of the project.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#38 4.12-1</td>
<td>C. Work with County staff to determine how the receipt of sales and use taxes related to the construction of the project will be maximized as described in MM 4.12-1(c).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. The project proponent shall submit the plan to the Kern County Fire Department for
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>equipped with spark arresters. Spark arresters will be in good working order.</td>
<td>review and approval.</td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.</td>
<td></td>
<td>Kern County Roads Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Fire rules will be posted on the project bulletin board at the contractor’s field office and areas visible to employees</td>
<td></td>
<td>California Department of Transportation (Caltrans), District 9</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) Personnel will be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel will be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) The project proponent will make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes will be easily accessible to personnel.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

### 4.13 Traffic and Transportation

<table>
<thead>
<tr>
<th>#</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td><strong>MM 4.13-1:</strong> Prior to construction, the project proponent shall:</td>
<td></td>
<td>Kern County Planning and Community Development Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.13-1</td>
<td>a) Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.</td>
<td></td>
<td>Kern County Roads Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Obtain all necessary Encroachment Permits from the Kern County Roads Department for applicable roads in the Kern County road maintenance system.</td>
<td></td>
<td>California Department of Transportation (Caltrans), District 9</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. Submit Construction Traffic Control Plan to Kern County Roads Department and the Caltrans, District 9 office for approval.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Timing of deliveries of heavy equipment and building materials;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Directing construction traffic with a flag person;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iv. Ensuring access for emergency vehicles to the project site;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>v. Temporary closure of travel lanes or disruptions to street segments and intersections during materials delivery, transmission line stringing activities, or any other utility connections;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>vi. Maintaining access to adjacent property;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>vii. Specification of both construction-related vehicle travel and oversize load haul routes, the minimization of construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the proposed project site, and avoiding residential neighborhoods to the maximum extent feasible; and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>viii. Identification of vehicle safety procedures for entering and exiting site access roads.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ix. Provide proof of secured agreement with the Kern County Roads Department to ensure that any County Roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed to meet the requirements of both Caltrans and Kern County.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#40</td>
<td><strong>MM 4.13-2:</strong> Prior to issuance of a building or grading permit the project provider shall ensure that a building or grading permit is issued.</td>
<td>Prior to issuing building and</td>
<td>Kern County Planning and</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.13-1</td>
<td>following shall occur: &lt;br&gt;a) Under the encroachment permit to be issued by the Kern County Roads Department, a paved road approach tie-in to Pellisier Road will be constructed.</td>
<td>grading permits</td>
<td>Community Development Department &lt;br&gt;Kern County Roads Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong> &lt;br&gt;A. Obtain encroachment permit from the Kern County Roads Department.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

**4.14 Utilities and Service Systems**

| #41 | MM 4.14-1: Prior to the issuance of a building or grading permit, the project proponent shall present proof of agreement to the Kern County Planning and Community Development Department between the project proponent and the respective water purveyor that the water purveyor has the available supply to meet the short-term and long-term demands of the proposed project at each site. This agreement shall identify the following parameters: <br>The approximate volume of recycled/untreated non-potable water that will be available for use for the sites. Where non-potable water is available by the purveyor, it shall be the primary source of water in order to limit use of local groundwater sources. <br>a) The volume of potable water that will be used for the sites. <br>b) Best management practices (BMPs) to limit the use and improve efficiency in the amount of water used, particularly groundwater, during construction activity. <br>c) Alternative water supply sources shall be identified in the instance that the primary source becomes limited or unavailable during the life of the project. | Prior to issuing of building permits | Kern County Planning and Community Development Department |  |  |
|      | **Steps to Compliance:** <br>A. Prior to issuance of building permits, project proponent shall obtain from the respective water purveyor that the water purveyor has the available supply to meet the short-term and long-term demands of the proposed project at each site. <br>B. Provide Kern County Planning and Community Development Department proof of will serve letter. |  |  |  |  |

<p>| #42 | MM 4.14-2: During construction, operation, and decommissioning, any debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project proponent to facilitate recycling of all construction waste through coordination with the | Prior to issuing building and grading permits &lt;br&gt;during grading, construction, and decommissioning | Kern County Planning and Community Development Department &lt;br&gt;Kern County Kern County Waste |  |  |</p>
<table>
<thead>
<tr>
<th>Impact</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and county regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits</td>
<td>Management Department</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Steps to Compliance:**

A. Prior to issuance of building permits, designate onsite-recycling coordinator, provide name, and phone number to Kern County Waste Management Department.

B. Recycle construction waste to the extent feasible.

C. Provide Kern County Planning and Community Development Department and Kern County Waste Management Department with copies of hauling receipts.

D. Kern County Planning Department will verify in the field during the construction period.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.