

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS CERTIFYING THE)
ENVIRONMENTAL IMPACT REPORT FOR THE)
PANOCH VALLEY SOLAR FARM (ALTERNATIVE A)
REVISED), AND ADOPTING THE CALIFORNIA)
ENVIRONMENTAL QUALITY ACT FINDINGS,)
MITIGATION MEASURES, MITIGATION,)
MONITORING AND REPORTING PROGRAM, AND)
STATEMENT OF OVERRIDING CONSIDERATIONS)

Resolution No. 2010-118

WHEREAS, On October 16, 2009, Solargen Energy Inc. ("Solargen") submitted a Conditional Use Permit (Use Permit No. UP 1023-09) to create the Panoche Valley Solar Farm ("PVSF"), which contemplated a 1,000 Megawatt solar power plant on approximately 10,000 acres generally located in the Panoche Valley of unincorporated San Benito County ("1,000 MW Project"); and

WHEREAS, after the October, 2009 application submittal and to address concerns regarding the size and scope of the 1,000 MW Project, Solargen agreed to reduce the size of the PVSF by approximately 60% or from a 1,000 MW to 420 MW and reduce the size of the affected land from 10,000 acres to 4,885 acres ("420 MW Project"). On December 9, 2009, Solargen submitted a revised application for the 420 MW Project. On February 1, 2010 and June 11, 2010, Solargen submitted additional applications for the 420 MW Project that further refined and provided additional information relating to the 420 MW Project; and

WHEREAS, on March 31, 2010, Solargen submitted an application for the cancellation of Williamson Act contracts Nos. 68-98, 68-99, 68-70, 71-37, 72-39, 74-14 (partial), 74-15, 74-18 (partial), 74-19, 77-02, 89-02, and 98-02 (partial) to implement the 420 MW Project; and

WHEREAS, the Board of Supervisors of the County of San Benito's ("Board") consideration and approval of the cancellation of Williamson Act contracts constitutes the "approval" of "project" under CEQA because it will facilitate implementation of the PVSF; and

WHEREAS, the 420 MW project site is approximately 4,885-acres ("Project Area") and is located approximately 0.75 miles north of the intersection of Panoche Road and Little Panoche Road, in eastern San Benito County. The site is located approximately 2 miles southwest of the Fresno County Line and the Panoche Hills, and approximately 15 miles west of Interstate 5 and the San Joaquin Valley. The PVSF would be located within Township 15S, Range 10E, Sections 3-5, 8-11, 13-17, and 20-25 and Township 15S, Range 11E, Sections 18, 20, 29, and 30 of the United States Geologic Survey's Cerro Colorado, Llanada, Mercy Hot Springs, and Panoche 7.5-minute topographic quadrangle maps; and

WHEREAS, the 420 MW PVSF consists of the development of the following components on 2,474 acres (approximately 50%) of the approximately 4,885-acre project site:

- Installation of approximately 3 million to 4 million PV panels
- Photovoltaic module steel support structures
- Electrical inverters and transformers
- An electrical substation with switchyard
- Buried electrical collection conduit (on approximately 37 acres)
- An operations and maintenance (O&M) building
- A septic system and leach field
- A wastewater treatment facility and demineralization pond
- On-site access roads
- Security fencing
- Transmission support towers and line(s) to interconnect with a PG&E transmission line that passes through the project site
- Possible upgrades to PG&E's transmission system

The 420 MW Project would be constructed in five phases; the first phase would be 20 MW, with each subsequent phase consisting of an additional 100 MW and would transmit the electricity generated on site to two existing Pacific Gas and Electric Company (PG&E) transmission lines that traverse the site, the 230 kV Moss Landing to Panoche Line No.2 and the 230 kV Coburn-Panoche Line No.2; and

WHEREAS, the County prepared a Draft Environmental Impact Report ("DEIR") for the 420 MW Project ("DEIR") in accordance with the California Environmental Quality Act (Pub. Res. Code §21000 et seq.), the CEQA Guidelines (14 Cal. Code of Reg's §§15000-15387) and the San Benito County Implementing Procedures for CEQA (collectively, "CEQA") to study the potential environmental impacts of approving the PVSF, and to identify feasible mitigation measures to avoid or reduce any significant, adverse environmental impacts; and

WHEREAS, the DEIR described and analyzed a reasonable range of alternatives to the 420 MW Project, including Alternative A, which was a reduced density alternative that would generate 410 MW of renewable energy on a reduced development footprint; and

WHEREAS, after public review of the DEIR and in response to comments regarding the significant environmental impacts of the 420 MW Project, the County identified, and Solargen proposes to implement, a feasible alternative, which is a variation of Alternative A and would consist of 399 MW of renewable energy on a further reduced development footprint ("Alternative A Revised").

WHEREAS, Alternative A Revised proposes the construction and operation of a 399 MW project on a development footprint that is 35% less than the 420 MW Project and confines all development to a fenced 3,202-acre area (as opposed to 4,885 acres for 420 MW Project). Like Alternative A (analyzed in the DEIR), Alternative A Revised proposes to remove all 14, 2 MW, blocks of solar arrays from approximately 126 acres in the southeastern corner of the 4,885 acre PVSF site and 6 additional 2 MW solar

blocks south of the transmission line and adjacent to the Panoche Creek. However, Alternative A Revised goes further in reducing impacts by removing an additional 32 solar blocks from this general area to create a 1,683-acre contiguous and unfragmented open space and undeveloped habitat area, which would become an on-site mitigation corridor that would be managed for special status wildlife species. While some of the removed solar blocks will be relocated to other portions of the site, Alternative A Revised reduces the overall direct disturbance area by 218 acres or from 2,474 to 2,256 acres and the amount of indirect disturbance area by 1,465 acres or from 2,022 to 557 acres; and

WHEREAS, Alternative A Revised reconfigures and reduces the disturbance area from three on-site access roads, which results in a net reduction in the overall access road footprint of 25 acres from 222 to 197 acres; and

WHEREAS, Alternative A Revised proposes an alternative fencing plan that would include installation of an elevated chain link fence around the immediate vicinity of the solar arrays or 3,202 acres of the 4,885-acre project site. The Alternative A Revised also proposes a four-foot high barbed wired fence around the newly created 1,683-acre contiguous conservation area along the southern portion of the site and the 389-acre conservation area within the 3,202-acre fenced area; and

WHEREAS, Alternative A Revised includes several components that would reduce the overall size and massing of the project. Alternative A Revised would reduce the height of the solar arrays from a maximum of 25 to approximately 12.5 feet. Alternative A Revised also reduces the panel angles from 36 degrees to 30 degrees creating a slightly flatter and less obtrusive appearance; and

WHEREAS, because Alternative A Revised results in a smaller development footprint than the 420 MW Project and Alternative A that were analyzed in detail in the DEIR, all of the environmental impacts of the Alternative A Revised were adequately analyzed and disclosed in the DEIR; and

WHEREAS, the Board considered the cancellation of Williamson Act contracts to implement Alternative A Revised and certification of the Final EIR ("FEIR") for Alternative A Revised, adoption of the Mitigation Monitoring and Reporting Program ("MMRP"), adoption of the CEQA findings including a Statement of Overriding Considerations at a duly noticed public hearing at its regularly scheduled meeting on October 12, 2010, at which time it heard and received all oral and written testimony and evidence that was made, presented or filed, and all persons present at the hearing were given an opportunity to hear and be heard with respect to any matter related thereto; and

WHEREAS, at the conclusion of the public testimony, and in accordance with all applicable state and local law and in light of all evidence in the administrative record for the PVSF, including the Land Conservation Act Committee's recommendation at their Special Meeting on September 2, 2010, the Board closed the public hearing and

deliberated and considered the merits of the cancellation of Williamson Act contracts, including certification of the Final EIR for Alternative A Revised, adoption of the Mitigation Monitoring and Reporting Program ("MMRP"), adoption of the CEQA findings including a Statement of Overriding Considerations.

NOW THEREFORE BE IT RESOLVED that based on all evidence in the administrative record for the PVSF, the Board hereby makes the following findings and determinations regarding the Environmental Impact Report for Alternative A Revised:

I. CERTIFICATION OF THE FINAL EIR

San Benito County, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the Panoche Valley Solar Farm (Alternative A Revised) (hereinafter, "Proposed Project" or "Project").

The FEIR comprises a project-level analysis. The FEIR has been assigned State Clearinghouse No. 2010031008.

The FEIR is comprised of two volumes and subsequently prepared errata(s). Volume 1 consists of a revised FEIR that reflects changes made in response to comments and additional clarifications and amplifications to the DEIR analysis. Volume 2 consists of the comments on the DEIR that were submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft EIR. The FEIR is hereby incorporated in this document by reference.

The Board certifies the Final EIR, based on the following findings and determinations:

- (1) That the Board of Supervisors were presented with the Final EIR and that the Board reviewed and considered the information contained in the Final EIR prior to making a decision regarding the cancellations of Williamson Act contracts to facilitate implementation of the Project, and that the Board of Supervisors independently reviewed and considered the information contained in the Final EIR prior to making a decision regarding the findings in Section II and the cancellations of Williamson Act contracts;
- (2) That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA; and
- (3) That the Final EIR reflects the Board of Supervisors' independent judgment and analysis.

BE IT FURTHER RESOLVED that based on all evidence in the administrative record for the Project, the Board makes the following findings and determinations under the California Environmental Quality Act and CEQA Guidelines:

II. CEQA FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Board hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part II.A: Findings regarding the environmental review process and the contents of the Final EIR.

Part II.B: Findings regarding the environmental impacts of Alternative A Revised, the mitigation measures for those impacts identified in the Final EIR, Alternatives to the project, and other related findings. As described in Part II.B, the Board of Supervisors hereby adopts the findings as set forth in the attached **Exhibit A** to this Resolution, which is incorporated herein by reference.

Part II.C: Statement of Overriding Considerations determining that the benefits of implementing the Alternative A Revised outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Proposed Project despite those impacts.

Part II.D: Identification of the custodian and location of the record of proceedings, as required by CEQA.

Part II.E: The Mitigation Monitoring and Reporting Program ("MMRP") for the Alternative A Revised, as described in Part II.F, and as set forth in the attached **Exhibit B** to this Resolution, which is incorporated herein by reference.

Part II.F: The findings and determinations regarding the Proposed Project.

The Board's findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR.

A. Environmental Review Process

1. EIR Processing

After consultation between the Applicant, San Benito County as lead agency, and other responsible agencies, the County determined that an Environmental Impact

Report would be required for the 420 MW Project. On January 29, 2010, the County finalized scope of work and entered into a contract with Aspen Environmental Group for the preparation of an EIR.

The County issued a Notice of Preparation of a Draft Project EIR on March 1, 2010 for a 30-day public review and comment period, which closed on April 1, 2010.

San Benito County held two public scoping meeting in March, 2010 to provide opportunities for interested parties to learn about the Proposed Project and to provide input as to the scope of environmental review. On March 15, 2010, the County held a public scoping meeting at the Panoche School in Pacines. On March 16, 2010, the County held a public scoping meeting at the Veterans Memorial Building in Hollister. At the scoping meeting, exhibit boards presented in an open-house format provided an overview of the regional context, Project Objectives and purposes, environmental issues, the environmental review process, and the anticipated Project schedule; during the open house, participants were also encouraged to ask informal questions of the Project applicant. The open house was followed by a formal presentation focusing on the EIR process, schedule, and role of public comments. Written materials, comment cards and speaker cards were provided to the participants. Thereafter, a 30-day formal comment period was provided. San Benito County also accepted comments by letter and email.

On June 28, 2010, the County released the DEIR for a 45-day public review and comment, which closed on August 16, 2010. In response to public requests for an extension of the public review and comment period, the County extended the public review and comment period for an additional 15 days or until August 30, 2010. Therefore, the total public review and comment period on the DEIR was 60 days; and

On July 21, 2010, the Planning Commission for the County of San Benito held a noticed public hearing to receive public comments on the DEIR at which time various members of the public and organizations provided oral comments on the DEIR.

The County completed the Final EIR ("FEIR") and made the FEIR available to public agencies and members of the public on September 30, 2010. The FEIR is comprised of two volumes and subsequently prepared errata(s). Volume 1 consists of a revised DEIR that reflects changes made in response to comments and additional clarifications and amplifications to the DEIR analysis. Volume 2 consists of the comments on the DEIR that were submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the DEIR.

The Board finds and determines that the FEIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

2. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. According to the CEQA Guidelines, "significant new information" requiring recirculation, includes, for example, a disclosure showing that: (1) a new significant environmental impact would result from the project or a proposed mitigation measure, (2) a substantial increase in the severity of a significant impact would result unless mitigation measures are adopted that reduce the impact to a less than significant level, (3) a feasible alternative or mitigation measure that is considerably different from other previously analyzed would clearly lessen impacts, but the applicant declines to adopt it, or (4) the DEIR is so fundamentally inadequate and conclusory that no meaningful public review could occur.

The Board recognizes that the Final EIR incorporates information obtained by San Benito County since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Board finds as follows:

Identification of Additional Off-Site Mitigation Lands Within the Ciervo Panoche Region. The FEIR also identified the Silver Creek Ranch as additional off-site mitigation lands within the Ciervo-Panoche region to assist the project in complying with the habitat mitigation ratios that are set forth in detail in the DEIR. The DEIR describes the Ciervo-Panoche region in the "Environmental Setting" (Section C.6.1.1) and its importance to sensitive species that are present on the project site and Silver Creek Ranch is within this region. The FEIR identifies and describes importance of the Silver Creek Ranch to conservation strategy within the Ciervo-Panoche region and its ability to mitigate the project's impact on biological resources, including the blunt-nosed leopard lizard, giant kangaroo rat, and San Joaquin kit fox. As discussed in the FEIR, the Silver Creek Ranch will be protected and preserved in perpetuity pursuant to a conservation easement that will be recorded on the property.

Clarification and amplification of biological resources baseline data. The FEIR references and describes the results of additional biological resources surveys that further clarify and amplify the DEIR's conclusions relating to the presence of sensitive biological species on the project site and the off-site mitigation lands.

Clarification and amplification of DEIR's conclusion that water supply impacts would not be significant. Despite the County's belief that a water supply assessment is not required for this project, in response to comments regarding the need for a Water Supply Assessment to assess whether the existing groundwater supply would be sufficient to accommodate the project, a Water Supply Assessment was prepared and included in Appendix 6B of the FEIR. This Water Supply Assessment clarifies and amplifies the DEIR's conclusion that the project would not result in any significant impact on groundwater aquifer.

Clarification and confirmation regarding the habitat value and functionality of 389-acre on-site conservation corridor for sensitive species: The FEIR clarifies that the 389-acre on-site conservation area that is generally aligned with the 100-year floodplain will function as a corridor for the giant kangaroo rat based on the density of the giant kangaroo rat precincts located within the corridor. The FEIR also includes a new mitigation measure (MM BR 16.3) that ensures the ongoing functionality of this corridor as the project proceeds.

Identification of a feasible alternative, which is a variation of Alternative A, that Solargen has agreed to implement. In response to public and agency comments regarding the significant environmental impacts of the project, the County, in consultation with Solargen, identified a potentially feasible alternative that would avoid or substantially lessen the significant environmental impacts of the 420 MW Project. This alternative is a variation of Alternative A, which contemplated a 410 MW Project. As discussed in the FEIR (Section E), the "Alternative A Revised" is not "considerably different" than Alternative A contemplates a project that would generate 11 MWs less than Alternative A. The revised alternative also proposes to remove additional solar panels and arrays along the southern project site boundary. Solargen has agreed to implement the Alternative A Revised.

Revisions to mitigation measures: The FEIR also includes revisions to mitigation measures or adds new mitigation measures in response to comments on the DEIR. None of these revised or new measures result in new environmental impacts, but are designed to clarify and/or bolster the requirements of the mitigation measure(s) to further reduce the impacts of the project. Moreover, like the Alternative A Revised, Solargen has agreed to implement these measures.

With respect to other changes and revisions to the DEIR that are not specifically described above, the Board finds that these changes and revisions do not amount to "significant new information" requiring recirculation of the DEIR.

The Board further finds that the DEIR, which included 514 pages of analysis supported by numerous technical reports and expert opinion, was not so inadequate or conclusory that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Accordingly, recirculation of the DEIR is not required pursuant to the CEQA.

3. Differences of Opinion Regarding the Impacts of the Project

In making its decision to certify the FEIR, the Board recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board of Supervisors has acquired an understanding of the range of this technical and scientific opinion by its review of the DEIR, the comments received on the DEIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the

FEIR, and on its own experience and expertise in assessing those issues. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, San Benito County's consultants, the applicants' consultants, and by staff, addressing those comments. The Board of Supervisors has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Alternative A Revised. In turn, this understanding has enabled the Board of Supervisors to make its decision after weighing and considering the various viewpoints on these important issues.

The Board of Supervisors accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the FEIR, as well as the evidence and other information in the record addressing the FEIR.

B. Environmental Impacts/ Mitigation Measures/Alternatives

These findings, attached hereto as **Exhibit A** and incorporated hereby by reference, provide the written analysis and conclusions of the Board regarding the environmental impacts of the Alternative A Revised and the mitigation measures based on the analysis contained in FEIR, and in light of the whole administrative record for the PVSF. In making these findings, the Board has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and, to the extent they are indirectly implicated, the significance thresholds used in the FEIR.

Accordingly, the Board hereby finds that the determination of significance thresholds is a judgment within the discretion of the Board; the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the FEIR preparers and San Benito County consultants, and staff; and the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Alternative A Revised.

Exhibit A summarizes the environmental determinations about the environmental impacts of the Alternative A Revised before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact. Instead, **Exhibit A** provides a summary description of each environmental impact, identifies the applicable mitigation measures described in the FEIR, and states the Board's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the FEIR and other portions of the administrative record.

Accordingly, the Board hereby approves the findings set forth in **Exhibit A** as its findings regarding the environmental impacts of Alternative A Revised before and after mitigation. In making these findings, the Board ratifies, adopts, and incorporates the

analysis and explanation in the FEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the FEIR and other evidence in the record of proceedings relating to environmental impacts and mitigation measures.

The Board further adopts, and incorporates as intended conditions of approval of the Project, the mitigation measures set forth in the MMRP attached hereto and incorporated herein by reference as **Exhibit B** to reduce or avoid the potentially significant and significant impacts of the Proposed Project, as well as certain less-than-significant impacts.

In adopting these mitigation measures, the Board intends to adopt each of the mitigation measures identified by the FEIR and applicable to the Alternative A Revised. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted from **Exhibit B**, the Board of Supervisors hereby adopts such mitigation measure and incorporates it into the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in **Exhibit B** fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the mitigation measure as set forth in the FEIR shall control.

In comments on the DEIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the DEIR. Some of the DEIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the DEIR, requested mitigation measures for impacts that were less than significant, requested mitigation measures that did not prove feasible, requested mitigations that would not substantially reduce the effects of project impacts, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary.

Accordingly, with respect to the additional measures suggested by commenters that were not added to the FEIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the FEIR as its grounds for rejecting adoption of these mitigation measures.

C. Statement of Overriding Considerations

1. Impacts That Remain Significant

The Board finds that, as discussed in **Exhibit A**, the Alternative A Revised would result in the following impacts that would remain significant following adoption and implementation of the mitigation measures described in the FEIR:

- Aesthetics (Impact AE-1 Long Term Visibility/Night lighting; Impact AE-3 Introduction of Structures)

- Noise (Impact NS 1 – Construction Noise; Impact NS-2 – Exceed County Noise Standards)

2. **Overriding Considerations Justifying the Alternative A Revised**

The Board finds that, in accordance with CEQA Guidelines Section 15093, the Board has, in determining whether or not to cancel the Williamson Act contracts and approve Alternative A Revised as the preferred alternative, balanced the economic, social, technological, and other project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Reduced Alternative A set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels.

This statement of overriding considerations is based on the Board's review of the DEIR, the comments received on the DEIR and the responses to those comments in the FEIR, as well as testimony, letters, and reports regarding the FEIR, other information in the administrative record, and on its own experience and expertise in assessing those issues. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Alternative A Revised are as follows:

1. **Open-Space Conservation.** More than 2,000 acres of the 4,885-acre project site, and approximately 21,000 acres of off-site mitigation lands will be preserved as open space and wildlife habitat in perpetuity for existing and future generations of San Benito County through the placement of conservation easements on this land. These conservation areas will be connected to surrounding open spaces and wildlife corridors to preserve and enhance wildlife migration patterns. These conservation areas also provide aesthetic and scenic value for residents in this area by protecting these areas from future development no matter how much future growth occurs in this area.

The value of these conservation easements on private lands is substantial, and in San Benito County, can range from \$100 to \$500 dollars per acre. Accordingly, the value of approximately 23,000 acres of conservation easements would be between \$2.3 and \$11.5 million and again, would be acquired, at no cost to San Benito County.

2. **Job Creation.** According to the most recent, August, 2010, California Employment Development Department ("EDD") data, the County is currently experiencing an employment rate of 14.8% (3,800 out of an estimated workforce of 25,300 are unemployed). The additional construction and permanent job opportunities that would be generated by the Alternative A Revised that will help reduce the County's significant unemployment rate. For the 5-year construction period, the project is estimated to generate 721 total new jobs, which includes an average of 186 direct jobs resulting from Solargen's direct hiring of employees and construction workers, 220 indirect jobs, and 315 induced jobs, which are jobs that are created by the impacts of household spending when project employees purchase goods and services. (Craig

MBA Program, California State University, Fresno, CA. Solargen Energy Inc. Economic Impact Study, August 2, 2010, p.5 ["Economic Impact Study"].¹ In addition to the significant job creation during the 5-year construction period, the project would create up to an estimated 50 additional permanent positions once the project is constructed and operational. Whether most jobs are filled by County residents, as believed to be likely due to Solargen's expressed commitment to conduct its seeking, training, and hiring here in San Benito County to assure that these jobs come primarily from the local work force, and as a result of the location of the proposed project, or whether a percentage of jobs are filled by commuters to the project area, the economic benefit of an additional local large employer in San Benito County outweighs the significant adverse environmental effects of the proposed project.

3. Increased retail spending for the benefit of struggling local businesses. The project is estimated to add approximately \$75 million in payroll expenses after benefits during the five-year construction period. Based on this estimate, the total amount of disposable income that would be spent in the local economy would be approximately \$50 million during the first 5 years of construction and nearly \$2,000,000 each year thereafter or approximately \$30,000,000 more during the next 15 years on operation. (See Economic Impact Study [pp.s 2-3]; Economic and Planning Systems, Inc. Memorandum, dated July 27, 2010 ["EPS Report"])². While it may be difficult to predict spending habits of future workers at the project site, the overall amount of retail spending is significant. Even assuming that only 50% of this retail spending would benefit San Benito County, that would result in \$40 million to San Benito County businesses, which is substantial, particularly in these difficult economic times. Even a significantly smaller percentage would benefit local businesses that are struggling in San Benito County.

4. Increased Tax Revenues. Alternative A Revised will generate positive financial benefits to the County. Overall, this project is expected to generate approximately \$12 million in state and local taxes and another \$28 million in federal taxes, which does not include potential sales/use taxes. (Economic Impact Study [pp.s 9-10]) The Economic Impact Study estimates that the project would generate up to \$82 million in sales/use taxes during the construction period if project materials can be delivered for purchase in San Benito County. The sales tax is 8.25% of which 1% goes to the County resulting in over \$7 million available to the county during the first five years. These monies will benefit the County, and its residents and constituencies, by

¹ While these studies estimated job creation based on a 420 MW Project, and not specifically Alternative A Revised, because Alternative A Revised amounts to an approximately 5% reduction in the project size, the estimated number of jobs created by Alternative A Revised would continue to be substantial. If the figures are proportionally reduced, Alternative A Revised would still result in the creation of 685 jobs, 177 direct jobs, 209 indirect jobs, and 299 induced jobs.

² While these studies address the economic impact of the 420 MW Project, and not specifically Alternative A Revised, because Alternative A Revised amounts to an approximately 5% reduction in the project size, the estimated economic benefits of Alternative A Revised would continue to be substantial. If the figures are proportionally reduced, Alternative A Revised would still result in \$47.5 million of retail spending during the construction period and \$28.5 million during project operations.

providing needed revenue for the provision of required services and amenities during a very critical fiscal period, the next 5 years.

5. Alternative A Revised will generate clean and renewable energy to offset the adverse impacts of climate change and global warming. The FEIR documents the adverse effects of climate change in Section C.5.1.1. As noted in the FEIR, the 2009 Biennial Report of the California Climate Action team found that climate changes could lead to “extreme events from heat waves, floods, droughts, wildfires, and bad air quality,” which pose major challenges for California. Alternative A Revised would provide 399 MW of clean, safe, sustainable energy that would displace approximately 264,000 metric tons of equivalent carbon dioxide emissions that would otherwise be generated by traditional fossil fuel based energy sources.

6. Alternative A Revised could attract other “green” businesses, members of the environmental community, and educators/students to San Benito County. As one of the largest photovoltaic solar facilities in the United States, this project would move San Benito County to the forefront of the green energy industry. This project would provide a solid foundation and a potential impetus for attracting other high-tech “green” businesses to the County. The project would also provide educational and learning opportunities for other industry leaders, educators, students, and community by witnessing, first hand, the operation of a utility scale solar facility. Finally, species monitoring will occur during the construction and operation of the project, which will provide insights on the interface of elevated solar arrays and species movement and distribution.

7. Alternative A Revised will help California utilities achieve the State's mandatory renewable energy goals. The Board recognizes that California has taken a leadership role nationally in its efforts to reduce greenhouse gas emissions through increases in renewable energy generation and reduction in the use of fossil fuels (coal and natural gas). Assembly Bill 32, the California Global Warming Solutions Act of 2006, created a program to reduce greenhouse gas emissions to 1990 levels by the year 2020. California's investor-owned utilities (IOUs) are required to provide their customers with 20% of their electricity from renewable sources by 2010, as mandated by California's Renewable Portfolio Standard (RPS). In Executive Order S-21-09, the Governor established a requirement that the state's electricity providers meet a 33% renewable energy target by 2020. On September 23, 2010, the California Air Resources Board (ARB) also unanimously adopted its Renewable Energy Standard (RES), mandating that California's electric utilities—both public and investor-owned—procure 33% of their electricity from renewable resources by 2020.

Alternative A Revised puts the County of San Benito on the forefront of the State's efforts to reduce greenhouse gas emissions and fortifies the County's commitment to and important leadership role in helping California meet these critical renewable energy targets and corresponding greenhouse gas emission reduction goals.

D. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Board of Supervisors based the findings and approvals contained herein. The location and custodian of these documents and materials is San Benito Building and Planning, 3224 Southside Road, Hollister, CA 95023.

E. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the Board must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The Board hereby adopts the Mitigation Monitoring and Reporting Program for the Alternative A Revised attached hereto and incorporated herein by reference as **Exhibit B.**

F. Summary

1. Based on the foregoing findings and the information contained in the administrative record of proceedings, the Board has made one or more of the following findings with respect to each of the significant environmental effects of the Alternative A Revised:
 - a. Changes or alterations have been required in, or incorporated into, Alternative A Revised which avoid or substantially lessen the significant effects on the environment.
 - b. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR that would otherwise avoid or substantially lessen the identified significant environmental effects of Alternative A Revised.
2. Based on the foregoing findings and information contained in the record, it is hereby determined that:
 - a. All significant effects on the environment due to approval of Alternative A Revised have been eliminated or substantially lessened where feasible.
 - b. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section C, above.

BE IT FURTHER RESOLVED that the Board hereby directs the Planning & Building Director or his designee to file a Notice of Determination with the County Clerk.

The foregoing Resolution was adopted at a duly noticed public hearing at a regularly-scheduled meeting of the San Benito County Board of Supervisors, held on the 12th day of October, 2010, by the following vote:

AYES: **BOTELHO, LOE, BARRIOS, DE LA CRUZ, MONACO**

NOES: *none*

ABSTAIN: *none*

ABSENT: *none*

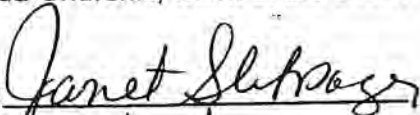


Reb Monaco, Chair

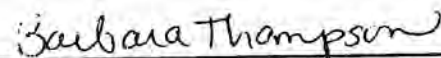
ATTEST:

Linda Churchill, Clerk of the Board

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office

By: 

Date: 10/12/10

By: 
Barbara Thompson, Assistant County Counsel

Date: 10/12/10

EXHIBIT A

FINDING OF FACT ENVIRONMENTAL IMPACTS/MITIGATION/ALTERNATIVES

I. INTRODUCTION

CEQA provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" and that "...in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." Public Resources Code §21002

CEQA mandates and principles are implemented, in part, through the requirement that agencies adopt findings of fact before approving projects for which Environmental Impact Reports are required. For each significant environmental effect identified in an Environmental Impact Report for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

1. that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR,"
2. "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency," or
3. "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report." CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors."

Public Resources Code §21061.1; 14 Cal. Code Regs. §15364.

These Findings are based upon the information contained in the record of proceedings, including but not limited to, the FEIR (which includes the DEIR, revisions to the DEIR, errata to the FEIR, technical appendices, the responses to comments, and the Mitigation Monitoring and Reporting Program), all testimony and additional information presented at public hearings, and all of the materials set forth in the record of proceedings that relate to the project or its environmental review pursuant to Public Resources Code Section §21167.6 (e).

II. ALTERNATIVE A REVISED

After public review of the DEIR and in response to comments regarding the significant environmental impacts of the 420 MW Project analyzed in the DEIR, the County identified, and Solargen proposes to implement, a feasible alternative, described as Alternative A Revised ("Alternative A Revised") in the Final EIR ("FEIR"). Accordingly, the Board adopts these Findings for Alternative A Revised.

III. FINDINGS REGARDING ENVIRONMENTAL IMPACTS

1. FINDING: Alternative A Revised would substantially lessen or avoid the significant environmental impacts of the 420 MW Project and Alternative. Because the Alternative A Revised results in a smaller development footprint than the 420 MW Project and Alternative A, all of the environmental impacts of the Alternative A Revised were adequately analyzed and disclosed in the FEIR. As documented in Section E of the FEIR, all of the environmental impacts of the 420 MW Project will be reduced with implementation of Alternative A Revised.

EVIDENCE: The Alternative A Revised is a variation of Alternative A; a proposed 410 MW project alternative that was described and analyzed in the DEIR.

EVIDENCE: The Alternative A Revised proposes the construction of a 399 MW project on a development footprint that is 35% less than the 420 MW Project. The Alternative A Revised confines all development to a fenced 3,202-acre area as opposed to 4,885 acres for 420 MW PVSF.

EVIDENCE: Like Alternative A, the Alternative A Revised proposes to remove all 14, 2 MW, blocks of solar arrays from approximately 126 acres in the southeastern corner of the 4,885 acre PVSF site and 6 additional solar blocks, south of the transmission line and adjacent to the Panoche Creek. The Alternative A Revised, however, proposes to remove an additional 32 solar blocks from this general area to create a 1,683-acre contiguous and unfragmented open space and undeveloped habitat area, which would become an on-site mitigation area that would be managed for special status wildlife species. While some of the removed solar blocks will be relocated to other portions of the site, the Alternative A Revised reduces the overall direct disturbance area by 218 acres or from 2,474 to 2,256 acres and the amount of indirect disturbance area by 1,465 acres or from 2,022 to 557 acres.

EVIDENCE: The Alternative A Revised reconfigures and reduces the disturbance area from three on-site access roads, which results in a net reduction in the overall access road footprint of 25 acres from 222 to 197 acres.

EVIDENCE: The Alternative A Revised proposes an alternative fencing plan that would include installation of an elevated chain link fence around the immediate vicinity of the solar arrays or 3,202 acres of the 4,885-acre project site. The Alternative A Revised also proposes a four-foot high barbed wired fence around the newly created 1,683-acre contiguous conservation area along the southern portion of the site and the 389-acre conservation area within the 3,202-acre fenced area

EVIDENCE: The Alternative A Revised includes several components that would reduce the overall size and massing of the project. The Alternative A Revised would reduce the height of the solar arrays from a maximum of 25 to approximately 12.5 feet. The Alternative A Revised also reduces the panel angles from 36 degrees to 30 degrees creating a slightly flatter and less obtrusive appearance.

EVIDENCE: Panoche Valley Solar Farm record of proceedings.

ENVIRONMENTAL IMPACTS FOUND TO HAVE NO OR LESS THAN SIGNIFICANT IMPACTS

2. **FINDING:** The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that the Alternative A Revised will have no impact or less than significant impacts relating to the environmental resources identified in Table 1 below.

EVIDENCE: Panoche Valley Solar Farm Record of Proceedings, including the specific evidence and detailed analysis set forth in Sections C and D (cumulative impacts) of the FEIR, as summarized in Table 1.

Table 1

ENVIRONMENTAL IMPACT	EVIDENCE
Aesthetics (FEIR, Section C.2)	
AE-3: Proposed project would introduce structure contrast, developed character, view blockage, and glare (from Key Viewpoint 5)	Simulations within the FEIR illustrate that there is very limited visibility of the proposed project area from Key Viewpoint 5 and would constitute a low level of overall visual change. When considered with the overall moderate-to-high visual sensitivity of the existing landscape and viewing characteristics, the very limited visibility of the proposed project that would be perceived from KVP 5 would cause a less than significant impact.
AE-4: Project would introduce panel glare	Solar Panels would be angled such that the lowest reflection angle off the panels would be directed into the sky below the sun's position, but generally above potential viewpoints on the ground. Various viewpoints south of a given panel array, with north and northeast views in the morning and west and northwestern views in the evening, could experience approximately one-half hour of glint and glare in the morning or evening (depending on location) during summer months. Given the relatively short duration of potential exposure over a limited number of months (summer), the aesthetic impact of glint and glare is considered adverse, but less than significant.

AE-5: Cumulative aesthetics impacts	The other projects that are proposed for the region are located outside of the Solargen viewshed. Three projects are of small scale (individual oil wells) and would not contribute to the change landscape. Based on the proximity of the other cumulative projects to the PVSF, there would not be a significant cumulative aesthetic impact.
--	---

Air Quality (Section C.4)

AQ-2: Operation, maintenance, and inspections would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants	Once operational, emissions would be limited to maintenance activities and operation of the solar facility and transmission line. With the Applicant's proposed dust control, operational emissions are well below applicable Monterey Bay Unified APCD thresholds of significance.
--	---

AQ-3: Power generated by operation of the solar power plant would indirectly affect operations and emissions from other power plants	Operation of the solar project would produce electricity that displaces power from traditional power plants. This will cause a reduced demand for new fossil fueled facilities in combination with reduced operation and air emissions from existing fossil fuel-fired power plants. The project then would displace emissions otherwise occurring at natural gas and coal fired power plants. Because the existing fossil fueled power plants are outside of San Benito County, the bulk of any emission reductions would occur outside of the project area. Displaced emissions from fossil fueled power plants constitute a beneficial impact.
---	---

AQ-5: Cumulative air quality impacts	There are no major stationary sources proposed within a 10 mile radius of the proposed project site. As a result, no significant additional emissions would be caused by cumulative projects near the site and the mitigation measures included for this project would reduce the proposed project's cumulative air quality impacts by reducing exhaust emissions and fugitive dust generated during construction and operation.
---	--

Climate Change (Section C.5)

CC-1: Construction would generate exhaust emissions of greenhouse gases	The period of construction would be relatively short-term at five years. The construction phase GHG emissions, when amortized over 30 years, would be approximately 1,500 MTCO ₂ e per year, which is less than the CARB Mandatory Reporting applicability level of 2,500 metric tons CO ₂ per year.
CC-2: Operation, maintenance, and inspections would generate exhaust emissions of greenhouse gases	The proposed project is estimated to emit approximately 500 tons of CO ₂ per year, directly from on-site activities and indirectly from off-site motor vehicles. This level of emissions would be less than the level of 2,500 metric tons CO ₂ per year that triggers CARB Mandatory Reporting. In addition, these GHG emissions would be entirely offset by indirect emission reductions provided by the energy output of the solar power plant.
CC-3: Power generated by operation of the solar power plant would avoid greenhouse gas emissions and land use conversion related to the solar project would alter natural carbon sinks	Up to 740,000 MWh electrical energy would be generated by the proposed project every year of its operation. Production of this amount of electrical energy causes about 271,000 MTCO ₂ e per year to be emitted from fossil fuel-fired California and western U.S. power plants. The net benefit of the proposed project after eliminating the parasitic loads would be 251,440 MTCO ₂ e per year. Because the power generated by the project would substantially reduce existing GHG emissions from existing power plants, and other indirect effects of the project to the natural carbon cycle or climate change would be minor, this impact would be beneficial.
CC-4: The project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	The proposed project would be a notable contributor to the successful implementation of AB32, the AB32 Scoping Plan, and Executive Order S 14 08. Similarly, the proposed project would not conflict with any other applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Because the project would not conflict with any applicable plan, policy or regulation for GHG reduction or managing global climate change, no impact would occur.

CC-5: Cumulative greenhouse gas emissions impacts	The Panoche Valley Solar Farm Project alone would not be sufficient to induce or substantially affect global climate change. Construction and operation of the solar facility itself would result in some greenhouse gas emissions and indirect displacement of other sources of GHG. Short-term emissions of greenhouse gases during construction would be offset over the operational life of the project because the solar power generated would indirectly reduce existing GHG emissions from power plants. Therefore, when combined with other cumulative projects, cumulative impacts related to climate change and greenhouse gas emissions associated with construction and operation of the solar project would be less than significant.
--	---

Biology (Section C.6)

BR-4: The project would cause the loss of foraging habitat for wildlife	The project site is dominated by Annual Brome Grassland, which provides limited structural heterogeneity, and there are no permanent natural wetland features. The project site represents a very small proportion of the regional habitat for wildlife species found in Annual Brome Grassland, and supports a relatively small portion of regional populations of these more common wildlife species. As a result, project related impacts resulting in the loss of foraging habitat for these species are less than significant.
--	--

BR-21: The project would result in Polarized Light Pollution that may result in negative effects on plant and wildlife communities	The FEIR summarizes the results of several studies that suggest that polarized light from solar panels might confuse insects and potentially birds. The degree of polarization for light reflected from solar panels approaches 100 percent, far above the typical polarization for water (typically 30 to 70 percent). However, due to the overall lack of development of large scale solar PV facilities and based on the most recent study available analyzing these effects (Horvath, 2010), "the potential effects of polarized light pollution associated with solar panels on populations of aquatic insects remains unclear." Therefore, any determination regarding the significance of these impacts would be largely speculative. Nonetheless and to address the uncertainty of the effects of polarized lights on aquatic insects and birds, the FEIR adds a requirement to mitigation measures BR 14.2 that requires these effects to be addressed as part of the ongoing bird monitoring and avoidance plan, and implementation of white borders and grids around solar panels if insect impacts are affecting sensitive bird species.
--	---

Cultural and Paleontological Resources (Section C.7)

CR-1: Construction of the project would cause an adverse change to known archaeological or historic resources	The five historic-period resources identified within the project site were formally evaluated for CRHR-eligibility and found not to be historical resources under CEQA. The sites do not qualify as unique archaeological resources. Therefore the construction of Alternative A Revised would not impact any known historical resources or unique archaeological resources as defined by CEQA (No Impact).
---	--

Geology, Mineral Resources, and Soils (Section C.8)

GE-1: Results in triggering or acceleration of geologic processes, such as landslides, substantial soil erosion or loss of topsoil	Planned areas of grading and disturbed surfaces would become susceptible to wind and water erosion, which could result in soil loss. However, planned grading is limited to the Operation and Maintenance building, substation-switchyard site and solar array access roads. Applicant Proposed Measure ("APM") ¹ WR-2 and WR-3, would be implemented as part of the proposed project design, require re-vegetation and sediment control measures which would minimize the potential for erosion. In addition, Alternative A Revised would be required to comply with existing County regulations that require the preparation and implementation of a site-specific Stormwater Pollution Prevention Plan. Compliance with these existing legal requirements and incorporation of the project design features contemplated in APMs WR-2 and WR-3 would ensure that this impact would be less than significant.
GE-2: Project would expose people or structures to potential substantial adverse effects as a result of seismically induced ground failure and/or groundshaking	Moderate to strong groundshaking may occur at the project site during the life of the project. California Building Code design requirements will reduce the potential for significant damage to people, buildings and facilities. Seismically induced slope failures would not occur in the project area due to its flat to gently sloping topography. Liquefaction hazards for the site are considered to be low. Groundwater is generally greater than 100 feet in depth. Most of the granular sediments identified by the geotechnical investigations for the project being dense to very dense.

¹ The APMs are not "mitigation measures," but are specific measures that the applicant has proposed to incorporate into the project design to reduce environmental impacts. APMs are considered part of the proposed project. If, after implementation of these APMs, the project continues to have significant environmental impacts, the EIR identified mitigation measures to reduce these impacts.

GE-3: Project would expose people or structures to potential substantial adverse effects as a result of surface fault rupture at crossings of active and potentially active faults	No known active faults cross the project site and thus there is very low potential for damage to project structures or injury to workers at the proposed project site from surface fault rupture. However, the topographic feature observed near the western boundary of the site could possibly be fault related. California Building Code design requirements will reduce the potential for significant damage to people, buildings and facilities.
GE-5: Project would interfere with access to known mineral resources	There are no known active mines or mineral resource sites within the proposed project boundaries. The construction and operation will not adversely impact a known, viable mineral resource.
GE-6: Project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems	The geotechnical investigation identified soil generally underlain by silty sand to a depth of 34 feet. Silty sand has a percolation rate appropriate for on-site septic systems. Compliance with the County of San Benito's regulatory requirements for on-site wastewater disposal would ensure impacts from inadequate soils for wastewater disposal would be less than significant.
GE-7: Cumulative geology, mineral resources, and soils impacts	Triggering or acceleration of erosion or slope failures would be limited to the areas within and adjacent to the boundaries of individual projects. Only the existing Moss Landing to Panoche transmission line would have the potential to combine with the impacts of the proposed project due to its location. The transmission line has already been constructed, so construction related impacts would not occur at the same time as impacts from the proposed project. The existing Moss Landing to Panoche transmission line has been designed to comply with CPUC design specifications, which minimizes the potential for tower collapse or other mechanical faults. Therefore it is unlikely that seismic impacts on the proposed project would have the potential to combine with similar effects from other projects and would therefore not be cumulatively considerable. Cumulative geologic impacts would not occur.

Hazards and Hazardous Materials (Section C.9)

HZ-2: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	There is no school located within one-quarter mile of the proposed project site. As a result, there would be no impact related to hazardous emissions in the vicinity of a school.
HZ-3: Create a substantial hazard to people or the environment as a result of being located on a Cortese List sites	The Phase I Environmental Impact Assessment for the proposed project site (EAS, 2009) reveals that the proposed project site is not listed on the Cortese List, and that there are no known environmental sites of concern within 1 mile of the project site. Therefore, the project site poses no risk of creating a hazard to people or the environment as a result of being located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
HZ-4: Create a substantial aeronautical or motor vehicle hazard or result in a significant aerial obstruction within 2 miles of an airport or airstrip	Glint and glare from the project's solar arrays would be limited to approximately one-half hour per day and would be in the peripheral but not the operational, view of motorists. This is similar to driving adjacent to a lake during a high-glare timeframe. Impacts from glare would present only a minor nuisance to drivers and would result in a less than significant impact. The nearest airport is over 15 miles away from the project site. The project site is not located along a Federal Aeronautical Administration-designated low-altitude flight path (Google Earth, 2010; FAA, 2010). Therefore, potential aeronautical hazards as a result of glint and glare would be less than significant.

HZ-6: Impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. In addition, no occupied emergency response plan or emergency residences would be located on the site. evacuation plan

The project would not interfere with any adopted emergency response plan or evacuation plan. In addition, no occupied emergency residences would be located on the site. The closest residence to the site is approximately 200 feet away from Phase 2 of the project. All other residences are located approximately 0.5 miles or more from the project site. Heavy construction-related traffic on Little Panoche Road could also potentially interfere with emergency response if there was not sufficient room for emergency vehicles to pass such traffic. The delivery trucks accessing the site would generally be standard widths and would not impede emergency vehicles. The remoteness of the project location presents a potential emergency evacuation constraint. The Applicant has agreed to construct a helipad on the site pursuant to APM HAZ-5 to provide fast access to emergency medical care or evacuation in the event a wildfire. Because the project would not interfere with an adopted emergency response plan and would not otherwise interfere with or impede emergency access or evacuation, this impact is considered less than significant

HZ-8: Cumulative hazards and hazardous materials impacts

Due to the passive nature of the PG&E Moss-Panoche/Moss-Coburn transmission line, there is little potential for effects of the transmission line to interact with effects of the proposed project to result in a cumulative impact. The transmission line does, and the proposed project would, include emergency shutoff capabilities in the event of an electrical surge or other electrical emergency or natural disaster that could result in an explosion or a wildfire ignition at the project site. This impact is considered less than significant

Land Use and Recreation (Section C.10)

LU-2: Operation and maintenance of the project would permanently disrupt, displace or divide land uses	Only one home is located within the proposed project site and it will be voluntarily displaced as part of the acquisition of the site. The existing road network between 21 homes within 1 mile of the project's site boundaries would not be removed or otherwise modified. Agricultural uses would be permanently displaced by project implementation; however, all of the subject parcels needed for the solar arrays would be located on property under option for purchase by the Applicant. Short-term grazing by sheep would occur on the site during project operation retaining some agricultural use of the property. This impact is considered less than significant
RC-1: Construction activities would temporarily reduce, disrupt or preclude access and visitation to established recreational areas	There are no county, state or federally-owned recreational facilities within the proposed project site. The Desert Hills of the San Joaquin Valley and Mercey Hot Springs are located within the general region, but would not be directly impacted by the project. However, because these recreation areas are accessed primarily via Little Panoche Road, Panoche Road, and New Idria Road, off of Highway I-5, project Construction-related activities, primarily temporary road restrictions, could periodically increase the length of time needed for visitors to enter or exit Desert Hills and Mercy Hot Springs. The increased duration of visitor vehicle trips would not occur continuously and would not be expected to substantially reduce, disrupt, or preclude access or visitation. Therefore, this impact is considered less than significant
RC-2: Operation and Maintenance would permanently reduce, disrupt or preclude access and visitation to established recreational areas (No impact)	No County, state or federally-owned recreational facilities are located within the proposed project site. The Desert Hills, managed by the BLM, are located immediately adjacent to the proposed project site. All operation and maintenance activities will occur on-site and will have no impact on established recreational areas.

RC-3: Construction or operation and maintenance activities would increase the use of established recreational facilities such that substantial physical deterioration would occur or be accelerated (Class III)	Up to 40 construction workers could use Panoche Hills, Griswold Hills, and Tumey Hills for camping. They would be limited to a 15-day period every 3 months. Workers camping would adhere to BLM camping rules and regulations. Adherence to these rules and regulations, combined with the 15-day time restriction on camping at the BLM sites, minimizes impacts to these nearby recreational facilities and the increase in use of the recreation facilities are not considered significant.
RC-4: Construction or operation and maintenance activities would change the character of a recreational area or program, diminishing its recreational value (Class III for recreational value; for CDFG Program)	Direct impacts to recreationalists, including birders, hunters, target shooters, campers, and stargazers include additional traffic along routes such as Panoche Road and Little Panoche Road. Dispersion of birds to areas away from the birding routes would substantially contribute to the loss of bird watching in the Panoche Valley. However, because the proposed project would occur only on private land and birders would be able to continue to use the land along Little Panoche Road north of the proposed project and the public recreational areas in the Panoche Valley, this impact is considered less than significant. Impacts to other recreationalists from noise and traffic would be reduced due to timing of construction activities (weekdays) and timing of most recreational use of lands neighboring the project site (weekends and holidays).
RC-5: Construction or operation and maintenance would result in the degradation or loss of designated wilderness lands or a wilderness study area	The Panoche Hills currently contains two designated Wilderness Study Areas (WSA), the Panoche Hills WSA and Panoche Hills South WSA. The WSA areas are located over 2 miles from the proposed project. The proposed project would not result in significant noise or visual impacts to the WSAs.

RC-6: Cumulative recreation impacts	Projects planned by others including construction of three planned upgrades to the BLM recreational facilities and three oil wells, is not expected to significantly increase the length of time needed for visitors to enter or exit the Panoche Hills. Additionally, once construction of the future projects is finished, operations of the project are not expected to create additional impacts to traffic or nearby birding areas because of the minimal amount of operations and maintenance required for the future projects. . This impact is considered less than significant.
Noise (Section C.11)	
NS-3: Construction activity would temporarily cause excessive groundborne vibration or groundborne noise	While these construction activities would result in some minor amounts of groundborne vibration, such groundborne noise or vibration would attenuate rapidly from the source and would not be perceptible outside of the construction areas. As such, no sources of groundborne vibration would be expected to affect receptors outside of the work areas, and there would not be any potential for excessive exposure of persons to or generation of groundborne vibration levels.

NS-6: Cumulative noise impacts

No future foreseeable projects have been identified within 1 mile of the proposed project. The closest project, an oil well, would be located 6.5 miles south of the proposed project site. This project is located too far away to result in cumulative noise impacts from on-site construction activities. The projects will use different access roads so that cumulative noise impacts along the employee and haul truck routes would not combine. Existing projects in the vicinity of the proposed project, such as the mine, are included in the noise baseline for ambient noise levels in the project area. Traffic associated with construction and operation of the proposed project would have the potential to combine with existing projects to result in a cumulative impact. This noise level would be "normally acceptable" according to the compatibility of residential land uses and schools along a busy road; however, this traffic noise level already exceeds the San Benito County noise level standards. As such, the existing cumulative condition for project construction and operation is already significant. The project would not result in a perceptible increase in ambient noise conditions (less than 5 dBA Leq). As such, the proposed project's cumulative effect on the noise levels would be less than significant.

Population and Housing (Section C.12)**PH-1: Project labor force requirements would create a substantial demand for labor or a change in local employment**

Project construction would occur over the course of five years, requiring a maximum of 95 workers per day during Phase 1 and 200 workers per day during Phases 2 through 5. The Applicant anticipates that the workforce would be hired from within San Benito, Santa Clara, and Fresno Counties. A maximum of 128 workers hired from within the San Jose–Sunnyvale–Santa Clara MSA would represent approximately 0.4 percent of the total construction labor force. Considering the high unemployment rate in the area, this would be a beneficial impact within the study area. The permanent reduction in unemployment as a direct result of this project would be beneficial.

PH-2: Project labor force would require housing that exceeds the supply of local housing or temporary housing facilities	It is expected that the required construction and operational workforce of the proposed project would be found locally (within San Benito, Santa Clara, and Fresno Counties), although a portion of the remaining workforce would require housing, either temporarily, in the case of construction workers, or permanently, in the case of operational workers. While the study area vacancy rate and the availability of temporary accommodation in the area indicates that the area has the capacity to temporarily house this workforce, it would do so to the exclusion of other travelers and seasonal residents. APM PH 1 would ensure that the Applicant identifies qualified accommodations, and communicates this information to the construction workforce. Implementation of APM PH 1 would ensure that impacts related to local housing supply would be less than significant
PH-3: The project would induce substantial population growth	Operation of the proposed PVSF would require 10 full-time staff during Phase 1 and 50 full time staff at build-out. Staff are expected to be drawn from the labor force within the two-county study area. If the entire staff of 50 were hired from outside the study area, up to 50 households could potentially relocate to the area, representing a population increase of approximately 145 individuals or a 0.25 percent increase in San Benito County's population. This would be a substantial increase to the rural Panoche Valley area, although it is expected that employees would relocate into more developed areas within commuting distance of the proposed PVSF. This potential increase in the Panoche Valley's population would be adverse as it could induce demand for resources in the Valley, but implementation of APM PH 1 would ensure that the Applicant identifies qualified accommodations, and communicates this information to the construction workforce, which would minimize impacts from population growth in the Panoche Valley.

PH-5: Cumulative population and housing impacts

The proposed project, Wellhead Power, LLC, CalPeak Power, LLC, and the Zenergy, Inc. would utilize similar types of laborers in their workforces. For the proposed project, up to 200 construction and 50 operational workers are estimated to be hired from within the study area, and it is anticipated that these other projects would do the same. While these projects require a large total construction labor force and would be considered a substantial demand, considering the high unemployment rate in the area, this would be a beneficial impact on the study area. The implementation of APM PH 1 would reduce the proposed project's cumulative contribution to be less than significant, and it is anticipated that the other energy projects would require substantially fewer workers as compared to the proposed project.

Public Services, Utilities, and Service Systems (Section C.13)

PS-2: Project construction and operation would place demands on local water, wastewater, and solid waste facilities

Construction could potentially result in a temporary daytime population increase to the study area of up to 200 workers. Operation could potentially increase the study area's population by as many as 145 individuals (employees and household members), but these increases would be small in comparison with San Benito County's existing population. Increased population as a result of project construction or operation would not substantially increase demands on water, wastewater, or solid waste facilities. The project would not require the provision of public water utilities. The quantity of construction debris loads is unknown at this time (Solargen, 2010). Should construction waste associated with the proposed project exceed the throughput limit allowed for the John Smith Road Landfill, the Applicant would dispose of waste at another regional landfill, such as the Kirby Canyon Landfill in Santa Clara County or the Fink Road Landfill in Stanislaus County, both of which have remaining capacity. Impacts to solid waste facilities would therefore be potentially adverse, but less than significant.

Transportation and Circulation (Section C.14)

TR-3: Cumulative transportation and circulation impacts	The existing cumulative projects identified, including three existing power plants, would not result in large amounts of traffic and truck deliveries. In the project area, I-5 is a 4 lane freeway with interchanges at State Routes 269, 198, 145, and 33. The portion of I-5 within the vicinity of the proposed project site (Fresno County) currently operates at LOS C. Even with the cumulative addition of traffic from all projects, I-5 would operate at an acceptable level of service. Impacts of the proposed project, when combined with impacts of reasonably foreseeable projects within the geographic scope of analysis would not be expected to result in significant cumulative impacts.
--	--

Water Resources (C.15)

WR-2: Substantially alter the existing drainage pattern of the site in a manner that results in flooding on- or offsite	A buffer zone of approximately 50 feet would be maintained from streams and washes crossing the proposed project site. The placement of project PV panels would not encroach into an existing stream channels. Therefore, impacts to the existing drainage pattern resulting from placement of the project's PV panels would be less than significant. Earthmoving activities would occur within and/or adjacent to on-site drainages only where permitted for permitted road crossings, trenching, and restoration work. Compliance with required laws and regulations would minimize the project's potential effects on the drainage patterns of the area. Implementation of APMs WR-2 and WR-3 would ensure reclaimed lands are subject to appropriate contouring and replanting and that disturbance to existing drainage channels and stream banks during construction and maintenance would be minimized or avoided.
--	--

WR-3: Construction activity and excavation could degrade water quality due to erosion and sedimentation	During construction of the proposed project, ground disturbance and earthmoving activities could cause and/or contribute to additional erosion and sedimentation in the area. Because the proposed project would result in an area of disturbance greater than 1 acre, the project is required to comply with the NPDES General Permit. As part of the NPDES General Permit, the Applicant will file a NOI and prepare a SWPPP, which outlines Best Management Practices (BMPs) that would address post-construction runoff. Compliance with the required SWPPP, San Benito County ordinances, and APMs would ensure that potential impacts to water quality resulting from erosion and sedimentation would be less than significant. This is a less than significant impact.
WR-4: Creation of new impervious areas could cause increased runoff resulting in flooding or increased erosion downstream	Construction includes earth-disturbing activities which may affect site-specific infiltration and permeability during construction (temporary) and operation (permanent). Temporary and permanent impervious areas that would be introduced under the proposed project are described under Impact WR-1. Stormwater flow will be directed along natural contours into existing intermittent streams and washes flowing off the site in Panoche Creek, consistent with current drainage patterns. Additionally, compliance with the required SWPPP as well as San Benito County ordinances would avoid or minimize potential impacts associated with the creation of new impervious areas. This is a less than significant impact.

WR-5: Project features located in floodplain or watercourse could result in flooding, flood diversions, or erosion	The proposed project site includes a number of drainages which dissipate on-site, as well as several areas that are FEMA-designated "Zone A" Flood Hazard Areas, indicating areas that would be inundated during the 100 year storm event. Under the proposed project, no permanent features would be placed within a FEMA-designated Zone A Flood Hazard Area. Due to topography of the proposed project site, drainage characteristics, and relative area of permanent disturbance (0.8 percent of the project site), any potential flooding, flood diversions, or erosion that could occur as a result of infrastructure/road placement would be localized and temporary. Additionally, stormwater control measures would be outlined in the required SWPPP and implemented as part of the project. This is a less than significant impact.
WR-7: Cumulative water resources impacts	It is possible that other existing and proposed projects in the Panoche Valley area may use water drawn from the Panoche Valley Groundwater Basin. With implementation of Mitigation Measure WR-1.1, the proposed project would not impact groundwater levels, and therefore, would not cause an impact that would combine with similar impacts of other projects in the cumulative scenario to result in a significant local groundwater level drawdown. Potential impacts of the proposed project to drainage patterns and impervious areas on the project site would be localized and site-specific; no cumulative impacts would occur. Cumulative impacts to water quality could occur due to erosion and sedimentation and/or from the accidental release of contaminants associated with nearby projects; however, these impacts are generally highly site-specific. Additionally, each project has to comply with laws and regulations relevant to water resources, such as the development of SWPPPs and BMPs. No significant cumulative impact related to water quality degradation from erosion, sedimentation, or accidental release of hazardous materials would occur.

ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED TO AN INSIGNIFICANT LEVEL

AESTHETICS

(Impact AE-2 – Land Scars and Vegetation Clearance)

3. **FINDING:** According to the FEIR (Section C.2), the Alternative A Revised would result in the long-term visibility of land scars and vegetation clearance in areas that are not ultimately occupied with structures or other project components (roads, etc.). These areas of disturbed soil surfaces (characterized by high color, line and texture contrasts) would be visible from the various vantage points. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the Alternative A Revised that avoid or substantially lessen this significant environmental effect.

EVIDENCE: Mitigation Measure BR-G.3 is feasible and is hereby adopted.

MM BR-G.3 Develop and implement a Habitat Restoration and Revegetation.

EVIDENCE: The FEIR recommends implementation of Mitigation Measure BR-G.3, which is a general mitigation measure that is designed to reduce biological impacts of the project. However, this mitigation measure will be equally effective in mitigating aesthetic impacts due to land scars and disturbed areas. Implementation of this measure ensures that areas that are not occupied by project facilities would be restored and revegetated to pre-construction conditions or better and would include the re-planting of native and non-native plant species (based on current species composition in areas), including annual grasses and annual herbaceous species known to occur in the area. Disturbed habitat will be restored in a manner that blends in with the existing environment, ensuring that visual impacts would be reduced to a less than significant level.

EVIDENCE: Mitigation Measure BR-G.3 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the Alternative A Revised.

AGRICULTURAL RESOURCES

(Impact AG-1 – Conversion of Farmland)

4. **FINDING:** The Alternative A Revised would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as designated by the California Department of Conservation ("DOC") Farmland Mapping and Monitoring Program ("FMMP") to non-agricultural use. However, the Alternative A Revised would convert FMMP mapped "Grazing Land" and approximately 2,200 acres of currently unfarmed Grade One (excellent) soils. The Alternative A Revised would replace cattle grazing as the primary use on the project site with a non-agricultural solar facility and intermittent sheep grazing. The solar facility would be constructed on Grade One soils. Accordingly, the FEIR concludes that impacts on grazing land and soils would be potentially significant. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or

incorporated into, the Alternative A Revised which avoid or substantially lessen this significant environmental effect.

EVIDENCE: As documented in the FEIR (Section C.3.1), the proposed project site currently supports cattle grazing. There is no field crop production on the site. The site and the surrounding area are zoned as "Agricultural Rangeland (AR)". According to the County Farm Service Agency, the grazing land on the project site can support approximately one head of cattle per 25 acres. Over the past several years, land on the project site has supported one head of cattle on between 15 and 25 acres (Solargen, 2010). This represents between 2,345 and 3,900 animal unit months (AUMs).

EVIDENCE: While some crop production has occurred sporadically at various times over the past 100 years, the agricultural use of the site has been predominantly cattle grazing. According to current landowners, there have been substantially economic barriers to growing field crops on the site, which has been substantiated by the San Benito County Farm Bureau (Letter from Farm Bureau to Board of Supervisors, dated September 22, 2010).

EVIDENCE: To maintain the agricultural grazing use of the site, Solargen proposes to replace cattle grazing with sheep grazing during the life of the project and has incorporated this requirement into the project as APM AG-1. This APM proposes a rotational grazing operation using short duration intensive grazing alternating with periods of rest. The project site would be divided into nine pastures, which would provide forage for between 750 and 3600 adult sheep depending on annual rainfall and temperatures. This APM is supplemented by BR-1.2, which requires the applicant to implement a controlled grazing plan.

EVIDENCE: Solargen would also ensure, through APM AG-2, that the conservation easement created for biological resource mitigation would allow adaptive cattle grazing. Cattle grazing is routinely allowed within the conservation easement as a mechanism to increase biodiversity and maintain the suitability of mitigation lands for protected species habitat. The grazing program would be developed in accordance with grazing BMPs outlined by the Bureau of Land Management and protected species habitat requirements as determined by the California Department of Fish and Game (DFG) and the United States Fish and Wildlife Service (FWS), and implemented, and monitored by the land trust or public conservation agency that holds the habitat conservation easement(s).

EVIDENCE: As discussed in Section B.9 of the Project Description of the FEIR, Solargen proposes to decommission the project site at the end of the project's useful life. As part of this process, all of the equipment and structures on the site would be removed and the site would be revegetated.

EVIDENCE: In addition to the APMs, Mitigation Measures AG 2.1, BR-G.3 through G.6 and BR-1.2 are feasible and are hereby adopted.

MM AG-2.1 Create agricultural conservation easement(s)

MM BR-G.3 Development and implementation of a Habitat Restoration and Revegetation Plan.

MM BR-G.5 Create permanent conservation easements as compensation for impacts to biological resources.

MM BR-G.6 Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

MM BR-1.2 Develop and implement a Grazing Plan for the project site.

EVIDENCE: Mitigation Measure AG-2.1, which is designed to address impacts from the cancellation of Williamson Act contracts, would also address impacts relating to the conversion of grazing land. This mitigation requires Solargen to establish agricultural conservation easement(s) on either (a) 4,563-acres of grazing land, or (b) 285-acres of high quality cropland in the San Juan Valley. The 285 acres in (b) shall be classified as Prime Farmland by the DOC's FMMP. The 285-acre figure represents 4,563 acres divided by 16, which reflects the relative minimum size requirements for grazing land versus irrigated cropland in the County's Williamson Act policies. The establishment of the conservation easement will either result in the permanent conservation and protection of the same amount of grazing land that will be directly impacted by the Alternative A Revised, or higher quality crop land. In addition, unlike a Williamson Act contract, which can ultimately be non-renewed or canceled; the agricultural conservation easement will remain intact in perpetuity.

EVIDENCE: While Mitigation Measure BR-G.3 (Implementation of a Habitat Restoration and Revegetation Plan) has been identified to reduce biological resources impacts, the mitigation measure will be equally effective to reduce project impacts relating to the conversion of grazing land with Class One soils. Pursuant to this mitigation, Solargen must restore disturbed agricultural soils and return the land to its original condition after the solar facilities are no longer viable to allow for post-operational farming (if such farming is economically viable at that time).

EVIDENCE: Mitigation Measure BR-G.5 will also be effective in reducing conversion impacts, because it requires the permanent conservation of rangeland in and around the project site. The conservation easement(s) would be managed primarily for the preservation of biological resources; however, they would include continuation of grazing use as a secondary purpose.

EVIDENCE: Mitigation Measure BR-G.6 will ensure that the open space value and rural character of the mitigation lands in and around the Panoche Valley are adequately managed and protected.

EVIDENCE: Mitigation Measures BR-G.3, BR-G.5, and BR-G.6 BR-1.2, have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

AGRICULTURAL RESOURCES

(Impact AG-2 – Williamson Act, Agricultural Zoning, General Plan Conflicts)

5. FINDING: The FEIR concludes that the project (Alternative A Revised) would conflict with the Williamson Act and potentially conflict with the agricultural land use designation for the site based on its impact on the rural and agricultural character of the

Panoche Valley. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Nearly all of the project site is currently enrolled in Williamson Act contracts. Government Code Section 51201(e) requires that for a use to be compatible with Williamson Act enrollment, it must not disrupt the purpose of the Williamson Act contract, which is to preserve agricultural and open space lands. Because the Alternative A Revised would displace current agricultural grazing use on the site, the FEIR concludes that construction and operation of the Alternative A Revised would not be compatible with the existing Williamson Act contracts. On December 1, 2009 the San Benito County Board of Supervisors made the discretionary determination that the 420 MW Project was not a compatible use on Williamson Act lands. As a result of this determination and in order to construct the Alternative A Revised, Solargen submitted applications to cancel 12 Williamson Act contracts (including three partial cancellations) totaling 6,953 acres. Of the 6,953 acres of Williamson Act contracts that would be cancelled for the proposed project, approximately 4,563 are within the project boundary and 2,390 are outside the project boundary. The area that is located outside of the boundary of the project site would continue to be used for cattle grazing consistent with its current use. Although Solargen would continue sheep grazing on the project site, none of the project site would remain viable for cattle grazing. Therefore, the FEIR determined that conflict with Williamson Act contracts would be a significant impact.

EVIDENCE: The FEIR identified several policies from the land use and conservation elements of the General Plan and concluded that the project would impact the rural character of the Panoche Valley and result in the conversion of Class One soils, which are currently unfarmed.

EVIDENCE: To maintain the agricultural grazing use of the site, Solargen proposes to replace cattle grazing with sheep grazing during the life of the project and has incorporated this requirement into the project as APM AG-1. This APM proposes a rotational grazing operation using short duration intensive grazing alternating with periods of rest. The project site would be divided into nine pastures, which would provide forage for between 750 and 3600 adult sheep depending on annual rainfall and temperatures. This APM is supplemented by BR-1.2, which requires the applicant to implement a controlled grazing plan.

EVIDENCE: To maintain the agricultural grazing character on other off-site locations within the Panoche Valley, Solargen would also ensure, through APM AG-2, that the conservation easement created for biological resource mitigation would also allow adaptive cattle grazing, which is routinely allowed within the conservation easement as a mechanism to increase biodiversity and maintain the suitability of mitigation lands for protected species habitat.

EVIDENCE: In addition to the APMs, Mitigation Measures AG-2.1, BR-G.3 through G.6 and BR-1.2 are feasible and are hereby adopted.

MM AG-2.1 Create agricultural conservation easement(s)

MM BR-G.3 Development and implementation of a Habitat Restoration and Revegetation Plan.

MM BR-G.5 Create permanent conservation easements as compensation for impacts to biological resources.

MM BR-G.6 Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

MM BR-1.2 Develop and implement a Grazing Plan for the project site.

EVIDENCE: Mitigation Measure AG-2.1 requires Solargen to establish agricultural conservation easement(s) on either (a) 4,563-acres of grazing land, or (b) 285-acres of high quality cropland in the San Juan Valley. The 285 acres in (b) shall be classified as Prime Farmland by the DOC's FMMP. The 285-acre figure represents 4,563 acres divided by 16, which reflects the relative minimum size requirements for grazing land versus irrigated cropland in the County's Williamson Act policies. The establishment of the conservation easement will ensure no net loss of protected agricultural land and, unlike a Williamson Act contract, which can ultimately be non-renewed or canceled; the agricultural conservation easement will remain intact in perpetuity.

EVIDENCE: To minimize potential impacts on the rural and agricultural character and off-set the loss of cattle grazing on-site, Solargen proposes to graze sheep on the project site during the life of the project and has incorporated this requirement into the project as APM AG-1. This APM proposes a rotational grazing operation using short duration intensive grazing alternating with periods of rest. The project site would be divided into nine pastures, which would provide forage for between 750 and 3600 adult sheep depending on annual rainfall and temperatures. This APM is further supplemented by BR-1.2, which requires the applicant to implement a controlled grazing plan. In addition, pursuant to APM AG-2, Solargen would implement a grazing program on the proposed mitigation lands to allow for continued grazing activity within the Panoche Valley and adjacent areas.

EVIDENCE: The FEIR identifies other mitigation measures to minimize the impact on the agricultural character of the Panoche Valley, including (1) BR-G.3, which requires that land scars and disturbed areas not occupied by project facilities be restored and revegetated to pre-construction conditions or better, (2) BR-G.5, which requires the permanent conservation of areas within an adjacent to the Panoche Valley that protect these areas from future development, and (3) BR-G.6, which includes measures to facilitate the ongoing management, restoration, and enhancement of on-site and off-site mitigation lands.

EVIDENCE: The project site is currently zoned as "Agricultural Rangeland" under the San Benito County Zoning Ordinance ("SBCZO"). Section 25.07.005 (BB) of the SBCZO conditionally permits any use identified in section 25.29.106, which includes a "public utility facility" in the Agricultural Rangeland districts.

EVIDENCE: Mitigation Measures AG-2.1, BR-G.3, BR-1.2, BR-G.5, and BR-G.6 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

AGRICULTURAL RESOURCES (Impact AG-3 –Impacts on Adjacent Agricultural Uses)

6. **FINDING:** The FEIR concludes that the construction and operation of project would impair agricultural use of nearby properties (AG-3) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: The proposed project would be approximately 2,600 feet from farmland designated as Prime Farmland by the FMMP and approximately 2,400 feet from farmland designated as Unique Farmland (both in the area farmed by Heirloom Organics). Within 1 mile of the project boundary, there are at least 15,000 acres in current Williamson Act contracts. Temporary disturbance to the project site would result from trenching and grading associated with the installation staging areas, roads, PV panels, and other structures. The operation of the proposed project would create ongoing disturbance to the site for at least the expected life of the project as a result of use and presence of access roads and structures, including PV panels, a substation, parking areas, and equipment pads and related trenching. These developed areas would total 2,437 acres. The project would consume 25.5 acre-feet per year of water at full build-out.

EVIDENCE: Construction and operation of project would impair agricultural use of nearby properties; however, implementation of mitigation would reduce impacts to less than significant levels by informing neighboring land owners of upcoming project activities; enforcing measures that would reduce the introduction of fugitive dust, contaminants, and invasive plants into the project region; ensuring that groundwater supplies are not depleted; and developing conservation easements and a grazing plan to compensate for the loss biological and agricultural resources.

EVIDENCE: In addition to the APMs, Mitigation Measures LU-1.1 through 1.3, AQ-1.1, BR-1.1 and 1.2, BR-G.5, WR-1.1 and 1.2, and WR-6.1 through 6.3, are feasible and are hereby adopted.

- MM LU-1.1 Establish construction liaison
- MM LU-1.2 Provide advance notification of construction
- MM LU-1.3 Provide quarterly construction updates
- MM AQ-1.1 Reduce fugitive dust.
- MM BR-1.1 Prepare and implement a Weed Control Plan.
- MM BR-1.2 Develop and implement a Grazing Plan for the project site
- MM BR-G.5 Create permanent conservation easements as compensation for impacts to biological resources

MM WR-1.1 Groundwater Monitoring and Reporting Plan
MM WR-1.2 Aquifer Testing and Well Interference Analysis
MM WR-6.1 Accidental spill control and environmental training
MM WR-6.2 Store fuels and hazardous materials away from sensitive water resources
MM WR-6.3 Maintain vehicles and equipment.

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, and LU-1.3 would ensure that landowners in the area surrounding the project site are notified about construction schedule details.

EVIDENCE: Dust generated by the Alternative A Revised shall be kept to a minimum by following dust control measures set forth in AQ-1.1, including using water trucks and sprinklers to minimize dust, watering based on wind speeds, installing gravel pads, providing street cleaning if soil track-out occurs, covering soil if exportation, importation, or stockpiling of fill is involved, treating disturbed areas after grading or other similar activities, and designating a person(s) to monitor the dust control program. Implementation of these measures will reduce the dust generated by construction of the project (Alternative A Revised), lessening any air quality impacts relating to PM10 emissions and cumulative PM10 emissions dust on adjacent agricultural operations within the Panoche Valley to a less than significant level.

EVIDENCE: Mitigation Measure BR-1.1 would help reduce the potential spread of invasive weeds to nearby agricultural areas, as would the plan developed for grazing sheep on the project site (APM AG-1 and Mitigation Measure BR-1.2).

EVIDENCE: The conservation easement(s) created by Mitigation Measure BR-G.5 would permanently protect open space and habitat in and around the project site, which would reduce displacement of local predators and herbivores, and therefore would reduce any related impacts to nearby cropland and rangeland from these species.

EVIDENCE: Mitigation Measure WR-1.1, Groundwater Monitoring and Reporting Plan, would ensure that the proposed project would not substantially deplete local groundwater supplies, and therefore, would not substantially reduce the amount of groundwater available for surrounding agricultural use.

EVIDENCE: APMs WR-4, WR-5, and HAZ-1 through HAZ-7 and Mitigation Measures WR-6.1 through WR-6.3 would help prevent accidental releases of contaminants that could degrade water quality. In addition, Solargen is required to create and implement a Hazardous Materials Business Plan. Solargen would also follow BMPs for reducing erosion and sedimentation per the project's required Stormwater Pollution Prevention Plan, which would reduce impacts from potential stormwater runoff from the project area. Well water drawdown would be required to be monitored and resolved by Mitigation Measures WR-1.1 and WR-1.2, ensuring minimal impacts on water supply to nearby local farmers.

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, LU-1.3, AQ-1.1, BR-1.1, BR-G.5, WR-1.1, WR-6.1 and WR-6.3 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

AGRICULTURAL RESOURCES
(Impact AG-4 –Cumulative Conversion of Agricultural Lands)

7. FINDING: The FEIR concluded that the project would contribute to the cumulative loss of agricultural land due to the proposed conversion to non-agricultural uses. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into the project (Alternative A Revised) that ensure that the project's incremental effect on agricultural resources would not be cumulatively considerable.

EVIDENCE: As discussed in the FEIR (Section C.3.4), from 1990 to 2004, San Benito County ranked first among Central Coast counties in the conversion of FMMP Farmland to urban uses. In this case, the project (Alternative A Revised) would convert FMMP Grazing Land to a non-agricultural use. Some of the San Benito farmland is also being converted to rangeland. From 2006 to 2008, farmland in the County declined by over 7,600 acres; however, grazing land actually increased by almost 7,000 acres.

EVIDENCE: The FEIR notes that As of 2008, San Benito County had over 673,000 acres of agricultural land, of which over 612,000 acres were classified by FMMP as Grazing Land. The project (Alternative A Revised) would convert up to 4,885 acres of Grazing Land, which amounts to less than one (1) percent of the grazing land in San Benito County. In addition, the project (Alternative A Revised) proposes the cancellation of 6,953 acres of Williamson Act to facilitate implementation of the project. Based on the San Benito County Assessor's 2009 Annual Report, the total amount of acreage that is presently under Williamson Act contracts in the County is 583,700. Therefore, the proposed cancellation affects approximately one (1) percent of the land currently under Williamson Act contract.

EVIDENCE: Changes or alterations have been incorporated into the Alternative A Revised that mitigate the project's incremental contribution to the cumulative loss of agricultural land to a less than significant level. Specifically, Mitigation Measures AG-2.1, BR-G.3, BR-G.5, BR-G.6, and BR-1.2, are feasible and are hereby adopted.

- MM AG-2.1 Create agricultural conservation easement(s).
- MM BR-G.3 Develop and implement of a Habitat Restoration and Revegetation Plan.
- MM BR-G.5 Create permanent conservation easements as compensation for impacts to biological resources.
- MM BR-G.6 Develop and implement Habitat Mitigation and Monitoring Plan for mitigation land.
- MM BR-1.2 Develop and implement a Grazing Plan for the project site.

EVIDENCE: To address the project's negligible and incremental impact on the cumulative conversion of agricultural land and Williamson Act land within the County

and pursuant to MM AG-2.1, Solargen is required to record agricultural conservation easement(s) over either 4,563 acres of rangeland or 285 acres of Prime Farmland in perpetuity. This mitigation would either ensure the permanent protection of very large area of grazing land or high quality, irrigated farmland that is currently threatened by urban development.

EVIDENCE: The project's negligible and incremental impact on the cumulative conversion of agricultural land and Williamson Act land within the County would also be addressed and further reduced with implementation of MM BR-G.3, G.5 and G.6, which are discussed in Findings 11 and 12.

AIR QUALITY **(Impact AQ-1 – Dust and Toxic Air Contaminants)**

8. **FINDING:** The FEIR identified that peak daily construction activities, without appropriate controls, would generate fugitive dust exceeding 82 lbs/day. Although construction activities would also result in emissions of reactive organic gases, NO_x, CO, PM₁₀, PM_{2.5}, Sox, diesel particulate matter (DPM), and exhaust contributing to the degradation of local and regional air quality, due to the land area of the project, it is not expected to cause a violation of any ambient air quality standard beyond the project boundary. Emissions from construction would result from fuel combustion and exhaust from construction equipment and vehicle traffic, grading, and use of materials that contain volatile and/or toxic compounds (e.g., paints and lubricants). There are no substantial long-term health risks that are anticipated for any receptor associated with exposure to DPM. Construction emissions, particularly dust emissions, could impact sensitive plant species and created temporary visual impacts. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Solargen proposes to implement best management practices (APM AQ-2) to reduce construction vehicle emissions. Contractors must maintain all equipment in tune to manufacturer specifications. All construction equipment must meet CARB's Tier 2 standards for engine and comply with State In-Use Off-Road Diesel Vehicle Regulation as stated in Section 2449 of the California Code of Regulations. Solargen and its contractors will prohibit vehicle idling in excess of 5 minutes or within any time necessary to comply with Section 2485(c)(1) of the California Code of Regulations, and shall post signs in queuing areas and job sites as reminders of idling limits. Idling and staging/queuing areas will be prohibited within 1,000 feet of sensitive receptors. Construction equipment will be electric when feasible and workers will be encouraged to use shuttle services where feasible.

EVIDENCE: Solargen proposes to comply with all requirements of agencies with jurisdiction over air quality matters on the project site, and to obtain all necessary permits prior to construction. Solargen also proposes to implement BMPs to minimize fugitive dust emissions (APM AQ-3), thereby minimizing nuisance impacts, including: watering graded/excavated areas, unpaved roads, unpaved staging areas, and unpaved parking

areas three times per day; using chemical soil stabilizers or water on inactive construction areas; stabilizing disturbed soil areas not subject to revegetation using chemicals, jute netting, or placing gravel on temporary roads; placing gravel on all temporary roads as soon as possible following grading; covering all trucks hauling dirt, sand, soil, or other loose materials (or maintaining 2 feet of freeboard pursuant to Cal. Veh. Code Section 23114); and installing wheel washers and inspection where vehicles enter/exit paved roads or washing vehicles and equipment leaving the site.

EVIDENCE: Mitigation Measures AQ-1.1 and 1.2 are feasible and are hereby adopted.

MM AQ-1.1 Reduce fugitive dust.

MM AQ-1.2 Designate a dust complaint monitor

EVIDENCE: The FEIR identifies MM AQ-1.1 that requires Solargen to minimize fugitive dust emissions. These measures include limiting grading to 8.1 acres per day and excavation to 2.2 acres per day; prohibiting grading during high wind periods; applying non-toxic binders and hydro-seeding cut and fill areas; revegetating disturbed areas compliant with a County-approved Landscape Plan; using street sweepers or sprinkler system to prevent airborne dust from leaving the site; spraying dirt stockpile areas; sowing exposed areas to remain inactive for more than 1 month with fast germinating non-invasive grass seed; and limiting vehicle speeds to 15 mph on unpaved surfaces.

EVIDENCE: Solargen shall also require contractors on site to have a designated dust complaint monitor who shall serve during active and inactive construction periods pursuant to MM AQ-1.2. The name and telephone number of the monitor shall be provided to the Monterey Bay Unified APCD and should be posted in a visible location on the project site.

EVIDENCE: While temporary construction-phase VOC and NOx emissions would contribute to existing ozone violations, the construction-phase ozone precursor emissions would be accommodated by the emission inventory that forms the basis of State and federal air quality management. This would not be considered significant because temporary construction emissions are accommodated in the AQMP inventory that is used by the APCD in demonstrating maintenance of the ozone standards.

EVIDENCE: DPM emissions would be less than significant without mitigation because the exposure of DPM caused by the project would be small when averaged over an entire 70-year lifetime. No substantial long-term health risks are anticipated for any receptor as result of DPM emissions.

EVIDENCE: Presence of a dust complaint monitor would ensure the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site.

EVIDENCE: Mitigation Measures AQ-1.1 and AQ-1.2 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

AIR QUALITY

(Impact AQ-4 – Inconsistency With Relevant Air Quality Management Plans)

9. **FINDING:** Although operational emissions would be limited and be less than significant requiring no mitigation measures, the FEIR identified the potential inconsistency of construction emissions with relevant air quality management plans (AQ-4) as a significant impact. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Mitigation Measures AQ-1.1 and 1.2 are feasible and are hereby adopted.

MM AQ-1.1 Reduce fugitive dust.

MM AQ-1.2 Designate a dust complaint monitor

EVIDENCE: Solargen intends to implement at least all Monterey Bay Unified APCD recommendations as identified in Mitigation Measures AQ-1.1 and AQ-1.2, see Finding 12 above and related evidence. By implementing Monterey Bay Unified APCD's recommendations, Solargen would be reducing fugitive dust and construction equipment emissions to be consistent with the regional air quality management plan for the project site.

EVIDENCE: Mitigation Measures AQ-1.1 and AQ-1.2 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the Alternative A Revised.

BIOLOGICAL RESOURCES

(Impact BR-1 – Loss of Ephemeral Drainages and Pools)

10. **FINDING:** The FEIR concluded that construction activities would result in the temporary and permanent losses of native vegetation and that this impact would be significant. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into the Alternative A Revised that would avoid or substantially lessen this significant environmental effect.

EVIDENCE: Approximately 99 acres of ephemeral drainages occur on the project site. The Applicant included APM BIO-8 that states washes and streams should be avoided by the project including a 50-ft buffer as measured from the top-of-bank on both sides of these features. The current array layout, however, would directly impact numerous Ephemeral Drainages through the construction of solar arrays and road crossings. Indirect impacts would include increased sediment transport, alterations to existing topographical and hydrological conditions, fugitive dust accumulation, and the introduction of non-native, invasive plant species. Due to the large extent of the impacts associated with solar array development and the permanent nature of impacts to this

habitat in many areas spread over the large site, project impacts to Ephemeral Drainages are significant.

EVIDENCE: LOA survey ephemeral pools on the project site while conducting protocol-level Branchiopod surveys on December 21, 2009 , January 4, 5, 18, and 19, 2010; February 1, 2, and 17, 2010; March 2, 3, 16, 17 and 30, 2010; April 13, 14, 27 and 28, 2010; May 11 and 25, 2010; and June 7, 2010. LOA identified 128 ephemeral pools on the site totaling 2.79 acres. These ephemeral pools were classified as ephemeral drainages within seasonal drainages (50 features; 1.88 acres), road puddle or roadside ditch (36 features; 0.22 acres), stock pond (5 features; 0.34 acres), trough puddles that were created by livestock around leaky troughs (15 features; 0.13 acres), and vernal pools (15 features; 0.26 acres). These aquatic features were sampled for Branchiopods during the 2009-2010 rainy season in accordance with Interim Survey Guidelines for Permittees Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act of the Listed Vernal Pool Branchiopods (USFWS, 1996).

EVIDENCE: Of the 128 ephemeral pools indentified, LOA identified one bermed stock pond that serves as habitat for branchiopods with vegetative and hydrological indicators representative of a Vernal Pool. If avoidance of an ephemeral pool(s) is not possible then direct and indirect impacts to these features would be significant absent mitigation. These features were not included in the sites sampled for fairy shrimp, presumably because they did not pool water long enough for branchiopod sampling. Vernal pools are identified by the CDFG as a sensitive natural community. The modification or destruction of Vernal Pools within the project site would constitute an adverse effect on this community, and these impacts would be potentially significant.

EVIDENCE: The Alternative A Revised avoids the single vernal pool containing Vernal Pool Fairy Shrimp that is located in the northwest portion of the project site by reconfiguring an on-site access around the vernal pool to create a 250 foot buffer.

EVIDENCE: the Applicant proposes to implement APMs BIO-1, 2, 3, 4, 7, and 8 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas, these APMs are insufficient to ensure education of all construction personnel on the site, ensure the confinement of activities to approved areas, and to ensure that revegetation occurs in a manner that minimizes long-term effects on habitats affected by project construction and operation.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2 and AQ 1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

AQ -1.1: Reduce fugitive dust

EVIDENCE: In addition to the APMs, Mitigation Measures BR-G.1 through BR-G.6, include measures that are designed to reduce impacts on ephemeral drainages, ephemeral pools, and vernal pools. These measures include (1) a prohibition on refueling within 100 feet of an ephemeral drainage unless a bermed and lined refueling area is constructed and spill kits are maintained, (2) daily check-ups and maintenance of any vehicles driven and/or operated within or adjacent to drainages or wetlands, (3) educating and providing maps to construction crews that identify known locations of rare plants and sensitive vegetative communities, seasonal depressions, and known water bodies to facilitate the avoidance of these areas, (4) creation of 100 foot buffers from the top of bank on either side of washes and streams, (5) and creation of conservation easements to mitigate impacts on vegetative communities at a 1:1 ratio.

EVIDENCE: Mitigation measures BR-1.1, BR-1.2 and AQ-1.1 would further minimize impacts on ephemeral drainages, ephemeral pools and vernal pools. BR-1.1 requires Solargen to prepare and implement weed control measures to preserve the integrity of native features and limit the introduction of non-native invasive plant species into the project area. BR-1.2 requires monitoring and adaptive management of on-site sheep grazing to ensure the persistence and avoid extirpation of sensitive plant species. AQ-1.1 limits construction and maintenance dust emissions, which could reduce the health of plants in the Ephemeral Drainages and Vernal Pool community.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2 and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-2 – Spread of Noxious Weeds and Non-natives)

11. FINDING: The FEIR identified that the project could result in the establishment and spread of noxious weeds and invasive and non-native plants as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Noxious weeds that could potentially invade and/or spread on the project site include, but are not limited to, tocalote (*Centaurea melitensis*) and Russian thistle (*Salsola tragus*). Invasion or spread of noxious weeds is often facilitated by a change of natural conditions, such as ground-disturbance (e.g., grading), alteration of hydrology (including both reduction and increase in the amount of water and changes in the season in which watering occurs), and changes in grazing regimes. On the project site, all of these changes may occur in portions of the site. Ground-disturbance will occur primarily during construction, opening new ground on which weeds may germinate. The spread of existing exotic weed populations or the establishment of new

exotic weed populations as a result of project construction and operation would be a significant impact without mitigation.

EVIDENCE: Herbicides are chemical agents that target the specific control or removal of plants and are often assumed to present the most efficient and cost-effective opportunities for eradication, especially of large populations of weeds. However, herbicides may harm or kill desirable native vegetation occurring in close proximity to or even downstream from the targeted weeds. Additionally, herbicides may be detrimental to susceptible wildlife species such as amphibians or may negatively impact water quality. Herbicides, and their means of application, need to be carefully selected as not all herbicides or application methods are equally appropriate, effective, or safe, given different site conditions and weed species.

The use of herbicides in the project area shall comply with regulations set forth by the U.S. Environmental Protection Agency (EPA) and California Department of Pesticide Regulation (CDPR). Although overspray may adversely affect some non-target species, the removal of noxious or invasive weeds and the control of existing populations would be considered a beneficial effect. The spread of invasive weeds has had major impacts throughout California. Infestations can be difficult to control, and arid habitats can be especially challenging to restore. Proposed project activities that result in the spread of invasive weeds would have long-lasting consequences for habitats in the proposed project site and would constitute a significant impact.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.4, BR-1.1, and BR-1.2 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.4 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; and (4) Biological construction monitoring is implemented.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area as a result of the proposed project. The Grazing Plan would ensure that grazing practices are monitored and readjusted to avoid the introduction of invasive weeds. Implementation of these mitigation measures would reduce impacts of the project to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.4, BR-1.1, and BR 1.2 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES
(Impact BR-3 – Special Status Plants and Habitats)

12. **FINDING:** The FEIR identified that the project could disturb special-status plant species or their habitat as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The Alternative A Revised could directly impact special-status plant species located within the project footprint as a result of clearing, grading, trampling, soil compaction (and subsequent modification of runoff), and removal or modification of the seed bank. In addition, special-status plants that remain present within the footprint of the solar arrays (i.e., that are not completely removed during construction) may be impacted by shading, changes caused by the solar panels to the distribution of rainfall and runoff, addition of water during semi-annual washing of the solar panels, changes in the grazing regime, and invasion by non-native plants as a secondary result of construction and accompanying changes in site conditions. A total of 28 special-status plant species were identified as having the potential to occur on site; however, only three special-status plants have been identified within the project site: gypsum loving larkspur (*Delphinium gypsophilum* ssp. *gypsophilum*; CNPS 4.2), recurved larkspur (*Delphinium recurvatum*; CNPS 1B.2), and serpentine linanthus (*Leptosiphon ambiguus*; CNPS 4.2). Two plant species listed under the Federal and/or California Endangered Species Acts that could potentially occur on the proposed project site, are the federally and state-endangered California jewel-flower (*Caulanthus californicus*) and the federally endangered San Joaquin woollythreads (*Monolopia congdonii*).

EVIDENCE: LOA conducted floristic surveys of the project site in 2009 and protocol-level surveys in 2010 in accordance with the most current FWS, CDFG, and CNPS guidelines. The surveys were conducted by trained botanists familiar with special-status plant species that occur in the Panoche Valley. The spring of 2010 represented a favorable period to survey for these species since the Panoche Valley experienced above normal precipitation levels during the 2009-2010 precipitation period. Therefore, the proposed project will have no effect on state and federally listed plants such as the federally and state-endangered California jewel-flower (*Caulanthus californicus*) or the federally endangered San Joaquin woollythreads (*Monolopia congdonii*).

EVIDENCE: Impacts to a small portion of a population (i.e., a few individuals) of plants that are not federally or State-listed, or impacts to a population for which loss of a local population would not substantially affect the range of the species, would not typically be considered significant. However, the permanent disturbance or removal of a regionally large or important population could be significant. Few populations of California Native Plant Society listed plants, gypsum loving larkspur, recurved larkspur, and serpentine linanthus were detected within the 4,885-acre project area and one population was estimated to contain thousands of individuals. With the exception of the gypsum loving larkspur found on Section 19, LOA determined that all delphinium populations found onsite are hybrids of *Delphinium recurvatum* and *D. gypsophilum*.

and/or *D. hesperium* ssp. *Pallescens* (foothill larkspur), based on phenotypic characteristics and the fact that once mature these plants lacked seeds. Nonetheless, the distribution and abundance of these species within the Panoche Valley is not well understood. Impacts to populations of these species would be potentially significant.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-3.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR-3.1: Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implement avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program to train workers to spot and avoid sensitive plant species; (2) Best Management Practices (BMPs) to avoid and minimize impacts on sensitive plant species; (3) A Habitat Restoration and Revegetation Plan is ensure the persistence of sensitive species on the project site; (4) Biological monitoring during construction; (5) creation of conservation easements to compensate for the loss of vegetation at a 1:1 ratio; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success of the species.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require implementation of weed control and a responsible and environmentally sensitive grazing. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area as a result of the proposed project. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to special-status vegetation.

EVIDENCE: Mitigation Measure AQ-1.1 would limit construction and maintenance-induced dust, which could reduce the health of special-status plants. Implementation of these mitigation measures would reduce impacts of the project (Alternative A Revised) to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, BR 3.1, and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES
(Impact BR-5 – Alteration of Hydric and Solar Regimes)

13. **FINDING:** The FEIR identified that the project could alter the hydric and solar regimes in the area potentially eliminating required food sources for various species of wildlife as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Impermeable surfaces created by the project, such as solar panel arrays and cement slab foundations for the transformers and inverters, switchyard, and buildings, will alter hydric and solar regimes through reduced solar radiation and the interception and concentration of precipitation. Solar radiation would be substantially reduced under the solar panels with some areas only receiving ambient light. Shading would also alter soil temperatures, which could increase herbaceous vegetation and seed production for some species. Some areas within the project site will receive no direct precipitation, while other areas along the margins of panels will experience increased volumes and flows.

EVIDENCE: The alteration of vegetation under the panels could constitute a reduction of food for numerous wildlife species, particularly small mammal species known to inhabit the site. Reductions in rodent populations would impact predators such as San Joaquin kit fox, American badger, coyote, and a variety of avian predators including red-tailed hawks, northern harrier, barn owl, and great horned owl. Similarly, if vegetation under the panels is allowed to become increasingly dense or tall, many of the species that occur at the site, including giant kangaroo rats and San Joaquin antelope squirrels, would be excluded from these areas as these animals would not utilize areas with dense or tall vegetation. Alteration of hydric and solar regimes could contribute to a substantial change in the vegetation composition, cover, and structure within the project site that would significantly change composition and/or relative abundance of plants and animal species on, and within the vicinity of the project site resulting in significant impacts to wildlife.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, and AQ-1.1 are feasible and are hereby adopted.

AQ-1.1: Reduce fugitive dust.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, FWS, and the County.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area that might excel in the disturbed conditions and out-compete native plants. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to vegetation and wildlife. Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust. Implementation of these mitigation measures would reduce impacts of the project to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2 and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-6 – Construction Disturbance of Wildlife and Wildlife Mortality)

14. **FINDING:** The FEIR identified that Construction activities, including the use of access roads, grading, and heavy equipment, would result in disturbance to wildlife and may result in wildlife mortality (BR-6) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Habitat clearing, earth removal, grading, trenching, equipment movement, placement of the direct-driven steel post foundations, placement of the panel rows, placement of the inverter/transformer pads and equipment, and construction of the buildings and switchyard would have a substantial impact on less mobile wildlife species. Although the project site represents a relatively small proportion of regional habitat and regional populations of the more common wildlife species that will be impacted by construction activities, the footprint of the Alternative A Revised occupies an area approximately 3,202 acres in size. Construction of the project will permanently alter existing condition of habitats within the impact areas. Furthermore many populations of common wildlife species in the Panoche Valley are relatively geographically isolated from other populations. Due to these factors, construction of the

project would result in potentially significant impacts to a large number and wide variety of wildlife species.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-6.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation land

BR-1.1: Prepare and implement a Weed Control Plan

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR- 6.1: Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) all construction personnel participate in the Worker Environmental Education Program; (2) best Management Practices (BMPs) for biological resources are implemented; (3) a Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, FWS, and the County.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the establishment of noxious weeds, which could reduce the long term recolonization potential or availability of these habitats for certain wildlife species. The Grazing Plan would limit the disturbance of wildlife from sheep grazing or vegetation management activities.

EVIDENCE: MM BR-6.1 would require pre-construction surveys for nesting and breeding birds and the implementation of avoidance measures. Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust. Implementation of these mitigation measures would reduce impacts of the project to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, BR 6.1, and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-7a – Injury, Mortality, Loss of habitat for, Species of Special Concern [Amphibians & Reptile])

15. **FINDING:** The FEIR identified that the project could result in injury or mortality of, and loss of habitat for terrestrial California Species of Special Concern (Amphibians and Reptiles, BR-7a) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The project site contains suitable aquatic breeding habitats (i.e., ephemeral pools, stock ponds) for the Western spadefoot toad (*Spea hammondi*) are scattered across much of the proposed project site, and upland foraging and aestivation habitat is present throughout the proposed project site. Although the proposed project site is within the range of this species, there are no CNDDDB (2010) records of occurrences within a 10-mile radius of the proposed project site, and multiple biological surveys of the project site, including protocol level surveys of water bodies on-site, conducted by LOA in 2009 and 2010 did not detect this species. Nonetheless, due to the presence of potential habitat, impacts to this species are considered potentially significant.

EVIDENCE: During site surveys, LOA observed the San Joaquin coachwhip (*Coluber flagellum ruddocki*), and Coast horned lizard (*Phrynosoma blainvillii*), which are identified by CDFG as *California Species of Special Concern* (CSSC). The Alternative A Revised would likely impact these species during construction- and operation-related activities, including grading, trenching, night-lighting, and shading from solar panels, and habitat alteration. Due to the expected low population sizes and relatively restricted range of these herpetofaunal CSSC, the injury or mortality of more than a few individuals or substantial loss or degradation of habitat as a result of permanent or temporary construction-related disturbances would constitute a potentially significant impact.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-7a.1, BR-7a.2, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR- 6.1: Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.

BR- 7a.1: Impacts to all potential breeding habitat for western spadefoot toad shall be avoided to the extent feasible.

BR- 7a.2: Conduct focused pre-construction surveys for San Joaquin coachwhip and coast horned lizard and implement avoidance measures.

BR-7c.1: Conduct focused pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse and implementation of avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, FWS, and the County.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the establishment of noxious weeds, which could reduce the long term recolonization potential or availability of these habitats for certain wildlife species. The Grazing Plan would limit the disturbance of wildlife from sheep grazing or vegetation management activities.

EVIDENCE: Notwithstanding the documented absence of this species from the project site, Measure BR-7a.1 requires the project to avoid to the extent feasible potential breeding habitat for western spadefoot toad during the wet season. If work must be conducted, MM BR-7a1 requires pre-construction surveys to determine the presence of the toad and requires a 200 foot buffer area if toads are detected. This measures would reduce injury or mortality of species due to inadvertent trapping, collision, or crushing.

EVIDENCE: Due to the documented presence of the San Joaquin coachwhip and coast horned lizard, MM BR-7a.2 mandates pre-construction surveys for these species. This measures would reduce injury or mortality of species due to inadvertent trapping, collision, or crushing.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust. Implementation of these mitigation measures would reduce impacts of the project to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, BR 7a.1, BR 7a.2 and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-7b – Injury, Mortality, Loss of habitat for, Species of Special Concern [Birds])

16. **FINDING:** The FEIR identified that the project could result in injury or mortality of, and loss of habitat for terrestrial California Species of Special Concern (Birds, BR-7b.) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The entire project site comprises suitable habitat for nine species of birds considered by CDFG to be CSSC. Two of these species, the mountain plover and the burrowing owl, are dealt with separately in following sections (BR-11 and BR-13). The seven remaining species, Long-eared owl (*Asio otus*), Short-eared owl (*Asio flammeus*), Loggerhead shrike (*Lanius ludovicianus*), Grasshopper sparrow (*Ammodramus otus*), Tricolored blackbird (*Asio otus*), Northern harrier (*Circus cyaneus*), and Oregon vesper sparrow (*Pooecetes gramineus affinis*) are either known to occur or may potentially occur on the proposed project site. LOA conducted extensive surveys of the project site and did not observe any of these species on the project site. Nonetheless, the Alternative A Revised could directly impact up to 200 acres of potential foraging habitat and alteration of an additional 2,303 acres of foraging habitat. Ground disturbance, chemicals and accidental poisoning of birds and/or their prey species, and collisions from project vehicles could also result in injury or mortality of bird species. Any potential for injury, mortality, or disturbance (particularly of nesting birds), or substantial loss or degradation of habitat as a result of permanent or temporary construction-related activities would constitute a potentially significant impact to these avian CSSC.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-6.1, BR-7b.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR- 6.1: Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.

MM BR-7b.1 Conduct pre-construction surveys for non-breeding birds designated as California Species of Special Concern.
MM AQ-1.1 Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, FWS, and the County.

EVIDENCE: MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the establishment of noxious weeds, which could otherwise change the vegetation composition of foraging habitat for birds. The Grazing Plan would limit the disturbance of wildlife from sheep grazing or vegetation management activities.

EVIDENCE: MM BR-6.1 would require pre-construction surveys for nesting and breeding birds and the implementation of avoidance measures if nests are located.

EVIDENCE: Even though none of the bird species of special concern have been observed on-site during the extensive biological resources surveys, because habitat exists on site and thus the potential exists for one or more these species to occupy the site at a future date, MM BR-7b.1 has been added to the FEIR, which conservatively requires that Solargen undertake pre-construction surveys for non-breeding birds and prescribes conservation measures in the event such species are detected on the project site during these surveys.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust. Implementation of these mitigation measures would reduce impacts to avian CSSC to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, BR 6.1, BR 7b.1 and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-7c – Injury, Mortality, Loss of habitat for, Species of Special Concern [Mammals])

17. FINDING: The FEIR identified that the project could result in injury or mortality of, and loss of habitat for terrestrial California Species of Special Concern (Mammals, BR-

7c.) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The entire project site comprises suitable habitat for four species of mammals, Short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*), San Joaquin pocket mouse (*Perognathus inornatus inornatus*), and Tulare grasshopper mouse (*Onychomys torridus tularensis*), and American badger, considered by CDFG to be CSSC. Impacts to the American badger are addressed separately under Impact BR-18. Tulare grasshopper mouse and short-nosed kangaroo rat are addressed in the "Recovery Plan for Upland Species of the San Joaquin Valley" (USFWS, 1998). Although the Tulare grasshopper mouse and short-nosed kangaroo rat are California Species of Special Concern, the Recovery Plan addresses their conservation needs and outlines a recovery strategy. Development of the proposed project decreases the opportunities to obtain the conservation goals described in the Recovery Plan for these species. Project development has the potential to impact individuals of mammalian CSSC by impeding their movement, subjecting them to greater predation and likelihood of collision, reducing foraging and breeding habitat, increasing the likelihood of exposure to chemicals or herbicides, and otherwise altering occupied habitat. The potential for injury, mortality, disturbance, or substantial loss or degradation of habitat as a result of permanent or temporary construction-related activities would constitute a potentially significant impact to these mammalian CSSC.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, and BR-7c.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

MM BR-7c.1 Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse and implementation of avoidance measures.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive

species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the establishment of noxious weeds, which could otherwise change the vegetation composition of foraging habitat for small mammals. The Grazing Plan would limit the disturbance of wildlife from sheep grazing or vegetation management activities.

EVIDENCE: MM BR-7c.1 requires that pre-construction surveys for mammal CSSC be conducted to determine whether proposed mitigation lands for these species are sufficient. Additionally, MM BR-7c.1 requires the implementation of avoidance measures to reduce mortality to Short-nosed kangaroo rat, San Joaquin pocket mouse, and/or Tulare grasshopper mouse. Implementation of these mitigation measures would reduce impacts to mammal CSSC to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, AND BR 7c.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-8 – Vernal Pool Fairy Shrimp)**

18. **FINDING:** The FEIR identified that the project could result in the loss of vernal pool fairy shrimp, and loss of occupied vernal pool fairy shrimp habitat (BR-8) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Suitable habitat (ephemeral and vernal pools) for the vernal pool fairy shrimp, listed as federally threatened by the USFWS in 1994, occurs on the project site. Vernal pool fairy shrimp were identified within one ephemeral pond in the northwest portion of the project site, west of Little Panoche Road. Development of the Panoche Valley Solar Farm has the potential to impact vernal pool fairy shrimp individuals and alter or destroy occupied habitat. Direct impacts include habitat loss, ground disturbance, and placement of permanent structures. Solar panels, for example, will result in shading, which can reduce or alter vegetation in the pools, particularly impacting algae on which vernal pool fairy shrimp feed. Trenching could directly destroy or bury eggs and disrupt the soil profile potentially affecting soil hydrodynamics and result in downward percolation of water and draining of ephemeral pools. Due to the presence of vernal pool fairy shrimp at the project site and the unique habitat requirements of the species, the loss of occupied vernal pool fairy shrimp habitat, and the loss of individuals (including eggs) as a result of construction, or O&M activities, would be a significant impact.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.4, BR-8.1, BR-8.2, BR-8.3, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-8.1: Complete full protocol-level surveys of ephemeral pools.

BR-8.2: Avoid disturbance to ephemeral pools occupied by vernal pool fairy shrimp to the maximum extent practicable, and mitigate for any unavoidable impacts.

BR-8.3: Avoid seasonal depressions and known water bodies.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; and (4) Biological construction monitoring is implemented. Mitigation Measure

EVIDENCE: BR-8.1 would require the completion of full protocol-level surveys of ephemeral pools. MM BR-8.2 would require avoiding disturbance of ephemeral pools to the maximum extent practicable and mitigating for unavoidable impacts. MM BR-8.3 would require creating a 100-foot construction buffer for seasonal depressions and known water bodies. Implementing these mitigation measures would reduce impacts to vernal pool fairy shrimp to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.4, BR-8.1, BR 8.2, BR 8.3, and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-9 – California Tiger Salamander)**

19. FINDING: The FEIR identified that the project could result in the loss of individual California tiger salamanders or the permanent or temporary loss of habitat (BR-9) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The proposed project site is within the range of the California tiger salamander (*Ambystoma californiense*) and the species was detected in two off-site stock ponds during surveys conducted by LOA in 2010; one is immediately outside of the northwestern border of the main proposed project site and the other is located east south of the southwestern-most corner of the site. No other observations of California tiger salamander were made during surveys even though several pools of suitable size and depth for California tiger salamander were sampled within the project site. Development of the Panoche Valley Solar Farm could result in injury and mortality of

individual California tiger salamanders (including larvae) if they were to occupy any of the habitat on-site, substantial habitat losses and modifications, and changes in the composition and distribution of small mammal species, on whose burrows California tiger salamanders rely for cover. The loss of breeding and upland habitat and the potential loss of individuals as a result of construction and O&M activities would be a significant impact to California tiger salamanders.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6-4, BR-9.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-9.1: Conduct pre-construction surveys for California tiger salamander and implement avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands..

EVIDENCE: Mitigation Measure BR-9.1 would require pre-construction surveys and adherence to avoidance measures outlined in MM BR-G.2. Additional components of MM BR-9.1, including restricting hours of work, avoiding disturbance to ponds, pools, and known locations of adult California tiger salamander, and inspecting pipes or similar structures prior to capping would reduce impacts individuals and the species' habitat. Two additional requirements were added to this mitigation in response to comments on the DEIR and are included in the FEIR. These additional requirements include the careful translocation of any California tiger salamander found within the construction zone and the creation of new ponds on the proposed mitigation lands to offset any impacts to on-site breeding ponds.

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust. Implementing these mitigation measures would reduce impacts to California tiger salamanders to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-9.1, and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES
(Impact BR-10 – Blunt nosed leopard lizard)

20. **FINDING:** The DEIR concluded that the 420 MW PVSF would have a significant and unavoidable impact on the blunt-nosed leopard lizard ("BNLL"), a "fully protected" California species, due to the potential loss of individual species, loss of foraging habitat, and loss of occupied habitat (BR-10). In response to comments on the DEIR regarding the project's impact on this species and other sensitive biological species, the County identified the Alternative A Revised that Solargen determined was feasible and that would reduce the significant and unavoidable impacts on the BNLL. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project in the form of a feasible project alternative, the Alternative A Revised, which will avoid or substantially lessen this significant environmental effect.

EVIDENCE: Of the 4,885 acres, the DEIR concluded that the 420 MW PVSF would result in direct impacts to 2,474 acres of suitable habitat for BNLL. The direct impacts included potential injury and mortality of individual BNLL, substantial habitat losses and modifications, and potential changes in the composition and distribution of mammal burrows which provide refuge during extended periods of harsh conditions. Except for the 389-acre on-site conservation area, the remaining undisturbed 2,022 acres, would retain little habitat value because it creates isolated fragments of habitat or blocks of habitat and relatively narrow corridors bordered by development. To adequately mitigate for this loss of habitat, the DEIR recommended a mitigation ratio of 3:1 for direct impacts and 2:1 for indirect impacts, which requires a total mitigation or conservation area of 11,466 acres.

EVIDENCE: Due to the uncertainty of the availability of this significant amount of mitigation land in the Panoche Valley and immediate vicinity, the DEIR concluded that impacts to BNLL would be significant and unavoidable. The DEIR considered only approximately 14,000 acres on the "Panoche Valley floor," as shown on Figure B-3B of this Final EIR as potential off-site habitat of equal or greater quality as the habitat that would be lost by development of the project. This DEIR considered this area as most likely to contain the same genetically distinct populations of threatened and endangered species that occur on the project site. Given uncertainties regarding suitability of habitat and occupancy of the proposed mitigation land, and limited readily available alternative mitigation sites within the Panoche Valley or immediate region, the DEIR concluded that the 420 MW PVSF would have unavoidable and inmitigable impacts to BNLL.

EVIDENCE: The Alternative A Revised would significantly reduce the amount of fragmented and isolated habitat on the site by confining all of the solar blocks to an approximately 3,202-acre (as opposed to 4,885-acre) fenced area. Under the Alternative A Revised, a high quality contiguous and undeveloped 1,683 acre conservation areas has been created for the BNLL. The Alternative A Revised also includes a 389-acre conservation area that comports to the 100 year floodplain area on site. The 1,683-acre area protects nearly all of the contiguous high suitability habitat for GKR and the location of the greatest concentration of BNLLs. The Alternative A

Revised would reduce the direct impact on BNLL habitat by 47 acres or from 2,303 acres to 2,256 acres and would significantly reduce the indirect impact on this same habitat by 2,025 acres or from 2,582 to 557 acres. At a required compensation ratio of 3:1 for direct impacts (2,256 acres) and 2:1 for indirect impacts (557 acres), the Alternative A Revised would require approximately 7,882 acres of high-quality mitigation lands to reduce potential impacts to a level of insignificance.

EVIDENCE: In addition the 1,683 acre conservation area and like the 420 MW PVSF, the Alternative A Revised would include an on-site, 389-acre, north-south and east-west, habitat corridor encompassing the 100-year flood plain (FEIR Errata, APM). Based on the GKR suitability model run by LOA, this corridor provides both medium and highly suitable habitat for the species to ensure a high quality and functional corridor. GKR are a keystone species, meaning that they provide food and habitat conditions necessary for other animals, including the BNLL. The GKR burrows provide shelter for antelope squirrels, BNLL, and other small animals. Accordingly, this corridor will provide high quality suitable habitat for BNLL.

EVIDENCE: To mitigate direct and indirect impacts to the BNLL, Solargen either owns or has secured options to place conservation easements on up to approximately 21,000 acres of off-site mitigation lands, which consists of the approximately 10,300 – acre Velladao Ranch, and 10,900-acre Silver Creek Ranch. These off-site mitigation lands contain a total of 8,710 acres of high quality habitat for the BNLL. The Velladao Ranch and Silver Creek Ranch contain 2,945 and 5,765 acres of high quality habitat, respectively.

EVIDENCE: USFWS has identified the protection of the Silver Creek Ranch as a critical component for the long term recovery of BNLL. The Bureau of Land Management also proclaimed in its Central Diablo Range Landscape Preservation for Species Recovery that the Silver Creek Ranch is "one of the highest conservation priorities" and that its "pristine nature...creates a perfect habitat for thriving populations of San Joaquin Kit Fox, blunt nosed leopard lizard, and GKR." Finally, in August and September, 2010, site specific surveys of the Silver Creek Ranch resulted in detections of BNLL confirming the high habitat value of this property for BNLL.

EVIDENCE: The 2,072 acres of on-site conservation areas, plus 2,945 acres on Velladao Ranch and 5,765 acres on Silver Creek Ranch, would result in a total of 10,482 acres of potentially highly suitable habitat. This amounts to 2,600 more acres than is needed to mitigate the projects direct and indirect impacts on BNLL habitat.

EVIDENCE: To avoid impacts on the BNLL during construction and operation of the project, Solargen has proposed (APM BIO-10) and the FEIR requires (MM BR 10.1) a 22-acre avoidance buffer around any detected BNLL on-site. Each buffer shall cover an area of at least 22 acres, which is the approximate size of the largest blunt-nosed leopard lizard home range size computed by Warrick et al. (1998), and which is greater than 3 standard deviations from the mean (which accounts for 99.7% of the sample population, assuming the distribution is normal) of the home range data set compiled by Dr. Germano in unpublished data provided to the EIR preparers as comments on the DEIR. The FEIR also establishes requirements that these buffer areas be connected with suitable movement corridors linking isolated buffers either to occupied or suitable

habitat located off the project site. The largest published home range estimate was used to establish a conservative buffer because of the fully listed status of the species, the considerable uncertainty regarding the number of individuals that may be impacted on the project site, and the unique genetic structure of the Panoche Valley population. While the USFWS, DFG, Sierra Club and other members of the public opined that that this buffer should be larger, based on other studies and data, the Board is entitled to rely on the expert opinion the biologists who prepared (or contributed studies to substantiate) the FEIR. Moreover, the 22-acre buffer is only one of many measures that are identified in the FEIR to ensure that impacts to individual BNLL are reduced to a less than significant level.

EVIDENCE: Solargen has incorporated extensive design features (APM BIO 1 through 13 and 20 through 39) into the Alternative A Revised that would in an effort to avoid individual blunt-nosed leopard lizards during construction and would include, for example, confining construction areas and access to predesignated areas, instructing all supervisory construction personnel on the protection of cultural and ecological resources, expressly requiring compliance federal and state laws regarding antiquities, plants and wildlife, including collection and removal, in construction contracts. Operational design features that would reduce impacts include elevating perimeter fences to allow for wildlife movement across the project site and avoiding washes and streams by creating buffers as measured from the top of-bank on both sides of these features.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-10.1, BR-16.3 and AQ-1.1 are feasible and hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-10.1: Conduct pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures.

BR-16.3: Preserve, manage, and maintain giant kangaroo rat habitat corridors across the project footprint.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal

of trash. Conservation easements would ensure that habitat loss would not decimate the blunt-nosed leopard lizard population by protecting suitable habitat to compensate for any permanent impacts to the species

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust.

EVIDENCE: MM BR-10.1 would require pre-construction surveys for blunt-nosed leopard lizard and the implementation of avoidance measures.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-10.1, BR-16.3 and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project

BIOLOGICAL RESOURCES (Impact BR-11 – Mountain Plovers)

21. FINDING: The FEIR identified that the project could result in the loss of habitat for wintering mountain plovers (BR-11) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Nearly the entire 4,885-acre project site provides suitable wintering habitat for mountain plovers (*Charadrius montanus*), a species identified by CDFG as a California Species of Special Concern and recently proposed for listing as federally Threatened by USFWS. Repeated observations for several decades by professional and amateur ornithologists indicate that the Panoche Valley is an important wintering area for mountain plovers in Central California. Reported observations of mountain plovers of the project site range from flocks of 35-70 individuals. Mountain plovers were forced to use cultivated lands in the San Joaquin Valley due to loss of appropriate grasslands there and that they were particularly dependant on core areas of remaining open grasslands during October and November, such as those occurring within Panoche Valley. Due to significant loss of high quality mountain plover wintering habitat that is present on the project site (evidenced by documented high levels of persistent historic use), and the potential loss of individuals as a result of collision with overhead wires, implementation of the project would be a significant impact to this species.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-11.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

AQ-1.1: Reduce fugitive dust.

BR-11.1 Conduct pre-construction surveys for wintering mountain plovers.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at the specified mitigation ratios.

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust.

EVIDENCE: Mitigation Measure BR-11.1 was added to the FEIR in response to comments on the DEIR to require pre-construction surveys for wintering mountain plovers. Results from the pre-construction surveys will be used to identify and locate on or off-site mitigation lands in accordance with the ratios set forth in MM BR-G.5.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, AQ-1.1, and BR 11.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES (Impact BR-12 – Special Status Raptors)

22. **FINDING:** The FEIR identified that the project could result in the loss of foraging habitat for golden eagles, California condors, and other special-status raptors (BR-12) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Nearly the entire 4,885-acre proposed project site currently provides suitable foraging habitat for golden eagles (*Aquila chrysaetos*), California condors (*Gymnogyps californianus*), Swainson's hawk (*Buteo swainsonii*), and white-tailed kite (*Elanus leucurus*). However, there have been no observations of condors, Swainson's hawk or white-tailed kite foraging over the site or in its immediate vicinity during over 10,000 survey hours conducted by LOA from April 2009 to September 2010. Furthermore, there are no CNDDDB observations of these 3 species within 5 kilometers of the site. In consultation with the USFWS, flight surveys were conducted in the non-breeding season by Bloom Biological in early August 2010 within 10 miles of the site. Fifteen golden eagle nests were observed within the 10-mile radius of the project site. Four of the nests showed evidence of having young fledged in 2010. No golden eagle nests occurred within 2 miles of the project boundary.

EVIDENCE: New regulations proposed by the USFWS indicate the USFWS may consider habitat loss to constitute substantial interference with normal breeding,

feeding, or sheltering behavior, which would be considered a "take." Additionally, golden eagles are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act, 2007), both of which prohibit take. In addition to permanent and temporary impacts to raptor habitat and increased potential of collision due to the project-related traffic and overhead wires, the solar arrays are predicted to severely limit the aerial approach that special-status raptors use to attack prey, as the arrays will block or disrupt their view of prey. Due to the high quality of golden eagle habitat present on the project site (as evidenced by documented high levels of persistent historic use), the loss of occupied golden eagle foraging habitat, and the potential loss of individuals as a result of collision with overhead wires or electrocution, development of this project would constitute a significant impact for this species. Impacts to foraging habitat for California condors, Swainson's hawk, and white-tailed kite would also be potentially significant absent mitigation.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-6.1, BR-12.2 and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR- 6.1: Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.

BR-12.2: Avoid and report California condors.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measure BR-12.1 was deleted in the FEIR because Golden Eagle surveys were conducted and completed in August 2010 and no nests were located within 2 miles of the project site. This measure was originally proposed to document the presence or absence of Golden Eagles on the project site or within 1 mile of the project site and to ensure that appropriate buffers are established. In this case, no

nests are located within 1 mile of the site so any buffer requirement is unnecessary (See also Finding 62).

EVIDENCE: Mitigation Measure BR-12.2 was added to the FEIR in response to comments on DEIR and requires construction activity to cease within 500 feet of any California condors that land on the project site during construction. This mitigation measure also requires the reporting of California condor sightings to USFWS and CDFG.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-6.1, BR 12.2, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES (Impact BR-13 – Burrowing Owl)

23. FINDING: The FEIR identified that the project could result in the loss of burrowing owl, loss of foraging habitat for burrowing owl and loss of occupied burrowing owl habitat (BR-13) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The burrowing owl (*Athene cunicularia*) is a California Species of Special Concern (CSSC). Nearly the entire 4,885-acre proposed project site provides suitable foraging, nesting, and roosting habitat for burrowing owls. Impacts to burrowing owl from the proposed project include the permanent and temporary loss of foraging and breeding habitat, increased predation, injury or mortality from collisions with vehicles, and loss of hearing or disruption of communication due to groundborne vibrations and noise from construction activities. The loss of occupied burrowing owl habitat, and the loss of individuals (including eggs or young) as a result of construction or O&M activities, would be a significant impact to this species in the Panoche Valley.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-13.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-13.1: Focused pre-construction burrowing owl surveys and implementation of avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measure BR-13.1 would require pre-construction surveys for burrowing owls to ensure avoidance of burrowing owls and burrowing owl habitat, including occupied burrows during nesting season.

EVIDENCE: MM BR-13.1 also would reduce mortality of burrowing owls during non-breeding season by prescribing means of relocating burrowing owls that would otherwise be impacted by construction activities.

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust. These mitigation measures would reduce impacts to less than significant levels.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-13.1, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES (Impact BR-14 – Hazards from Power Lines)

24. **FINDING:** The FEIR identified that the project could result in hazards to birds from power lines and associated facilities (BR-14) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The project would require a 230-kV line supported by 4 towers 50 to 80 feet high to convey electricity from the substation to the existing PG&E line. In addition, there would also be a series of medium voltage 34.5 kV lines that convey electricity from the solar arrays to the substation. Numerous species of birds occur on the site and fly over the site, and may collide with or be electrocuted by the electrical transmission lines, generation tie lines, guide wires, and towers. The likelihood of collision and electrocution is highly variable and depends on lighting, weather, neighboring habitat, and bird species. The project will be constructed in a valley and includes suitable habitat for large birds (raptors), both factors that increase likelihood of collisions. The majority of electrocutions are caused by lines that are energized at voltage levels between 1 kV and 69 kV. This suggests that the medium-voltage lines

that will traverse the site may present a substantial electrocution threat to large birds. Because the proposed project would involve new high and medium voltage electrical lines, it could result in increased mortality of state and/or federally protected bird species through electrocution and collision with wires, which would constitute a significant impact. However, it is difficult to predict the magnitude of collision-caused bird mortality as a result of the proposed project. Based on the known distribution of the species in the project area and observations made during reconnaissance surveys, it is generally expected that collision mortality would occur to some degree. As collisions are known to occur with a variety of manmade and natural objects the construction of proposed project would result in net increase of collisions compared to baseline conditions.

EVIDENCE: Mitigation Measures BR-14.1 and BR-14.2 are feasible and are hereby adopted.

MM BR-14.1 Implement Avian Power Line Interaction Committee guidelines (APLIC).

MM BR-14.2 Prepare and Implement a Bird Monitoring and Avoidance Plan.

EVIDENCE: Mitigation Measure BR-14.1 (Implement Avian Power Line Interaction Committee guidelines (APLIC)) would require implementing the APLIC guidelines, which would reduce impacts to birds by ensuring all transmission facilities (towers, poles, and lines) are designed in a manner that reduces or minimizes collision and electrical risk to birds.

EVIDENCE: Mitigation Measure BR-14.2 (Bird Monitoring and Avoidance Plan) would require the Applicant to conduct long term avian mortality studies on the project site. This would include the proposed solar arrays and the small distribution and feeder lines. The study would document the level of bird mortality and if the County and regulatory agencies deemed the mortality excessive, would require the Applicant to take corrective actions including the placement of additional bird flight diverters, alterations to project components that have been identified as key mortality features (i.e., relocation of undergrounding of some features, the modification of project colors or coatings), or other appropriate actions approved by the County and regulatory agencies. Other measures including the collection and removal of trash would reduce potential attractants for various birds. With the implementation of these mitigation measures, electrocution and collision-related impacts to protected birds would be less than significant level.)

EVIDENCE: Mitigation Measures BR-14.1 and BR 14.2 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-15 – Special Status Bats)**

25. **FINDING:** The FEIR identified that the project could result in mortality of, and loss of habitat for, special-status bat species (BR-15) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project

(Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Five special-status bat species, Western red bat (*Lasiurus blossevillii*), the pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), and the western mastiff bat (*Eumops perotis californicus*) potentially occur on the project site as suitable habitat exists and the site is within the range of these species. Project development has the potential to impact individual special-status bats through loss of foraging and sub-optimal roosting habitat. Some bat species may use the solar array structures as daytime roost sites. However, during the warmer months, the array structures may heat up to temperatures intolerable to bats and become a potential mortality factor. Bats foraging over the project area may collide with solar arrays and supporting structures, support cables, and medium voltage transmission lines, resulting in injury or mortality. Given the scale of the project footprint relative to the size of Panoche Valley these impacts would be potentially significant, although ample suitable foraging habitat for these bat species exists regionally.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-15.1, BR-15.2, BR-15.3, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

AQ-1.1: Reduce Fugitive Dust.

BR-15.1: Survey pre-construction for any maternity colony or hibernaculum for sensitive bats.

BR-15.2: Provide substitute roosting habitat, should any roosting habitat be identified onsite in the future.

BR-15.3: Exclude bats prior to eviction from roosts.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Implementation of MM BR-15.1 through BR-15.3 would require pre-construction surveys, provide substitute habitat, and exclude bats prior to eviction from roosts. Implementation of these mitigation measures would ensure that roosting and breeding bats are not displaced, injured, or killed.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust, minimizing impacts to the vegetation and aquatic features on the site that support invertebrate prey.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, AQ 1.1, and BR-15.1 and BR 15.2 and 15.3 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-16 – Giant Kangaroo Rat)**

26. **FINDING:** The DEIR concluded that that the 420 MW PVSF would have a significant and unavoidable impact on the giant kangaroo rat ("GKR"), due to the potential loss of individual species, loss of foraging habitat, and loss of occupied habitat (BR-16). In response to comments on the DEIR regarding the project's impact on this species and other sensitive biological species, the County in consultation with Solargen identified a feasible alternative, the Alternative A Revised, that would reduce the significant and unavoidable impacts on the GKR. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project in the form of a feasible project alternative, the Alternative A Revised exists, which will avoid or substantially lessen this significant environmental effect.

EVIDENCE: The GKR was listed as endangered under the California Endangered Species Act in 1980 and under the federal Endangered Species Act in 1987, primarily as a result of conversion of habitat which has restricted the species to 2 to 3 percent of the historic range. The Panoche Valley represents one of the six remaining regional habitats for the GKR. Development of the Alternative A Revised would have potentially significant impact on individual GKR, result substantial habitat losses and modifications, and potential changes in the composition and distribution of plant species on which GKR rely. The project would permanently alter 2,474 acres of suitable and occupied GKR habitat and displace an undetermined, but potentially large number of individuals. Except for the 389-acre on-site conservation corridor (FEIR Errata, APM BIO-15), the remaining undisturbed or temporarily impacted 2,022 acres, under the current design, would be comprised of a number of contiguous and isolated fragments of habitat, which include blocks of habitat completely or partially surrounded by development and relatively narrow corridors tightly bordered by development. Mitigation for permanently altering and degrading giant kangaroo habitat on the site would require the protection of up to 11,466 acres of suitable offsite mitigation land.

EVIDENCE: Given that GKR have been detected throughout most of the project site, the unique genetic structure of the Panoche Valley population, questions regarding suitability of habitat and occupancy of the proposed 10,331-acre mitigation land, and the

limited amount of mitigation sites in the Panoche Valley or immediate region, the DEIR concluded that the 420 MW PVSF would have unavoidable and inmitigable impacts to GKR.

EVIDENCE: The Alternative A Revised would significantly reduce the amount of fragmented and isolated habitat for the GKR on the site by confining all of the solar blocks to an approximately 3,202-acre (as opposed to 4,885-acre) fenced area. Under the Alternative A Revised, a high quality contiguous and undeveloped 1,683 acre conservation area has been created for the GKR. The 1,683-acre area protects nearly the entire contiguous high suitability habitat for GKR. By creating this conservation area, the Alternative A Revised reduces the direct impact on GKR and its habitat by 47 acres or from 2,303 acres to 2,256 acres and would significantly reduce the indirect impact on GKR and its habitat by 2,025 acres or from 2,582 to 557 acres. At a required compensation ratio of 3:1 for direct impacts (2,256 acres) and 2:1 for indirect impacts (557 acres), the Alternative A Revised would require approximately 7,882 acres of high-quality mitigation lands to reduce potential impacts to a level of insignificance.

EVIDENCE: In addition the 1,683 acre conservation area and like the 420 MW PVSF, the Alternative A Revised would include an on-site, 389-acre, north-south and east-west, habitat corridor encompassing the 100-year flood plain (FEIR Errata, APM BIO-15). Based on the GKR suitability model run by LOA, this corridor provides both medium and highly suitable habitat for the species to ensure a high quality and functional corridor. GKR are a keystone species, meaning that they provide food and habitat conditions necessary for other animals, including the BNLL. The GKR burrows provide shelter for antelope squirrels, blunt-nosed lizards, and other small animals

EVIDENCE: To mitigate direct and indirect impacts to the BNLL, Solargen either owns or has secured options to place conservation easements on up to approximately 21,000 acres of off-site mitigation lands, which consists of the approximately 10,300 – acre Velladao Ranch, and 10,900-acre Silver Creek Ranch. These off-site mitigation lands contain a total of 8,710 acres of high quality habitat for the BNLL. The Velladao Ranch and Silver Creek Ranch contain 2,945 and 5,765 acres of high quality habitat, respectively.

EVIDENCE: USFWS has identified the protection of the Silver Creek Ranch as a critical component for the long term recovery of BNLL. The Bureau of Land Management also proclaimed in its Central Diablo Range Landscape Preservation for Species Recovery that the Silver Creek Ranch is "one of the highest conservation priorities" and that its "pristine nature...creates a perfect habitat for thriving populations of San Joaquin Kit Fox, blunt nosed leopard lizard, and GKR." Finally, in August and September, 2010, site specific surveys of the Silver Creek Ranch resulted in detections of BNLL confirming the high habitat value of this property for BNLL.

EVIDENCE: The 2,072 acres of on-site conservation areas, plus 2,945 acres on Velladao Ranch and 5,765 acres on Silver Creek Ranch, would result in a total of 10,482 acres of potentially highly suitable. This amounts to 2,600 more acres than is needed to mitigate the projects direct and indirect impacts on GKR and its habitat.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-16.1, BR-16.2, BR-16.3 and AQ-1.1 are feasible and hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR-16.1: Conduct focused pre-construction GKR burrow/precinct surveys and implement avoidance measures.

BR-16.2: Minimize impacts of foundation support installations.

BR-16.3: Preserve, manage, and maintain GKR habitat corridors across the project footprint.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation for impacts to GKR would require protection of habitats on nearly all of the remaining Panoche Valley floor, which is private land owned by numerous parties. The extent of mitigation land consisting of comparable habitat within the surrounding hills is unknown, but is expected to be limited to relatively small fragments of comparable habitat amongst larger areas of relatively steep terrain. Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate the GKR population by protecting suitable habitat to compensate for any permanent impacts to the species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measures BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area that might excel in the disturbed conditions and out-compete native plants. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to vegetation and wildlife. Mitigation Measure

EVIDENCE: BR-16.1 would require pre-construction surveys for GKR and the implementation of avoidance measures. MM BR-16.1 also would reduce mortality of GKR by prescribing means of relocating individuals that would otherwise be impacted by construction activities.

EVIDENCE: Mitigation Measure BR-16.2 requires foundation be installed using methods that would minimize noise and vibrations impacts on GKR, among other ground-dwelling wildlife.

EVIDENCE: Mitigation Measure BR-16.3 was added to the FEIR in order to maintain the ongoing functionality of the 389-acre GKR corridors and to determine after each phase of project construction whether adaptive management measures need to be implemented to preserve the functionality of the corridor. The measure identifies specific performance standards by which the ongoing functionality and success of the corridor will be measured. It also includes measures that are designed to preserve the edge condition of the corridor and to protect the corridor from encroachments.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust, minimizing impacts to the vegetation and aquatic features on the site.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, BR 1.1 and 1.2, BR 16.1 through 16.3, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-17 – San Joaquin Antelope Squirrel)**

27. FINDING: The FEIR identified that the project could result the loss of San Joaquin antelope squirrel, loss of foraging habitat, and loss of occupied habitat (BR-17) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The San Joaquin antelope squirrel was designated as a threatened species under the California Endangered Species Act in 1980 and is considered a federal Species of Special Concern, primarily as a result of conversion of habitat throughout the species historic range. Current distribution indicates that San Joaquin antelope squirrel have been nearly eliminated from the floor of the Tulare Basin; they currently exist mainly within the few remaining undeveloped valleys within the mountainous areas bordering the western edge of the San Joaquin Valley, including the Panoche Valley. The proposed project could degrade up to 4,885 acres of potential San Joaquin antelope squirrel habitat. Changing the grazing regime could affect the occurrence and abundance of San Joaquin ground squirrels on the site and could benefit antelope squirrels (shrub cover increased), or result in their exclusion from some areas. New structures would increase perching areas for red-tailed hawks and other avian predators, thereby increasing their potential for preying on San Joaquin antelope squirrels particularly along the perimeters of the arrays. Due to the low population sizes and relatively restricted range of the San Joaquin antelope squirrel, any injury or mortality of individual San Joaquin antelope squirrels, impedance to dispersal, or degradation of habitat as a result of development and operation of the Panoche Valley Solar Farm would be a potentially significant impact.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-17.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR-17.1: Conduct focused pre-construction surveys for San Joaquin antelope squirrel surveys and implement avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for

any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County. Mitigation Measures

EVIDENCE: BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area that might excel in the disturbed conditions and out-compete native plants. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to vegetation and wildlife.

EVIDENCE: Mitigation Measure BR-17.1 would require pre-construction surveys for San Joaquin antelope squirrel and the implementation of avoidance measures. MM BR-17.1 also would reduce mortality of San Joaquin antelope squirrel by prescribing means of relocating individuals that would otherwise be impacted by construction activities.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust, minimizing impacts to the vegetation and aquatic features on the site.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, BR-1.1, BR 1.2, BR 17.1 and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES (Impact BR-18 – American Badgers)

28. FINDING: The FEIR identified that the project could result in mortality of, and loss of habitat for American badgers (BR-18) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Given the quality of habitat on the proposed project site, the number of observations, and known badger ecology, several male and multiple female American badgers, a California Species of Special Concern, are likely to occur on the proposed project site. Development of the Panoche Valley Solar Farm could result in injury and mortality of individual American badgers from collision with project equipment and vehicles. Habitat losses and modifications, including changes in grazing practices, could potentially affect the occurrence and abundance of American badgers or their prey species. Vegetation changes resulting from changing land use may benefit rodents or may result in their exclusion from some areas, which could constitute a substantial loss of prey base for badgers. Direct destruction of dens or disturbance of dens close to construction areas could potentially result in the loss of active badger dens. Active natal or shelter dens may also be abandoned where dens are covered by solar arrays, possibly resulting in the loss of young. The loss of habitat and the potential loss of individuals as a result of construction and O&M activities would be a significant impact to American badgers.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-18.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program
 BR-G.2: Implement Best Management Practices.
 BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.
 BR-G.4: Implement biological construction monitoring.
 BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.
 BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.
 BR-1.1: Prepare and implement a Weed Control Plan.
 BR-1.2: Develop and implement a Grazing Plan for the project site.
 BR- 18.1: Conduct focused pre-construction surveys for American badger surveys and implementation of avoidance measures.
 AQ-1.1: Reduce fugitive dust.

EVIDENCE: Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measures BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area that might excel in the disturbed conditions and out-compete native plants. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to vegetation and wildlife.

EVIDENCE: Mitigation Measure BR-18.1 would require pre-construction surveys for American badger and the implementation of avoidance measures. MM BR-18.1 also would reduce mortality of American badger by requiring the placement of buffer zone around maternity dens and allowing for the excavation of non-maternity dens and passive relocation of badgers, upon consultation with the CDFG and the biological monitor.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust, minimizing impacts to the vegetation and aquatic features on the site.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, BR-1.1, BR 1.2, BR 18.1 and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES
(Impact BR-19 – San Joaquin Kit Fox)

29. **FINDING:** The DEIR concluded that that the 420 MW PVSF would have a significant and unavoidable impact on the San Joaquin kit fox ("SJKF"), due to the potential loss of individual species, loss of foraging habitat, and loss of occupied habitat (BR-19). In response to comments on the DEIR regarding the project's impact on this species and other sensitive biological species, the County in consultation with Solargen identified a feasible alternative, the Alternative A Revised that would reduce the significant and unavoidable impacts on the SJKF. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project in the form of a feasible project alternative, the Alternative A Revised exists, which will avoid or substantially lessen this significant environmental effect.

EVIDENCE: The SJKF was listed as endangered under the federal Endangered Species Act in 1967 and subsequently by the State of California in 1971. Extensive loss of habitat to urban, agricultural, and industrial development are the principal factors in the decline of the San Joaquin kit fox throughout most of its former range. The entire proposed project site is suitable home range and dispersal habitat for San Joaquin kit fox. All areas directly impacted by the construction of the solar arrays and support facilities would include potential San Joaquin kit fox habitat. Construction and operational activities could impact kit fox occurring within the construction zone as well as those that occur outside of the construction footprint and even could even impact kit foxes that occur offsite (as a result of increased vehicle traffic and crowding by kit foxes displaced from the site). Impacts resulting from the construction of the project would include the permanent alteration or degradation, relative to current conditions, of 2,474 acres of occupied San Joaquin kit fox habitat and the likely displacement of several individuals from the project site. The remaining undeveloped or temporarily impacted 2,022 acres, under the current design, would be comprised of a number of contiguous and isolated fragments of habitat, which include blocks of habitat completely or partially surrounded by development and relatively narrow corridors tightly bordered by development. Based on these impacts and the established mitigation ratios, 11,466 acres of off-site mitigation lands would be required to reduce impacts to a level of insignificance.

EVIDENCE: According to the FEIR, based on a fine-grained slope analysis conducted specifically for the purposes of determining habitat suitability of lands within the Panoche Valley, the proposed project site includes 4,885 acres of highly suitable habitat for the SJKF. The 420 MW PVSF would have direct impacts on 2,474 acres of this habitat and indirect impacts on 2,022 acres of this habitat. In order to reduce these direct and indirect impacts to a less than significant level, the FEIR concluded that the 420 MW PVSF would require the permanent conservation of 4,948 acres of highly suitable habitat and 8,992 acres of moderately suitable habitat. This conclusion was based on a mitigation ratio of 4:1 (2:1 of which would be highly-suitable habitat and 2:1 of which would be moderately suitable habitat).

EVIDENCE: The combined proposed mitigation sites (Velladao and Silver Creek Ranches plus the 389-acre on-site conservation corridor) provide approximately 4,057 acres of highly-suitable habitat and 7,898 acres of moderately suitable habitat, which results in a deficit of 891 acres of highly suitable habitat and a deficit of 1,094 acres of moderately suitable habitat to fully mitigate the impacts of the 420 MW PVSF.

EVIDENCE: The Alternative A Revised would reduce the direct and indirect impacts on the SJKF and its habitat by confining all of the solar blocks to an approximately 3,202-acre (as opposed to 4,885-acre) fenced area. Under the Alternative A Revised, a high quality contiguous and undeveloped 1,683 acre conservation area has been created. By creating this conservation area, the Alternative A Revised reduces the direct impact on SJKF and its habitat by 47 acres or from 2,303 acres to 2,256 acres and would significantly reduce the indirect impact on SJKF and its habitat by 2,025 acres or from 2,582 to 557 acres. At a required compensation ratio of 4:1 (2:1 of which would be highly-suitable habitat and 2:1 of which would be moderately suitable habitat), the Alternative A Revised would require approximately 4,512 acres of high-quality habitat and 5,626 acres of moderate quality habitat (4,512 for direct impacts plus 1,114 for indirect impacts) to reduce potential impacts to a level of insignificance.

EVIDENCE: With the addition of the 1,683-acre conservation area, which comprises high quality habitat for the SJKF, the Alternative A Revised can fully mitigate the direct and indirect impacts on the SJKF. When this high quality habitat acreage is combined with the 389-acre conservation corridor, and the high quality habitat on Velladao and Silver Creek Ranches, the total amount of protected high quality habitat would be 5,740 acres, which exceeds the 4,512 acres of high quality habitat needed to mitigate impacts on SJKF. There is also a surplus of available moderately suitable habitat (7,898 acres) to mitigate the project's direct and indirect impact (5,626 acres) on SJKF.

EVIDENCE: USFWS has identified the protection of the Silver Creek Ranch as a critical component for the long term recovery of SJKF. The Bureau of Land Management also proclaimed in its Central Diablo Range Landscape Preservation for Species Recovery that the Silver Creek Ranch is "one of the highest conservation priorities" and that its "pristine nature...creates a perfect habitat for thriving populations of San Joaquin Kit Fox, blunt nosed leopard lizard, and GKR." Finally, in August and September, 2010, site specific surveys of the Silver Creek Ranch resulted in detections of SJKF confirming the high habitat value of this property for SJKF.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-19.1, and AQ-1.1 are feasible and hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

BR-19.1: Conduct focused pre-construction San Joaquin kit fox surveys and implementation of avoidance measures.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. Conservation easements would ensure that habitat loss would not decimate the San Joaquin kit fox population by protecting suitable habitat to compensate for any permanent impacts to the species at a mitigation ratio determined in consultation with the CDFG, USFWS, and the County.

EVIDENCE: Mitigation Measures BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the introduction of non-native invasive plant species into the project area that might excel in the disturbed conditions and out-compete native plants. The Grazing Plan would ensure that grazing practices are monitored and modified to avoid impacts to vegetation and wildlife.

EVIDENCE: Mitigation Measure BR-19.1 would require pre-construction surveys for San Joaquin kit fox and the implementation of avoidance measures, including the creation of buffers around active or natal dens.

EVIDENCE: Mitigation Measure AQ-1.1 would reduce impacts from fugitive dust, minimizing impacts to the vegetation and aquatic features on the site.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, BR 1.1 and 1.2, BR 19.1 and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES **(Impact BR-20 – Jurisdictional Wetlands)**

30. FINDING: The FEIR identified that the project could result in the loss of jurisdictional wetland and ephemeral drainage habitats (BR-20) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Activities associated with the construction of solar arrays, roads, and staging areas could substantially degrade and remove jurisdictional wetland and ephemeral drainage habitats within the proposed project boundaries. The Applicant intends to avoid the 100-year floodplains to the extent practicable. Furthermore, the Applicant included APM BIO-8 that states washes and streams should be avoided by the project including a 50-foot buffer as measured from the top-of-bank on both sides of these features. The current array layout, however, directly impacts numerous ephemeral drainages through the construction of solar arrays and road crossings. Portions of Ephemeral Drainages will be permanently altered as a result of constructing crossings for all-weather access roads. Additional acreage may be temporarily impacted during construction. Temporary impacts, prior to revegetation, can result in increased stormwater runoff, erosion, and sedimentation, potentially causing the discharge of fill, degradation of water quality, raising of fugitive dust, and increased erosion and sediment transport.

EVIDENCE: As required by law, Solargen would comply with the regulations pertaining to activities within the boundary of water bodies under the jurisdiction of State and federal agencies. Since the proposed project will result in the disturbance of more than one acre of land, Solargen is required to comply with the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities, and will file a Notice of Intent (NOI) and prepare a Storm Water Pollution Prevention Plan (SWPP) outlining Best Management Practices (BMPs) to be implemented to minimize erosion, siltation, and contaminated runoff. Additionally, any activities that involve modification of the bed, bank, or channel of CDFG jurisdictional waters will require permits and approvals from State and federal agencies. Due to the large extent of the impacts associated with solar array development and the permanent nature of impacts to this habitat in many areas spread over the large site, impacts to jurisdictional waters would be significant absent mitigation.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program

BR-G.2: Implement Best Management Practices.

BR-G.3: Develop and implement a Habitat Restoration and Revegetation Plan.

BR-G.4: Implement biological construction monitoring.

BR-G.5: Create permanent conservation easements as compensation for impacts to biological resources.

BR-G.6: Develop and implement Habitat Mitigation and Monitoring Plan for mitigation lands.

BR-1.1: Prepare and implement a Weed Control Plan.

BR-1.2: Develop and implement a Grazing Plan for the project site.

AQ-1.1: Reduce fugitive dust.

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; (4)

Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands.

EVIDENCE: Mitigation Measures MM BR-1.1 and BR-1.2 would require development of a Weed Control Plan and a Grazing Plan. The Weed Control Plan would limit the establishment of noxious weeds, which could reduce the long term recolonization potential or availability of these habitats for certain species. The Grazing Plan would ensure that grazing practices are monitored and readjusted to avoid impacts to vegetation, drainages, and wetlands.

EVIDENCE Mitigation Measure AQ-1.1 would limit construction and maintenance-induced dust, which could reduce the health of plants in the Ephemeral Drainages and Vernal Pool communities.

EVIDENCE: Mitigation Measures BR-G.1 through G.6, BR-1.1, BR 1.2, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCES

(Impact BR-22 – Evaporation Pond Impacts on Wildlife)

31. FINDING: The FEIR identified that the project could result in the exposure of wildlife to toxic trace elements and high salt concentrations in the waste water evaporation pond (BR-22) as a significant impact. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: The proposed project will require water with very low in minerals and dissolved solids to wash dust and debris from the solar panels approximately two times each year. Water used for panel washing would be pumped from an on-site well and treated using a dual-pass reverse osmosis system installed on-site within the Phase 1 laydown area. Treatment of water through reverse osmosis will produce waste water with very high total dissolved solids (tds), which would be discharged to a lined evaporation pond within the laydown area. It is anticipated that this evaporation pond would occupy approximately 1 to 2 acres. Although it is not known at this time what concentrations of these trace elements may be present in waste water produced by the reverse osmosis processing facility, concentrations of all or some of the trace elements may exceed safe freshwater thresholds for wildlife. Artificially produced saline waters can support productive zooplankton and macroinvertebrate food chains that can biomagnify trace elements occurring in the waste water, which subsequently increases exposure for consumers. Plastic lining of the pond may reduce, but would not likely eliminate invertebrate food chains from forming and proliferating in evaporation ponds. Bird and other wildlife species attracted to the pond could be exposed to toxic levels of trace elements or salts. Additionally, wildlife species in the area attracted to the pond to drink could become trapped in the pond and drown, unable to escape due to the plastic liner.

EVIDENCE: The Applicant will be required to comply with Section 13260 of the California Water Code, which requires that the owner or operator of any facility or activity that proposes to discharge waste that may affect groundwater quality obtain Waste Discharge Requirements (WDR) from the appropriate Regional Water Quality Control Board (RWQCB). Compliance with this requirement will reduce potential impacts to wildlife through basin design, hazing practices, and monitoring when necessary based on the existing constituents in the waste water. Without further mitigation, though, exposure to toxic levels of trace elements and high concentrations of salts in waste water would be a significant impact to wildlife, and particularly for endangered San Joaquin kit fox, that consume water or prey containing toxic levels of trace elements.

EVIDENCE: Mitigation Measure BR-22.1 is feasible and is hereby adopted.

BR-22.1 Fence evaporation pond to keep wildlife out.

EVIDENCE: Mitigation Measures BR-22.1 would reduce the likelihood of wildlife to be exposed to toxic levels of trace elements or become trapped and drown in the ponds by restricting access to the evaporation ponds. The mitigation measure requires that a fence be built of sufficient height (6 feet) to keep out large mammals and be buried at least 2 feet to keep out amphibians, reptiles, birds, and small and medium sized mammals. Additionally, the evaporation ponds will be covered by 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. The netted ponds shall be monitored on a regular basis for the life of the project to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife.

EVIDENCE: Mitigation Measures BR-22.1 has been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

BIOLOGICAL RESOURCE (Impact BR 23 - Cumulative Impacts)

32. **FINDING:** The DEIR concluded that the 420 MW PVSF could result in a significant and unavoidable cumulative impact on biological resources (BR-23). In response to comments on the DEIR regarding the impacts of the 420 MW PVSF on sensitive biological species, the County in consultation with Solargen identified a feasible alternative, the Alternative A Revised that would reduce the significant and unavoidable cumulative impacts on the biological resources. The Board finds, based on the analysis in the FEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project in the form of a feasible project alternative, the Alternative A Revised exists, which will avoid or substantially lessen this significant cumulative environmental effect.

EVIDENCE: The grassland habitats that dominate the Project site support a unique and tightly linked ecological community that once occurred throughout the vast grassland habitats of the San Joaquin valley floor. Species central to this community

include the San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel, and blunt-nosed leopard lizard. Because these species are so reliant on open flat grasslands and shallow underground burrows for cover, they are particularly vulnerable to any type of large-scale ground disturbance or large-scale changes in vegetation, including those caused by the development of a large-scale solar project. The Recovery Plan for San Joaquin kit fox, giant kangaroo rat, San Joaquin antelope squirrel, and blunt-nosed leopard lizard emphasizes the need to protect habitat critical to ensuring the survival of these species.

EVIDENCE: Projects permitted by the USFWS between 1988 and 2007 have resulted in permanent alteration of over 118,000 acres of kit fox habitat (with an additional 20,000 acres affected by temporary disturbance) for large-scale water storage and conveyance, urban development, agriculture, oil and gas development, and other developments (USFWS, 2010a). Between 1987 and 2008, the USFWS authorized permanent alteration of more than 6,300 acres and temporary disturbance of nearly 3,000 acres of giant kangaroo rat habitat (USFWS, 2010b). During essentially the same period (1987-2006) the USFWS permitted projects that resulted in impacts to over 21,000 acres of blunt-nosed lizard habitat (USFWS, 2010c). This loss of habitat is substantial and yet only includes the loss of habitat to large projects that required and received environmental review by federal and State resource agencies. Substantial land conversion resulting from the sale and subdivision of large tracts of land and changing use of private lands continues to be a serious threat to the integrity of habitats for these species.

EVIDENCE: By significantly reducing the project's incremental impact on biological resources, the Alternative A Revised significantly reduces the incremental impact of the Alternative A Revised when combined with the other cumulative projects that have resulted in similar biological resources impacts. The Alternative A Revised completely avoids and preserves, in perpetuity, 2,072 acres of high quality habitat on site. In addition, the Alternative A Revised would preserve, in perpetuity, an additional 7,882 acres of off-site BNLL and GKR habitat, which is three times the amount of BNLL and GKR habitat that would be directly or indirectly impacted by the Alternative A Revised. The Alternative A Revised would also preserve, in perpetuity, 4,512 acres of highly suitable and 5,626 acres of moderately suitable habitat off-site habitat for the SJKF. Therefore, the incremental impact of the Alternative A Revised on biological resources, when combined with the extensive mitigation measures, which ensure the long term protection and no net loss of biological resource habitat, is not considered cumulatively significant.

EVIDENCE: The conservation strategy of the Alternative A Revised, which includes the conservation of the Silver Creek Ranch, is consistent with the overall conservation strategy of the USFWS and BLM for the Panoche Valley. As noted in several of the above findings, the Silver Creek Ranch has been specifically targeted by USFWS and BLM in regional conservation plans to facilitate the long term recovery of sensitive species, including GKR, SJKF, and BNLL. The Alternative A Revised would conserve and manage this habitat for all life stages of the target species. In addition, one of the historic hurdles to implementing a long term conservation strategy for sensitive species within the Panoche Valley has been the inability to secure easements

and to require protective measures on private property. Through implementation of the Alternative A Revised, Solargen would be removing this hurdle, and ensuring the long term protection of species on private property.

EVIDENCE: Mitigation Measures BR-23.1, BR-16.3 are feasible and are hereby adopted.

BR-23.1 Create conservation easement on all project areas retired from the development footprint.

BR-16.3 Preserve, manage, and maintain giant kangaroo rat habitat corridors across the project footprint

EVIDENCE: After the useful life of the Alternative A Revised and in accordance with the decommissioning plan set forth in Section B.9 of the Project Description of the FEIR, all structures on the site will be removed and the project site restored, which will benefit biological resources. In addition, MM BR-23.1 has been added to the FEIR to require the establishment of a conservation easement over the entire project site to ensure that areas that are retired from development as part of the decommissioning process would be conserved in perpetuity for the benefit of species.

EVIDENCE: Mitigation Measures BR-16.3 provides an added layer of protection by requiring the preservation, management, and maintenance of the 389-acre on site wildlife corridor to ensure the functionality of the corridor for sensitive species.

EVIDENCE: Mitigation Measures BR-23.1 and BR-16.3 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the Alternative A Revised.

CULTURAL RESOURCES

(Impact CR-2 – Construction May Adversely Change Buried Prehistoric and Historical Archaeological sites or Native American Human Remains)

33. FINDING: There are no historic sites within the project area that are eligible for listing on the California Register of Historical Resources ("CRHR"). Apparent clusters of artifacts possibly representing buried deposits were identified in the project area, however, none of the clusters are located in an area to be disturbed and after further investigation, there was no reason to conclude that the clusters indicate a buried archaeological resource. The project area is covered in recent alluvium and has a low potential for encountering significant paleontological resources. The FEIR concludes that archaeological deposits, if present, would be located more than 4 meters below the surface and within 200 feet of water. Since there are no project components that would extend more than 4 meters below the surface at any point within 200 feet of water, the likelihood that construction causes an adverse change to buried prehistoric archaeological deposits is low. The FEIR also concludes that it is possible that there are buried historic-period deposits with no surface manifestations. Further, unidentified human burials could conceivably exist within the project site, although no archival or archaeological evidence could be found to indicate the occurrence of such burials. Despite these potential impacts, the Board finds, based on the analysis in the FEIR and

in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Mitigation Measures CR-2.1 through CR-2.4 are feasible and are hereby adopted.

MM CR-2.1 Conduct cultural resource monitoring during construction.

MM CR-2.2 Treat previously unidentified archaeological resources discovered during construction.

MM CR-2.3 Inadvertent discovery of human remains.

MM CR-2.4 Implement workers environmental awareness program.

EVIDENCE: Solargen will hire a registered professional archaeologist familiar with the types of resources to be encountered within the project area to monitor all subsurface construction disturbances. Solargen will also hire a Native American monitor to be present during construction at sensitive locations for Native American remains within 200 meters of water courses. Unanticipated discoveries will be documented on a Department of Parks and Recreation Primary Record and Archaeological Site Record (DPR 523). Compliance and effectiveness of cultural resources monitoring will be overseen by the San Benito County Department of Planning and Building.

EVIDENCE: All work within 100 feet will stop if archaeological remains are discovered during construction and will not restart until a registered professional archaeologist inspects the site and determines whether further investigation is needed to evaluate significance and CRHR eligibility. Solargen will pay for the development and implementation of a data recovery plan in the event that the site meets CRHR criteria and further damage cannot be avoided. The data recovery plan will described data collection, laboratory processing and technical analyses, final reporting and curation and will be approved by the County Department of Planning and Building prior to taking effect.

EVIDENCE: If human remains are discovered, the applicant will stop all work within 300 feet and notify the Coroner immediately to arrange their proper treatment and disposition. If the remains are identified as Native American, then the Coroner will notify the NAHC within 24 hours of discovery who will then identify the Most Likely descendent for purposes of determining the manner of treatment for the remains.

EVIDENCE: Construction contracts will be written to require, prior to the commencement of construction, that all construction personnel be trained to recognize and protect buried cultural remains during construction. The training shall also cover instruction on unauthorized collection or disturbance of cultural artifacts or other materials and the consequences of such unauthorized activities, which include criminal prosecution, removal from project, and stop work orders. Solargen will provide the County with a list of personnel who have completed the training, which shall be updated as required.

EVIDENCE: Mitigation Measures CR-2.1, CR-2.2, CR-2.3, and CR-2.4 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the Alternative A Revised.

CULTURAL RESOURCES
(Impact CR- 4— Cumulative Cultural Resources Impacts)

34. FINDING: While no cultural resources were identified on the site, the Alternative A Revised has the potential to impact unidentified cultural resource sites. If such impacts were to occur during accidental discovery and other development projects resulted in similar accidental discovery and impacts then the Alternative A Revised could have a potentially significant cumulative impact on such resources. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: In addition to state law protections (Pub. Resources Code 21082; 14 Cal. Code Regs 15064.5 (f)) relating to the accidental discovery of resources that apply to all development projects, the FEIR imposes mitigation measures to ensure that the project's incremental impact would not be cumulatively considerable.

EVIDENCE: Mitigation Measures CR-2.1 through CR-2.4 are feasible and are hereby adopted.

- MM CR-2.1 Conduct cultural resource monitoring during construction.
- MM CR-2.2 Treat previously unidentified archaeological resources discovered during construction.
- MM CR-2.3 Inadvertent discovery of human remains.
- MM CR-2.4 Implement workers environmental awareness program.

EVIDENCE: See Finding 33 for an explanation and finding regarding the effectiveness of these measures to reduce impacts.

EVIDENCE: Mitigation Measures CR-2.1, CR-2.2, CR-2.3, and CR-2.4 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the Alternative A Revised.

CULTURAL RESOURCES
(Impact PA-1 – Potential Destruction or Disturbance of Paleontological Resources)

35. FINDING: Most of the project area has low sensitivity for significant paleontological resources. There are areas that contain older Alluvium that can potentially contain significant vertebrae fossils. Since project construction involves grading and trenching, it is possible that significant paleontological resources could be destroyed or disturbed, which could be considered significant. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that

changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Mitigation Measures PA-1.1 and PA-1.2 are feasible and are hereby adopted.

MM PA-1.1 Implement site-specific paleontological recovery.

MM PA-1.2 Monitor grading and excavation for unknown and accidentally discovered paleontological resources.

EVIDENCE: Solargen will retain a qualified Principal Paleontologist to develop a Paleontologic Monitoring and Recovery Plan (PMRP) prior to construction, prepared in accordance with the guidelines of the Society for Vertebrate Paleontology (1995). The PMRP will be reviewed and approved by the County prior to ground disturbance.

EVIDENCE: Solargen will identify and implement procedures pursuant to the PMRP, to recover and preserve unknown and accidentally discovered significant fossils within the sensitive areas on the project site. For purposes of recovery of significant fossils, procedures shall include salvage, washing samples of sediment that likely contains small vertebrate and invertebrate fossils, preparation of recovered specimens for identification and permanent preservation, identification, curation, and accession to a museum repository, preparation of a report with findings that includes an appended inventory of specimens. The report shall be provided to the County and the repository and

EVIDENCE: Solargen will engage a qualified paleontological monitor under the supervision of a Registered Professional Geologist to monitor grading and trenching activities and other earth disturbances that may affect Older Alluvium, which has been mapped on the western portion of the project area.

EVIDENCE: Mitigation Measures PA-1.1 and PA-1.2 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

CULTURAL RESOURCES

(Impact CR-4 – Cumulative Paleontological Resources Impacts)

36. FINDING: While no paleontological resources were identified on the site, the Alternative A Revised has the potential to impact unidentified resource during construction. If such impacts were to occur during an accidental discovery and other development projects resulted in similar accidental discoveries and impacts then the Alternative A Revised could have a potentially significant cumulative impact on such resources. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: In addition to state law protections (Pub. Resources Code 21082; 14 Cal. Code Regs 15064.5 (f)) relating to the accidental discovery of resources that apply to all development projects, the FEIR imposes mitigation measures to ensure that the project's incremental impact would not be cumulatively considerable.

EVIDENCE: Mitigation Measures PA-1.1 and PA-1.2 are feasible and are hereby adopted.

MM PA-1.1 Implement site-specific paleontological recovery.

MM PA-1.2 Monitor grading and excavation for unknown and accidentally discovered paleontological resources.

EVIDENCE: See Finding 35 for an explanation and finding regarding the effectiveness of these measures to reduce impacts.

EVIDENCE: Mitigation Measures CR-2.1, CR-2.2, CR-2.3, and CR-2.4 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the Alternative A Revised.

GEOLOGY AND SOILS

(Impact GE-4 – Exposure of People and Structures to Problematic Soils)

37. **FINDING:** Potentially corrosive and expansive soils are located within the project area. Soils with corrosive qualities can affect unprotected steel and concrete foundations, which could negatively impact support structures of the solar arrays and foundations of buildings. Exposure of concrete, steel, and bare metal structures can result in deterioration, which ultimately can cause structural failure. Expansive soils can cause cyclical and differential movements that can damage and distress structures and equipment. Collapsible soils can also harm structures and equipment due to excessive settlement, low foundation-bearing capacity, and limitations on access during inclement weather periods. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the Alternative A Revised which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Solargen will consider over excavating building and equipment pads to avoid the expansion of clay soils and mitigate for possibly disturbed surface soils.

EVIDENCE: Mitigation Measure GE-4.1 is feasible and is hereby adopted.

MM GE-4.1 Implement Geotechnical Report recommendations.

EVIDENCE: The FEIR recommends that all earthwork operations such as site preparation, selection, placement and compaction of fill materials be conducted in accordance with ENGEO's 2010 Geotechnical report. To reduce expansion potential in areas where structures or equipment will be constructed, the upper 18 inches of building and equipment pads, which shall extend 10 feet laterally beyond building areas, should be underlain by non-expansive imported fill or lime treatment of the upper 18 inches of

the building pad. The Geotechnical Report recommends further corrosion testing for proper design of piles to withstand corrosion. Final review of grading and foundation plans will be made prior to construction to determine adherence to ENGEO's recommendations, make additional or modified recommendations, and to verify the implementation of recommended changes. A professional Geologist will monitor earthwork operations to ensure proper site preparation, satisfactory selection of fill materials, and placement and compaction of fill. Where excavation below the planned finished site grade has occurred, sites shall be cleaned, backfilled, and compacted with suitable materials in accordance with the Geotechnical Report.

EVIDENCE: Mitigation Measure GE-4.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

HAZARDS

(Impact HZ-1 – Hazard to People or the Environment as a Result of Accidental Release of Hazardous Materials)

38. **FINDING:** During construction and operation, small quantities of petroleum hydrocarbons and their derivatives such as fuel, oil, lubricants, and solvents, which are required for the operation of construction equipment, and additional common hazardous materials such as herbicides, paint thinners, latex, and oil-based paints, will be present on and transported to and from the project area. A spill of these materials as a result of their transportation, could significantly impact soil, surface water, groundwater, and humans. Improper handling and/or storage, and improper maintenance of vehicles could result in minor spills or releases of hazardous materials. Due to the naturally occurring boron in the on-site water, the concentration of boron in the evaporation pond residue could increase to levels that exceed EPA one-day and ten-day health advisory (3 mg/L) and longer term health advisory (2 mg/L) levels for children and above the longer term health advisory and lifetime health advisory for adults (5 mg/L) (EPA, 2008). Spills and releases occurring during construction periods could result in hazards to construction personnel. Photovoltaic panels used for the project may contain cadmium telluride (CdTe), a known carcinogen. There are potential hazardous impacts to humans from exposure to CdTe in panels used for the project. Decommissioning of the project could result in hazards to people if the facilities are not dismantled properly for recycling or disposal. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Mitigation Measures HZ-1.1 through WR-6.3 are feasible and are hereby adopted.

MM HZ-1.1 Harvest wet brine from evaporation pond

MM WR-6.3 Maintain vehicles and equipment

EVIDENCE: The FEIR requires that Solargen and its contractors maintain all vehicles and equipment used during construction of the project in good working order, especially all hydraulic hoses, to prevent leaks. Records detailing maintenance

activities shall be maintained and provided to the County on a monthly basis during the construction period.

EVIDENCE: The transport of large quantities of hazardous materials is strictly regulated by the CHP, and the transport of oversize/overweight loads is regulated by Caltrans. Large quantities of hazardous materials used during project construction would be transported along regulated routes by a licensed transporter, and would therefore not pose a significant hazard to people or the environment.

EVIDENCE: Solargen will require that all construction personnel be trained in the handling and storage of hazardous materials in compliance with OSHA standards. Solargen will also prepare and implement a Hazardous Materials Business Plan in compliance with the Hazardous Materials Release Response Plans and Inventory Act (California Health and Safety Code, Division 20, Chapter 6.95), which requires a Hazardous Materials Business Plan that would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site. Implementation of the Hazardous Materials Business Plan would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment. All spills and releases of hazardous materials shall be reported to the San Benito County Public Health Services.

EVIDENCE: Solargen will, in the case of a large spill of a hazardous material, stop the leak if possible; the area would be immediately bermed and contained; down-gradient storm drain inlets (if present) would be blocked to prevent off-site release; and the hazardous constituents of the spilled material and the volume of the spill would be reviewed by the appropriate manager to determine if regulatory agency notifications are necessary. Compliance with the SPCC Rule, CHP and Caltrans permitting requirements, and good spill management practices, as proposed, would ensure that spills of large quantities of fuels or mineral oil would not pose a significant risk to the public or the environment.

EVIDENCE: Hazardous waste will be transported by a licensed hauler and disposed of in a licensed facility by California Vehicle Code Section 3200.5 and Title 26 of the California Code of Regulations. No hazardous waste will be drained onto the ground or into streams or drainage areas to prevent soil and groundwater contamination. All trash and recyclables will be contained in totally enclosed containment facilities and removed to an authorized disposal facility. Implementation of the Hazardous Materials Business Plan, in addition to compliance with hazardous waste transport and disposal laws and regulations, would ensure that storage, transport, and disposal of hazardous waste result in a less than significant impact to the public and the environment.

EVIDENCE: Human exposure to CdTe would occur only if CdTe flakes or dust particles were generated, which would not occur unless the panels were ground up or vaporized in a fire (Fthenakis and Zweibel, 2003). Solargen proposes to use contractors and workers who are skilled in the installation of solar panels making the likelihood of broken panels remote. In addition, contractors must operate in strict compliance with Cal/OSHA requirements and the hazardous materials release response plan included in

the project's required Hazardous Materials Business Plan. Workers will also be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (HAZWOPER training).

EVIDENCE: There will be minimal exposure to boron because on-site evaporation ponds will not be located near any residences or Panoche Valley Elementary School. The ponds will be approximately 250 feet from Vasquez Creek Road. To minimize exposure to dry residue containing Boron, the FEIR requires that Solargen harvest evaporation pond residue in brine or aqueous form.

EVIDENCE: Mitigation Measures HZ-1.1 and WR-6.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

HAZARDS

(Impact HZ-5 – Exposure to Loss, Injury, or Death involving Wildland Fires)

39. FINDING: Although the characteristics of the project area represent only a moderate fire hazard, the FEIR identifies accidental ignition of wildland fires during construction, operation, or maintenance as a potentially significant impact. Project construction would use heavy equipment, soldering, welding, and personnel smoking represent potential causes of wildland fires which may threaten the scattered residences in the vicinity of the project area. The accidental disconnection of "hot" array wiring may also cause wildland fires. Any loss of property or life, or injury would be considered a significant impact. Idling vehicles also serve as a threat to wildfire ignition. Emergency response time is estimated to exceed 45 minutes, and any response would leave the remainder of the County void of emergency response resources for at least 2.5 hours. Despite the occurrence of activities that represent potential causes of wildland fires, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Solargen proposes to graze sheep under the panels to be installed in the project area. Through management of sheep grazing, Solargen will control pasture growth that will minimize flammable vegetation fuels at the site.

EVIDENCE: All substation equipment and inverters will be placed on concrete foundations and inverters will be contained in steel and/or concrete enclosures which will minimize the possibility of spark ignition of vegetation. Electrical equipment will meet industry safety design standards.

EVIDENCE: Applicant will restrict vehicle use to designated road areas. This will prevent the use of vehicles in vegetated areas and minimize the potential for wildland fire started by vehicle ignition or idling.

EVIDENCE: Mitigation Measures HZ-5.1 and PS-1.1 are feasible and are hereby adopted.

- MM HZ-5.1 Cease work during red flag warning.
MM PS-1.1 Develop and implement service agreement with San Benito County Fire Department.

EVIDENCE: In the event of a Red Flag Warning issued for the zone containing the project area, the FEIR requires that Solargen cease all grading, welding, soldering, and smoking at the project. During this same period, vehicles shall remain on designated access roads and cleared laydown areas.

EVIDENCE: Solargen will negotiate and implement a separate service agreement with the San Benito County Fire Department for increased service to the project area during construction. The agreement will require Solargen pay \$337,812 per year during construction to fund additional personnel at the CalFire Antelope Fire Station, the local station serving the project area. CalFire will provide an additional 4 personnel during the high fire season and 3 personnel during a low fire season as a result of this funding. CalFire will also train onsite permanent on-site employees to provide fire protection and serve as first responders to wildland fires occurring on-site or within the vicinity of the project area.

EVIDENCE: Solargen will also be required to submit site plans and building plans be submitted for review and compliance with the San Benito County Fire Code (2007 California Fire Code) prior to building permit issuance. Compliance with the San Benito County Fire Code will help reduce the risk of wildland fires and ensure adequate protection and response measures are planned and implemented prior to construction.

EVIDENCE: Mitigation Measures HZ-5.1 and PS-1.1 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

HAZARDS AND HAZARDOUS MATERIALS
(Impact HZ-7 – Mobilization of Existing Contamination or Generating Disease Vectors)

40. **FINDING:** The project area has historically been used for dry farming and grazing. Agricultural production on the project area has previously required the use of persistent, bioaccumulative, and toxic chemicals, and although the project areas has been primarily grazed for the past 30 years, it is possible that chemical residue remains on the project site in areas to be disturbed. Unknown spills or leaks caused by illegal dumping could potentially have caused spills or leaks of hazardous materials, which could be mobilized by grading and/or excavating activities. Project activities could result in trash piles, standing water, or open containers that could provide breeding areas for mosquitoes, flies, or rodents. The project area is favorable to the "Valley Fever" fungus and ground disturbance activities could cause the fungus to become airborne. The project requires very limited grading due to the relatively flat terrain; however, even limited grading has the potential to mobilize hazardous materials currently in the soil, which could result in exposure of personnel and other sensitive receptors such as plants and wildlife to hazardous materials and hazardous wastes. The FEIR identified that the project would create a substantial hazard to the public or the environment by mobilizing existing contamination or generating disease vectors (HZ-7) as a significant impact. The

Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: A Phase 1 Environmental Site Assessment was conducted on the project area in 2009 and found no evidence of existing contamination on the project site (EAS, 2009). However, state and federal laws require landowners to report and remediate any unknown contamination, which are uncovered during construction or operation of the project.

EVIDENCE: The project would have a Hazardous Materials Business Plan in compliance with the Hazardous Materials Release Response Plans and Inventory Act (California Health and Safety Code, Division 20, Chapter 6.95) that would ensure proper handling, notification, and disposal of unanticipated hazardous materials encountered during construction. The design and implementation of the Hazardous Materials Business Plan will minimize impacts relating to mobilized hazardous materials through construction activities.

EVIDENCE: Solargen proposes to deposit and store all trash on the project site in totally enclosed containers until such time as the containers can be removed and deposited in a facility authorized to accept such materials.

EVIDENCE: Mitigation Measure HZ-7.1 is feasible and is hereby adopted.

MM HZ-7.1 Prohibit standing water.

EVIDENCE: Although Solargen proposes to construct evaporation ponds on the project area to remove solids from reverse osmosis wastewater generated by the project, the evaporation ponds would provide unsuitable habitat for mosquitoes due to the high concentration of dissolved solids. Solargen will also prohibit the generation and accumulation of any unnecessary standing water or open containers to further eliminate habitat and attractions for vector-carrying pests, rodents, and animals. With regard to naturally occurring depressions, drainages, and pools, Solargen shall not drain or fill without consulting with the applicable state or federal agencies (such as the County of San Benito, the California Department of Fish and Game, the U.S. Army Corps. of Engineers, the United States Fish and Wildlife Service and obtaining the necessary permits.

EVIDENCE: Solargen will also develop and implement a fugitive dust plan which will be used to control or eliminate dust emissions and minimize airborne fungal spores.

EVIDENCE: Solargen also proposes to vaccinate or ensure vaccination of all livestock grazed on the project area and mitigation lands in accordance with the custom and practice in San Benito County.

EVIDENCE: Mitigation Measure HZ-7.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

LAND USE

(Impact LU-1 – Temporary Disruption, Displacement, or Division of Land Uses by Construction Activities)

41. FINDING: Construction of the project would displace grazing, the existing agricultural use on the project site. The presence of construction crews, operation of equipment, construction noise, and increased traffic on local roads relating to project construction could potentially disrupt the neighbors and educational activities at the Panoche School. When considering the rural nature of the project area, intense construction activities could result in intense and adverse related impacts. Decommissioning could similarly disrupt surrounding landowners and uses. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Mitigation Measures LU-1.1 through LU-1.3 are feasible and are hereby adopted.

MM LU-1.1 Establish construction liaison.

MM LU-1.2 Provide advance notice of construction.

MM LU-1.3 Provide quarterly construction updates.

EVIDENCE: Solargen will set up a toll-free phone number and name and contact information for a construction liaison to be available to all property owners within a 1 mile radius of the project to be available from 30 days before commencing construction until 1 year after completion. The liaison will serve as a point of contact between neighboring landowners and construction crews. The liaison shall respond to all inquiries within 3 days of receipt. The application shall retain records of all inquiries made to the construction liaison and shall provide such information to the County Department of Planning and Building quarterly.

EVIDENCE: The FEIR requires Solargen to provide 30 days notice prior to the commencement of construction of each phase of development to all landowners within a 5 mile radius, the Panoche School Principal and the Hollister Field Office of the Bureau of Land Management. Notice will be made by mail, newspaper publication, and a website to be linked from the County website. The notice will include the name and contact information of the construction liaison, in addition to the date and location of construction and tips to reduce noise impacts. Solargen will also provide notice to the Department of Planning and Building, all noise complaints within 72 hours of receipt and strategy for resolution.

EVIDENCE: After commencement of construction in each phase and for the duration of construction, Solargen will provide quarterly reports to all landowners within a 1 mile radius of the project area of all updates and modifications to information provided in pre-construction notices

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, and LU-1.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

LAND USE
(Impact LU-3 – Cumulative Land Use Impacts)

42. FINDING: The only potentially significant impact of the Project relates to construction activities. Project construction is planned to take five years to be completed. There are no other projects planned for Panoche Valley at this time, however, the BLM has approved upgrades to the Panoche Hills, Griswold Hills, and Turney Hills recreation facilities. There are also three use permit requests for oil wells south of the Griswold Hills. The traffic impacts of the project and development of oil wells on Panoche and New Idria Roads could disrupt existing land uses in Panoche Valley. Construction of these projects could also result in additional short term impacts from noise, dust, traffic, and neighborhood disruption. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Operation and maintenance of the project would not cause a permanent disruption, displacement, or division of land uses when combined with other projects.

EVIDENCE: Mitigation Measures LU-1.1 through LU-1.3 are feasible and are hereby adopted.

- MM LU-1.1 Establish construction liaison.
- MM LU-1.2 Provide advance notice of construction.
- MM LU-1.3 Provide quarterly construction updates.

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, and LU-1.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

NOISE
(Impact NS-4 - Increased Permanent Noise Levels from Project-Related Stationary Noise Sources)

43. FINDING: The installation of 3,000,000 to 4,000,000 PV panels and associated electrical equipment such as inverters, transformers, and all equipment located at the substation and switch yard may create a stationary source of noise. Four Inverters rated at 69 dBA Lmax at 10 feet and 1 transformer which produces noise levels of approximately 70 dBA Leq at the source will be housed in a steel enclosure. Where multiple enclosures are located in close proximity to one another, there would be a combined noise effect that could be a significant impact unless a separation is implemented. There is one residence located within 200 feet of the project boundary that could be affected by stationary noise sources. The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or

alterations have been required in, or incorporated into, the Alternative A Revised which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Inverters and transformers will be housed in steel enclosures and will operate only during the day when the project is generating power. The steel enclosures will reduce noise levels by 5 dBA Leq, meaning that the estimated noise level for the enclosure will be 45 dBA Leq at 180 feet, which meets County noise level standards for rural residential land uses.

EVIDENCE: Mitigation Measure NS-4.1 is feasible and is hereby adopted.

MM NS-4.1 Locate PV inverters and transformers away from the project's property line.

EVIDENCE: Inverters and transformer enclosures will be placed at least 180 feet from the property boundary and 300 feet apart from each other. If several enclosures must be placed adjacent to each other then the enclosures must be located at least 480 feet from the property boundary. In the event that County daytime noise level standards are exceeded, then operations utilizing the offending equipment shall stop until additional attenuation measures are taken to ensure compliance with standards.

EVIDENCE: Only 1 residence is located within 200 feet of the project boundary while all other residences are in excess of 630 feet from the project boundary. Buffers will be implemented in order to minimize impacts on the single residence located close enough to the project boundary to be affected.

EVIDENCE: The project substation will generate noise levels of approximately 70 dBA at the source and 46 dBA Lmax at 50 feet. However, since the substation will be located approximately 3,850 feet away from the project boundary, noise levels will fall well below County standards.

EVIDENCE: Switchyard noise levels are generated by breakers. Estimated noise levels for breakers are 45 dBA Lmax for 1-2 seconds when the arc is formed and the breaker is thrown.

EVIDENCE: Mitigation Measure NS-4.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

NOISE

(Impact NS-5 - Panel Washing Activities Would Substantially Increase Ambient Noise Levels In The Project Vicinity)

44. FINDING: The FEIR identified that panel washing activities would substantially increase ambient noise levels in the project vicinity above levels existing without the project (NS-4) as a significant impact. Assuming three panel washing crews would be operating simultaneously and in close proximity to one another, a noise level of approximately 77 dBA Leq at 50 feet or 65 dBA Leq at 200 feet (the distance to the closest residence) would be generated. Power blocks are planned to be installed up to the project's property line, creating a limited buffer between the PV panels and the

project's property boundary. While panel washing activities would occur only during daylight hours two times per year and would be of short duration in any single area of the project site, this level of noise represents a potential adverse temporary increase in noise levels above ambient conditions. In the event that these activities occur outside of exempted times for maintenance, County noise standards may be violated. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the Alternative A Revised which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Panel washing activities would occur only twice per year during daylight hours and for a short duration. Washers and equipment are constantly moving throughout the project site along solar arrays, meaning that the noise levels at any one receptor would not result in a measureable change in ambient day-night noise levels.

EVIDENCE: Mitigation Measure NS-5.1 is feasible and is hereby adopted.

MM NS-5.1 Limit panel washing activities.

EVIDENCE: Mitigation Measure NS-5.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

PUBLIC SERVICES, UTILITIES AND SERVICE SYSTEMS

(Impact PS-1 – Construction and Operation places Burdensome demands on Fire Protection)

45. **FINDING:** Due to project size (over 4,885 acres), the number of new structures (including PV panels, substation, and O & M building), and the project, as a whole, will increase demand on the currently limited capabilities of the existing fire protection services in the immediate area. With the project, the SBCFD could not respond to emergencies at the project site and maintain adequate service in other parts of San Benito County. Worker commute traffic, and construction and operational activities at the project site would increase potential for accidents, fire, or other medical emergencies. Responding to a fire at the project site would take 45 minutes to one hour and limited fire equipment, meaning that the engine and staff would be committed for a minimum of two and one half hours, leaving the rest of the County without a quick response to fire department type emergencies. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Mitigation Measure PS-1.1 is feasible and is hereby adopted.

MM PS-1.1 Develop and implement service agreement with San Benito County Fire Department (Supersedes APM PUS-5).

EVIDENCE: Solargen proposes to pay CalFire \$337,812 per year to fund additional personnel at the CalFire Antelope Fire Station, 20400 Panoche Road, Paicines, CA 95043 (Antelope Station), which is the local fire station that would serve the project. This funding will enable CalFire to employ four additional personnel during

the high fire season and three personnel during the low fire season at the Antelope Station to ensure the project's increase demand on fire service during construction would be less than significant. Solargen, based on consultation with CAL FIRE, shall ensure that either (a) a sufficient number of permanent employees are trained as volunteer fire fighters or (b) the Solargen will provide fire protection training to its permanent employees. This will allow the project's on-site work force to combat and be first responders to any potential fires occurring on-site or within the vicinity of the project site prior to back up by CalFire staff.

EVIDENCE: Solargen would also be required to comply with other design features and requirements of the SBCFD pursuant to standard County conditions of approval. These features include, but are not limited to: 1) installation of a NFPA 13 Sprinkler System throughout all trailers and any other structures over 500 square feet in size; 2) Installation of on-site fire hydrants and mains if any portion of facility or building exceeds 400 feet from a hydrant on a fire apparatus road; 3) address posted at main entrance; 4) Knox Locking system on entrance gate that is at least 20 feet wide and 15 feet tall and 30 feet of the main county roadway; 5) 30 foot wide cleared fuel break around project boundary; 6) 10 foot clearance around transformers and conversion stations; 7) all-weather surface roads 16-20 feet wide with turnouts satisfactory to fire marshal; and 8) Preparation of a Fire Protection/Prevention plan to be submitted to the Fire Department for review, comment and approval before issuance of building permits.

EVIDENCE: Mitigation Measure PS-1.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

PUBLIC SERVICES, UTILITIES AND SERVICE SYSTEMS
(Impact PS-3 – Cumulative Considerable Public Services, Utilities and Service Systems Impacts)

46. **FINDING:** Project construction will take 5 years and a work-force of up to 200 individuals. Operation of the proposed project would require up to 50 full-time workers. This impact in conjunction with workers for the other planned energy projects in San Benito County would create a substantial demand on public services, including fire protection, during concurrent construction (up to five years). The project and the other energy and development projects in San Benito County could potentially increase the number of students attending already impacted schools. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: See Impact PS-1 above for impacts to fire protection impacts.

EVIDENCE: The payment of school impact fees and property taxes generated by the project would compensate for any additional demands on schools caused by the increase in workers necessary for solar project development, construction, and operation.

EVIDENCE: Mitigation Measure PS-1.1 is feasible and is hereby adopted.

MM PS-1.1 Develop and implement service agreement with San Benito County Fire Department (Supersedes APM PUS-5).

EVIDENCE: Mitigation Measure PS-1.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project

TRANSPORTATION AND CIRCULATION

(Impact TR-1 – Construction Would Create Unsafe Roadway Conditions)

47. **FINDING:** The FEIR identified that project construction would create unsafe conditions on public roadways (TR-1) as a significant impact. Based on the geometrics of Panoche Road, use of this road as a haul route for large trucks would present safety hazards to other motorists on this road. The 14 foot bridge widths on Panoche Road do not account for maneuverability and off-tracking of large trucks. Several sharp curves exist along the mountainous sections of Panoche Road in which sight distance is restricted by mountain slopes and vegetation. The maneuverability of trucks through the mountainous sections of Panoche Road would pose operational and safety issues that would require extensive traffic control and possible costly improvement of the roadway itself at and near bridge crossings.

Over time, several heaves in the pavement have formed between the 4 mile and 6.5 mile mark. Larger transport vehicles carrying heavy loads with special low-boy trailers may have problems negotiating these areas. The sections of Little Panoche Road that are narrower than the recommended 18 feet would not be adequate to accommodate two-way travel of large trucks. There is evidence of severe pavement damage that has not been repaired from the 4.1 through 5.5 mile segment of Little Panoche Road, including a large continuous section of severe damage from the 4.6 to 4.9 mile segment. A 1.4-mile segment of Little Panoche Road beginning 4 miles north of Panoche Road and traversing the mountainous terrain is in very poor condition and lacks centerline striping. The bridge and culvert crossings on Little Panoche Road have load ratings that are not high enough to withstand the heaviest, worst-case, anticipated potential load of 200,000 tons based upon the Caltrans bridge inspection reports (Power, 2010).

However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Mitigation Measures TR-1.1 through TR-1.3 are feasible and are hereby adopted.

MM TR-1.1 Prepare and implement Traffic Control Plan.

MM TR-1.2 Rehabilitate, protect and monitor roadway pavement, bridges and culverts.

MM TR-1.3 Repair roadway damage.

EVIDENCE: The FEIR requires Solargen to prepare and submit a Traffic Control Plan to be reviewed and approved by Caltrans that: 1) defines locations of project

access points and location and timing of temporary lane closures; 2) Make use of flag persons, warning signs, lights, barricades, and cones to warn, control, protect, and expedite vehicular and pedestrian traffic in the vicinity of the project site; 3) implement traffic control in roadway areas with insufficient width; 4) place signage along haul routes and alternative haul routes warning drivers of construction traffic; 5) restrict use of Panoche Road to private autos, shuttle buses, and two axle trucks; 6) preclude construction traffic from using unpaved portions of Panoche Road; 7) Address the potential for construction related traffic to impede emergency response vehicles (in conjunction with Mitigation Measure PS-1.1 [Develop and implement service agreement with San Benito County Fire Department]) and present a specific training and information program for construction workers to ensure awareness of emergency procedures from project-related accidents or wildfires; and 8) include a Truck and Bus Safety Plan that places restrictions on length of shuttle buses, use of haul routes, and use of Panoche Road for construction deliveries.

EVIDENCE: There are no horizontal curves or vertical alignment restrictions on Little Panoche Road that would prevent trucks and equipment from travelling this road.

EVIDENCE: Heaves that have formed between miles 4 and 6.5 are rounded and spread over a sufficient length that the effect of traversing them is reduced at lower speeds.

EVIDENCE: Solargen is required by the FEIR to rehabilitate, protect and monitor roadway pavement, bridges and culverts prior to the start of construction and decommissioning. These pre-construction activities should include completing pavement repairs that are sufficient to achieve a traffic index of 7.0 on Panoche Road, rehabilitate striping on Little Panoche Road, and repair sections of deteriorated pavement along Little Panoche Road to loading standards and to the satisfaction of the County of San Benito Department of Public Works.

During construction Solargen shall coordinate with Caltrans, San Benito, and Fresno Counties to implement appropriate wheel load weight distribution to protect bridge and culvert crossings. Solargen will monitor the two culverts on little Panoche Road that are not buried to sufficient depths on a weekly basis for damage to the culverts or dips in pavement. In the event of such damage, project deliveries will be postponed until repairs are made by Solargen. Hauling contractors shall place ¾ inch thick steel plates over pavement above culverts prior to transporting transformers to the project area, in addition to any other local and state requirements relating to oversized loads. Solargen will also conduct monitoring and evaluation of pavement conditions on Little Panoche Road between I-5 and Panoche Road at intervals determined by the County of San Benito Department of Public Works during construction and undertake roadway repairs as necessary to ensure it accommodates construction traffic loads.

EVIDENCE: Solargen will restore all public roads, easements, rights of way, and infrastructure within public rights of way, (including I-5 access ramps on Little Panoche Road, Little Panoche Road from I-5 to Panoche Road, Panoche Road between Little Panoche Road and State Route 25, and State Route 25 between Panoche Road and Hollister) that have been damaged due to project-related construction and/or decommissioning. Solargen will restore roadway conditions as they existed prior to

construction or decommissioning in a timely manner. At least 30 days prior to construction or decommissioning, Solargen will photograph or videotape all public roads, easements, and rights of way segments and shall provide copies to the County of San Benito, Fresno County, and Caltrans. Within 60 days of completion of construction or decommissioning, Solargen will meet with the County of San Benito, Fresno County, and Caltrans to identify sections of road to be repaired and a schedule of repairs will be prepared for approval by the agencies. Upon completion of repairs, Solargen will provide a letter signed by the counties stating their satisfaction with the repairs.

EVIDENCE: Mitigation Measures TR-1.1, TR-1.2, and TR-1.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

TRANSPORTATION AND CIRCULATION

(Impact TR-2 – Increased Congestion and Travel Delays on regional and Local Roadways or Exceed an Established Level of Service Standard)

48. **FINDING:** The FEIR estimates that the proposed project would add between 126 and 188 daily trips to the roadways which would result in daily traffic volume along the roadways between 152 and 510 daily vehicles. Trenching for the installation of gathering lines beneath road surfaces could result in closure of Little Panoche Road, which could disrupt traffic flow and lead to congestion. Vehicles with oversize loads such as substation equipment and cranes would require pilot cars which would further result in increased traffic and delays along Little Panoche Road. However, the Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Although the project would result in an increase in traffic on roadways in the vicinity of the project, such an estimated increase would have little effect on roadway operation and total traffic volume on Little Panoche Road and would remain within roadway capacities.

EVIDENCE: Traffic studies conducted on the intersections of Panoche Road and Little Panoche Road, and Panoche Road and State Highway 25 indicate that both intersections currently operate and would continue to operate at Level of Service A (free flow with little or no delay) conditions.

EVIDENCE: Mitigation Measure TR-1.1 is feasible and is hereby adopted.

MM TR-1.1 Prepare and implement Traffic Control Plan.

EVIDENCE: Mitigation Measures TR-1.1 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

WATER RESOURCES
(Impact WR-1 – Substantial Depletion of Local Groundwater supplies or
Interference With Groundwater Recharge)

49. **FINDING:** Groundwater is the sole source of water in the project area. The proposed project could substantially deplete local groundwater supplies or interfere with groundwater recharge if the affected groundwater basin is in overdraft conditions, the proposed project would cause the affected groundwater basin to be in overdraft, the proposed project would result in substantial local groundwater level drawdown at wells in the area, or the proposed project would redirect natural recharge to the basin, such as through the introduction of impervious areas that prevent infiltration. The pump test conducted on the wells in the project area showed that a potential boundary condition was encountered after 50 hours of pumping at a rate of 557 gallons per minute (gpm).

During the beginning of Phase 1, water use would be for dust suppression, soil compaction and manufacturing of concrete and mixing. At the end of Phase 1 and during Phases 2 through 5, water would be used for both construction and operation activities (panel maintenance). Water demand during construction component of the project would be approximately 16,000 gallons per day (gpd) or 18 acre feet per year (afy) with an additional .61 afy for the O & M building and sheep grazing needs. As a result of water needs during construction, it is estimated that water levels would be lowered by .75 feet, .35 feet, and .27 feet at radial distances of 100 feet, 1,320 feet, and 2,640 feet. There is uncertainty regarding effects of drawdown and recovery rates at non-project wells located near the project area. If groundwater is needed at locations south of Well #19, there is likelihood that groundwater levels at off-site well locations will be lowered.

Water is needed during operation for sanitary facilities and panel washing. Water needs for panel washing is estimated to be 25.5 afy.

Construction and operation activities and facilities will interfere with groundwater recharge. During construction, the use of laydown areas near existing wells, staging areas, grading of access roads, and recontouring/restoring disturbed areas would alter ground characteristics and introduce impermeable materials that will alter rates of groundwater recharge. The presence of PV panels would also increase impermeable surfaces to the project area that will affect runoff patterns and may result in "drip line" runoff. In addition, footings, substation, O & M facility, parking areas, equipment pads, and access roads will also affect groundwater recharge patterns.

The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the Alternative A Revised which avoid or substantially lessen these significant environmental effects.

EVIDENCE: A hydrologic budget was created by Geologica which concluded that net annual recharge of the Panoche Valley Groundwater Basin was 2,700 acre feet, and that since 1985, groundwater levels in shallow wells have risen from depths of 80 to 100 feet below ground surface (bgs) to depths of 30 to 60 feet bgs. Based on these data,

the Panoche Valley Groundwater Basin is recovering from historic heavy groundwater pumping for agricultural use.

EVIDENCE: The Water Supply Assessment concluded that the water supply, even under a single dry year or multiple-year drought condition, would be adequate to serve the project and cumulative growth within the Panoche Valley. Accordingly, the project's construction and operational water requirements would have no adverse impacts to available water supply.

EVIDENCE: Groundwater levels on the project site have the capacity to provide water for project construction demands, which are the equivalent of 11 gpm. The groundwater wells on the project site have the capacity to produce at 557 gpm. Following construction completion, it is expected that groundwater levels in wells near project wells would recover, although continued groundwater use during operation will limit the rate of recovery in these wells.

EVIDENCE: If project water supply is provided by groundwater pumped near the central region of the project site, at the proposed average long term pumping rate of approximately 24 gpm, it is unlikely that water levels at the nearest off-site well, located more than 5,000 feet to the south, would be affected.

EVIDENCE: Through the use of wells near the center and northern end of the project site, it is not anticipated that construction water demand would substantially deplete groundwater supplies or result in a net deficit in aquifer volume that would not support existing land uses.

EVIDENCE: Mitigation Measures WR-1.1 and WR-1.2 are feasible and are hereby adopted.

MM WR-1.1 Groundwater Monitoring and Reporting Plan.

MM WR-1.2 Aquifer Testing and Well Interference Analysis.

EVIDENCE: At least 60 days prior to project-related groundwater pumping activities, Solargen will prepare and submit for review and approval, a Groundwater Monitoring and Restoration Plan (GMRP), which will document the location of project wells and construction details, identify procedures to install and monitor metering equipment, document gradient and directional flow of groundwater, and detail methodology of monitoring groundwater to identify pre- and post-construction trends. Pursuant to the GMRP, Solargen will submit annual summary reports to the county of San Benito during construction and the first five years of the project that include usage and trending data. At the end of the reporting period, Solargen and the County of San Benito will evaluate the effectiveness of the GMRP and determine if further monitoring and reporting will be required.

EVIDENCE: The FEIR requires Solargen to prepare and submit an Aquifer Testing and Well Interference Analysis Plan (ATWIAP) to San Benito County for review and approval 14 days prior to commencing the aquifer testing. The Aquifer Testing and Well Interference Analysis Plan shall discuss the methodology for conducting a 72 hour aquifer test, analysis of aquifer parameters, and the analysis of well interference at

nearby private wells. The ATWIAP shall document the measurement of water level drawdown and recovery in the pumping well and a minimum of two down gradient observation wells. Additional observation wells, including cross-gradient locations may be included. The use of existing wells for pumping or water level observation shall include research of well construction records to identify well depth, screen interval, and aquifer depth and thickness. Video surveys shall be performed on all existing wells lacking available well construction records (well depth and screen intervals). The aquifer test shall be performed at a pumping rate that will "stress" the aquifer and result in measurable drawdown at the nearest observation well after two to four hours. Drawdown and recovery water level data collected from the pumping and observation wells shall be analyzed to determine the local aquifer parameters that will in turn be used to calculate water level drawdown at nearby off-site wells. The results of the aquifer test and well interference analysis shall be submitted to San Benito County for review and approval of the proposed well for project water supply.

EVIDENCE: Solargen will revegetate all temporary disturbance areas created during construction in accordance with a Revegetation Plan.

EVIDENCE: Given that depth to groundwater on the project site is 25 feet, it is not expected that groundwater would be encountered during construction-related activities. However if it is discovered, Solargen will use dewatering activities such as sediment traps, and sediment basins in compliance with State and local regulatory requirements.

EVIDENCE: Compliance with Central Valley Regional Water Quality Control Board will ensure that construction interference with groundwater recharge will not result in significant impacts to local groundwater resources.

EVIDENCE: Solargen proposes to restore ground disturbance areas as required by local management agencies. The restoration activities will include returning disturbed areas to natural contouring, reseeding, installing cross-drains, filling ditches, and placing wet bars in the roads.

EVIDENCE: Only a very small portion of the project site would be impermeable, so there will not likely be a significant effect on groundwater recharge.

EVIDENCE: Mitigation Measures WR-1.1 and WR-1.2 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

WATER RESOURCES

(Impact WR-6 – Accidental Release of Contaminants that Could Degrade Water Quality)

50. FINDING: The accidental release of hazardous materials during construction or operation and maintenance of the proposed project could potentially result in water quality degradation within the Panoche/Silver Creek Watershed or the Panoche Valley Groundwater Basin. Potentially hazardous materials may include diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, transmission fluid, lubricant grease, cement

slurry, and other fluids required for the operation of construction vehicles and equipment. Accidental spills or releases of hazardous materials could indirectly impact water quality through runoff during a subsequent storm event, when the spilled material could come in contact with or be washed into flowing water. Similarly, groundwater could be contaminated through direct or indirect contact with potentially harmful or hazardous materials. PV panels used for the proposed project may be amorphous silicon, polycrystalline, cadmium telluride, copper indium gallium selenide (CIGS) thin filament, and/or multi-silicon filament. If accidentally released, these materials could result in direct or indirect water quality degradation. However, The Board finds, based on the analysis in the FEIR and in light of the whole record before it, that changes or alterations have been required in, or incorporated into, the project (Alternative A Revised) which avoid or substantially lessen these significant environmental effects.

EVIDENCE: An accidental release of a potentially harmful or hazardous material into a dry stream bed or wash would not directly impact water quality. Similarly, an accidental spill or release of hazardous materials outside of a stream channel would not directly impact water quality.

EVIDENCE: Solargen proposes to prohibit draining of hazardous materials onto the ground or within drainages, and to remove all construction waste from the site.

EVIDENCE: Mitigation Measures WR-6.1 through WR-6.3 are feasible and are hereby adopted.

MM WR-6.1 Accidental spill control and environmental training.

MM WR-6.2 Store fuels and hazardous materials away from sensitive water resources.

MM WR-6.3 Maintain vehicles and equipment.

EVIDENCE: The SWPPP to be prepared by Solargen will include: 1) procedures for fast and safe spill cleanup; 2) prescription of hazardous material handling procedures to reduce potential for spills; and 3) an emergency response program for accidental spills. Solargen will also establish an environmental training program to communicate environmental concerns and appropriate work practices, including spill prevention and response measures, and SWPPP measures, to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction, operations, and maintenance activities.

EVIDENCE: Solargen will require contractors to store fuels and hazardous materials more than 200 feet of groundwater supply wells.

EVIDENCE: All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground and a log detailing such maintenance will be kept and submitted to the County of San Benito on a monthly basis.

EVIDENCE: PV Panels would be inspected regularly and monitored remotely using a SCADA system, and replaced as necessary. Damaged components, including PV panels, would be replaced as required.

EVIDENCE: Solargen proposes that each PV panel will be checked for toxic metals and properly cleaned prior to installation on the project site.

EVIDENCE: Solargen proposes to decommission the site at the end of the useful life of the project. To address the situation where the applicant becomes insolvent or is otherwise unable to perform the decommissioning and to ensure that the County has sufficient resources to undertake or contract to undertake the decommissioning, the applicant will enter into an agreement with County prior to issuance of the first building or grading permit that provides sufficient financial security to ensure that funds will be available to cover the anticipated cost of recycling and disposal of panels and other infrastructure at the end of the project's useful life.

EVIDENCE: Mitigation Measures WR-6.1, WR-6.2, and WR-6.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

SIGNIFICANT AND UNAVOIDABLE ENVIRONMENT IMPACTS

AESTHETIC

(Impact AE-1 Long Term Visibility/Night lighting)

51. **FINDING:** The FEIR identified that long-term visibility of construction activities, equipment, and night lighting (AE-1) as a significant and unavoidable impact of the 420 MW PVSF. While the Alternative A Revised would result in a reduced building footprint, night lighting impact would be the same as the 420 MW Project. The FEIR recommends feasible mitigation measures to reduce this impact; however, even with implementation of this measure, the Board finds that this impact cannot be mitigated to a less than a significant level. This impact is overridden by the Alternative A Revised benefits as set forth in the statement of overriding considerations.

EVIDENCE: Construction of the Alternative A Revised would cause temporary, although relatively long-term, aesthetic impacts due to the presence and developed character of the equipment, materials, and workforce. Construction activities would be visible from Little Panoche Road, Panoche Road, New Idria Road, nearby residences, nearby BLM recreational areas and access roads, and to a very limited degree from the southern portion of Panoche Hills Wilderness Study Area. Decommissioning activities would be of shorter duration, but similar to construction activities, and would be visible from these locations as well. Night lighting would be required during construction, which is proposed to occur 24 hours per day and would consist of localized, portable lighting standards where work is occurring. Constant lighting, at a low level, would be required at the Operations and Maintenance building from dusk to dawn and would be operated by a timer. The large scale of the impact area and the long duration of impact time (approximately five years for construction, plus additional time during decommissioning) would cause a significant aesthetic impact from visibility of construction activities, equipment, and night lighting.

EVIDENCE: The Alternative A Revised would exposure sensitive receptors to views of heavy construction equipment and staging areas for a total of five years. Night

lighting would be required during the five-year construction period and would be visible from the various key viewpoints as well as other nearby locations within Panoche Valley.

EVIDENCE: Solargen would incorporate APM AES-2 through AES-3 into the Alternative A Revised to reduce lighting and glare impacts. Pursuant to APM AES-2, during Alternative A Revised construction, localized and portable lighting will be used where the work is occurring. Lighting will be powered by generators and have switches to cut power when lighting is not required during construction. Pursuant to APM AES-3, during operation of the project, motion-sensor lighting will be used at each 2 MW block. The lighting will consist of energy-efficient lamps that will only be lit when human activity is detected. Motion sensors will have sensitivities set to avoid activating the lights when animal activity is occurring. This will be done to prevent startling animals and creating false alarms for security personnel. In addition to lighting, security cameras will be installed near the lighting to view any activity that has caused the lighting to turn on. While constant lighting, at a low-level, will be required at the O&M building, this lighting will be limited to a single lamp source near the entrance of the building, which will be activated by a timer. All lighting will have a power switch to conserve energy when the lighting is not required.

EVIDENCE: In addition to the APMs, Mitigation Measure AE-1.1 is feasible and is hereby adopted to further reduce significant visual impacts from night lighting.

MM AE-1.1 Reduce night lighting impacts

EVIDENCE: Mitigation Measure AE 1.1 would reduce the impact of night lighting to some extent by incorporating various buffers and lighting design features that would reduce lighting glare; however, the residual visibility of night lighting would negatively impact any remaining nearby stargazing locations within Panoche Valley, because any stray or additional light would adversely affect night sky viewing. This mitigation measure would apply to permanent night lighting during operation as well as to night lighting during construction and decommissioning, if required. No mitigation measures were identified that would fully address the visual impact from the size of project and extended construction timeframe and the impact would remain significant.

EVIDENCE: Mitigation Measures AE-1.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the project.

AESTHETIC (Impact AE-3 Introduction of Structures)

52. **FINDING:** The FEIR concluded that the 420 MW PVSF project would have a significant and unavoidable aesthetic impact due to the introduction of structures to the rural Panoche Valley. The Alternative A Revised would have a reduced visual contrast relative to the proposed project because its construction footprint would be 58 percent of the 420 MW PVSF footprint. In addition, the Alternative A Revised proposes lower profile solar panels that are proposed for the Alternative A Revised, including a reduced panel height (from 25 to 12.5 feet) and reduced panel angles. However, notwithstanding these design changes and as reflected on the visual simulations of the

Alternative A Revised, the Board finds that the aesthetic impacts of the Alternative A Revised would be the same as the 420 MW PVSF and would remain significant and unavoidable even with implementation of feasible mitigation measures. This impact is overridden by the Alternative A Revised benefits as set forth in the statement of overriding considerations.

EVIDENCE: The County General Plan has designated three scenic corridors that encompass portions of State Highways 101, 129, and 146. In the Goals and Policies section of the Scenic Roads and Highways Element, the County states in Policy #1 that "It is the policy of San Benito County to provide for the protection of certain transportation corridors which are recognized as having unusual or outstanding scenic qualities." The project site is not located within a designated scenic corridor and the nearest designated scenic corridor (State Highway 129) is approximately 16 miles to the southwest of the project site.

EVIDENCE: In addition to scenic corridors, the only other scenic resources that are expressly recognized in the General Plan are "ridgelines." The Open Space & Conservation Element recognizes "the inherent beauty of ridgelines within the County and develop policies and programs to protect the aesthetic quality" of these ridgelines." (Goal 9, Objective 7) Because the Alternative A Revised structures will be located on the Valley floor and as demonstrated by the visual simulations of the Alternative A Revised, the Alternative A Revised would not directly impact or obstruct views of surrounding ridgelines.

EVIDENCE: Even though the project site is not located within a scenic corridors and ridgelines will be preserved, visual simulations at 4 of the 5 representative key viewpoints (KVPs) illustrate the conversion of the pastoral, valley floor landscape to that of an expansive, intensely developed energy facility that would be prominently visible in the foreground and middle ground of views from Little Panoche Road, Panoche Road, and New Idria Road. The Alternative A Revised would add highly visible, structurally complex, developed features introducing structural contrast and industrial character to the otherwise rural region. The solar blocks and other proposed project components (i.e., lower quality landscape features) would block from view substantial portions of the Panoche Valley floor and the alluvial fans transitioning to the Panoche Hills (i.e., higher quality landscape features).

EVIDENCE: Solargen proposes to incorporate APM AES-1 into the Alternative A Revised to reduce aesthetic impacts. Pursuant to APM AES-1, Solargen will incorporate "dulled" metal finishes and paint on-site buildings in earth tone colors to reduce aesthetic impacts.

EVIDENCE: In addition to APM AES-1, Mitigation Measure AE-3.1 is feasible and is hereby adopted to further reduce visual impacts to the extent possible.

MM AE-3.1 Treat surfaces of project structures and buildings.

EVIDENCE: Mitigation Measure AE-3.1 (Surface treatment of proposed project structures and buildings) would reduce the aesthetic impact by minimizing visual intrusion and contrast by ensuring structures' colors and finishes do not create excessive glare, blend in with the existing landscape, and are consistent with local poli-

cies and ordinances. However, given the large scale of the impact area, no available feasible mitigation measures were identified that would be adequate to mitigate the significant aesthetic impacts to levels that would be less than significant. Therefore, the impacts of the Alternative A Revised would remain significant and inmitigable.

NOISE **(Impact NS 1 – Construction Noise)**

53. **FINDING:** The FEIR concluded that construction noise levels from the 420 MW PVSF would result in a substantial temporary or periodic increase in ambient noise levels which would substantially disturb sensitive receptors (NS-1) as a significant impact. The Alternative A Revised reduces noise levels due to the creation of the 1,683-acre conservation area along the southern project site boundary and an increased noise buffer between Alternative A Revised construction activity and nearby homes. However, even with the increased noise buffer, the Board finds that construction noise levels would still significantly increase existing ambient noise levels and this increase cannot be mitigated to a less than a significant level even with implementation of feasible mitigation measures. This impact is overridden by the Alternative A Revised benefits as set forth in the statement of overriding considerations.

EVIDENCE: The proposed project is located in an agricultural area used for grazing and other agricultural purposes with only scattered rural residences that are far from site access roads. Natural noise conditions dominate the area because human activity is so limited, which means ambient noise levels are expected to be approximately 35 dBA Ldn or lower, except in the immediate vicinity of the roads. Noise levels are occasionally elevated due to aircraft over flights associated with the private landing strip located approximately 2,400 feet (0.45 miles). Noise levels at homes and land uses that are closer to local roadways vary depending on traffic conditions. Based on the existing traffic flow, residences along Panoche Road and Little Panoche Road are currently exposed to noise levels of approximately 53 to 60 dBA Ldn (at 50 feet from centerline) and diminishing levels as distances increase.

EVIDENCE: PVSF construction activity would occur six days a week, 24 hours per day, for five years. During construction, temporary and periodic increases in the ambient noise levels would be expected from the operation of heavy equipment during construction. Assuming a worst-case scenario of simultaneous pile driving and grading, construction would generate a combined maximum noise level of up to approximately 95 dBA Leq at 50 feet (91 dBA Ldn at 50 feet).

EVIDENCE: Of the 22 homes located within the Panoche Valley (FEIR, Figure C.11-2), only 3 of the homes are located within 1¼ miles (approximately 7,000 feet) of any given phase of project construction activity. The first home is approximately 4,100 feet away from Phase 1 and would experience a construction noise level of 53 dBA (Ldn) during that phase. The second home would be approximately 2,200 feet away from Phase 2 and 3,100 feet from Phase 5 and would experience a noise level of between 55-58 dBA (Ldn) during those two phases. The third home would be 6,000 feet from Phase 3 and 7,000 feet from Phase 4 and would experience noise levels between 48 and 49 dBA (Ldn.). These homes are located away from Panoche and

Little Panoche Roads; therefore, noise levels would be well above the estimated ambient noise level of 35 dBA (Ldn) at these homes.

EVIDENCE: The Panoche School is located closest to Phase 2 of the 420 MW PVSF and would be 3,600 feet away. At this distance, the Panoche School would experience a noise level of 58 dBA. However, the Panoche School would be significantly farther from Phase 2 of the Alternative A Revised and noise levels would be substantially less.

EVIDENCE: Solargen would incorporate APM N-1 into the Alternative A Revised to reduce construction noise impacts. APM N-1 restricts the use of fuel operated generators (within 350 feet of the property boundary), pile driving, and grading to daytime and early evening hours (7 am to 7 pm) only in accordance with the County's noise ordinance.

EVIDENCE: In addition to the noise attenuation achieved from the increased buffer, Mitigation Measure NS 1.4 was added to the FEIR that limits the type of pile driver to a vibratory pile driver as opposed to an impact pile driver that was initially proposed. As documented in an acoustical analysis prepared by Weiland Acoustics (September 15, 2010), an additional 4 dBA reduction can be achieved at each receptor location with implementation of vibratory piles.

EVIDENCE: In addition to APM N-1, changes or alterations have been incorporated into the project that further reduce, but do not fully mitigate, significant effects from Impact NS-1. Specifically, Mitigation Measures NS-1.1, NS-1.2, NS-1.3, NS-1.4, NS-2.1 and BR-16.2 are feasible and hereby adopted to reduce impacts from construction noise; however, impacts would remain significant even after the implementation of mitigation.

MM NS-1.1 Shield construction staging areas.

MM NS-1.2 Implement noise-reducing features and practices for construction noise.

MM NS-1.3 Provide advance notice of construction.

MM NS-1.4 Limit pile driving activities.

MM NS-2.1 Limit decommissioning activities to daytime

MM BR-16.2 Minimize impacts of foundation support installations

EVIDENCE: Mitigation Measure NS-1.1 would require installation of shielding around the construction staging areas, as these areas are where substantial activity would occur associated with equipment and materials deliveries and equipment staging. Mitigation Measure NS-1.2 would require noise-reducing features and practices, such as equipping trucks and other engine-powered equipment with intake and exhaust mufflers and/or engine shrouds and limiting the noise levels of back-up beepers to further reduce noise from construction equipment. As a courtesy to the surrounding uses, Mitigation Measure NS-1.3 provides advance notice of construction and demolition including a mechanism for submitting noise complaints and requires documentation of resolution. Mitigation Measure NS-1.4 limits the duration of pile driving activities, limits the number of pile drivers in use in a given location, and requires use of sonic or vibratory pile drivers at 20 percent capacity instead of impact pile drivers. According to a noise analysis submitted by Weiland Acoustics, dated September 15,

2010, an additional 4 dBA reduction can be achieved at each receptor location by using vibratory pile drivers. Finally, if determined to be feasible, Mitigation Measure BR-16.2 would reduce noise from foundation installation at the site.

EVIDENCE: These mitigation measures, along with APM N-1, would reduce on-site construction noise from the Alternative A Revised to the maximum extent feasible and, except for one home during Phase 2, which would experience a 58 dBA Ldn noise level, the resulting noise levels would be below the normally acceptable (55 dBA Ldn) noise levels for low density residential neighborhoods (See DEIR, Section C.11 Noise, Table C.11-1). However, there are no feasible mitigation measures that would provide additional noise attenuation that could achieve a 40 dBA Ldn or less noise level consistent with the significance threshold (5 dBA Ldn or less above ambient noise levels or 35 dBA Ldn.) Therefore, construction noise impacts are considered significant and unavoidable.

NOISE **(Impact NS-2 – Exceed County Noise Standards)**

54. **FINDING:** The FEIR concluded that project construction noise levels may exceed the County's noise standards set forth in the County's noise ordinance. While temporary construction noise is typically exempt from the County's noise standards, due to the five (5) year duration of construction activity, and the need for limited nighttime construction activity, the FEIR treated construction noise as a permanent and concluded that construction noise from the 420 MW PVSF may exceed the County's noise standards. While the Alternative A Revised includes an increased noise buffer due to the creation of the 1,683-acre conservation area along the southern project site boundary, if construction noise levels are determined to exceed the County's noise standards and this increase cannot be reduced to a less than significant level with implementation of feasible mitigation measures, this impact is overridden by Alternative A Revised benefits as set forth in the statement of overriding considerations.

EVIDENCE: The San Benito County Code – Title 25, Zoning Ordinance limits the noise levels at the property line of any noise generating source adjacent to a rural residential location to less than 45 dBA Leq (one-hour) during the daytime and 35 dBA Leq (one-hour) at night. Operation of heavy equipment during construction, assuming a worst case scenario of simultaneous impact pile driving and grading activities, would generate a combined maximum noise level of up to approximately 95 dBA Leq at 50 feet from the construction activity, which may exceed the County noise level standards in the Zoning Ordinance. Over the five years of construction, work would be completed in phases with each phase lasting approximately one year. As such, construction noise levels at the project's property line would change depending on where the activities are occurring on the site, with higher levels occurring when construction is near the property boundary and lower levels occurring when construction is near the center of the site; however, construction noise could continue to exceed the County noise level standards at various times throughout the five-year construction period resulting in a significant and unavoidable impact. Decommissioning would generate lower noise levels based on the absence of pile driving and significant grading activity.

EVIDENCE: Construction noise levels from the Alternative A Revised would range from 52 to 62 dBA (Leq.), which may exceed the County's day time noise standards.

EVIDENCE: Solargen would incorporate APM N-1 into the Alternative A Revised to reduce construction noise impacts. APM N-1 restricts the use of fuel operated generators (within 350 feet of the property boundary), pile driving, and grading to daytime and early evening hours (7 am to 7 pm) only in accordance with the County's noise ordinance.

EVIDENCE: In addition to APM N-1, the County finds that changes or alterations have been incorporated into the project that reduce, but do not fully mitigate, significant effects from Impact NS-2. Specifically, Mitigation Measures NS-1.1, NS-1.2, NS-1.3, NS-1.4, and BR-16.2 are feasible and hereby adopted to reduce impacts from construction noise; however, impacts would remain significant even after the implementation of mitigation. Mitigation Measure NS-2.1 would reduce noise impacts from decommissioning to a less than significant level.

MM NS-2.1 Limit decommissioning activities to daytime.

EVIDENCE: The FEIR identifies numerous mitigation measures to achieve the maximum feasible noise reductions. Mitigation Measure NS-1.1 would require installation of shielding around the construction staging areas, as these areas are where substantial activity would occur associated with equipment and materials deliveries and equipment staging. Mitigation Measure NS-1.2 would require noise-reducing features and practices, such as equipping trucks and other engine-powered equipment with intake and exhaust mufflers and/or engine shrouds and limiting the noise levels of back-up beepers to further reduce noise from construction equipment. As a courtesy to the surrounding uses, Mitigation Measure NS-1.3 provides advance notice of construction and demolition including a mechanism for submitting noise complaints and requires documentation of resolution. In addition, Mitigation Measure NS-1.4 limits the duration of pile driving activities, limits the number of pile drivers in use in a given location, and requires use of sonic or vibratory pile drivers at 20 percent capacity instead of impact pile drivers. MM NS-2.1 requires that decommissioning activities be restricted entirely to daytime hours in accordance with the County's noise ordinance. Finally, if determined to be feasible, Mitigation Measure BR-16.2 would reduce noise from foundation installation at the site. These mitigation measures, along with APM N-1, would reduce on-site construction noise to the maximum extent feasible; however, even with implementation of these measures, residual construction noise levels may exceed the County's noise standards. Therefore, construction noise impacts are considered significant and unavoidable.

OTHER CEQA CONSIDERATIONS

55. **FINDING:** The FEIR analyzed potential growth-inducing components of the project related to employment and population growth increased power generation and regional population growth, and increased transmission capacity that serves renewable

power development. The County finds that any growth-inducing impacts from the proposed project would be reduced to a less than significant level.

EVIDENCE: The proposed project would require an average construction workforce of 158 workers per day, with a potential peak number of workers estimated at 95 workers (Phase 1) and 200 workers (Phases 2 through 5). This work would occur over five years. Workers are expected to be hired from San Benito, Santa Clara, and Fresno Counties, with 75 percent of the workforce anticipated from the Hollister area. Operation of the proposed project would require 10 full-time staff during Phase 1 and 50 full time staff at project build-out. Employees are expected to be drawn from the labor force within the three-county study area. If the entire staff of 50 were hired from outside the study area, up to 50 households could potentially relocate to the area, representing a population increase of approximately 145 individuals or a 0.2 percent increase in San Benito County's population. Mitigation measures in Section C.12 (Population and Housing) would require development and implementation of a Worker Housing Program in coordination with San Benito County to identify qualified accommodations, set protocols for the Applicant to reserve or coordinate accommodations, and delineate guidelines to ensure that temporary accommodations are made in an appropriate manner. Implementation of the Worker Housing Program would alleviate the temporary and permanent direct and indirect population growth impacts resulting from worker relocation.

EVIDENCE: While the proposed project would supply energy to accommodate and support existing demand and projected growth, it would not foster any new growth, because (1) the additional energy would be used to ease the burdens of meeting existing statewide energy demands within and beyond the area of the project; (2) the energy would be used to support already-projected growth; or (3) the factors affecting growth are so diverse that any potential connection between additional energy production and growth would necessarily be too speculative and tenuous to merit extensive analysis.

EVIDENCE: The Alternative A Revised would add an additional 399 MW of power to the California power grid. However, the purpose of the Alternative A Revised is not foster growth locally or throughout the state. The purpose of the Alternative A Revised is to assist California utilities in off-setting their current use and procurement of non-renewable energy sources. The California Independent System Operator ("CAISO") is presently analyzing the interconnection requests of the PVSF in conjunction with its review of numerous other proposed interconnection requests to determine the need for upgrades to the grid to accommodate the additional power. Solargen's Large Generator Interconnection Request ("LGIR") is a part of Cluster No. 2, which includes other LGIRs proposed between October 1, 2009 and January 31, 2010, and which includes a total of 9,109 MW of generation capacity. As part of the request, CAISO will evaluate the need to upgrade the existing Moss-Panoche/Coburn-Panoche 230 kilovolt (kV) transmission line running east-west through the valley. However, the purpose of any upgrade does not to provide an oversized power line to facilitate growth in any particular area, but to replace non-renewable energy sources on the grid.

56. FINDING: The FEIR identified significant irreversible changes and irretrievable commitments of resources relating to the 420 MW PVSF. However, the Alternative A Revised avoids or substantially lessens these changes and commitments.

EVIDENCE: Construction of the proposed Alternative A Revised would commit nonrenewable resources during project construction and ongoing utility services during project operations. This includes use of fossil fuels, construction materials, new equipment that cannot be fully recycled at the end of the project's useful lifetime, and energy required for the production of raw materials. During project operation, oil, gas, and other nonrenewable resources would be consumed. While an irreversible commitment of relatively small amounts of nonrenewable resources would occur as a result of long-term project operation, the Alternative A Revised would facilitate the replacement of nonrenewable energy sources with renewable energy sources.

EVIDENCE: The Alternative A Revised would result in long-term impacts to the existing rural visual landscape and result in the conversion of habitat and agricultural lands. However, the FEIR includes extensive mitigation measures to reduce these impacts. Regarding the conversion of habitat, the FEIR recommends implementation of mitigation measures that will provide the permanent protection of on-site and off-site habitat that will be significantly greater than the amount land being directly or indirectly affected by the Alternative A Revised. Regarding the conversion of agricultural land, the FEIR takes a similar approach by requiring the permanent conservation of off-site agricultural lands. In addition, cattle grazing on-site would be replaced with sheep grazing in an effort to maintain, to some degree, the ongoing grazing character of the project site.

Unlike a typical development project will generally exist in perpetuity, the Alternative A Revised would ultimately be decommissioned and removed at the end of its useful life in accordance with the decommissioning plan set forth in Section B.9 of the FEIR. As part of the decommissioning process, the project site would be restored and revegetated and would potentially allow recolonization of the site by the displaced species and reuse of the site for cattle grazing. While the success of species recolonization cannot be known, the conservation strategy of the Alternative A Revised would ensure that substantial habitat for threatened and endangered species will exist during the life of the Alternative A Revised and beyond.

EVIDENCE: Although construction and operation of the proposed project would require the use of a limited amount of hazardous materials such as fuel, lubricants, and cleaning solvents, the proposed project is not expected to result in environmental accidents that would cause irreversible damage. Compliance with all applicable building codes, as well as County policies, and the mitigation measures identified in this EIR would ensure that all natural resources are conserved to the extent feasible.

57. **FINDING:** One mitigation measure found in the Draft EIR was rejected for inclusion in the Final EIR. Mitigation Measure BR-12.1 (Conduct pre-construction surveys for Golden Eagles to ensure that nesting Golden Eagles are not disturbed by construction activities).

EVIDENCE: The County finds that Mitigation Measure BR-12.1 is unnecessary to reduce potential impacts to Golden Eagles. The Applicant, in consultation with the USFWS, previously conducted flight surveys in the non-breeding season in early August 2010 within 10 miles of the site. Fifteen golden eagle nests were observed within the 10-mile radius of the project site. Four of the nests showed evidence of having young fledged in 2010. No golden eagle nests occurred within 2 miles of the project boundary. These surveys are sufficient in scope and timing to replace the pre-construction surveys required by MM BR-12.1.

PROJECT ALTERNATIVES

General Findings

58. **FINDING:** In making these findings, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the FEIR, including the information provided in comments on the DEIR and the responses to those comments in the FEIR. The FEIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the FEIR are incorporated in these findings by reference to supplement the analysis here.

59. **FINDING:** The Board finds that the range of alternatives studied in the FEIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the project's significant environmental effects, while accomplishing most of the project objectives. The Board finds that the alternatives analysis is sufficient to inform the Board, agencies, and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the project objectives.

60. **FINDING:** The Board finds that the Alternative A Revised would satisfy the project objectives. The Board has adopted mitigation measures that avoid or reduce to the extent feasible the significant environmental effects of the Alternative A Revised. While these mitigation measures will not mitigate all the impacts of the Alternative A Revised to a less-than-significant level, they will mitigate those impacts to a level that the Board finds is acceptable. The Board finds the remaining alternatives infeasible for the reasons set forth below, including that they would not meet most of the project objectives and would be inconsistent with County policies. Accordingly, the Board has determined to approve the Alternative A Revised instead of approving one of the remaining alternatives.

61. **FINDING:** The Board finds that when compared to the other alternatives described and evaluated in the FEIR, the Alternative A Revised, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level

62. **FINDING:** The Board finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of Alternative A Revised, while accomplishing most but not all of the project objectives. The Board finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the Alternative A Revised could reduce environmental impacts and the corresponding degree to which the alternatives would hinder San Benito County's ability to achieve most or all of its project objectives.

63. **FINDING:** The CEQA Guidelines state that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more the significant effects" of the project. 14 Cal. Code Regs. §15126 (d)(2). Thus an evaluation of the project objectives is key to determining which alternatives should be assessed in the EIR. Accordingly, below is a summary of the primary objectives and underlying purpose of the project (Alternative A Revised), which are set forth in Section B.2.3 of the FEIR:

- a. Maximize renewable energy output through construction of a large-scale 420 MW solar energy facility to help meet mandatory State renewable energy goals.
- b. Locate the facility in a high solar resource area.
- c. Minimize environmental impacts by locating the facility on a site that has access to high-voltage electrical transmission lines that do not require substantial upgrading to accommodate the energy.
- d. Minimize impacts on the community and the environment by locating the facility in a remote location, on land with compatible topography, and outside of parkland and designated habitat conservation areas.
- e. Take advantage of federal stimulus funding for renewable energy projects by assembling the necessary parcels, obtaining and finalizing all necessary permits, and beginning construction prior to the end of 2010.
- f. Achieve full operation within five years or by 2016.

Alternatives Considered But Eliminated From Further Consideration
(14 Cal. Code Regs. §15126.6(C))

64. **FINDING:** Per Public Resource Code sections 21061.1 and 21081(a)(3) and CEQA Guideline sections 15091(c)(3) and 15364, the County may reject an alternative if it finds that it fails to meet Project objectives and/or is economically, legally, socially or

technologically infeasible. Five alternatives were considered and eliminated from further consideration: Brownfield Alternative, Mojave Desert BLM Land, Distributed Solar Photovoltaics, Wind Generation, and Conservation and Energy Demand Reduction. Alternatives were evaluated for consistency with the project objectives, feasibility, and ability to eliminate significant environmental effects. The Board finds that the following alternatives were properly eliminated from further consideration in the DEIR for the following reasons:

EVIDENCE: *Brownfield Alternative.* Scoping comments requested that an alternative site be considered that was located on brownfield sites or otherwise disturbed and degraded lands.

1. Fails to Meet Project Objectives: This alternative could not accommodate a large scale, utility size, solar facility that would help the State meet its renewable energy goal in any meaningful way. As documented in Section E.4.2 of FEIR, within the region, there is generally a lack of suitably sized brownfield sites in this area. Most sites are less than 1,600 acres, which could accommodate at most, a project half the size the 399 MW project, assuming all of the 1,600 acres could be developed, which is unlikely. While the Naval Air Station Lemoore has designated two sites totaling 2,460 acres for private solar development, the sites are four miles apart and consist of 1,125 and 1,292 acres respectively, which are again too small to accommodate a large scale solar project. In addition, it would take a significant amount of additional time to (1) negotiate the possible acquisition and control of any Brownfield site, (2) design a project based on the unique and likely challenging site characteristic (due to the hazardous nature of these sites), (3) undertake environmental review, and (3) obtain all requisite permits within the timeframes contemplated for the project (Alternative A Revised). Therefore, in addition to not meeting the basic timing objectives of the project, as a separate and independent basis for rejecting these off-site locations, this alternative is not feasible because it could not be accomplished in a successful manner within a reasonable amount of time.
2. New or Different Environmental Impacts. Development of a brownfield site would reduce environmental impacts, especially those relating to biological resources, agricultural resources, and aesthetics. However, a project on a brownfield site could increase other environmental impacts related to use of the development of a contaminated site, including, for example, impacts relating to Air Quality (from the release toxic emission during grading), Water Resources (relating to groundwater contamination), Hazards and Hazardous Materials (worked and community safety relating to the storage, transport and treatment of potentially contaminated soils), and Public Services (demand on public safety providers).
- a. Legal Uncertainty. This alternative is legally infeasible because Solargen does not own or otherwise control, nor is there any assurance that Solargen could acquire these sites. Development of a brownfield site presents regulatory challenges, liability hurdles relating to clean up responsibilities, and

economic challenges relating to clean-up of contaminated sites, that create significant uncertainty as to whether the PVSF could be constructed on a brownfield site even assuming a sufficiently sized parcel existed within the region.

3. Uncertain Access to Available Transmission Lines. Technologically, it is uncertain as to whether any of these sites are located proximate to a transmission line that would have sufficient capacity to accommodate a large scale utility project.
4. Jurisdictional Limitations: Notwithstanding that Solargen does not presently control any brownfield sites and the inherent challenges in acquiring a brownfield site, all of the sites identified in the FEIR, except the Almaden Vineyards Inc. site in Paicines, are not located within the County of San Benito. Because these sites are located outside of the County's jurisdiction, there is no way to predict or determine whether and to what extent the local jurisdiction would consider, let alone, approve a renewable energy project at this location. Because this jurisdictional uncertainty, this alternative could not be successfully accomplished within a reasonable period of time and is therefore infeasible.

EVIDENCE: Mojave Desert BLM Land.

1. Fails to Meet Project Objectives. While an alternative located in the Mojave Desert could likely meet project objectives including solarity and topography, a project on this site would not meet the timing objectives of the project, which include commencement of construction in 2010 and completion of a large scale project by 2016. It would take a significant amount of additional time to (1) locate and conduct reasonable due diligence on suitable locations within in the Mojave Desert (2) negotiate the possible acquisition and control of a suitable site, (3) design a project based on the unique site characteristic, (4) undertake environmental review, and (5) obtain all requisite permits within the timeframes contemplated for the project (Alternative A Revised). Therefore, in addition to not meeting the basic timing objectives of the project, as a separate and independent basis for rejecting these off-site locations, this alternative is not feasible because it could not be accomplished in a successful manner within a reasonable amount of time.
2. Same or Similar Environmental Impacts. Because the Mojave Desert is the home to numerous sensitive habitats, a project in the Mojave Desert would have the similar environmental impacts. An alternative located in the Mojave Desert would not create any impacts in the Panoche Valley, and would not result in impacts to the San Joaquin kit fox, GKR, or blunt-nosed leopard lizard; however, it could impact a number of other sensitive species, including desert tortoise and Mojave fringe-toed lizard. For example, there are several projects currently in process (Ivanpah Solar Electric Generating System, Calico Solar Project - Calico Solar LLC (Formerly Solar One Project - SES Solar One LLC) that would impact desert tortoise: Another project (Palen Solar Power Project - Solar Millennium LLC["Palen"]) would significantly

impact the Mojave fringe-toed lizard. Other projects would significantly impact cultural resources (Palen), groundwater (Blythe, Genesis, Palen). All of these projects would also have significant aesthetic impacts.

3. Jurisdictional Limitations: Notwithstanding that Solargen does not own or otherwise control property within the Mojave Desert, under this alternative, the PVSF would be relocated to an unspecified site that would not be located within the County of San Benito. Because the site would be located outside of the County's jurisdiction, there is no way to predict or determine whether and to what extent the local jurisdiction would consider, let alone, approve a renewable energy project at one or more particular locations. Because this jurisdictional uncertainty, this alternative could not be successfully accomplished within a reasonable period of time and is therefore infeasible.

EVIDENCE: Distributed Solar Photovoltaics.

1. Fails to Meet project Objectives. A project on this site would not meet the timing objectives of the project, which include commencement of construction in 2010 and completion of a large scale project by 2016. It would take a significant amount of additional time to (1) locate and conduct reasonable due diligence on suitable locations throughout the state (2) negotiate the possible acquisition and control of a suitable sites, (3) undertake environmental review, and (4) obtain all requisite permits within the timeframes contemplated for the project (Alternative A Revised). Therefore, in addition to not meeting the basic timing objectives of the project, as a separate and independent basis for rejecting these off-site locations, this alternative is not feasible because it could not be accomplished in a successful manner within a reasonable amount of time.
2. This Alternative Is Technologically Infeasible for a Large Scale Renewable Energy Project. California has approximately 40 million square feet (approximately 920 acres) of distributed solar PV accounting for 441 MW installed (CPUC 2008b). Based on Southern California Edison's use of 600,000-square-feet for 2 MW of energy, 130 million square feet (approximately 2,900 acres) would be required for 420 MW. San Benito County is estimated to have the technical potential for 58 MW of distributed rooftop solar PV, though distributed solar PV could be located throughout the State. The rate of PV manufacturing and installation is expected to continue to grow very quickly. However, given that there are currently only about 500 MW of distributed solar PV in California, the Applicant could not feasibly acquire or lease 130 million square feet of rooftops to accommodate the additional 420 MW. In addition, it is likely going to be essential to use both utility-scale and distributed renewable technologies to meet the State's 33% Renewable Portfolio Standard (RPS) requirement, making full build-out of distributed PV part of the No Project Alternative.
3. New and Different Environmental Impacts. Because this alternative would locate solar arrays on existing buildings and structures in more urban areas, the alternative would avoid or substantially lessen many of the environmental

impacts of the PVSF. However, there could be new and different environmental impacts that are unique to more urban settings, including traffic impacts (depending on the capacity of existing roadways to accommodate construction and operational traffic), historical resources impacts, noise impacts (due to proximity of construction to adjacent uses), etc. Therefore, some of the environmental impacts of the solar project would simply be experienced elsewhere.

4. Transmission capacity challenges. As documented in the "State Policies and Findings on the Need for Large-Scale Renewable Energy," dated February 17, 2010, there are challenges in adding large amounts of distributed renewable generation on systems throughout the state. Currently, the state's electrical distribution systems are not designed to easily accommodate large quantities of randomly installed distributed renewable generation at individual sites.

EVIDENCE: Wind Generation.

1. Fails to Meet the Basic Project. A proposed wind generation alternative fails to meet the most fundamental project objective of constructing a photovoltaic solar project.
2. Same, Similar or More Severe Environmental Impacts. Wind turbines create the potential for bird and bat collisions, especially in areas with significant raptor use. Visual impacts of wind turbines can be significant, and installation in scenic and high traffic areas can result in strong local opposition. Visual impacts of wind turbines would likely be greater than with a solar PV technology because they would be visible at a greater distance.
3. This Alternative Is Technologically Infeasible at the Project Site. While wind electricity generation is a viable and important renewable technology, it is not technologically feasible at the proposed project site due to the lack of wind resources.

EVIDENCE: Conservation and Energy Demand Reduction.

1. Fails to Meet the Basic Project. This alternative fails to meet the most fundamental project objective of constructing a photovoltaic solar project.
2. This Alternative Is Technologically Infeasible. Energy efficiency in general is a feasible alternative to meeting load growth. However, the level of efficiency presumed to occur in the baseline condition is already very aggressive, and achieving incremental savings beyond that level is speculative at best. Therefore, energy efficiency alone is not a technically feasible alternative to the proposed project. Conservation and demand-side management would mean fewer renewable plants will need to be built; however, conservation and demand-side management will not itself provide the renewable energy required to meet the California renewable energy goals.

PROJECT ALTERNATIVES ANALYZED IN THE FINAL EIR

65. **FINDING: No Project Alternative.** In accordance with CEQA, the FEIR described a "no project" scenario that would result in the continuation of cattle grazing on the site and a "no project" scenario of what might reasonably be expected to occur on the project site in the absence of the PVSF. Under the former scenario, the existing site conditions would be preserved, and no land use approvals would be adopted by the County. Existing facilities on the site would continue operations in their present condition. Under the later "no project" scenario, the FEIR stated that other solar projects could potentially be developed in the Panoche Valley due to the site's favorable proximity to a transmission line or solar projects would likely be developed elsewhere in the County or northern California Counties to meet California's renewable energy targets.

The Board rejects this alternative as infeasible and less desirable than the Alternative A Revised. Each reason identified below provides a separate and independent basis for rejecting the alternative.

EVIDENCE: Fails to Meet the Basic Project. The no project/no-build alternative fails to meet any of the project objectives, including the most basic and fundamental objective of constructing a photovoltaic solar project. While the no-project alternative also includes a scenario that entails the construction of some other solar project on the site, if this alternative were adopted and the project denied, Solargen would likely abandon efforts to develop the site and none of its project objectives would be achieved. To the extent that some other developer attempted to develop solar on the site, the developer would not be pursuing Solargen's project objectives. In addition, none of the timing objectives of the project would be implemented under the "reasonably foreseeable" future no-project scenario.

EVIDENCE: The Alternative A Revised will provide 399 MW of renewable energy to help California meet its renewable energy targets. The no-project/no-build alternative would not help California utilities meet their renewable energy targets mandated by SB 1078 (California Renewable Portfolio Standard Program), and AB 32 (California Global Warming Solutions Act of 2006), nor would it further important statewide policies to reduce greenhouse gas emissions and arrest global warming for the benefit of the people of San Benito County and the state of California. If the Alternative A Revised were not built, consumers of the renewable energy from the Alternative A Revised would not benefit from the annual solar power that this project would generate. In addition, without the Alternative A Revised, other power plants with unknown technologies would likely be constructed in the region to supply the market demand for energy. Under the no-project reasonably foreseeable scenario, the timing and scope of any future project is unclear. Moreover, California utilities have an immediate need to procure renewable energy, which would be delayed under this scenario.

EVIDENCE: The Alternative A Revised would result in the conservation and permanent protection of privately owned land for the benefit of sensitive species. The opportunity to preserve up to 23,000 acres of on-site and off-site private land in perpetuity for the benefit of threatened and endangered species and for existing and future generations of San Benito County residents that will be provided by the Alternative A Revised would not be provided if the No Project alternative were adopted.

Without the Alternative A Revised, an ongoing endowment to maintain the environmental quality and suitability of natural drainages, species habitat, including forage and range areas, on the conservation lands would not be adopted.

EVIDENCE: The Alternative A Revised will result in new jobs and increased retail spending. The Alternative A Revised would provide up to 200 construction jobs per year for the five year construction period and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate of 14.8% as of August, 2010 (California Employment Development Department ("EDD") data). In addition, the Alternative A Revised would assist struggling County businesses by injecting an estimated \$81,000,000.00 of spending into the local economy over the first 20 years of the project. (Craig MBA Program, California State University, Fresno, CA. *Solargen Energy Inc. Economic Impact Study*, August 2, 2010) The no-project/no-build alternative would not generate much needed jobs or increase retail spending in the County or the region.

66. FINDING: Alternative A Revised ("Alternative A Revised"). The Board finds that this alternative is environmentally superior to the 420 MW PVSF, is feasible, and as set forth in Finding 7 adopts this alternative.

EVIDENCE: Meets all of the basic project objectives. This alternative will result in a large scale solar energy facility that will immediately assist California utilities in achieving their renewable energy targets. The location and siting objectives (e.g. high solar resource area, proximity to transmission lines, and minimizing community impacts) would be met. The critical timing objectives would also be met.

EVIDENCE: Reduces the Significant Environmental Impacts of the 420 MW PVSF. The Alternative A Revised reduces the significant and unavoidable impacts on biological resources to a less than significant level. The Alternative A Revised would also substantially lessen the 420 MW PVSF's impact on aesthetics and noise.

67. FINDING: Alternative B Revised ("183 MW"). Alternative B Revised would be located on approximately 1,394 acres and would consist of 79, 2-megawatt, power blocks and 35, 1-megawatt, power blocks, which would generate at least 183 MW of power. This alternative would be constructed in three phases, with the first 20 MW phase being constructed over one year, followed by one 82 MW phase and one 81 MW phase in two subsequent years. Approximately 1,048 acres would be permanently disturbed by on-site facilities, and an additional 40 acres would be temporarily disturbed during construction. Alternative B would require preservation of the remaining 3,491 acres outside of the alternative boundary, on which the Applicant has options for purchase, as a biological conservation easement for the protection of the endangered and threatened species that are known to occur on the project site.

The Board rejects this alternative as infeasible and less desirable than the Alternative A Revised. Each reason identified below provides a separate and independent basis for rejecting the alternative.

EVIDENCE: This alternative fails to meet the basic project objective of providing a large scale utility project. One of the objectives of the project is to maximize renewable energy output through construction of a large-scale solar, 400+ MW, energy

facility to help meet mandatory State renewable energy goals. This alternative contemplates the construction of a solar facility that is less than half the size of the Alternative A Revised and is not consistent with the public utility scale project contemplated by Solargen.

EVIDENCE: The alternative is undesirable from a policy standpoint because it will not help California meet its renewable energy targets to the same degree as the Alternative A Revised. The Alternative B Revised would not help California utilities meet their renewable energy targets mandated by SB 1078 (California Renewable Portfolio Standard Program), and AB 32 (California Global Warming Solutions Act of 2006) to the same degree as the project because it would only provide 183 MW or about 40 percent of the renewable energy output that would be generated by the Alternative A Revised. A solar facility that generates less than half the power generated by the Alternative A Revised, would also not further, to the same degree as the Alternative A Revised, important statewide policies to reduce greenhouse gas emissions and arrest global warming for the benefit of the people of San Benito County and the state of California. According to the "State Policies and Findings on the Need for Large Scale Renewable Energy," dated February 17, 2010, in order to reach the 33 percent renewable energy goal by 2020, California needs to build the infrastructure to deliver another 15,000 to 25,000 MW in generating capacity. In the absence of the larger scale Alternative A Revised, other existing or new power plants with unknown technologies would likely be constructed in the region to supply the additional 216 MWs of energy that would not be generated under this alternative

EVIDENCE: This alternative undesirable from a policy standpoint because the alternative would result in fewer jobs and fewer economic benefits. The Alternative A Revised would provide up to 200 construction jobs per year for the five year construction period and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate of 14.8% as of August, 2010 (California Employment Development Department ("EDD") data). In addition, the Alternative A Revised would assist struggling County businesses by injecting an estimated \$81,000,000.00 of spending into the local economy over the first 20 years of the project. Craig MBA Program, California State University, Fresno, CA. *Solargen Energy Inc. Economic Impact Study*, August 2, 2010. While Alternative B Revised would also generate a certain amount of jobs and retail spending in the County, this alternative would only create approximately half of the jobs or result in half the retail spending at local businesses. In light of the significant unemployment rate and economic hardship currently facing the County, a larger project which creates more jobs and results in more local spending is more desirable.

EVIDENCE: This alternative would continue to have significant and unavoidable environmental impacts. While Alternative B Revised would proportionally reduced all the Reduced Alternative A's environmental impacts, the alternative would continue to have a significant and unavoidable aesthetic and noise impacts. While the construction period would be shorter, the overall construction noise levels would continue to exceed the County's noise standards at two of the three homes in the vicinity, including the homes closest to Phases 1, 3 and 4. Accordingly, while certain impacts would be substantially lessened, some significant and unavoidable impacts would continue to occur with this alternative, but unlike the Alternative A Revised, this alternative does not

offer the same degree of economic benefits to County or job opportunities for highly skilled workers.

68. FINDING: Alternative C Revised. (110 MW) Alternative C Revised, a potential layout of which is depicted on Figure E-3, would be located on approximately 862 acres and would consist of approximately 88, 2-MW, and 22, 1- MW, power blocks, which would generate at least 110 MW of power, with higher output possible through the use of very high efficiency PV panels on site. This alternative would be constructed in two phases, with the first 20 MW phase being constructed over one year, and the second 90 MW phase being constructed over an additional year. Approximately 646 acres would be permanently disturbed by on-site facilities, and an additional 20 acres would be temporarily disturbed during construction. Alternative C Revised would require preservation of the remaining 4,023 acres outside of the alternative boundary, on which Solargen has options for purchase, as a biological conservation easement for the protection of the endangered and threatened species that are known to occur on the project site.

The Board rejects this alternative as infeasible and less desirable than the Alternative A Revised. Each reason identified below provides a separate and independent basis for rejecting the alternative.

EVIDENCE: This alternative fails to meet the basic project objective of providing a large scale utility project. One of the objectives of the project is to maximize renewable energy output through construction of a large-scale solar, 400+ MW, energy facility to help meet mandatory State renewable energy goals. This alternative contemplates the construction of a solar facility that is one-quarter the size of the Alternative A Revised and is not consistent with the public utility scale project contemplated by Solargen.

EVIDENCE: The alternative is undesirable from a policy standpoint because it will not help California meet its renewable energy targets to the same degree as the Alternative A Revised. Alternative C Revised would not help California utilities meet their renewable energy targets mandated by SB 1078 (California Renewable Portfolio Standard Program), and AB 32 (California Global Warming Solutions Act of 2006) to the same degree as the project because it would only provide 110 MW or about 25 percent of the renewable energy output that would be generated by the Alternative A Revised. A solar project that generates only one-quarter of the renewable energy output of the Alternative A Revised would also not further, to the same degree as the Alternative A Revised, the important statewide policies to reduce greenhouse gas emissions and arrest global warming for the benefit of the people of San Benito County and the state of California. In the absence of the larger scale Alternative A Revised, other existing or new power plants with unknown technologies would likely be constructed in the region to supply the additional 289 MWs of energy that would not be generated under this alternative.

EVIDENCE: This alternative undesirable from a policy standpoint because the alternative would result in significantly fewer jobs and economic benefits than the Alternative A Revised. The Alternative A Revised would provide up to 200 construction jobs per year for the five year construction period and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate of 14.8% as of August, 2010 (California Employment

Development Department ("EDD") data). In addition, the Alternative A Revised would assist struggling County businesses by injecting an estimated \$81,000,000.00 of spending into the local economy over the first 20 years of the project. (Craig MBA Program, California State University, Fresno, CA. *Solargen Energy Inc. Economic Impact Study*, August 2, 2010). While Alternative B Revised would also generate a certain amount of jobs and retail spending in the County, this alternative would only create approximately one-quarter of the jobs or result in one-quarter of the retail spending at local businesses. In light of the significant unemployment rate and economic hardship currently facing the County, a larger project which creates more jobs and results in more local spending is more desirable.

EVIDENCE: This alternative would continue to have significant and unavoidable environmental impacts. While Alternative C Revised would proportionally reduced all the Reduced Alternative A's environmental impacts, the alternative would continue to have a significant and unavoidable aesthetic and noise impacts. While the construction period would be shorter, the overall construction noise levels would continue to exceed the County's noise standards at two of the three homes in the vicinity, including the homes closest to Phases 1, 3 and 4. Accordingly, while certain impacts would be substantially lessened, some significant and unavoidable impacts would continue to occur with this alternative, but unlike the Alternative A Revised, this alternative does not offer the same degree of economic benefits to the County or job opportunities for highly skilled workers.

69. FINDING: Westlands CREZ Alternative The Renewable Energy Transmission Initiative (RETI) is a statewide planning process to identify the transmission projects needed to accommodate California's renewable energy goals. The RETI project resulted in the identification and refinement of Competitive Renewable Energy Zones (CREZs) that hold the greatest potential for cost-effective and environmentally responsible renewable development. In May 10, 2010, the RETI published the Phase 2B Final Report ("Phase 2B Report") that, for the first time, identified a new Solar CREZ on the roughly 30,000-acre Westlands Water District property, which straddles Fresno and Kings County ("Westlands CREZ"). The Phase 2B Report states that Westlands CREZ is in a moderate solar area, but consists of disturbed agricultural land contaminated with selenium. The Phase 2B Report further notes that the "has the potential to be up to 5,000 MW." According to several newspaper articles, the Westlands Water District has a lease contract with Westside Holdings, a private investment group, to use the site for a 5,000 MW solar power plant.

The Board rejects the Westlands CREZ as infeasible and less desirable than the Alternative A Revised. Each reason identified below provides a separate and independent basis for rejecting the alternative.

EVIDENCE: The Westlands CREZ Alternative could not be accomplished in a successful manner within a reasonable period of time. In an August 2010 New York Times article, it was reported that an entity referred to as Westside Holdings had entered into an agreement with Westlands Water District for a "solar energy complex" that would be built on 30,000 acres. The complex was referred to as the "Westlands Solar Park." In that article, representatives from Westlands Holdings claim that Phase 1 of the project would consist of "9,000 acres leased from farmers" and opines that the

acreage could generate "600 to 1,000 megawatts of electricity." Westlands also candidly explain that build-out of the project "will require major upgrades to transmission lines and take more than a decade." However, aside from the State's designation of the Westlands CREZ as a suitable site for renewable development and representations in this article, neither Fresno nor Kings County, which have land use jurisdiction over the Westlands CREZ, have created any unique planning designations for site, nor have they developed or adopted goals and objectives to foster the timely build-out of this 30,000-acre site. The Westside Water District, as the owner of the Westlands CREZ site, also confirmed that the District has not executed or authorized the submittal of any development applications for a solar project on the Westlands CREZ site. Accordingly, while there appears to be a vision for the Westlands CREZ property, no applications have been initiated by Westlands Holdings and no environmental review has commenced to facilitate build-out of this master plant vision. Therefore, in order for Solargen to succeed with implementing a project on this site, Solargen would need to (1) locate and conduct reasonable due diligence (including an evaluation of transmission line capacity and interconnections) on suitable locations within the Westlands CREZ (2) negotiate the possible acquisition and control of a suitable site, (3) design a project based on any unique site characteristic, (4) undertake environmental review, and (5) obtain all requisite permits (including potential Williamson Act cancellations depending on the location). Accordingly, due to the considerable uncertainty surrounding a project on this site, this alternative could not be accomplished within a reasonable period of time and is therefore infeasible.

EVIDENCE: Jurisdictional limitations make this alternative infeasible: Notwithstanding that Solargen does not own or otherwise control property within the Westlands CREZ, under this alternative, the Alternative A Revised would be relocated to an unspecified site somewhere within the jurisdictional boundaries of Fresno or Kings County. Because the site would be located outside of San Benito County's jurisdiction, there is no way to predict or determine with any level of confidence whether and to what extent the local jurisdiction would consider, let alone, approve a renewable energy project at one or more particular locations. Because this jurisdictional uncertainty, this alternative could not be successfully accomplished within a reasonable period of time and is therefore infeasible.

EVIDENCE: This alternative is undesirable from a policy standpoint because it would export jobs and economic benefits to other Counties. The Alternative A Revised would provide significant job opportunities to help reduce the County's significant unemployment rate of 14.8% as of August, 2010 (California Employment Development Department ("EDD"). In addition, Alternative A Revised would assist struggling County businesses by injecting an estimated \$81,000,000.00 of spending into the local economy over the first 20 years of the project. (Craig MBA Program, California State University, Fresno, CA. *Solargen Energy Inc. Economic Impact Study*, August 2, 2010). If the Alternative A Revised was relocated to the Westlands CREZ, these significant economic benefits to the County would be exported to either Kings or Fresno counties. Accordingly, this alternative is undesirable from a policy standpoint.

EVIDENCE: This alternative is legally infeasible. The Westlands Water District has purportedly entered into an agreement with Westside Holdings, who now controls

the entire 30,000 acres Westlands CREZ. Solargen does not own or otherwise control any portion of the Westlands CREZ site, which is an essential component to any viable development. Therefore, it is not legally feasible for Solargen to proceed with a project on this site.

EVIDENCE: This alternative fails to meet the timing objectives of the project. The timeline for this alternative would be significantly longer than for the proposed project due to the time required to (1) locate and conduct reasonable due diligence (including an evaluation of transmission line capacity and interconnections) on suitable locations within in the Westlands CREZ (2) negotiate the possible acquisition and control of a suitable site, (3) design a project based on the unique site characteristic, (4) undertake environmental review, and (5) obtain all requisite permits. As a result, this alternative would not meet the project objective of commencing construction in 2010 or having a fully operational project by 2016.

Finding No. 70:

When adopting Revised Alternative "A" as the preferred alternative, the Board is hereby adopting the Revised Alternative "A" as the preferred alternative for the purposes of certifying the EIR, making all necessary findings, adopting the MMRP, and adopting the Statement of Overriding Considerations. However, the Board finds that there are additional discretionary approvals required for implementation of the proposed Panoche Valley Solar Farm (PVSF), including but not limited to approval of a conditional use permit.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Monitoring Process					
EM-1	Provide funding for environmental monitoring.	- Verify provision of funding from the Applicant to County - Confirm that the mitigation monitoring program is in compliance with County Conditions of Approval.	- Prior to issuance of building or grading permits. - Monitoring will occur throughout construction, operation, and decommissioning.	County shall approve environmental mitigation measures and any other conditions of approval.	- Provide funding to County of San Benito support monitoring for all measures requiring environmental mitigation. - Provide funding for work necessitated by mitigation measures that requires use of individuals with special expertise (e.g., botanist, wildlife biologist). - Develop mitigation monitoring plan
EM-2	Provide documentation for monitoring.	- Confirm qualifications of monitor - Prepare monitoring report annually for 5 years at minimum - Verify completion of remedial measures.	Throughout construction and operation (minimum of 5 years)	- County verifies qualifications of monitor. - County confirms receiving annual report of mitigation monitoring. - County confirms remedial measures are implemented, if required.	- Retain a qualified individual to verify that all adopted measures have been successfully implemented. - Prepare monitoring reports on an annual basis for at least 5 years. - Agree to complete any necessary remedial measures identified in the reports.
Aesthetics					
AE-1.1	Reduce night lighting impacts.	- Design and install temporary construction and decommissioning lights according to standards stated in measure. - Design and implement a lighting mitigation plan - Review the lighting plan - Address lighting infractions/.	60 days prior to installation of lighting the Applicant will contact the County to discuss documentation defined in the lighting mitigation plan. 30 days prior to installation of lighting, the Applicant will submit the lighting mitigation plan to the County for review and approval. - Prior to commercial operation, the Applicant shall notify the County when the operational lighting installation is ready for inspection.	- County coordinates with the Applicant to develop lighting mitigation plan. - County reviews lighting mitigation plan. - County inspects operational lighting installation. - County ensures complaints are addressed sufficiently.	- Implement modifications specified by the County within 30 days and notify the County that they have been completed and are ready for inspection. - Resolve lighting complaints within 48 hours and inform the County of complaint resolution within 48 hours. - Submit a formal complaint resolution report to the County within 30 days thereafter.

¹ The full text of all mitigation measures is presented in each part of Section C (Sections C.1 through C.15).

Exhibit B

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
AE-3.1	Treat surfaces of project structures and buildings.	- Develop Surface Treatment Plan - Treat buildings and project structures visible to the public to reduce visual contrast with surrounding landscape. - Prepare and submit status report regarding surface treatment maintenance.	60 days prior to physical construction, submit Surface Treatment Plan for review - Prior to the start of commercial operation, notify the County of completion of surface treatment.	County reviews and approves Surface Treatment Plan.	- Develop and submit Surface Treatment Plan to the County - Notify the County after treatment is completed; provide the County with color photographs from KVP used for project analysis. - Provide the County with a status report regarding surface treatment maintenance in the Annual Compliance Report.
Agriculture					
AG-2.1	Create agricultural conservation easement(s).	- Create conservation easement(s) or provide adequate funds to create easement(s) to a qualified land trust. - Present documentation of conservation easement(s) creation or funding for conservation easement(s) with the County Department of Planning and Building and the County Recorder. - Prepare annual monitoring reports for the conservation easement(s)	- Prior to issuance of building permits, create conservation easement(s). - Within 6 months of the start of construction, create additional conservation easement(s) to offset loss Williamson Act Lands (if required).	- County verifies qualifications of land trust. - County determines fees for conservation easement creation and oversight with qualified land trust. - County reviews annual monitoring reports of the conservation easement(s) prepared by the land trust.	- Fund the creation of either a conservation easement(s). - Create additional conservation easements for Williamson Act Lands proposed for cancellation if such lands are not encumbered by conservation easements created for biological resources mitigation. - Present the County with record of conservation easement(s) creation or proof of funds provided for conservation easement(s) creation.
BR-G.3	Develop and implement of a Habitat Restoration and Revegetation Plan.				
BR-G.5	Create permanent conservation easements as compensation for impacts to biological resources.				
BR-G.6	Develop and implement Habitat Mitigation and Monitoring Plan for mitigation land.				

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-1.2	Develop and implement a Grazing Plan for the project site.				
Air Quality					
AQ-1.1	Reduce fugitive dust.	Implement all components of mitigation measure.	During construction, operation, and decommissioning.	N/A	Implement measures to reduce fugitive dust and ensure all measures are shown on grading and building plans.
AQ-1.2	Designate a dust complaint monitor.	- Designate a fugitive dust monitor to ensure fugitive dust emission mitigation is observed and impacts from fugitive dust do not exceed standards. - Post publicly visible sign with contact information to report dust complaints.	Prior to any grading, earthwork, or demolition and during construction	Monterey Bay Unified APCD will confirm receiving contact information of monitoring personnel.	- Designate fugitive dust monitor. - Provide name of monitor to Monterey Bay Unified APCD Compliance Division. - Provide and post a sign with contact information.
Climate Change/Greenhouse Gas					
—none—					
Biological Resources					
BR-G.1	Implement a Worker Environmental Education Program (WEEP).	Develop and implement WEEP with all elements defined in the mitigation measure.	- Prior to the issuance of a building permit or site mobilization, prepare WEEP. - Prior to any construction activities on-site (including surveying) and throughout construction, implement WEEP.	- County will verify qualifications of the biologist preparing WEEP and the environmental monitor implementing WEEP. - County will review and approve WEEP.	- Retain qualified biologist(s) to prepare WEEP. - Prepare and implement WEEP. - Retain qualified environmental monitor to implement and enforce WEEP and maintain log of all personnel who have completed WEEP training.
BR-G.2	Implement Best Management Practices (BMPs).	- Implement BMPs. - Provide annual documentation of BMPs.	During all ground disturbance and construction-related activities.	- County will review annual written report. - County will verify qualifications of the environmental monitor.	- Implement BMPs. - Submit written report annually documenting compliance with BMPs. - Retain an environmental monitor to ensure compliance with BMPs.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-G.3	Develop and implement a Habitat Restoration and Revegetation Plan (HRRP).	- Prepare HRRP. - Restore disturbed areas to pre-construction conditions or better via implementation of a HRRP. - The HRRP shall include a Soil Restoration Plan, Plant Restoration and Revegetation Plan, Monitoring Plan, and Final Closure Plan.	- Prior to issuance of the building permit, prepare HRRP. - Prior to the final project inspection, review plan compliance. - At least one year prior to planned closure and decommissioning, submit and review Final Closure Plan	- County will verify qualifications of the biologist and agricultural soil expert. - County will review and approve HRRP. - County will review plan compliance. - County will review Final Closure Plan.	- Retain a qualified biologist, knowledgeable in the area of annual grassland habitat restoration and a qualified agricultural soil expert to prepare a HRRP and monitor the initial implementation and attainment of established success criteria. - Retain a qualified biologist, knowledgeable in the area of annual grassland habitat restoration and a qualified agricultural soil expert to prepare and implement the Final Closure Plan. - Prepare and implement HRRP and Final Closure Plan.
BR-G.4	Implement biological monitoring of construction activities.	- Monitor all ground-disturbing construction activities immediately adjacent to, or within, habitat that supports populations of the listed or special-status species. - Contact the USFWS, CDFG, and County and provide a written report if dead or injured special-status species are encountered. - Environmental monitor will assist on-site biological monitor(s).	- Prior to the commencement of ground disturbance or site mobilization activities, retain a First day of work through the duration of construction activities, monitor activities. - Contact agencies and the County by end of day if dead/injured special-species are found; provide written report within 5 days of sighting.	- County will verify qualifications of biologist and environmental monitor. - County will review reports submitted by biological monitor.	- Retain qualified biologist(s) with demonstrated expertise with listed and/or special-status plants, terrestrial mammals, and reptiles to monitor all construction activities on a daily basis. - Report any dead or injured special-status species.
BR-G.5	Create permanent conservation easement(s) as compensation for impacts to biological resources.	- Create permanent conservation easement(s) according to requirements found in the mitigation measure. - Monitor and maintain mitigation land per the requirements set forth the Habitat Mitigation and Monitoring Plan (HMMP). - Prepare annual report.	Prior to the disturbance of vegetation, the Applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the conservation easement(s) created for the permanent protection of these lands.	- County will review and determine whether proposed conservation easement holder meets requirements specified in the mitigation measure. - County will verify and approve attainment of habitat mitigation requirements prior to construction of each project phase.	- Provide funds for a "qualified land trust" to acquire appropriate conservation easement(s) or donate appropriate conservation easement(s) to a qualified land trust or to an appropriate mitigation bank. - Submit annual report to the County.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-G.6	Develop and implement Habitat Mitigation and Monitoring Plan (HMMP) for mitigation lands.	Prepare and implement HMMP per the requirements set forth in the mitigation measure.	- Prior to the issuance of a construction permit, submit HMMP. - Prior to final County inspection, initial and estimated final impact acreages must be presented to the County and acquisition of off-site lands must be verified.	- County will review and approve HMMP. - County will verify acquisition of off-site lands.	Retain a qualified biologist to prepare and implement HMMP.
BR-1.1	Prepare and implement a Weed Control Plan (WCP).	- Prepare WCP with 6 elements outlined in the mitigation measure. - Retain an environmental monitor to ensure compliance with measures set forth in WCP.	- Prior to the issuance of a building permit or ground disturbance, prepare and approve WCP. - WCP will be implemented prior to and during construction	- County will verify qualifications of biologist or restoration ecologist responsible for preparing WCP. - County will review and approve WCP.	- Prepare and implement a WCP. - Retain an environmental monitor to ensure the compliance with construction measures. - Prepare and submit to the County reports and logs, as required by the WCP.
BR-1.2	Develop and implement a Grazing Plan for the project site.	Prepare the Grazing Plan with 6 elements outlined in the mitigation measure.	- Prior to the issuance of a construction permit, prepare and approve Grazing Plan. - Grazing Plan will be implemented during construction and operation.	- County will verify qualifications of biologist or restoration ecologist responsible for preparing the Grazing Plan. - County will review and approve the Grazing Plan.	- Prepare and implement the Grazing Plan. - Prepare and submit alterations to the Grazing Plan to the County.
BR-3.1	Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implement avoidance measures.	- Retain a qualified plant ecologist/ - Conduct pre-construction surveys for special-status plants. - Document special-status plants found. - Establish buffers based on survey results.	Prior to new ground disturbance throughout construction, conduct pre-construction surveys.	- County will verify the qualifications of plant ecologist or biologist. - County, USFWS, and CDFG approval will be required to reduce buffer zone for special-status species.	- Retain a qualified plant ecologist/ - Conduct pre-construction surveys and prepare report on special-status species to submit to the County. - Document yearly survey events and update WEEP with information from data collected.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-6.1	Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.	- Conduct pre-construction surveys for nesting birds during breeding season. - Establish a 300-foot buffer around active nests, 500-foot buffer around active raptor nests, or 0.5-mile buffer around active golden eagle nests. - Report California condor sightings to USFWS	- Prior to any on-site disturbance during breeding season, conduct pre-construction surveys for nesting birds. - During the recognized breeding season for most birds biological monitors will routinely inspect for active nests.	County will verify the qualifications of the biologist.	- Retain a qualified biologist. - Conduct pre-construction surveys and for birds. - Set up appropriate buffer zones for active nests. - Obtain written documentation providing concurrence from the USFWS and CDFG authorizing the nest relocation and prepare a written report documenting the relocation efforts.
BR-7a.1	Impacts to all potential breeding habitat for western spadefoot toad shall be avoided to the extent feasible.	- Conduct pre-construction surveys for western spadefoot toad if work must be conducted during the wet season. - Implementation of avoidance measures and ensure buffer delineations are kept in good working order	Prior to the commencement of construction activities implement avoidance and minimization measures.	- County will verify the qualifications of the biologist. - Review the report provided by the Applicant's biologist.	- Retain a qualified biologist. - Conduct pre-construction surveys for western spadefoot toad. - Identify candidate locations for species relocation prior construction - Prepare a written report documenting the survey results, when necessary, and compliance with avoidance measures for County review and approval. Copies of this report shall also be provided to the CDFG.
BR-7a.2	Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizard and implement avoidance measures.	- Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. - Re-locate San Joaquin coachwhip and coast horned lizards when identified.	Prior to the disturbance of habitat, conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards.	- County will verify the qualifications of the biologist. - Review the report provided by the Applicant's biologist.	- Retain a qualified biologist. - Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. - Identify candidate locations for species relocation prior construction - Prepare a written report documenting the relocation efforts and mortality and submit to the County on a monthly basis.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-7b.1	Conduct pre-construction surveys for non-breeding birds designated as California Species of Special Concern.	Conduct pre-construction surveys for birds designated as California Species of Special Concern (CSCC) in areas proposed for ground disturbance.	Prior to ground-disturbing activities.	County will verify the qualifications of the biologist.	- Retain a qualified biologist. - Conduct pre-construction surveys for birds designated as CSCC. - Consult with the CDFG to determine timing of surveys.
BR-7c.1	Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse. Implementation of avoidance measures.	- Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse. - Flag occupied areas and re-locate when identified.	30 days prior to commencement of ground disturbing activities, conduct pre-construction surveys.	- County will verify the qualifications of the biologist. - Review the report provided by the Applicant's biologist.	- Retain a qualified biologist. - Identify candidate locations for species relocation prior construction. - Relocate individuals found within an area of proposed disturbance to a pre-approved area outside the project area. - Prepare a written report documenting the relocation efforts and mortality and submit to the County on a monthly basis.
BR-8.1	Complete full protocol-level surveys of ephemeral pools.	Complete second season of vernal pool fairy shrimp surveys for the 126 ephemeral pools on the project site.	- Conduct surveys during wet and dry seasons of one year. - Within 90 days of completion of surveys, submit survey results to the County.	County will verify surveys are completed.	Conduct surveys for vernal pool fairy shrimp.
BR-8.2	Avoid disturbance to ephemeral pools occupied by vernal pool fairy shrimp to the maximum extent practicable, and mitigate for any unavoidable impacts.	- Avoid disturbing vernal pool fairy shrimp habitat. - Compensate for the loss of vernal pool fairy shrimp habitat.	During construction.	County will verify ephemeral pool avoidance and appropriate compensation, when required.	- Avoid filling or disturbing such pools to the maximum extent practicable. - Compensate unavoidable loss of ephemeral pools through the preservation and management of 2 acres of occupied vernal pool fairy shrimp habitat (2:1 preservation ratio) and the creation, management, and preservation of 1 acre of vernal pool habitat (1:1 creation ratio) at a location approved and pursuant to authorization received from the USFWS or through the purchase of credits at a USFWS-approved mitigation bank.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-8.3	Avoid seasonal depressions and known waterbodies.	- Avoid seasonal depressions known to support listed fairy shrimp. - Place buffers around seasonal depressions. - Delineate buffers on construction plans. - Environmentally monitor will periodically check to ensure that the on-site delineation method is working and observed.	Prior to commencement of construction activities, place on-site delineations of buffers.	County will verify avoidance of seasonal depressions and application of appropriate buffers.	Avoid seasonal depressions known to support listed fairy shrimp.
BR-9.1	Conduct pre-construction surveys for California tiger salamander and implement avoidance measures.	- Conduct pre-construction California tiger salamander surveys. - Restrict work to daylight hours or non-rain nighttime hours. - Inspect pipes and similar structures. - Avoid disturbance to all ponds and in-stream pools. - Scope burrows proximal to known breeding pools.	Prior to construction on all project phases, complete surveys and provide documentation demonstrating completion.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys.	- Retain a qualified biologist to perform pre-construction surveys for California tiger salamanders. - Implement avoidance measures in the mitigation measure.
BR-10.1	Conduct pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures.	- Conduct pre-construction surveys for blunt-nosed leopard lizard, establish buffers and exclusion areas. - Record the geographic coordinates of each blunt-nosed leopard lizard individual detected. - Implement protective procedures if a blunt-nosed leopard lizard is detected on the project site. - Establish movement corridors to allow movement of isolated blunt-nosed leopard lizards to and from areas of greater population density. - Avoid use of plastic monofilament netting.	- Prior to the any site mobilization, complete surveys and provide documentation demonstrating completion. - Prior to issuance of grading permits, mitigation for impacts must be completed.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys.	- Retain a qualified biologist to perform pre-construction surveys for blunt-nosed leopard lizards. - Implement avoidance measures found in the mitigation measure. - Implement monitoring as prescribed in the HMMP. - Inform the USFWS and CDFG immediately upon discovery of dead or injured blunt-nosed leopard lizard.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-12.1	Conduct pre-construction surveys for Golden Eagles to ensure that nesting Golden Eagles are not disturbed by construction activities.	- Conduct pre-construction surveys for golden eagles. - Consult with CDFG and USFWS if nests are found.	Prior to the any site mobilization, complete surveys and provide documentation demonstrating completion.	- County will verify qualifications of the ornithologist. - County will verify completion of pre-construction surveys.	- Retain a qualified ornithologist to perform pre-construction surveys for golden eagles and golden eagle nests. - Consult with CDFG and USFWS if nests are found.
BR-12.2	Avoid and report California condors.	- Stop work within 500 feet of a California condor found in the project area. - Report all California condor sightings to the USFWS and CDFG.	Report sightings of California condor within 24 hours.	County will verify that work stops upon sighting of a California condor.	- Ensure work stops upon sighting of a California condor. - Report all California condor sightings to the USFWS and CDFG; if injured condors are observed, receive instruction from the agencies.
BR-13.1	Focused pre-construction burrowing owl surveys and implementation of avoidance measures.	- Conduct pre-construction surveys. - Create appropriate buffer zone around observed burrows. - Passively relocate birds, if necessary, and place one-way doors on evicted burrows.	No more than 15 days prior to the commencement of initial ground disturbing activities, conduct pre-construction surveys.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys.	- Retain a qualified biologist(s) with experience surveying for burrowing owls to conduct pre-construction surveys (minimum of 3 site visits). - Implement avoidance measures and ensure buffer delineations are kept in good working order.
BR-14.1	Implement Avian Power Line Interaction Committee guidelines (APLIC).	- Construct all transmission facilities, towers, poles and lines in accordance with APLIC guidelines. - Include details of design components on all construction plans. - Prepare separate document with all measures to be implemented to ensure compliance with APLIC policies and guidelines.	- Submit designs and documentation of compliance with the construction permit application. - Prior to final inspection, review submitted designs and documents.	County will review and approve submitted designs and documents.	- Ensure all transmission facilities, towers, poles and lines are constructed in accordance with APLIC guidelines. - Include design components reflecting APLIC guidelines in all construction plans and prepare document listing measures implemented to ensure compliance with APLIC guidelines. - Monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during project construction

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-14.2	Prepare and Implement a Bird Monitoring and Avoidance Plan.	Prepare and implement a Bird Monitoring and Avoidance Plan that includes a bird mortality study, polarized light and insectivorous bird study, thresholds, and implementation measures.	Prior to issuance of construction permit, submit Bird Monitoring and Avoidance Plan.	- County will verify qualifications of the biologist. - County will consult with CDFG and USFWS on the proposed program to determine thresholds prior to approval. - County will verify submittal of two studies to scientific-journals. - County will verify submittal of quarterly and annual reporting and consultation with USFWS and CDFG to determine if subsequent years of reporting are necessary.	- Retain a qualified biologist to prepare a Bird Monitoring and Avoidance Plan in consultation with CDFG and USFWS and monitor impacts to birds during construction and one year after completion of construction. - Install additional bird flight diverters, alter project components that have been identified as key mortality features, or implement other appropriate actions approved by the County and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan. - Install non-polarizing white borders and grids on solar panels. - Prepare papers that describe the design and monitoring results of the two studies to be submitted to peer-reviewed scientific journals. - Submit annual reports to the County during construction and one year post-construction (additional reporting if mitigation actions continue to be required).
BR-15.1	Survey pre-construction maternity colony or hibernaculum for sensitive bats.	- Conduct pre-construction surveys. - Conduct surveys during the maternity season within 300 feet of project activities. - Avoid active maternity roosts or hibernacula. - Survey for alternative maternity roosts if avoidance is not feasible.	No more than 15 days prior to grading near or the removal of towers, conduct pre-construction surveys.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys and surveys for maternity roosts.	- Retain a biologist, holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats, to conduct pre-construction surveys and surveys during maternity season for sensitive bats. - Routinely inspect known maternity roosts or hibernacula.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-15.2	Exclude bats prior to eviction from roosts.	Provide substitute roosting habitat for the maternity colony on, or in close proximity to, the Project site no less than three months prior to the eviction of the colony.	- At least three months prior to eviction, provide suitable alternative roosting habitat. - Prior to final County inspection, review submittal of written report.	- County will verify adequacy of alternative roost site(s). - County will review written report detailing coordinating with the CDFG and location of the roost sites.	Construct alternative roost sites as required for the duration of construction activities and submit a written report documenting required coordination with CDFG as well as the location of roost sites to the County
BR-15.3	Exclude bats prior to eviction from roosts.	- Safely evict bats from non-breeding bat hibernacula. - Demolition of maternity roost sites must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 July).	A minimum of one week prior to intended eviction date, implement methods to evict bats.	- County will verify qualifications of the biologist. - County will ensure evictions are done according to mitigation measure standards.	Retain a biologist, holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats, to direct eviction of roosting areas.
BR-16.1	Conduct focused pre-construction giant kangaroo rat burrow/precinct surveys and implement avoidance measures.	- Conduct pre-construction surveys. - Flag and establish buffer around active giant kangaroo rat burrows/precincts. - Map all active burrows/precincts and incorporate them into a GIS based figure for use by on-site monitors and construction crews.	- No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. - Prior to final County inspection, review submitted documentation of burrows/precincts abandoned or destroyed.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys.	- Retain a qualified biologist to perform pre-construction surveys for giant kangaroo rat. - Create GIS figure of all active burrows/precincts and give to County. - Document all giant kangaroo rat burrows/precincts abandoned or destroyed and provide a written report to the County of San Benito. - Periodically field check the mapped burrows/precincts to buffer delineation and flagging are all in good working order.
BR-16.2	Minimize impacts of foundation support installations.	Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife.		County will verify installation of noise and vibration minimizing foundations.	Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-16.3	Preserve, manage, and maintain giant kangaroo rat habitat corridors across the project footprint.	Construction monitoring shall occur at the end of Phases 1, 2, 3, and 4, and if the biologist determines that the corridors are not functional, adaptive management measures shall be implemented in consultation with USFWS and CDFG.	Conservation easement on habitat corridors shall be recorded prior to commencement of construction.	County will ensure construction monitoring.	- Preserve, manage, and maintain the ongoing functionality of the proposed giant kangaroo rat corridors on the project site. - No driving on the side of any panel block adjacent to a designated habitat corridor. - No new construction of buildings, ornamental tree plantings, or other features not already identified in the Final EIR that would reduce available habitat and may provide perching opportunities for predatory birds permitted within or directly adjacent to the habitat corridors. - Implement adaptive management measures to ensure the requirements of the corridor continue to be met during the life of the project
BR-17.1	Conduct pre-construction San Joaquin antelope squirrel surveys and implement avoidance measures.	- Conduct pre-construction surveys. - Flag and establish buffer around active San Joaquin antelope squirrel burrows. - Implement sequential steps to evict San Joaquin antelope squirrels if avoidance is infeasible.	- No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. - Prior to final County inspection, review submitted documentation of burrows/preclincts abandoned or destroyed.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys. - County will review document listing all abandoned or destroyed burrows.	- Retain a qualified biologist to perform pre-construction surveys for San Joaquin antelope squirrels. - Document all San Joaquin antelope squirrel burrows abandoned or destroyed and, provide a written report to the County of San Benito, CDFG and USFWS - Periodically survey for potential burrows requiring the avoidance measures.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-18.1	Conduct focused pre-construction surveys for American badger surveys and implementation of avoidance measures.	- Conduct pre-construction surveys. - Flag and establish appropriate buffer around active American badger dens. - Evict unavoidable badger dens by slowly excavating the burrow before or after the rearing season (15 February through 1 July).	- No more than 30 days prior to commencement of ground-disturbing activities, conduct pre-construction surveys. - Prior to the final County inspection or occupancy, submit report to the County and CDFG.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys. - County will review document listing all badger-related activities.	- Retain a qualified biologist to perform pre-construction surveys for American badgers. - Routinely inspect protected dens and ensure that delineation methods are in good working order. - Prepare and submit a written report documenting all badger-related activities (e.g. den flagging, monitoring, badger removal, etc.) to the County of San Benito and the CDFG.
BR-19.1	Conduct focused pre-construction San Joaquin kit fox surveys and implementation of avoidance measures.	- Conduct pre-construction surveys. - Flag and establish appropriate buffer around active San Joaquin kit fox surveys. - Stop work and contact USFWS if active dens are found within 1000 feet of project activities from August 1 through November; work may resume upon direction from USFWS. - Implement sequential steps to evict San Joaquin kit fox if avoidance is infeasible. Natal dens shall not be disturbed at any time	- Prior to commencement of construction activities, conduct pre-construction surveys. - Prior to the final County inspection, review compliance with measures and documentation of mitigation. - Prior to the final County inspection or occupancy, submit report to the County.	- County will verify qualifications of the biologist. - County will verify completion of pre-construction surveys. - County will review location and design of the artificial dens prior to installation. - County will review document listing all abandoned or destroyed dens.	- Retain a qualified biologist to perform pre-construction surveys for San Joaquin kit fox. - Routinely inspect protected dens and ensure that delineation methods are in good working order. - Replace all excavated kit fox dens with artificial dens on a 2:1 basis - Prepare and submit a written report documenting all kit fox dens abandoned, destroyed or avoided/protected for County review and approval.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-22.1	Fence evaporation pond to keep wildlife out.	- Fence the perimeter of the evaporation. - Cover the evaporation ponds with mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds, including visual deterrents.	- Monthly monitoring starting with the first month of operation. - Quarterly monitoring after 12 consecutive months of no bird or wildlife deaths. - Annual visits during peak nesting season after 12 consecutive quarters of no bird or wildlife deaths. - No less than 30 days prior to operation of the evaporation ponds, provide as-built drawings of the ponds indicating that the bird exclusion netting has been installed. - No later than December 30, submit annual report early for the life of the project.	- County will verify qualifications of the biologist. - County will review as-built drawings of the ponds and design of the netting prior to installation. - County will review annual monitoring reports.	- Retain a designated biologist with experience in evaporation pond monitoring for avian impacts to regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. - Conduct focused shorebird nest searches weekly for the duration of shorebird presence during the nesting season. If eggs are present, an appropriately permitted biologist will conduct an egg selenium and morphological analysis. - Take corrective actions immediately upon observation of dead or entangled birds. Contact CDFG and USFWS prior to taking remedial action. - Submit annual monitoring reports to the County, CDFG, and USFWS describing the dates, durations, and results of site visits conducted at the evaporation ponds.
BR-23-1	Create conservation easement on all project areas retired from the development footprint.	Documentation of recorded conservation easement shall be submitted to the San Benito County Department of Planning and Building.	- Conservation easement on approved project footprint shall be recorded prior to commencement of construction. - Retired portions of the site shall be put under restricted use for biological resources upon the retirement of portions of the project site.	County will verify receipt of recorded conservation easement.	Provide funds for a qualified land trust to acquire appropriate conservation easement(s) for retired portions of the proposed project site, or donate appropriate conservation easement(s) to a qualified land trust or to an appropriate mitigation bank.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Cultural and Paleontological Resources					
CR-2.1	Conduct cultural resource monitoring during construction.	Conduct cultural resources monitoring.	During construction, conduct monitoring.	- County will verify qualifications of the archaeologist. - County will ensure compliance with and effectiveness of the cultural resources monitoring program.	- Fully fund all monitoring and documentation activities. - Retain a professional archaeologist to monitor all locations with subsurface construction disturbance. - Retain a Native American monitor at locations sensitive for Native American remains. - Document any unanticipated discovery on a Department of Parks and Recreation Primary Record and Archaeological Site Record (DPR 523)
CR-2.2	Treat previously unidentified archaeological resources discovered during construction.	- Upon discovery of archaeological remains, cease all work activities within 100 feet of the discovery and notify the County. - Inspection of remains by a Registered Professional Archaeologist is required to evaluate significance. - Develop and implement a data recovery plan if the site meets California Register of Historic Resources significance criteria.	- Immediately cease work and notify the County within 24 hours upon discovery of archaeological remains. - Prior to implementation, review data recovery plan.	- County will verify qualifications of the archaeologist. - County will review and approve data recovery plan.	- Fully fund all work related to the identification and treatment previously unidentified archaeological resources discovered during construction. - Upon discovery of archaeological remains, cease all work activities - Develop and implement a data recovery plan if the site meets California Register of Historic Resources significance criteria.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
CR-2.3	Inadvertent discovery of human remains.	- Upon discovery, contact County coroner immediately and cease all work within 300 feet of the discovery immediately. - If remains are identified as Native American, the coroner will notify the NAHC within 24 hours of discovery. - NAHC will then identify the Most Likely Descendant, who will determine the manner in which the remains are treated	- Immediately cease work and contact the County coroner upon discovery of human remains. - Within 24 hours, notify the NAHC of discovery of Native American remains.	County will provide a coroner upon discovery of human remains.	- Cease work and implement buffer zone around human remains. - Contact County coroner.
CR-2.4	Implement workers environmental awareness program.	- Implement a workers environmental awareness program to train all construction personnel to recognize possible buried cultural remains and resources. - No construction worker may work in the field without first participating in the training program.	Prior to working, all construction workers must participate in workers environmental awareness program.	- County will review and approve workers environmental awareness program. - County will review list of construction personnel.	- Prepare and implement a workers environmental awareness program. - Provide to the County a list of construction personnel who have completed the cultural resources identification training prior to start of construction, and this list shall be updated as required when new personnel start work.
PA-1.1	Implement site-specific paleontological recovery.	- Prepare a Paleontologic Monitoring and Recovery Plan following the guidelines of the Society for Vertebrate Paleontology (1995). - Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils within the paleontologically sensitive areas on site. - Prepare report on paleontological discoveries. - Implement mitigation pursuant to a Paleontologic Monitoring and Recovery Plan prepared prior to construction by a qualified Principal Paleontologist.	- Prior to construction, review submitted Paleontologic Monitoring and Recovery Plan. - Upon discovery of paleontological materials, implement procedures outlined in the Paleontologic Monitoring and Recovery Plan and prepare and submit report.	- County will verify qualifications of the Principal Paleontologist. - County will review and approve a Paleontologic Monitoring and Recovery Plan. - County will review report on paleontological discoveries.	- Retain a qualified Principal Paleontologist to prepare Paleontologic Monitoring and Recovery Plan. - Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils. - Prepare report on paleontological discoveries and submit to the County and the curation facility.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
PA-1.2	Monitor grading and excavation for unknown and accidentally discovered paleontological resources.	- Monitor grading, trenching, and other earth disturbance that may affect the Pleistocene Older Alluvium (Qoa), mapped in a small segment within the western portion of the project area. - Implement measures in Paleontologic Monitoring and Recovery Plan upon discovery of resources. - Prepare report on paleontological discoveries.	Upon discovery of paleontological materials, implement procedures outlined in the Paleontologic Monitoring and Recovery Plan and prepare and submit report.	- County will verify qualifications of the paleontological monitor. - County will review report on paleontological discoveries.	- Retain a qualified paleontological monitor under the supervision of a Registered Professional Geologist. - Monitor earth in a small segment within the western portion of the project area. - Identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils. - Prepare report on paleontological discoveries and submit to the County and the curation facility
Geology, Mineral Resources, and Soils					
GE-4.1	Implement Geotechnical Report recommendations.	Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report.	During construction.	County will verify all earth operations are performed according to specifications found in the Geotechnical Report.	Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report.
Hazards and Hazardous Materials					
HZ-1.1	Harvest wet brine from evaporation pond.	Monitor shall ensure evaporation pond residue does not accumulate and water is present in evaporation pond at all times.	During construction and operation.	County will verify brine is harvested in aqueous form.	- Harvest evaporation pond residue in brine (wet, aqueous) form. - Do not permit residue to dry out at any time.
HZ-5.1	Cease work during Red Flag Warning.	- Cease all grading, welding, soldering, and smoking on the project. - Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation.	During a Red Flag Warning issued for the zone encompassing the proposed project site, cease work.	County will verify a work-stop is implemented on	- Cease all grading, welding, soldering, and smoking on the project. - Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
HZ-7.1	Prohibit standing water.	- Ensure that open containers be inverted and construction ditches not be allowed to accumulate water. Construction and maintenance operations shall not generate standing water, except for reverse osmosis evaporation ponds. - Consult appropriate agencies and obtain permits before filling, naturally occurring depressions, drainages, and pools at the site appropriate permits.	During construction and operation.	- County will verify that construction and operation activities do not result in standing water. - County will verify that the appropriate agencies were consulted prior to draining and filling natural depressions.	- Ensure construction and operation workers do not allow water to accumulate. - Consult the appropriate resource agency (San Benito County, U.S. Fish Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game) and obtaining a permit prior to draining and fill a natural depression.
Land Use and Recreation					
LU-1.1	Establish construction liaison.	- Provide a toll-free general phone number and the name and contact information for a local public liaison to all property owners within a one-mile radius of the project's boundaries. - Ensure public liaison addresses questions or concerns related to the project. - Provide summary documentation of all comments and concerns communicated to the liaison monthly for the duration of construction and for one year following the completion of construction.	30 days prior to the start of any construction-related activities and for up to one year following construction, local public liaison will be available to the public. - Within 72 hours, during construction, liaison will respond to all construction-related questions and concerns. - Quarterly during construction and one year following the completion of construction, submit compliance documentation.	- County will verify the provision of a public liaison. - County will review the quarter compliance reports.	- Provide a toll-free general phone number and the name and contact information for a local public liaison. - Ensure public liaison addresses questions or concerns related to the project. - Prepare and submit to the County quarterly summary documentation of all comments and concerns communicated.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
LU-1.2	Provide advance notice of construction.	- Provide 30 days notice to all residents within 5 miles of the project boundary, the Principal of Panoche Elementary School, and the BLM Hollister Field Office. - If complaints are received, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints	- Prior to and during construction, give at least 30 days advance notice of the start of any construction-related activities for each phase (Phases 1 through 5). - Within 72 hours of receiving a complaint, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints	- County will verify distribution of notice. - County will review report documenting complaints.	- Provide 30 days notice to all residents within 5 miles of the project boundary, the Principal of Panoche Elementary School, and the BLM Hollister Field Office. - Provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints
LU-1.3	Provide quarterly construction updates.	- Provide all property owners within a one-mile radius of the project site's boundaries with updates and changes to all of the information provided in the pre-construction notification. - Ensure public liaison responds to all questions and complaints.	- During construction, provide quarterly updates on project. - Within 72 hours of receiving a complaint during construction and within 1 week post-construction, respond to all questions and complaints.	County will verify distribution of quarterly updates.	- Provide all property owners within a one-mile radius of the project site's boundaries with updates and changes to all of the information provided in the pre-construction notification. - Ensure public liaison responds to all questions and complaints.
Noise					
NS-1.1	Shield construction staging areas.	- Install adequate temporary noise barriers around the construction staging areas to reduce noise levels associated with deliveries and construction equipment staging. - Monitor noise levels during construction at the project's property line closest to the construction staging areas. - Should hourly noise level standards be exceeded as a result of work occurring at a staging area, stop all noise-related work at that staging area until adequate noise attenuation measures are installed to meet these standards.	- Prior to the use of noisy equipment during construction, install noise barriers. - Throughout duration of the noise-making activity, ensure any measures installed remain in good working order.	County will verify that noise barriers are in place and that noise level standards are not exceeded.	- Install adequate temporary noise barriers. - Monitor noise levels during construction. - Stop all noise-related work at that staging area until adequate noise attenuation measures are installed to meet noise level standards.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
NS-1.2	Implement noise-reducing features and practices for construction noise.	Employ and clearly state in the contractors' specifications the noise-suppression techniques listed in the mitigation measure.	Prior to construction and decommissioning work commencing, employ noise-suppression techniques to minimize the impact of temporary noise.	County will verify that noise-suppression techniques are implemented.	Employ and clearly state in the contractors' specifications the noise-suppression techniques.
NS-1.3	Provide advance notice of construction.	- Provide advance notice of construction and decommissioning for each phase (Phases 1 through 5). - Address any complaints received related to noise and prepare a report indicating how noise complaints are handled. - County's Environmental Monitor shall verify implementation of agreed upon strategy.	- Within 2 to 4 weeks prior to construction or decommissioning activities, provide notice of activities. - Within 48 hours, provide the County with a report that documents the complaints and the strategy for resolution of any noise complaints.	- County will verify implementation of noise-reduction strategy through an environmental monitor. - County will review report documenting complaints.	- Provide advance notice of construction and decommissioning for each phase (Phases 1 through 5). - Address any complaints received related to noise and prepare a report indicating how noise complaints are handled.
NS-1.4	Limit pile driving activities.	Implement limitations on pile driving activities to reduce noise levels.	During pile driving activities.	County will verify appropriate limitations are implemented during pile driving activities.	Implement limitations on pile driving activities to reduce noise levels.
NS-2.1	Limit decommissioning activities to daytime.	Construction-related activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. such that these activities are exempted from Section 25.37.035(E)(2) of the San Benito County Code.	During decommissioning, limit hours of construction-related activities to between 7:00 am and 7:00 pm.	County will verify construction-related activities occur during the appropriate hours.	Ensure construction-related activities occur only during the hours of 7:00 a.m. to 7:00 p.m.
NS-4.1	Locate PV inverters and transformers away from the project's property line.	- Place inverter/transformer encloses the appropriate distance from the project property line and each other to ensure compliance with the County's daytime hourly noise level standard. - Should hourly noise level standards be exceeded, stop operations of offending inverters and transformers until adequate noise attenuation measures are installed to meet these standards.	- During construction and operation. - Throughout duration of the noise-making activity, ensure measures installed remain in good working order.	County will verify implementation of noise-reduction strategy through an environmental monitor.	- Place inverter/transformer enclosures the appropriate distance from the project property line and each other. - Stop operations of offending inverters and transformers until adequate noise attenuation measures are installed to meet these standards.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
NS-5.1	Limit panel washing activities.	- Limit panel washing to the appropriate time and day. - Should hourly noise level standards be exceeded, stop work in the area. Panel washing can resume during an exempted time period.	- Monday through Saturday 7:00 a.m. to 7:00 p.m., excluding federal holidays, panel washing activities are allowable when occurring within 1,900 feet of the project's property line. - Any time during daylight hours, panel washing activities are allowable on panels farther than 1,900 feet of the property line.	County will monitor noise levels at the project's property line if noise complaints are received during panel washing activities occurring outside of the exempted times.	- Limit panel washing to the appropriate time and day. - Should hourly noise level standards be exceeded, stop work in the area. Panel washing can resume during an exempted time period.
Population and Housing					
—none—					
Public Services, Utilities, and Service Systems					
PS-1.1	Develop and implement service agreement with San Benito County Fire Department.	- Establish an agreement with San Benito County Fire Department and the Applicant. - Provide CAL FIRE \$337,812 per year to fund additional personnel. - Provide fire protection training to its permanent employees.	- Prior to issuance of building permits, submit fully executed agreement between County Fire Department and the Applicant. - Yearly, provide funding to CAL FIRE.	- County will verify funds provided to CAL FIRE. - County will verify fire protection training is provided to permanent project employees.	- Establish an agreement with CAL FIRE/San Benito County Fire Department and the Applicant. - Provide CAL FIRE \$337,812 per year to fund additional personnel. - Provide fire protection training to its permanent employees.
Transportation and Circulation					
TR-1.1	Prepare and implement Traffic Control Plan (TCP).	Prepare and implement a TCP including the components listed in the mitigation measure, including a Truck and Bus Safety Plan.	Prior to the start of construction and decommissioning, submit a TCP.	- County will review and approve TCP. - County will verify the implementation of measures listed in the TCP.	- Submit a TCP to the County for its review and approval and to Caltrans. - Implement measures listed in the TCP.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
TR-1.2	Rehabilitate, protect and monitor roadway pavement, bridges and culverts.	- Implement repairs along roads specified in the mitigation measure prior to construction and decommissioning. - Monitor road conditions during construction and implement local and State requirements relating to oversized loads and all elements specified in the mitigation measure.	- Prior to the start of construction and decommissioning, repair and improve roadway pavements. - During construction, the project contractor will monitor road conditions.	- County will verify road conditions are repaired prior to start of construction and decommissioning. - County will verify monitoring of roadways.	- Implement repairs along roads specified in the mitigation measure prior to construction and decommissioning. - Monitor road conditions during construction and implement local and State requirements relating to oversized loads and all elements specified in the mitigation measure.
TR-1.3	Repair roadway damage.	- Repair all roads prior to the start of construction. - Document status of roads prior to commencement of construction or decommissioning. - Restore all public roads, easements, rights-of-way and infrastructure to roadway conditions that existed prior to commencement of construction or decommissioning in a timely manner. - Prepare a letter indicating status of roads and receive approval from appropriate agencies.	- At least 30 days prior to construction or decommissioning, photograph or video record all construction routes. - Within 60 days of completion of construction or decommissioning, identify sections of public right-of-way to be repaired. - Following completion of any public right-of-way repairs, have agencies sign letter indicating approval of repairs.	- San Benito County, Caltrans, and Fresno County will consult with the Applicant to determine standards of repair prior to and post construction and decommissioning. - San Benito County, Caltrans, and Fresno County will sign letter indicating approval of repairs.	- Restore all public roads to preexisting condition² determined in consultation with San Benito County, Caltrans, and Fresno County. - Pre-construction and decommissioning, provide photographs or video records of all public construction routes to San Benito County, Caltrans, and Fresno County. - Post-construction, meet with San Benito County, Caltrans, and Fresno County to identify public roadways that need repair. - Establish a schedule to complete the repairs and to receive approval for the action(s). - Upon completion of repairs, prepare and submit letter to agencies to indicate approval of repairs.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Water Resources					
WR-1.1	Groundwater Monitoring and Reporting Plan.	- Prepare and submit a Groundwater Monitoring and Reporting Plan. - Prepare and submit annual summary reports for at least the first five years (during the construction period and operation). - Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly.	60 days prior to commencing project-related pumping activities, approve submitted Groundwater Monitoring and Reporting Plan. - Annually, submit summary reports for the first five years of the project (construction and operation). - After five years, evaluate the Groundwater Monitoring and Reporting Plan.	- County will review and approve the Groundwater Monitoring and Reporting Plan. - County will review annual summary reports. - County will coordinate with the Applicant to review the effectiveness of the Groundwater Monitoring and Reporting Plan.	- Prepare and submit a Groundwater Monitoring and Reporting Plan. - Prepare and submit annual summary reports. - Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly.
WR-1.2	Aquifer Testing and Well Interference Analysis.	- Prepare and submit an Aquifer Testing and Well Interference Analysis Plan. - Video surveys shall be performed on all existing wells lacking available well construction records (well depth and screen intervals). - Aquifer test shall be performed at a pumping rate that will "stress" the aquifer and result in measurable drawdown at the nearest observation well after two to four hours. - Results of the aquifer test and well interference analysis shall be submitted to San Benito County for review and approval of the proposed well for project water supply. - Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use.	14 days prior to commencing the aquifer testing and prior to pumping or making operational any existing wells or construction of any new wells south of Well #19, approve submitted an Aquifer Testing and Well Interference Analysis Plan. 72-hour minimum test duration for the aquifer drawdown test.	- County will review and approve an Aquifer Testing and Well Interference Analysis Plan. - County will review aquifer test results to determine approval of use of a new well.	- Prepare and submit an Aquifer Testing and Well Interference Analysis Plan. - Conduct video surveys. - Perform aquifer stress tests. - Submit aquifer test results to the County. - Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use.

Table I-1. Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title ¹	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
WR-6.1	Accidental spill control and environmental training.	- Prepare and implement the Stormwater Pollution Prevention Plan (SWPPP). - Establish an environmental training program for field personnel to communicate appropriate work practices, including SWPPP measures. - Implement a monitoring program to ensure plans are followed.	- Prior to construction, review submitted SWPPP and environmental training program. - During all construction, operation, and maintenance activities, monitor for compliance with plans.	- County will review and approve SWPPP and the environmental training program. - The County's environmental monitor will ensure all plans are followed.	- Prepare and implement the Stormwater Pollution Prevention Plan (SWPPP). - Establish an environmental training program. - Implement a monitoring program to ensure plans are followed.
WR-6.2	Store fuels and hazardous materials away from sensitive water resources.	Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells.	During construction, operation, and decommissioning.	County will verify that fuel is stored at the appropriate distance from wells.	Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells.
WR-6.3	Maintain vehicles and equipment.	- Maintain all vehicles to ensure they are free of leaks. - Maintain a vehicle and equipment maintenance log.	- During construction, operation, and decommissioning, maintain vehicles. - Monthly, during construction, submit vehicle and equipment maintenance log.	- County will monitor vehicles and equipment to ensure no leakage occurs. - County will review monthly log.	- Maintain all vehicles to ensure they are free of any and all leaks. - Maintain a vehicle and equipment maintenance log to the County.

County Council
10/12/10

RESOLUTION:

Page 6 of 15, 2nd paragraph: modify as set forth below:

... On March 15, 2010, the County held a public hearing scoping meeting at the Panoche School in Pacines. On March 16, 2010, the County held a public hearing scoping meeting at the Veterans Memorial Building in Hollister. . .

Page 7/15, 5th paragraph, line 2: Changed “no” to “not”:

Clarification and amplification of DEIR’s conclusion that water supply impacts would not be significant.

Page. 13 of 15, 1st paragraph line 8, changed “other” to “otherwise”:

Alternative A Revised would provide 399 MW of clean, safe, sustainable energy that would displace approximately 264,000 metric tons of equivalent carbon dioxide emissions that would otherwise be generated by traditional fossil fuel based energy sources.

EXHIBIT “A” TO RESOLUTION

Page 4, Modify Evidence for AE-5 by deleting “of the”:

The other projects that are proposed for the region are located outside ~~of the~~ of the Solargen viewshed. Three projects are of small scale (individual oil wells) and would not contribute to the change landscape. Based on the proximity of the other cumulative projects to the PVSF, there would not be a significant cumulative aesthetic impact.

Page 9, GE-7, Evidence: change “as” to at:

... The transmission line has already been constructed, so construction related impacts would not occur at ~~as~~ the same time as impacts from the proposed project. . .

Page 24, first paragraph, first line, modified to delete “the”:

EVIDENCE: Nearly ~~the~~ all of the project site is currently enrolled in Williamson Act contracts. . .

Page 36, 1st paragraph (Impact BR-3), modified in part as set forth below:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR 3.1, and AQ-1.1 are feasible and are hereby adopted.

BR-G.1: Implement a Worker Environmental Education Program.

BR-G.2: Implement Best Management Practices.

BR G.3: Develop and implement a Habitat Restoration and Revegetation Plan

(remainder unchanged).

Page 36, 2nd paragraph, line 7: “ration” changed to “ratio” and “management” changed to “managed” as set forth below:

... (5) creation of conservation easements to compensate for the loss of vegetation at a 1:1 ratio; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands to ensure that targeted mitigation areas are properly monitored and managed ~~ment~~ to ensure the long term success of the species.

Page 36, 5th evidence paragraph, modified as set forth below:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR 1.2, BR 3.1, and AQ-1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

Page 41, 2nd full paragraph (BR-7A), deleted extra word "mitigation":

. . . The Grazing Plan would limit the disturbance of wildlife from sheep grazing or vegetation management activities. ~~Mitigation~~

Page 43: 1st full paragraph (BR-7B), last sentence: delete words "mitigation measures".

. . . Conservation easements would ensure that habitat loss would not decimate populations of special-status species by protecting suitable habitat to compensate for any permanent impacts to species at a mitigation ratio determined in consultation with the CDFG, FWS, and the County. ~~Mitigation Measures~~

Page 43, 3rd full paragraph, 2nd sentence (BR 7-B): change "nest" to "nests".

EVIDENCE: MM BR-6.1 would require pre-construction surveys for nesting and breeding birds and the implementation of avoidance measures if nests are located.

Page 47, 1st full paragraph, 1st sentence (BR-9) "Mitigation Measure BR-G.1 through BR-G.4" is modified to "Mitigation Measure BR-G.1 through BR-G.6":

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-9.1, and AQ-1.1 are feasible and are hereby adopted.

Page 47, 2nd full paragraph (BR-9) modified to read:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6 would ensure that (1) All construction personnel participate in the Worker Environmental Education Program; (2) Best Management Practices (BMPs) for biological resources are implemented; (3) A Habitat Restoration and Revegetation Plan is developed and implemented; ~~and~~ (4) Biological construction monitoring is implemented; (5) Conservation easements are created for permanent habitat protection as appropriate; and (6) A Habitat Mitigation and Monitoring Plan is developed and implemented for mitigation lands.

Page 48: 1st full paragraph, line 10 (BR-10), modified to delete the word "exists":

Page 49, 4th paragraph: modified as follows:

. . . in a total of 10,482 acres of potentially highly suitable habitat. . . (remainder unchanged.)

Page 50, 2nd paragraph, first sentence modified to read:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-10.1, BR-16.3 and AQ-1.1 are feasible and hereby adopted.

Page 54, 3rd paragraph, modified to read:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-6.1, ~~BR-12.1~~, BR 12.2, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

Page 55, 5th paragraph (Impact BR-13): modified to read:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-13.1, ~~BR-13.2~~, and AQ 1.1 have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

Page 60, 1st paragraph, 1st sentence: modified to read:

EVIDENCE: Mitigation Measures BR-G.1 through BR-G.6, BR-1.1, BR-1.2, BR-16.1, BR-16.2, BR-16.3 and AQ-1.1 are feasible and hereby adopted.

Page 72, 2nd paragraph (Impact BR-23): modified as follows:

. . . MM BR-23.1 has been added to the FEIR to require the establishment of a conservation easement over the entire project site. . . (remainder unchanged.)

Page 73, 2nd Evidence paragraph, line 8, changed “oversee” to “overseen”:

. . . Compliance and effectiveness of cultural resources monitoring will be overseen by the San Benito County Department of Planning and Building.

Page 74, heading prior to second full paragraph, modified to read:

CULTURAL RESOURCES
(Impact CR- 4 ~~2~~— Cumulative Cultural Resources Impacts)

Page 75, 5th paragraph: modified to read:

EVIDENCE: Mitigation Measures PA-1.1 and PA-1.2 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are is a requirements of the project.

Page 79, first full paragraph, modified to read:

EVIDENCE: There will be minimal exposure to boron ~~brene~~ because on-site evaporation ponds . . . (remainder unchanged).

Page 79, second full paragraph, modified to read:

EVIDENCE: Mitigation Measures HZ-1.1 and WR-6.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are is a requirements of the project.

Page 80, 4th full paragraph, modified to read:

EVIDENCE: Mitigation Measures HZ-5.1 and PS-1.1 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are is a requirements of the project.

Page 82, first paragraph, 2nd line, deleted the word “we”:

41. FINDING: Construction of the project would displace grazing, the existing agricultural use on the project site. The presence of construction crews, operation of ~~we~~ equipment, construction noise, and increased traffic on local roads relating to project. . . .

Page 83, 1st paragraph (finding no. 41), modified to read:

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, and LU-1.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are is a requirements of the project.

p. 83, 5th paragraph (finding no. 42), modified to read:

EVIDENCE: Mitigation Measures LU-1.1, LU-1.2, and LU-1.3 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are is a requirements of the project

p. 83, last paragraph, modified as follows:

... There is one residence located within 200 feet of the project boundary that could be affected by stationary noise sources. . .

Page 84, 3rd line, changed “housing” to “housed”:

EVIDENCE: Inverters and transformers will be housed~~ing~~ in steel enclosures. . .

Page 84, Sixth Evidence Paragraph, 2nd line: “change “when” to “with”:

EVIDENCE: Switchyard noise levels are generated by breakers. Estimated noise levels for breakers are 45 dBA Lmax for 1-2 seconds when with the arc is formed and the breaker is thrown.

Page 89, last paragraph (Impact TR-2): modified to read:

EVIDENCE: Mitigation Measures TR-1.1 are incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a ~~are~~ requirements of the project.

Page 96, Third Evidence Paragraph, line 1: “thought” changed to “though” and “an” changed to “a”:

EVIDENCE: Even ~~though~~ the project site is not located within ~~an~~ scenic corridors . .

Page 97, 2nd Evidence Paragraph, added a period:

... Noise levels are occasionally elevated due to aircraft over flights associated with the private landing strip located approximately 2,400 feet (0.45 miles). Noise levels at homes...

Page 97, (NS-1), last paragraph, 3rd line, change “give” to “given”:

EVIDENCE: Of the 22 homes located within the Panoche Valley (FEIR, Figure C.11-2), only 3 of the homes are located within 1¼ miles (approximately 7,000 feet) of any given phase of project construction activity. . .

Page 98 (Impact NS-1), 4th full paragraph, modified to read:

EVIDENCE: In addition to APM N-1, changes or alterations have been incorporated into the project that further reduce, but do not fully mitigate, significant effects from Impact NS-1. Specifically, Mitigation Measures NS-1.1, NS-1.2, NS-1.3, NS-1.4, NS-2.1 and BR-16.2 are feasible and hereby adopted to reduce impacts from construction noise; however, impacts would remain significant even after the implementation of mitigation.

Page 99, NS-2 modified to read as follows:

NOISE (Impact NS-2 – Exceed County Noise Standards)

54. FINDING: The FEIR concluded that project construction noise levels may ~~would~~ exceed the County’s noise standards set forth in the County’s noise ordinance. While temporary construction noise is typically exempt from the County’s noise standards, due to the five (5) year duration of construction activity, and the need for limited nighttime construction activity, the FEIR treated construction noise as a permanent and concluded that construction noise from the 420 MW PVSF ~~would~~ may exceed the County’s noise standards. While the Alternative A Revised includes an increased noise buffer due to the creation of the 1,683-acre conservation area along the southern project site boundary, ~~if the the Board finds that~~ construction noise levels are determined to ~~would continue to~~ exceed the County’s noise standards and this increase cannot be reduced to a less than significant level with implementation of feasible mitigation measures, ~~if this~~ impact is overridden by Alternative A Revised benefits as set forth in the statement of overriding considerations.

EVIDENCE: The San Benito County Code – Title 25, Zoning Ordinance limits the noise levels at the property line of any noise generating source adjacent to a rural residential location to less than 45 dBA Leq (one-hour) during the daytime and 35 dBA Leq (one-hour) at night. Operation of heavy equipment during construction, assuming a worst case scenario of simultaneous impact pile driving and grading activities, would generate a combined maximum noise level of up to approximately 95 dBA Leq at 50 feet from the construction activity, which ~~may would~~ exceed the County noise level standards in the Zoning Ordinance. Over the five years of construction, work would be completed in phases with each phase lasting approximately one year. As such, construction noise levels at the project's property line would change depending on where the activities are occurring on the site, with higher levels occurring when construction is near the property boundary and lower levels occurring when construction is near the center of the site; however, construction noise ~~could would~~ continue to exceed the County noise level standards at various times throughout the five-year construction period resulting in a significant and unavoidable impact. Decommissioning would generate lower noise levels based on the absence of pile driving and significant grading activity.

EVIDENCE: Construction noise levels from the Alternative A Revised would range from 52 to 62 dBA (Leq.), which ~~would may~~ exceed the County's day time noise standards.

EVIDENCE: Solargen would incorporate APM N-1 into the Alternative A Revised to reduce construction noise

impacts. APM N-1 restricts the use of fuel operated generators (within 350 feet of the property boundary), pile driving, and grading to daytime and early evening hours (7 am to 7 pm) only in accordance with the County's noise ordinance.

EVIDENCE: In addition to APM N-1, the County finds that changes or alterations have been incorporated into the project that reduce, but do not fully mitigate, significant effects from Impact NS-2. Specifically, Mitigation Measures NS-1.1, NS-1.2, NS-1.3, NS-1.4, and BR-16.2 are feasible and hereby adopted to reduce impacts from construction noise; however, impacts would remain significant even after the implementation of mitigation. Mitigation Measure NS-2.1 would reduce noise impacts from decommissioning to a less than significant level.

MM NS-2.1 Limit decommissioning activities to daytime.

EVIDENCE: The FEIR identifies numerous mitigation measures to achieve the maximum feasible noise reductions. Mitigation Measure NS-1.1 would require installation of shielding around the construction staging areas, as these areas are where substantial activity would occur associated with equipment and materials deliveries and equipment staging. Mitigation Measure NS-1.2 would require noise-reducing features and practices, such as equipping trucks and other engine-powered equipment with intake and exhaust mufflers and/or engine shrouds and limiting the noise levels of back-up beepers to further reduce noise from construction equipment. As a courtesy to the surrounding uses, Mitigation Measure NS-1.3 provides advance notice of construction and demolition including a mechanism for submitting noise complaints and requires documentation of resolution. In addition, Mitigation Measure NS-1.4 limits the duration of pile driving activities, limits the number of pile drivers in use in a given location, and requires use of sonic or vibratory pile drivers at 20 percent capacity instead of impact pile drivers. MM NS-2.1 requires that decommissioning activities be restricted entirely to daytime hours in accordance with the County's noise ordinance. Finally, if determined to be feasible, Mitigation Measure BR-16.2 would reduce noise from foundation installation at the site. These mitigation measures, along with APM N-1, would reduce on-site construction noise to the maximum extent feasible; however, even with implementation of these measures, residual construction noise levels ~~may would~~ exceed the County's noise standards. Therefore, construction noise impacts are considered significant and unavoidable.

Page 101: last evidence line, "is" changed to "does"

However, the purpose of any upgrade ~~is~~does not to provide an oversized power line to facilitate growth in any particular area, but to replace non-renewable energy sources on the grid.

Page 102, 4th paragraph: modified to read in part:

...Unlike a typical development project will generally exist in perpetuity, the Alternative A Revised would ultimately be decommissioned and removed at the end of its useful life in accordance with the decommissioning plan...

63. FINDING: The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall included those that could feasibly. . .

Page 106, item 1 of “Mojave Desert BLM Land”, change “sale” to “scale”

Fails to Meet Project Objectives. While an alternative located in the Mojave Desert could likely meet project objectives including solarity and topography, a project on this site would not meet the timing objectives of the project, which include commencement of construction in 2010 and completion of a large scale sale-project by 2016. . .

Page 107, EVIDENCE: *Distributed Solar Photovoltaics*, line 3, “sale” to “scale”

Fails to Meet project Objectives. A project on this site would not meet the timing objectives of the project, which include commencement of construction in 2010 and completion of a large scale sale project by 2016. . .

Page 110, first evidence paragraph, second to last line, change “need” to “needed”:

. . . The no-project/no-build alternative would not generate much needed jobs or increase retail spending in the County or the region.

Page 110, finding 66 modified to:

66. FINDING: *Alternative A Revised (“Alternative A Revised”)*. The Board finds that this alternative is environmentally superior to the ~~to the~~ 420 MW PVSF, is feasible, and as set forth in Finding 7 adopts this alternative.

Page 111, last paragraph modified as follows:

EVIDENCE: This alternative would continue to have significant and unavoidable environmental impacts. While Alternative B Revised would proportionally reduced all the Reduced Alternative A’s environmental impacts, the alternative would continue to have a significant and unavoidable aesthetic and noise impacts. ~~In addition, w~~ While the construction period would be shorter, the overall construction noise levels would continue to exceed the County’s noise standards at two of the three homes in the vicinity, including the homes closest to Phases 1, 3 and 4. Accordingly, while certain impacts would be substantially lessened, some significant and unavoidable impacts would continue to occur with this alternative, but unlike the Alternative A Revised, this alternative does not offer the same degree of economic benefits to County or job opportunities for highly skilled workers.

Page 112: add an additional Evidence paragraph right before finding 69, as part of finding 68:

EVIDENCE: This alternative would continue to have significant and unavoidable environmental impacts. While Alternative C Revised would proportionally reduced all the Reduced Alternative A’s environmental impacts, the alternative would continue to have a significant and unavoidable aesthetic and noise impacts. While the construction period would be shorter, the overall construction noise levels would continue to exceed the County’s noise standards at two of the three homes in the vicinity, including the homes closest to Phases 1, 3 and 4. Accordingly, while certain impacts would be substantially lessened, some significant and unavoidable impacts would continue to occur with this alternative, but unlike the Alternative A Revised, this alternative does not offer the same degree of economic benefits to the County or job opportunities for highly skilled workers.

Page 114, line 3, deleted the word “in”:

Therefore, in order for Solargen to succeed with implementing a project on this site, Solargen would need to (1) locate and conduct reasonable due diligence (including an evaluation of transmission line capacity and interconnections) on suitable locations within ~~in~~ the Westlands . . .