

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS CERTIFYING THE)
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT)
REPORT AND ADOPTING FINDINGS, A MITIGATION,)
MONITORING AND REPORTING PROGRAM, AND)
STATEMENT OF OVERRIDING CONSIDERATIONS)
FOR THE REVISED PANOCHÉ VALLEY SOLAR)
PROJECT)

Resolution No. 2015-41

WHEREAS, On October 16, 2009, Solargen Energy Inc. ("Solargen") (predecessor in interest to the current applicant Panoche Valley Solar LLC ("PVS") submitted a Conditional Use Permit (Use Permit No.1023-09) to create the Panoche Valley Solar Project ("PVSP"), 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 PVSP 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"); and

WHEREAS, the 420 MW PVSP 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; and

WHEREAS, the PVSP would transmit the electricity generated on site to an 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

WHEREAS, the 420 MW PVSP consisted of the development of the following components on 2,474 acres (approximately 50%) of the approximately 4,885-acres 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 have been constructed in five phases; the first phase was 20 MW, with each subsequent phase consisting of an additional 100 MW; 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 420 MW 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 proposed to implement, a feasible alternative, which was a variation of Alternative A and consisted of 399 MW of renewable energy on a further reduced development footprint ("Alternative A Revised"); and

WHEREAS, Alternative A Revised proposed a 399 MW project on a development footprint that was 35% less than the 420 MW Project and confined all development to a fenced 3,202-acre area (as opposed to 4,885 acres for 420 MW Project). Alternative A Revised removed approximately 50 solar blocks 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, because Alternative A Revised resulted 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 of Supervisors ("Board") approved the conditional cancellation of Williamson Act contracts to implement Alternative A Revised and certified the Final EIR ("2010 FEIR") for Alternative A Revised, adopted a Mitigation Monitoring and Reporting Program ("MMRP"), and adopted 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, after the Board approved the conditional cancellation of the Williamson Act contracts and certified the Final EIR, the Planning Commission considered and approved Use Permit No. 1023-09 and recommended that the Board approve a Development Agreement to allow for the construction and operation of Alternative A Revised at a duly noticed public hearing at its regularly scheduled meeting on October 20, 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, project opponents appealed the Planning Commission's approvals to the Board, and the Board denied the appeal and adopted Ordinance No. 862 approving the Development Agreement at a duly noticed public hearing at its regularly scheduled meeting on November 10, 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 thereafter denied the appeal; and

WHEREAS, in December 2010, several project opponents sued the County alleging that the County's certification of the 2010 Final EIR and approval of the 2010 Project was unlawful and violated, among other laws, the Williamson Act and California Environmental Quality Act ("CEQA"); and

WHEREAS, in August 2011, the San Benito County Superior Court upheld the County's approval the 2010 Project and concluded that the 2010 Final EIR was legally adequate under CEQA.

WHEREAS, the project opponents then appealed the Superior Court's decision to the Sixth District Court of Appeal, who in June 2013, affirmed the Superior Court's decision that the County complied with CEQA and the Williamson Act in the published decision, *Save Panoche Valley v. County of San Benito* ("Save Panoche") (2013) 217 Cal.App.4th 503; and

WHEREAS, on August 11, 2014, PVS submitted a written request to modify CUP No. UP 1023-09 to allow for the construction and operation of a reduced density, 247 MW, project with an 18-month (as opposed to 5 year) construction schedule ("Revised Project"). Specifically, the Revised Project includes the following incremental changes to Alternative A Revised:

- **Reduced Project Footprint.** The fenced in project footprint would be reduced by 696 acres from 3,202 acres to 2,506 acres and the overall amount of permanent

disturbance area has been reduced by 315 acres from 2,203 acres to 1,888 acres, which has increased the size of the on-site valley floor conservation area by 113 acres from 2,411 acres to 2,514 acres for habitat and species conservation.

- **Increase in Peak Construction Personnel and Construction Traffic.** Based on the 18 month construction schedule, the number of daily construction workers traveling to/from the project site and working at the site has increased by a maximum of 200 workers per day to 550 workers per day.
- **Water Usage.** The amount of water used during the temporary construction period has increased due to the shorter construction schedule. However, due to the reduced project size, the amount of water used to wash panels once the project is operational has been significantly reduced.
- **Additional Water Storage During Construction.** PVS proposes to construct two (2) new temporary construction water ponds and three temporary water storage tanks near existing or new wells.
- **Revised Internal Circulation.** Permanent on-site access roads would be eliminated from the project and interstitial space (dirt paths between rows of PV panels) would be utilized as transportation corridors as needed for maintenance. No installation of gravel or compaction would be required with the exception of the project perimeter road and access to the substation and operations and maintenance area.
- **Fencing.** Based on coordination with and input from the United States Fish and Wildlife Service (USFWS) and CDFW and revised biological data, the implementation plan for installation of fencing at the project has been refined.
- **Revised Applicant Proposed Measures/Mitigation Measures.** PVS has requested changes to a number of the applicant proposed measures (APMs) and mitigation measures that were adopted by the County in 2010 when the project was approved. An explanation of the requested changes and the effect of these changes on the prior analysis of project's environmental impacts are described in the appropriate discipline's analysis in Section C of the Final SEIR.
- **Other Changes within the Project Footprint.** PVS has reduced the number of inverters and transformers and made minor modifications to the on-site electrical substation and interconnection facilities.
- **Telecommunications Upgrades:** Based on interconnection studies performed by the California Independent System Operator (CAISO) and in consultation with Pacific Gas & Electric (PG&E), specific reliability upgrades have been identified for nearby substations, interconnection facilities and telecommunications infrastructure (which include installation of optical ground wire [OPGW] and all-dielectric self-supporting cable [ADSS] on PG&E's existing transmission line and distribution line and a microwave system)

WHEREAS, County Planning Staff evaluated the Revised Project and concluded that pursuant to CEQA (Pub. Resources Code §21166) and the CEQA Guidelines (14 Cal. Code Regs §15163) a Supplement to the 2010 FEIR was required to analyze the environmental effects of the incremental changes to the previously approved, Alternative A Revised, and any potential changes in circumstances or new information of substantial importance since the 2010 FEIR was certified; and,

WHEREAS, the County retained Aspen Environmental Group, who prepared the 2010 FEIR, to prepare the Supplemental EIR.

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 Final Supplemental Environmental Impact Report ("Final SEIR" or "SEIR") for the Revised Project:

I. CERTIFICATION OF THE FINAL SEIR

San Benito County, as lead agency under CEQA, has completed the Final SEIR for the Revised Project. The Final SEIR comprises a project-level analysis. The Final SEIR has been assigned State Clearinghouse No. 2010031008.

The Final SEIR is comprised of two volumes and subsequently prepared errata(s). Volume 1 consists of a revised Final SEIR that reflects changes made in response to comments and additional clarifications and amplifications to the Draft SEIR analysis. Volume 2 consists of the comments on the Draft SEIR 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 SEIR that were specifically made in response to a comment. The Final SEIR is hereby incorporated in this document by reference.

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

- (1) That the Board was presented with the Final SEIR and that the Board reviewed and considered the information contained in the Final SEIR prior to making a decision regarding CUP No. UP 1023-09-A, and that the Board independently reviewed and considered the information contained in the Final SEIR prior to making a decision regarding the findings in Section II and the approval of CUP No. UP-1023-09-A;
- (2) That, pursuant to the CEQA Guidelines (14 Cal. Code Regs §15090), the Final SEIR has been completed in compliance with the CEQA; and
- (3) That the Final SEIR reflects the Board's 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 SEIR 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 SEIR.

Part II.B: Findings regarding the environmental impacts of the Revised Project, the mitigation measures for those impacts identified in the Final SEIR, Alternatives to the project, and other related findings. As described in Part II.B, the Board 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 Revised Project outweigh the significant unavoidable environmental impacts that will result and therefore justify approval of the Revised 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 Revised Project, 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 Revised 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 SEIR.

A. Environmental Review Process

1. SEIR Processing

The County issued a Notice of Preparation of a Draft SEIR for the Revised Project on October 30, 2014 for a 30-day public review and comment period, which closed on December 1, 2014.

On December 23, 2014, the County released the Draft SEIR for a 45-day public review and comment, which closed on February 10, 2015.

On January 27, 2015, the County held a noticed public hearing to receive public comments on the Draft SEIR at which time various members of the public and organizations provided oral comments on the Draft SEIR.

The County provided responses to all agency comments on the Draft SEIR on April 3, 2015, at least 10 days prior to certification of the Final SEIR, pursuant to the CEQA Guidelines (14 Cal. Code Regs. §15088.5) and made the Final SEIR available to public agencies and members of the public on April 10, 2015.

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

Clarification and amplification of biological resources baseline data. The Final SEIR references and describes the results of additional biological resources surveys

that further clarify and amplify the Draft SEIR's conclusions relating to the presence of sensitive biological species on the project site and the off-site mitigation lands.

Revisions to mitigation measures: The Final SEIR also includes revisions to mitigation measures or adds new mitigation measures in response to comments on the Draft SEIR. 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.

With respect to other changes and revisions to the Draft SEIR 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 Draft SEIR, which included approximately 320 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 Draft SEIR. Accordingly, recirculation of the Draft SEIR is not required pursuant to the CEQA.

3. Differences of Opinion Regarding the Impacts of the Project

In making its decision to certify the Final SEIR, the Board recognizes that the Revised Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft SEIR, the comments received on the Draft SEIR and the responses to those comments in the Final SEIR, as well as testimony, letters, and reports regarding the Final SEIR, 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 SEIR, the evidence and analysis presented in the Final SEIR, the information submitted on the Final SEIR, and the reports prepared by the experts who prepared the Final SEIR, San Benito County's consultants, the applicants' consultants, and by staff, addressing those comments. The Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Revised Project. In turn, this understanding has enabled the Board to make its decision after weighing and considering the various viewpoints on these important issues.

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

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 Revised Project and the mitigation measures based on the analysis contained in Final SEIR, and in light of the whole administrative record for the Revised Project. 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 Final SEIR.

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 Final SEIR are supported by substantial evidence in the record, including the expert opinion of the Final SEIR preparers and San Benito County consultants, and staff; and the significance thresholds used in the Final SEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Revised Project.

Exhibit A summarizes the environmental determinations about the environmental impacts of the Revised Project 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 Final SEIR, 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 Final SEIR 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 Revised Project before and after mitigation. In making these findings, the Board ratifies, adopts, and incorporates the analysis and explanation in the Final SEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final SEIR 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 Revised 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 Revised 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 Final SEIR and applicable to the Revised Project. Accordingly, in the event a mitigation measure recommended in the Final SEIR has inadvertently been omitted from **Exhibit B**, the Board 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 Final SEIR due to a clerical error, the language of the mitigation measure as set forth in the Final SEIR shall control.

In comments on the Draft SEIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the Draft SEIR. Some of the Draft SEIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft SEIR, 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 SEIR 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 Final SEIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final SEIR as its grounds for rejecting adoption of these mitigation measures.

The Board further adopts, and incorporates as conditions of approval of the Revised Project, the Applicant Proposed Measures set forth in the FSEIR (**Exhibit C**).

C. Statement of Overriding Considerations

1. Impacts That Remain Significant

The Board finds that, as discussed in **Exhibit A**, the Revised Project would result in the same significant and unavoidable aesthetic and temporary construction noise impacts as Alternative A Revised following adoption and implementation of the feasible mitigation measures described in the Final SEIR (including the previously adopted and unchanged mitigation measures set forth in Appendix 3 of the Final SEIR). These significant and unavoidable effects are as follows:

- Aesthetics (Impact AE-1 Long Term Visibility/Night lighting and Impact AE-3 Introduction of Structures)
- Noise (Impact NS 1 – Construction Noise and Impact NS-2 – Exceed County Noise Standards)

2. Overriding Considerations Justifying the Revised Project

The Board finds that, in accordance with CEQA Guidelines Section 15093, the Board has, in determining whether or not to approve CUP No. UP 1023-09-A, balanced the economic, social, technological, and other Revised Project benefits against its

unavoidable environmental risks, and finds that each of the benefits of the Revised Project 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 Draft SEIR, the comments received on the Draft SEIR and the responses to those comments in the Final SEIR, as well as testimony, letters, and reports regarding the Final SEIR, 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 Revised Project. The benefits of the Revised Project are as follows:

1. Open-Space Conservation. At no cost to the County, the Revised Project will conserve 24,176 acres of on-site and off-site conservation 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.

2. Job Creation. According to the most recent, February, 2015, California Employment Development Department ("EDD") data, the County is currently experiencing an employment rate of 8.9% (2,600 out of an estimated labor force of 29,800 are unemployed). The additional construction and permanent job opportunities that would be generated by the Revised Project will help reduce the County's significant unemployment rate. Whether most jobs are filled by County residents, as believed to be likely as a result of the requirements set forth in Section 2.5 of the previously approved Development Agreement relating to the employment of County workers, including PVS's express commitment to conduct its seeking, training, and hiring here in San Benito County 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.

4. Increased Tax Revenues. The Revised Project will generate positive financial benefits to the County. PVS estimates that the Revised Project will generate approximately \$30 million sales/use taxes for the County¹ based on Section 2.8.1 of the Development Agreement, which sets forth specific requirements for establishing the County as the point of sale for purposes of sale tax assessments. In addition, Section 2.8.2 of the Development Agreement requires PVS to pay annually to the County's General Fund fourteen percent of one percent (.14%) of the assessed value of the property, which PVS has estimated at approximately \$6 million through 2034. These monies will benefit the County, and its residents and constituencies, by providing

¹ Projected revenues are based on the current 7.5% sales tax rate and the purchase of an estimated \$400 million in equipment required for the Revised Project.

needed revenue for the provision of required services and amenities during a very critical fiscal period.

5. The Revised Project will generate clean and renewable energy to offset the adverse impacts of climate change and global warming. The 2010 Final EIR and Final SEIR documents the adverse effects of climate change in Section C.5.1.1. As noted in the 2010 Final EIR, 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. The Revised Project would provide 247 MW of clean, safe, sustainable energy that would displace carbon dioxide emissions that would otherwise be generated by traditional fossil fuel based energy sources.

6. The Revised Project could attract other "green" businesses, members of the environmental community, and educators/students to San Benito County. This project would provide a solid foundation and a potential impetus for attracting other high-tech "green" businesses to the County. In addition and as required by the Section 2.8.4 of the Development Agreement, the Revised Project would also provide educational and learning opportunities for other students and educators, who will be able to witness and study 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. The Revised Project 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. In addition and established in 2002 under Senate Bill 1078, accelerated in 2006 under Senate Bill 107 and expanded in 2011 under Senate Bill 2, California's Renewables Portfolio Standard (RPS) is one of the most ambitious renewable energy standards in the country. The RPS program requires investor-owned utilities (IOUs), electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33% of total procurement by 2020. The Revised Project will supply Southern California Edison with 247 MW of renewable energy to help SCE comply its RPS procurement requirement pursuant to a Power Purchase Agreement that the California Public Utility Commission ("CPUC") approved on March 12, 2015. As noted in the CPUC staff report, "[i]n SCE's 2013 RPS Procurement Plan (2013 RPS Plan) SCE provided an assessment of supply and demand to determine the optimal mix of renewable generation resources; description of potential RPS compliance delays; status update of projects within its RPS portfolio; and an assessment of project failure and delay risk within its RPS portfolio" and concluded that "it had an RPC procurement need." Moreover, the latest CPUC data shows that

SCE served 21.6% of their 2013 retail electricity sales with renewable power, which is short of the 33% RPS requirement.

8. The Revised Project will contribute \$50,000 for solar energy demonstration and improvements to a County-owned facility or facilities. In addition to all of the above overriding benefits, in Section 2.8.3 of the Development Agreement, PVS has agreed to pay \$50,000 to the County for solar energy demonstration and improvements to a County-owned facility or facilities. In addition, on February 3, 2015, PVS agreed to contribute an additional 15,000.00, to augment the \$50,000.00 that was previously set forth in the Development Agreement, for the development of solar energy demonstration and improvements to a County-owned facility or facilities.

D. Record of Proceedings

Various documents and other materials constitute the record of proceedings upon which the Board based the findings and approvals contained herein. The location and custodian of these documents and materials is San Benito Planning, Building Inspection Services , 2301 Technology Parkway, 1st Floor, 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 Revised Project 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 Revised Project:
 - a. Changes or alterations have been required in, or incorporated into, Revised Project 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 Final SEIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Revised Project.

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 the Revised Project 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 19th day of May, 2015, by the following vote:

AYES: Muenzer, De La Cruz, Rivas, Botelho, Barrios

NOES: None

ABSTAIN: None

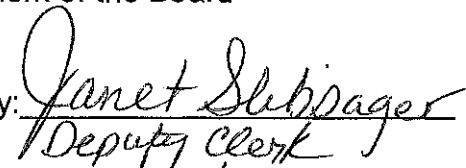
ABSENT: None

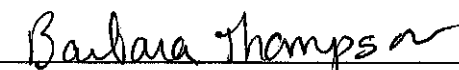


Margie Barrios, Chair

ATTEST:
Clerk of the Board

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

By: 
Deputy Clerk

By: 
Barbara Thompson, Assistant County Counsel

Date: 5/19/15

Date: 5/13/15

EXHIBIT A

FINDINGS OF FACT ENVIRONMENTAL IMPACTS/ MITIGATION/ ALTERNATIVES

I. INTRODUCTION

When an Environmental Impact Report ("EIR") was already prepared and certified for a project, and the lead agency determines that a Supplemental Environmental Impact Report ("SEIR") should be prepared as a result of proposed changes to the project (or other changes in circumstances or available information) that requires updating or revising the EIR to make it adequate to address the potentially significant effects of the project, the lead agency must make the required findings under CEQA Guidelines section 15091 for each significant effect shown in the previous EIR as revised by the SEIR (see CEQA Guidelines §15163). The required findings under CEQA Guidelines section 15091 are as follows and each finding must be accompanied by a brief explanation of the rationale for the finding:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency that has adopted, or can and should adopt, such changes.
- Specific economic, social, legal, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

In this case, the County of San Benito Board of Supervisor's ("Board") certified the Final EIR ("2010 FEIR") for the Panoche Valley Solar Project Alternative A Revised ("Approved Project") in 2010. The County, as lead agency for the Approved Project, determined that proposed changes to the Approved Project required a modification to the previously approved Use Permit and that a SEIR was required to address these proposed changes and the required Pacific Gas & Electric ("PG&E") telecommunications upgrades ("PG&E Upgrades") required to serve the project. The changes to the Approved Project (the "Revised Project") and PG&E Upgrades are described in detailed in Section B of the FSEIR ("FSEIR").

In general, because the Revised Project footprint has been permanently reduced resulting in less permanent disturbance area and the PG&E Upgrades will be very short term and confined to PG&Es existing transmission and communication facilities, the magnitude of the Revised Project environmental impacts would generally be the same as or incrementally less than that impacts of the Approved Project. Like the Approved Project, virtually all of the environmental impacts of the Revised Project can be reduced to a less than significant levels with implementation of the extensive revised Applicant Proposed Measures ("APMs"), PG&Es Avoidance and Minimization Measures ("AMMs"), and feasible mitigation measures ("MM") described in the FSEIR and incorporated into the Revised Project. The only impacts that would remain

significant and unavoidable would be aesthetic impacts and temporary noise impacts during construction.

These findings regarding the Revised Project's significant environmental impacts are based upon the extensive oral and written evidence contained in the record of proceedings, including but not limited to following:

- The 2010 FEIR (which included the 2010 Draft EIR ("DEIR"), revisions to the DEIR, errata to the FEIR, technical appendices, all of the data, studies and other technical reports that the DEIR and FSEIR relied upon for its analysis, the responses to comments, and the Mitigation Monitoring and Reporting Program);
- The FSEIR (which includes the DSEIR, revisions to the DSEIR, technical appendices, all of the data, studies and other technical reports that the FSEIR relied upon for its analysis, the responses to comments, and the Mitigation Monitoring and Reporting Program for the Revised Project);
- 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).

(Collectively the "Record of Proceedings")

II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

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

FINDING. Like the 2010 Project, the Revised Project would result in similar 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 has considered the 2010 Final EIR as revised by the FSEIR and finds, based on the analysis in the FSEIR and the Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project that avoid or substantially lessen this significant environmental effect.

The PG&E transmission upgrades would have no aesthetic impacts relating to long term land scars or vegetation clearance because neither the installation of OPGW wire on existing PG&E facilities, nor the microwave tower construction requires grading and ground disturbance beyond what is necessary to install the improvements. Moreover, to the extent that any disturbance does occur beyond what is necessary to install the improvements, PG&E has incorporated AMM BR-PGE-9, which requires restoration, including re-vegetation of such areas, into the project.

EVIDENCE: Section C.2 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding, along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: The Mitigation, Monitoring and Reporting Program for the Revised Project incorporates the previously adopted MM BR-G.3 for the 2010 Project. This general mitigation measure is designed to reduce biological impacts of the project, but 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 Revised Project facilities would be restored and re-vegetated 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.

2. AGRICULTURAL RESOURCES (Impact AG-1 – Conversion of Farmland)

FINDING: Like the 2010 Project, the Revised Project 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. The Revised Project would convert FMMP mapped "Grazing Land" and approximately 2,430 acres of currently unfarmed Grade One (excellent) soils according to the Storie Index. Notwithstanding the presence of Grade One soils, the difficulties with utilizing the site for row crop production have been well documented in the Record of Proceedings. Therefore, the Revised Project has historically and continues to be used for cattle grazing and has been characterized by California Department of Conservation as "marginal" grazing land. This marginal grazing land would be replaced with a non-agricultural solar facility and intermittent sheep grazing. Due to the Revised Project's impact on agricultural land, the FSEIR concludes that impacts would be potentially significant. However, the Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project, which avoid or substantially lessen this significant environmental effect.

The PG&E Upgrades would have a less than significant impact on agricultural resources. While the PG&E ROW where the work will occur supports agricultural production (vineyards and crops) as well as rangeland/grazing land, the majority of PG&E related work will include overhead installation of OPGW and All-Dielectric Self-Supporting (ADSS) fiber optic cable on existing towers or the replacement of wood distribution poles in already disturbed areas. These temporary activities would not convert, or otherwise, significant impact farmland.

EVIDENCE: Section C.3 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: The agricultural activity at the Revised Project has not changed since 2010. The site continues to support cattle grazing. There is no field crop production on the site. The site and the surrounding area are still zoned as "Agricultural Rangeland (AR)". 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. As documented in 2010 FEIR, 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 and like the Approved Project, the applicant proposes to graze sheep during the life of the project and has incorporated this requirement into the project as revised 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 pastures, which would provide forage for between 750 and 3600 adult sheep depending on annual rainfall and temperatures. This APM is supplemented by previously adopted BR-1.2, which requires the applicant to implement a controlled grazing plan.

EVIDENCE: The applicant would also ensure, through previously adopted 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: The applicant would 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 and restored.

EVIDENCE: In addition to the APMs, previously adopted MM AG 2.1 Create agricultural conservation easement(s) and MM BR-1.2 Develop and Implement a Grazing Plan for the project site are incorporated into the Mitigation, Monitoring and Reporting Program for the Revised Project and would be implemented.

EVIDENCE: Previously adopted MM AG-2.1, which addresses the 2010 conditional cancellation of Williamson Act contracts, would also address impacts relating to the conversion of grazing land. This mitigation requires the applicant 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 Revised Project, 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: Revised MM BR-G.3 (Development and Implementation of a Habitat Restoration and Revegetation Plan) requires a detailed soil restoration plan that includes returning the land to its original condition after the solar facilities are no longer viable. Revised BR-G.5 (Create Permanent Conservation Easements) 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. Finally, revised BR-G.6 (Develop and Implement Habitat Mitigation and Monitoring Plan) 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: Revised MMs BR-G.3, BR-G.5, and BR-G.6 BR-1.2, have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

3. AGRICULTURAL RESOURCES (Impact AG-2 – Williamson Act, Agricultural Zoning, General Plan Conflicts)

FINDING: The FSEIR concludes that the Revised Project would not conflict with the Williamson Act because the County Board conditionally cancelled the contracts in 2010. However, the Revised Project would 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 and would convert Prime agricultural soils to non-agricultural use. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

Regarding the PG&E Upgrades, all of the land where PG&E Upgrades would take place is designated as Agricultural by San Benito and Fresno Counties and passes through 9.4 miles of Williamson Act lands. However, transmission lines and considered “compatible” with the Williamson Act and the impacts are temporary and take place within areas with existing utility infrastructure. There the impact of PG&E upgrades would be less than significant

EVIDENCE: Section C.3 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: On October 12, 2010, the Board adopted Resolution No. 2010-119 approving the conditional cancelation of the Williamson Act contracts.

EVIDENCE: To maintain the agricultural grazing use of the site, the applicant will replace cattle grazing with sheep grazing during the life of the project and has incorporated this requirement into the project as revised 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 pastures, which would provide forage for between 750 and 3600 adult sheep depending on annual rainfall and temperatures. This APM is supplemented by previously adopted MM BR-1.2, which requires the applicant to implement a controlled grazing plan.

EVIDENCE: The applicant would also ensure, through implementation of previously adopted 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. 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 Wildlife (DFW) 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: In addition to the APMs, previously adopted MMs AG 2.1 (Create Agricultural Conservation Easement(s)) and MM BR-1.2 (Develop and Implement a Grazing Plan) for the project site, would be implemented. Previously adopted MM AG-2.1 requires PVS 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. The FSEIR identifies other mitigation measures to minimize the impact on the agricultural character of the Panoche Valley, including (1) revised 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) revised 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) revised 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: Previously adopted MM AG 2.1- Create agricultural conservation easement(s) and MM BR-1.2- Develop and Implement a Grazing Plan for the project

site, have been incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

EVIDENCE: Revised MM BR-G.3, Revised BR-G.5, and Revised BR-G.6 are feasible and hereby adopted, incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

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

FINDING: The FSEIR concludes that the construction and operation of the Revised Project would impair the same agricultural use of nearby properties (AG-3) that the Approved Project would have impacted; however, due to the smaller development footprint and 3.5 year reduction in the construction schedule; the impacts would be less disruptive over the long term. Nonetheless, the more intense 18-month construction would still cause a potentially significant impact on adjacent agricultural activity. The Revised Project would be approximately 4,770 feet from farmland designated as Prime Farmland by the FMMP and approximately 5,700 feet from farmland designated as Unique Farmland (both in the area farmed by Heirloom Organics). 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.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.3 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Implementation of mitigation measures 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 of biological and agricultural resources.

EVIDENCE: The previously adopted and unchanged MMs LU-1.1 through 1.3, BR-1.2, and WR-6.1 through 6.3 would reduce impacts on adjacent agricultural activities.

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 BR-1.2 Develop and implement a Grazing Plan for the project site
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: Revised MMs AQ-1.1, BR-1.1, BR-G.5, WR-1.1 and 1.2, are listed below and would further reduce impacts on adjacent agricultural activities.

MM AQ-1.1 Reduce fugitive dust.
MM BR-1.1 Prepare and implement a Weed Control Plan.
MM BR-G.5 Create and protect permanent mitigation lands
MM WR-1.1 Groundwater Monitoring and Reporting Plan
MM WR-1.2 Aquifer Testing and Well Interference Analysis

EVIDENCE: Like the Approved Project, dust generated by the Revised Project shall be kept to a minimum by following dust control measures set forth in revised MM 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 Revised Project, 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: Revised MM 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 in accordance with APM AG-1 and previously adopted MM BR-1.2.

EVIDENCE: The mitigation lands created by revised MM 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: MM WR-1.1, Groundwater Monitoring and Reporting Plan, as modified in the FSEIR, 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: MMs WR-6.1 through WR-6.3 will ensure accidental releases of contaminants that could degrade water quality are prevented. Additionally, previously adopted APMs HAZ-1 and HAZ-2 would ensure accidental releases are prevented. In addition, as stated in the 2010 FEIR, the applicant is required to create and implement a Hazardous Materials Business Plan. The applicant 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 revised MMs WR-1.1 and WR-1.2, ensuring minimal impacts on water supply to nearby local farmers.

EVIDENCE: Previously adopted MMs LU-1.1, LU-1.2, LU-1.3, BR 1.2, and WR 6.1 through 6.3 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MM AQ-1.1, BR-1.1, BR-G.5, WR-1.1 and 1.2, are feasible and are hereby adopted, are incorporated into the Mitigation Monitoring and Reporting Program, and are requirements of the Revised Project.

5. AGRICULTURAL RESOURCES (Cumulative Conversion of Agricultural Lands)

FINDING: Like the 2010 Approved Project, the FSEIR concluded that the Revised Project would contribute to the cumulative loss of agricultural land due to the proposed conversion of the site to non-agricultural uses. The projects that have been constructed or proposed in the area of potential cumulative effects have changed since 2010, as described in Section D. PG&E's temporary impact on agricultural resources would be negligible and would not significantly increase the project's overall impact on agricultural resources.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project that ensure that the project's incremental effect on agricultural resources would not be cumulatively considerable.

EVIDENCE: Section C.3 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: The cumulative impacts of the Revised Project would be incrementally reduced compared with the Approved Project due to overall reduction in the size of the project and the amount of permanently disturbed and converted agricultural land. In addition, the same set of comprehensive mitigation measures would apply to minimize the project's incremental impacts on agricultural resources as described in the 2010 FEIR and FSEIR. With implementation of MMs AG-2.1 (Create agricultural conservation easements), BR-1.2 (Develop and implement a Grazing Plan for the project site), revised BR-G.3 (Develop and implement a Habitat Restoration and Revegetation Plan), revised BR-G.5 (Create mitigation lands as compensation for impacts to biological resources), and revised BR-G.6 (Develop and implement Habitat Mitigation and Monitoring Plan for mitigation land), this impact would not be cumulatively considerable. With implementation of these mitigation measures, overall cumulative agriculture impacts would be less than significant.

EVIDENCE: To address the project's negligible and incremental impact on the cumulative conversion of agricultural land within the County and pursuant to previously adopted MM AG-2.1, the applicant 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 within the County would also be addressed and further reduced with implementation of revised MMs BR-G.3, G.5 and G.6.

6. AIR QUALITY (Impact AQ-1 – Dust, Criteria Pollutants, and Toxic Air Contaminants)

FINDING: Like the Approved Project, the Revised Project would emit reactive organic gases (ROGs), NOx, CO, PM10, PM2.5, Sox, diesel particulate matter (DPM), and exhaust contributing to the degradation of local and regional air quality. Like the Approved Project, the Revised Project's emission of criteria pollutants during construction would not cause a violation of any ambient air quality standard beyond the project boundary due to the relatively large land area of the Revised Project and the widespread distribution of construction emissions. Pollutant emissions would also be below applicable pollutant thresholds. 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 create temporary visual impacts.

The PG&E upgrades would involve use of helicopters and construction equipment that would also generate exhaust emissions of criteria pollutants and toxic air contaminants and airborne dust from soil disturbance. However, construction emissions would similarly be below applicable emissions thresholds.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.4 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Emissions of fugitive dust would be subject to mitigation measures and applicant proposed measures for dust control and activity management. Specific and feasible dust control measures would be applicable to the Revised Project to reduce the impact of dust emissions. Revised MM AQ-1.1 includes specific requirements for reducing fugitive dust, including limiting the amount of grading and excavation, required watering three times 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; installation of wheel washers or track outs at entrances and exits; and limiting vehicle speeds to 15 mph on unpaved surfaces.

EVIDENCE: Revised Mitigation Measure AQ-1.2 requires designation of a dust complaint monitor to actively monitor fugitive dust and take necessary corrective action to reduce excessive fugitive dust emissions. The 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. 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: Revised MMs AQ-1.1 and 1.2 are feasible and are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

EVIDENCE: The applicant has also incorporated Best Management Practices into the Revised Project to reduce construction vehicle emissions (see revised APM AQ-2). 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. The applicant 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: The applicant must also 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. The applicant also incorporated BMPs to minimize fugitive dust emissions into the Revised Project (see revised APM AQ-3) 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 inspecting equipment tires leaving the 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 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.

7. AIR QUALITY (Impact AQ-4 – Inconsistency with Relevant Air Quality Management Plans)

FINDING: Like the 2010 Approved project, the Revised Project would not be inconsistent with any relevant Air Quality Management Plans. The Revised Project would not exceed any of the significance thresholds for criteria pollutant emissions, but would still conservatively implement mitigation measures to ensure that emissions would be below thresholds. Accordingly, the Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Emissions from the Revised Project would require mitigation similar to that identified for the Approved Project. The pollutant emissions controls set forth in the mitigation measures described in Finding #6 above would ensure that fugitive dust and construction equipment emissions would not be inconsistent with regional plans. These measures are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

8. BIOLOGICAL RESOURCES (Impact BR-1 – Loss of Ephemeral Drainages and Pools)

FINDING: The 2010 FEIR for the Approved Project concluded that construction activities would result in the temporary and permanent losses of native vegetation and that this impact would be significant. To reduce this impact to a less than significant level, the 2010 FEIR recommended and the County previously adopted MMs 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), and AQ -1.1 (Reduce fugitive dust). The Board previously found, based on the analysis in the 2010 FEIR and 2010 record of proceedings, that these changes or alterations were required in, or incorporated into the Approved Project, and would avoid or substantially lessen this significant environmental effect.

The FSEIR concludes that although the overall areas of ground disturbance to these habitats are reduced under the Revised Project, the direct and indirect effects from the development of the Revised Project are the same as those identified in the 2010 Final EIR. Specifically, these effects include the following:

- Up to 1880.14 acres of Annual Brome Grassland would be permanently lost due to project impacts and an additional 618 acres may be temporarily impacted.
- Up to 7.9386 acres of Ephemeral Drainage would be permanently lost due to project impacts
- At least 15 known Vernal Pools (0.26 acres) would be permanently and/or temporarily impacted

The Board finds, based on the analysis in the FEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen these significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: To avoid or substantially lessen the Project's significant impacts on ephemeral drainages and pools, the previously recommended, adopted and unchanged MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and biological monitoring for sensitive species would occur during project construction. Revised MMs, BR G.2, BR G.3, BR G.5, and BR-G6 would further avoid or substantially lessen impacts by ensuring that (1) comprehensive Best Management Practices (BMPs) for biological resources are implemented during all ground disturbance and construction related activities; (2) a Habitat Restoration and Revegetation Plan that is based on the specific performance standards set forth in the mitigation and includes the minimum details and requirements set forth in the mitigation is developed and implemented; (3) the applicant either purchase credits from an approved mitigation bank, create permanent conservation easements are created for permanent habitat protection, or transfers fee title ownership of the conservation lands and that any protected and encumbered habitat is of equal or greater habitat value and that sufficient acreage is set aside based on the specific mitigation ratios established in the mitigation for impacted species; and (4) a Wetland Mitigation Monitoring Plan and Habitat Management Plan the conforms to the performance standards and minimum management guidelines set forth in the mitigation. Finally, revised MMs BR 1.1 and previously adopted BR 1.2, which require development of a Weed Control Plan consistent with the performance standards and detailed minimum requirements set forth in this mitigation, and a Grazing Plan prepared by a qualified restoration ecologist or biologist, would further ensure that sensitive habitat is protected by controlling the spread of invasive species in sensitive habitat areas, and requiring monitoring and adaptive management of on-site sheep grazing to ensure the persistence and avoid extirpation of sensitive plant species. Implementation these mitigation measures would reduce impacts of the Revised Project to less than significant levels

EVIDENCE: the applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to

designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously approved MMs BR-G.1, G.4 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

9. BIOLOGICAL RESOURCES (Impact BR-2 – Spread of Noxious Weeds and Non-natives)

FINDING: The 2010 FEIR concluded that the Approved Project could result in the establishment and spread of noxious weeds and invasive and non-native plants as a result of Project-related soil disturbance, including temporary disturbances such as grading for temporary road construction. However, with implementation of the mitigation measures set forth in the 2010 FEIR, this impact would be reduced to a level of insignificance. The FSEIR concludes that the Revised Project would have a similar impact, but concludes that a slightly revised, but equally effective, MM BR-1.1 and implementation of previously adopted MM BR-1.2 would lessen these impacts. The FSEIR concludes that implementation of these measures along with the previously recommended and adopted MMs BR-G.1 and G.4, and revised MMs BR-G.2 and G.3 would reduce this impact to a less than significant level. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the project (Revised Project) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that Biological construction monitoring is implemented to minimize native habitat impacts during construction. Revised MMs BR-G.2 and BR-G.3 require implementation of Best Management Practices (BMPs) to avoid and minimize impacts on native habitat and a Habitat Restoration and Revegetation Plan.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM BR-1.2 would require development of a Weed Control Plan and a vegetation management as part of 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: Previously approved MMs BR-G.1, BR-G.4, and BR-1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, BR-G.3, and BR-1.1 are

feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The 2010 FEIR concluded that the Approved Project could disturb special-status plant species or their habitat. As described in the 2010 FEIR, three special-status plants have been identified within the study area: gypsum loving larkspur (*Delphinium gypsophilum* ssp. *gypsophilum*; CRPR 4.2), recurved larkspur (*Delphinium recurvatum*; CRPR 1B.2), and serpentine linanthus (*Leptosiphon ambiguus*; CRPR 4.2). There also are two plant species listed under the Federal and/or California Endangered Species Acts that could potentially occur on the Revised Project site, the federally and state-endangered California jewel-flower (*Caulanthus californicus*) and the federally endangered San Joaquin woollythreads (*Monolopia congdonii*). As documented in the FSEIR, no new special-status plants or habitat have been identified on the site since 2010 so the Revised Project would potentially impact these same species. To reduced such impacts to a less than significant level, previously adopted MMs BR G.1, G.4, and 1.2 and revised MMs AQ-1.1, BR G.2, G.3, G.5, G.6, 1.1 and 3.1 have been recommended in the FSEIR. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the project (Revised Project) which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize native habitat impacts during construction. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize impacts on sensitive plant species, a Habitat Restoration and Revegetation Plan is ensure the persistence of sensitive species on the project site, the creation and permanent protection of conservation lands to compensate for the loss of vegetation at a 1:1 ratio; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success of the species.

EVIDENCE: Revised MM BR-1.1 and previously adopted BR-1.2 would require implementation of weed control and a responsible and environmentally sensitive 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 modified to avoid impacts to special-status vegetation.

EVIDENCE: Revised MM 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 (Revised Project) to less than significant levels.

EVIDENCE: Previously approved MMs BR-G.1, G-4, and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, 3.1, and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

11. BIOLOGICAL RESOURCE (Impact BR-5 – Alteration of Hydric and Solar Regimes)

FINDING: The 2010 FEIR concluded that the Approved 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. This impact would remain largely the same under the Revised Project, but would be somewhat reduced in extent due to the decreased size of the Revised Project. The Board finds, based on the analysis in the FSEIR and the Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: As described in the 2010 FEIR, the Revised Project would produce impermeable surfaces created by solar panel arrays and cement slab foundations for the transformers and inverters, switchyard, and buildings would 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: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize native habitat impacts during construction. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize impacts on sensitive plant species, a Habitat Restoration and Revegetation Plan is ensure the persistence of sensitive species on the project site, the creation and permanent protection of conservation lands to compensate for the loss of vegetation at a 1:1 ratio; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success of the species.

EVIDENCE: MMs 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. MM 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: Previously approved MMs BR-G.1, G-4, and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

12. BIOLOGICAL RESOURCES (Impact BR-6 – Construction Disturbance of Wildlife and Wildlife Mortality)

FINDING: Like the Approved Project, the FSEIR concluded 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. However, because of the shorter construction schedule for the Revised Project (18 months instead of 5 years), Project traffic would be much greater during construction, but would occur over a much shorter period of time. Nonetheless, the direct and indirect effects from the development of the Revised Project would be essentially the same as those identified in the 2010 Final EIR. To reduced such impacts to a less than significant level, previously adopted MMs BR G.1, G.4, and 1.2 and revised MMs AQ-1.1, BR G.2, G.3, G.5, G.6, 1.1 and 6.1 have been recommended in the FSEIR. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

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 switching station 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 Revised Project occupies an area approximately 2,506 acres in size, reduced from 3,202 acres in the Approved Project. 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: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize native habitat impacts during construction. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize impacts on wildlife, a Habitat Restoration and Revegetation Plan is ensure the persistence of wildlife on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of wildlife; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife. These measures would adequately prepare construction workers to recognize sensitive species and employ practices that reduce impacts to wildlife, including proper disposal of trash. The establishment and protection of conservation lands would ensure that habitat loss would be compensated at the required mitigation ratios.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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.

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

EVIDENCE: Previously approved MMs BR-G.1, G-4, and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, 6.1 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The FSEIR concluded that the Revised Project would impact the same amphibian and reptile species of special concern as the Approved Project. Specifically, the Revised Project could result in the injury, death or loss of habitat for the Western spadefoot (*Spea hammondi*), San Joaquin coachwhip (*Coluber flagellum ruddocki*), and Coast horned lizard (*Phrynosoma blainvillii*). The Revised Project 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 species, 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. To reduce impacts to these species to a less than significant level, previously adopted MMs BR G.1, G.4, 1.2, 7a.1 and 7a.2 and revised MMs AQ-1.1, BR G.2, G.3, G.5, G.6, and 1.1 have been recommended in the FSEIR. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen these significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

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.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize impacts on sensitive amphibian and reptile species. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan is to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife. These measures would adequately prepare construction workers to recognize sensitive species and

employ practices that reduce impacts to wildlife, including proper disposal of trash. The establishment of conservation lands 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 CDFW, USFWS, and the County.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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-7a.1 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: MM AQ-1.1 would reduce impacts from fugitive dust.

EVIDENCE: Previously adopted MMs BR-G.1, G-4, 1.2, 7a.1 and 7a.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The Revised Project would have the same potentially significant impact on bird species of special concern as the Approved Project. Two of these species, mountain plover and burrowing owl, are discussed separately under impacts BR-11 (mountain plover) and BR-13 (burrowing owl). The seven remaining species, which are either known to occur or may potentially occur on the proposed project site, include the 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*). These species could occur in all areas of the Revised Project site directly and indirectly affected by the construction of the solar arrays, buildings, substation, and other infrastructure or activities. Up to 1,888 acres of potential habitat would be permanently lost due to permanent project impacts and an

additional 618 acres would be temporarily impacted. The Revised Project has the potential to impact individuals of avian Species of Special Concern, impede movement, and alter occupied habitat. Field surveys have only confirmed the presence of loggerhead shrikes and tricolored black birds on the Project site; however, due to the extent of suitable habitat, the overlap of these species' ranges with the Panoche Valley and historic (CNDDB) records, it is likely that all of these species may at least occasionally occur on the Revised Project site. 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 reduce these impacts to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1, G.4, 7b.1 and 14.1 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, 1.1, 6.1 and 14.2.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize impacts on wildlife. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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.

EVIDENCE: MM BR 7b.1 requires the applicant to conduct pre-construction surveys for non-breeding birds for purposes of assessing the use of the site by bird species of concern, including habitat suitability and occupancy of the site. This data will then be used to determine whether the proposed conservation lands satisfy the

mitigation requirements for California Species of Special Concerns as set forth in MM BR-G.5.

EVIDENCE: MM AQ-1.1 would reduce the emission of fugitive dust and its impact on flying and/or foraging bird species in and around the project site.

EVIDENCE: Previously recommended and adopted MM BR 14.1 would require implementing the APLIC guidelines, which would reduce impacts to birds by reducing or minimizing collision and electrical risk. The required Avian Conservation Strategy set forth in revised MM BR 14.2 would require the applicant to conduct long term avian fatality studies on the project site and adaptive management techniques to reduce any potential avian fatalities documented at the site subject to coordination and approval from the USFWS and CDFW. .

EVIDENCE: Previously adopted MMs BR-G.1, G-4, 1.2, 7b.1 and 14.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, 14.2 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The FSEIR concluded that the Revised Project could result in injury or mortality of, and loss of habitat for mammal species of special concern. Since 2010, the habitat values of the project site for mammal species of special concern has remained the same. The Revised Project site remains suitable habitat for four species of mammals considered by CDFW to be California Species of Special Concern. One of these species, the American Badger, is addressed separately under Impact BR-18. The three remaining mammalian Species of Special Concern that potentially occur on the proposed project site are the Short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*), San Joaquin pocket mouse (*Perognathus inornatus inornatus*), and Tulare grasshopper mouse (*Onychomys torridus tularensis*). These species could occur in all areas of the Revised Project site directly and indirectly affected by the construction of the solar arrays, buildings, substation, and other infrastructure or activities. Up to 1,888 acres of potential habitat would be permanently lost due to permanent project impacts and an additional 618 acres would be subject to temporary impacts. Field surveys have not confirmed the presence of these species at the Revised Project site. However due to the extent of suitable habitat, the overlap of these species' ranges with the Panoche Valley, and historic (CNDDDB) records, these species may nevertheless occur. 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 reduce these impacts to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MM BR G.1, G.4, 1.2, and 7c.1 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, and 1.1.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into,

the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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: Previously adopted MM BR-7c.1 requires pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse) and prescribes specific measures that must be implemented, including relocation of any species that might be observed within the designated construction area.

EVIDENCE: MM AQ-1.1 would reduce the emission of fugitive dust and its impact on sensitive mammal species.

EVIDENCE: Previously adopted MMs BR-G.1, G-4, 1.2 and 7c.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 1.1, 14.2 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The 2010 FEIR concluded that the Approved Project could result in the loss of vernal pool fairy shrimp ("VPFS"). This impact would remain largely the same under the Revised Project as described in the Final SEIR. Suitable habitat (ephemeral and vernal pools) for the VPFS, listed as federally threatened by the USFWS in 1994, occurs on the project site. VPFS were identified within one ephemeral pond in the northwest portion of the project site, west of Little Panoche

Road. These findings remain the same under the Revised Project. This pool has been placed under preservation in perpetuity, there will be no impact to the identified pool under the Revised Project. Development of the Panoche Valley Solar Farm has the potential to impact VPFS 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 VPFS at the project site and the unique habitat requirements of the species, the loss of occupied VPFS habitat, and the loss of individuals (including eggs) as a result of construction, or O&M activities, would be a significant impact. To reduce the Revised Project's impact on vernal pool fairy shrimp to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MM BR G.1, G.4, 8.2, and 8.3 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, and G.6.

The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife.

EVIDENCE: MM BR-8.2 would require avoiding disturbance of ephemeral pools occupied by fairy shrimp 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 verified to be occupied by listed fairy shrimp. Implementing these mitigation measures would reduce impacts to vernal pool fairy shrimp to less than significant levels.

EVIDENCE: Previously adopted MM BR-8.1 has been deleted and is not required to mitigate impacts to VPFS to a less than significant level, nor will the deletion create a new biological impact or substantially increase the severity of a biological impact to VPFS. Full protocol surveys already have been completed for the Revised Project in accordance with this measure and the positive results of the surveys have been incorporated into the analysis of the Supplemental EIR.

EVIDENCE: MM AQ-1.1 would reduce the emission of fugitive dust and its impact on VPFS habitat.

EVIDENCE: Previously adopted MMs BR-G.1, G-4, 8.2 and 8.3 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The 2010 FEIR concluded that the Approved Project could result in the loss of individual California tiger salamanders or the permanent or temporary loss of habitat. To reduce this impact to a less than significant level, the 2010 FEIR recommended and the County previously adopted MMs 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 the California tiger salamander and implement avoidance measures), and AQ-1.1 (Reduce fugitive dust.).

The project site is still 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. Like the Approved Project, the Revised Project 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 could be a significant impact to California tiger salamanders.

The FSEIR incorporates revisions to MMs BR-G.2 through BR-G.6, BR-9.1, and AQ-1.1, and concludes that although the overall areas of ground disturbance to tiger salamander habitat would be reduced under the Revised Project, the direct and

indirect effects from the development of the Revised Project are the same as those identified in the 2010 Final EIR.

The Board finds that, based on the analysis in the 2010 FEIR and the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen the significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife.

EVIDENCE: Revised MM 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 to individuals and the species' habitat.

EVIDENCE: MM AQ-1.1 would reduce the impact of fugitive dust on these species.

EVIDENCE: Previously adopted MMs BR-G.1 and G.4 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 9.1 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The Revised Project's impact on the Blunt nosed leopard lizard would be incrementally less than the Approved Project due to the larger buffer areas that have been incorporated into the Revised Project and the increase in the size of the valley floor conservation area. To reduce the Revised Project's potential impact on Blunt nosed leopard lizard to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MM BR G.1 and G.4 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, 10.1, and 16.3. The Board finds, based on

the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife. 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: After County approval of the Approved Project in 2010, PVS re-designed the Revised Project to create large open areas between the solar panel arrays, roadways, and other Project infrastructure, and all locations of blunt-nosed leopard lizards identified through previous surveys are within the 2,514-acre Valley Floor Conservation Lands. While the Revised Project may permanently impact up to 1,888 acres, and have additional indirect impacts within the remaining 618 acres within the Revised Project footprint, the Applicant has committed to acquiring 24,176 acres of mitigation land. These mitigation lands are comprised of approximately 10,782 acres of high value habitat within the Panoche Valley that have slopes less than 11 percent contiguous with the valley floor, and are occupied by blunt nosed leopard lizard (as well as San Joaquin kit fox and giant kangaroo rat), and are considered likely to contain the same genetically distinct populations of these species that occur on the Revised Project site.

EVIDENCE: Just like the Approved Project, in addition to avoiding and protecting the extensive valley floor conservation area, where the Blunt nosed leopard lizard is located on site, the Revised Project includes the permanent conservation of the Silver Creek Ranch to accomplish, in part, the mitigation requirements set forth in MM BR-G.5. 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: To avoid impacts on the BNLL during construction and operation of the project, the FSEIR requires implementation of revised MM BR 10.1, which requires a 52.4-acre avoidance buffer around any detected BNLL on-site.

EVIDENCE: The applicant has incorporated extensive design features into the Revised Project 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: 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: Revised MM BR-16.3 provides an added layer of protection for blunt nosed leopard lizard by requiring the preservation, management, and maintenance of giant kangaroo rat habitat corridors across the project site to ensure the functionality of the corridor for giant kangaroo rat and other sensitive species, including the blunt nosed leopard lizard.

EVIDENCE: Previously adopted MMs BR-G.1 and G-4 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 10.1, 16.3 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

19. BIOLOGICAL RESOURCES (Impact BR-11 – Mountain Plovers)

FINDING: The FSEIR concludes that the Revised Project's impact on wintering mountain plover habitat would remain largely the same as the Approved Project. Since 2010, however, the USFWS has withdrawn the proposed rule to list the mountain plover as a federally threatened species, determining that the mountain plover is not threatened or endangered throughout all or a significant portion of its range (50 CFR Part 17, May 2011) Nonetheless, the Revised Project's impact on mountain plovers is still considered potentially significant. Up to 1,888 acres of potential habitat would be permanently lost due to permanent project impacts and an additional 618 acres would be temporarily impacted. To reduce the Revised Project's potential impact on mountain plovers to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1 and G.4 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, and 14.2. The Board finds, based on the

analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: In accordance with the guidelines set forth in MM BR-14.2, the applicant must prepare and implement an Avian Conservation Strategy that is similar to the Bird Monitoring and Avoidance Plan previously required for the Approved Project to reduce impacts on sensitive bird species. The strategy must be reviewed and approved by the County, CDWF and USFWS and must include protocol for assessing bird mortality as a result of Revised Project features and implementation of adaptive management measures to minimize any incidents of bird mortality.

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

EVIDENCE: Previously adopted MM BR-11.1 has been deleted and is not required to mitigate impacts to mountain plovers to a less than significant level, nor will the deletion create a new biological impact or substantially increase the severity of mountain plover impacts. As discussed in the FSEIR, based on the reduction of the project footprint and the preservation of conservation lands that project biologists have concluded are known to provide occupied habitat of equal or greater quality for mountain plover, a mitigation ratio of 1:1 can be met without the need for additional surveys for mountain plover pursuant to MM BR-11.1. Therefore, this measure can be removed, and the preparation of an acceptable Avian Protection Plan and the implementation of the other mitigation measures identified in the FSEIR will adequately reduce impacts to mountain plovers to less than significant levels.

EVIDENCE: Previously adopted MMs BR-G.1 and G-4 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 14.2 and AQ-1.1 are feasible,

are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The FSEIR concludes that Revised Project's impact on special status raptors, such as golden eagles, California condors, Swainson's hawk, and white-tailed kite would largely be the same as the Approved Project albeit a little less due to the reduced permanent project footprint. Like the Approved Project, the Revised Project could result in the loss of foraging habitat for these species. Up to 1,888 acres of potential habitat would be permanently lost due to project impacts and an additional 618 acres would be temporarily impacted. To reduce the Revised Project's potential impact on special status raptors to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1 and G.4 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, 6.1, 12.2 and 14.2. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of wildlife. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: Revised MM AQ-1.1 would minimize the potential for fugitive and excessive airborne dust to impact these species.

EVIDENCE: Revised MM BR-6.1 would require pre-construction surveys for all nesting and breeding birds and implementation of avoidance measures specified in the measure if any active nests are discovered.

EVIDENCE: Previously recommended and adopted MM BR-12.2 would require all construction activity to stop within 500 feet of any California condor landing at the

site and not to resume until the condor has left the site. The measure also requires that any California condor sightings be reported to CDFW and USFWS within 24 hours.

EVIDENCE: Revised MM BR-14.2 requires the applicant to prepare an Avian Conservation Strategy and Eagle Conservation Plan that contains various monitoring and adaptive management components that are required by the measure. The applicant has already prepared a draft plan for the County and agencies (CDFW and USFWS) review and approval. The purpose of the plan is to establish a strict protocol for monitoring future injuries or deaths to avian species and to identify appropriate adaptive management recommendations, if necessary, to minimize any potential bird mortality.

EVIDENCE: Previously adopted MMs BR-G.1, G-4 and 12.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 14.2 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

21. BIOLOGICAL RESOURCES (Impact BR-13 – Burrowing Owl)

FINDING: Like the Approved Project, the FSEIR concludes that the Revised Project could result in the loss of burrowing owl, loss of foraging habitat for burrowing owl and loss of occupied burrowing owl habitat. The Revised Project would impact 1,888 acres of potential habitat that would be permanently lost due to permanent project impacts, 618 acres that would be temporarily impacted, and the potential loss of individual owls as a result of construction or O&M activities. To reduce the Revised Project's potential impact on special status raptors to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1, G.4, and 13.1 and revised MMs AQ-1.1 and BR-G.2, G.3, G.5, G.6, and 14.2. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: Revised MM AQ-1.1 would reduce impacts from excessive and airborne fugitive dust.

EVIDENCE: Previously recommended and adopted MM BR-13.1 would require pre-construction burrowing owl surveys and implementation of the specific avoidance measures set forth in this measure if a burrowing owl is present. 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: As noted and explained in other findings, Revised MM BR-14.2 would require the applicant to prepare and implement an Avian Conservation Strategy in accordance with the guidelines and requirements set forth in the measure and the final plan must be approved by the County, CDFW and USFWS to ensure that the monitoring protocol and adaptive management techniques will be protective of the species.

EVIDENCE: The applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously adopted MMs BR-G.1, G-4 and 13.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.2, G.3, G.5, G.6, 14.2 and AQ-1.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the FSEIR concludes that the Revised Project could result in hazards to birds from power lines and associated facilities. The FSEIR concludes that the risks associated with electrocution or collision with overhead wires by State and/or federally protected birds. To reduce this potential impact of the Revised Project to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR 14.1 and 23.1 and revised MMs BR-G.6 and 14.2. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM 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: Revised MM BR-14.2 would the applicant to prepare and implement an Avian Conservation Strategy that is review and approved by the County and various resources agencies (CDFW and USFWS). 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 (i.e. adaptive management) including the placement of additional bird flight diverters, alterations to project components that have been identified as key mortality features (i.e., the modification of project colors or coatings), or other appropriate actions approved by the County and regulatory agencies.

EVIDENCE: the Revised Project would also be subject to the management requirements outlined in Revised MM BR G.6 and previously recommended and adopted MM 23.1, which requires the creation of a conservation easement on all project areas retired from the development footprint.

EVIDENCE: Previously adopted MMs BR-14.1 and 23.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs BR-G.6 and 14.2 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the FSEIR concluded that the Revised Project could result in mortality of, and loss of habitat for, special-status bat species. However, the permanent loss of foraging habitat would be less than the Approved Project because the area covered with solar panels and structures has been reduced. Nonetheless, these impacts are considered significant and would include up to 1,888 acres of potential foraging habitat that would be permanently lost due to the construction of solar facilities on the valley floor, and 618 acres that would be temporarily impacted, and the potential loss of individual bats or colonies as a result of construction or O&M activities. To reduce the Revised Project's potential impact on special status bats to a less than significant level, FSEIR recommends implementation and adoption of previously adopted MMs BR G.1, and G.4, revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, and 15.1 through 15.3 and new MM BR 15.4. The Board finds, based on the analysis in the FEIR and FSEIR, and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: Previously recommended and adopted MM AQ-1.1 would reduce impacts from fugitive dust, and is a requirement of the project.

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

EVIDENCE: New MM BR-15.4 requires implementation of management recommendations to protect any roost sites identified during pre-construction surveys or routine inspections of the conservation lands.

EVIDENCE: The applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously adopted MMs BR-G.1 and G.4 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1., BR-G.2, G.3, G.5, G.6, 15.1 through 15.3 and new MM 15.4 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the Revised Project would significantly impact the giant kangaroo rat ("GKR") due to the potential loss of individual species, loss of foraging habitat, and loss of occupied habitat. However, the FSEIR concludes that the Revised Project's overall impact on GKR would be incrementally less than the Approved Project because the Revised Project design and construction methodology has been further refined resulting in an overall reduction in permanently disturbed areas and an increase in the mitigation lands. The Revised Project includes an approximately 2,506-acre project area, of which permanent impacts would occur within 1,888 acres, which is 415 acres less than the impacts described in the 2010 Final EIR for the Approved Project. The Revised Project was adjusted to avoid areas of highest giant kangaroo rat occupancy that were identified during surveys conducted in 2013. These areas of high occupancy would be preserved in perpetuity via conservation easement as part of the Valley Floor Conservation land (2,514 acres as opposed to 2,072 acres for the Approved Project) and are no longer included in the project footprint. Nonetheless, the Revised Project's impact on GKR is considered significant. To reduce the Revised Project's potential impact on GKR to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1, G.4, 1.2, and 16.2, revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 16.1 and 16.3.

The Board finds, based on the analysis in the FEIR and FSEIR, and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen significant environmental effects.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: The Applicant has acquired rights to 24,176 acres of mitigation land. As described in section C.6 of the FSEIR, these mitigation lands are comprised of approximately 10,782 acres of high value habitat within the Panoche Valley that have slopes less than 11 percent and are contiguous with the Valley floor. The mitigation lands are occupied by giant kangaroo rat (as well as San Joaquin kit fox and blunt-nosed leopard lizard).

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success

and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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: MM AQ-1.1 would reduce the impact of airborne fugitive dust on GKR and its habitat.

EVIDENCE: Revised MMs BR-16.1 and 16.3 requires pre-construction surveys and avoidance measures and the preservation, management, and maintenance of functional giant kangaroo rat habitat corridors, which would ensure habitat connectivity believed to be critical to the survival of this species in the Panoche Valley. Previously adopted MM BR-16.2 requires the use of feasible foundation installation equipment that would minimize noise and vibration on ground dwelling wildlife.

EVIDENCE: The applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously adopted MMs BR-G.1, G.4 and 16.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1., BR-G.2, G.3, G.5, G.6, 16.1 and 16.3 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The 2010 FEIR concluded that the Approved Project could significantly impact San Joaquin antelope squirrel due to the loss of the species and its foraging and occupied habitat. The Revised Project would have a similar, but somewhat reduced impacts due to the smaller building footprint. Nonetheless, the Revised Project would still permanently impact a significant amount (1,888 acres) of San Joaquin antelope squirrel habitat, and have additional indirect impacts on the habitat within the remaining 618 acres of within the Revised Project footprint. To reduce the Revised Project's potential impact on San Joaquin antelope squirrel to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR G.1, G.4 and 1.2 and revised MMs BR-G.2, G.3, G.5, G.6, 1.1 and 17.1. The Board finds, based on the analysis in the FEIR and FSEIR, and Record of Proceedings, that changes or alterations have been required in, or

incorporated into the Revised Project, that would avoid or substantially lessen this significant environmental effects.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan is ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust on the species and its habitat.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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: Revised MM 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: The applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously adopted MMs BR-G.1, G.4 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 1.1 and 17.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

26. BIOLOGICAL RESOURCES (Impact BR-18 – American Badgers)

FINDING: The 2010 FEIR concluded that the Approved Project could significantly impact the American badgers due to the loss of individual species or their habitat. The FSEIR concludes that the Revised Project would also have a significant impact on this species, but the impact would be somewhat reduced based on the reduced project footprint. To reduce the Revised Project's potential impact on American badgers to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs AQ 1.1, BR G.1, G.4 and 1.2 and revised MMs BR-G.2, G.3, G.5, G.6, 1.1 and 18.1.

The Board finds, based on the analysis in the FEIR and FSEIR, and Record of Proceedings, that changes or alterations have been required in, or incorporated into the Revised Project, that would avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan to ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: MM AQ-1.1 would reduce impacts from fugitive dust on the species and its habitat.

EVIDENCE: Revised MM BR-1.1 and previously adopted MM 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: Previously recommended and adopted MM 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 CDFW and the biological monitor.

EVIDENCE: The applicant also proposes to implement APMs BIO-1, 2, 3, 4, and 7 to make workers aware of ecological resources, confine construction activities to designated areas, and revegetate temporarily disturbed areas to minimize long-term impacts on sensitive habitats due to Revised Project construction and operation.

EVIDENCE: Previously adopted MMs BR-G.1, G.4 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 1.1 and 18.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The 2010 Final EIR concluded that the Approved Project would significantly impact the San Joaquin Kit Fox ("SJKF") due to the loss of individual species and degradation of foraging and occupied habitat. The FSEIR concluded that the Revised Project would have a lesser permanent impact on SJKF than what was described in the 2010 Final EIR due to the reduction in permanent disturbance area. However, despite the reduced size of the project, the shortened construction duration (18 months as opposed to 5 years as previously proposed in the 2010 Approved Project) would temporarily increase the potential for vehicular collision and mortality of SJKF. To reduce the Revised Project's potential impact on SJKF to a less than significant level, the FSEIR recommends comprehensive mitigation strategy, which includes implementation and previously adopted MMs BR G.1, G.4 and 1.2 and revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 1.1 and 19.1. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project, which will avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: Previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan is ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success

and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: The Revised Project includes a 500 meter wide San Joaquin kit fox corridor that runs north to south through the center of the project to compensate for the loss of SJKF habitat. This protected corridor serves to preserve connectivity for the SJKF from the Valley Floor Conservation Lands to the Valadeao Ranch Conservation Lands and other open lands to the north and west of the project footprint. The Revised Project avoids the highest density occupied SJKF habitat in the southeast portion of the original project footprint, and preserves this habitat and corridor via conservation easement within the Valley Floor Conservation Area (2,514 acres). While the Revised Project may permanently impact up to 1,888 acres, and have additional indirect impacts within the remaining 618 acres within the Revised Project footprint, the applicant has acquired rights to 24,176 acres of mitigation land to compensate for the loss of SJKF habitat. As described, these mitigation lands are comprised of approximately 10,782 acres of high value habitat within the Panoche Valley that have slopes less than 11 percent and are contiguous with the Valley floor. The mitigation lands are occupied by SJKF (as well as blunt-nosed leopard lizard, San Joaquin antelope squirrel, and giant kangaroo rat), and are likely to contain the same genetically distinct populations of these species that occur on the Revised Project site. The re-design of the Project has created large open areas between the solar panel arrays, roadways, and other Project infrastructure.

EVIDENCE: The Applicant would implement SJKF Conservation Measures, which would add additional specificity and protective measures to the measures in the 2010 Final EIR. The final measures will be approved by CDFW and USFWS and will address the preservation and protection of kit fox travel corridors on the project site and the enforcement of a daytime speed limit of 15 mph and a night-time speed limit of 10 mph. Speed limits would not exceed 25 mph on public roads in the vicinity of the Project site. If a den is located near a Project road, speed would be reduced to 10 mph, and the den would not be excavated. The majority of the daily personal vehicle traffic to the site would originate from the west on Panoche Road. This area is less suitable for kit fox, and delivery trucks would be limited primarily to daylight hours. The duration of the construction under the Revised Project would affect only two pupping seasons instead of the five pupping seasons that would have been affected under the Approved Project. The re-design of the Project has created large open areas between the solar panel arrays, roadways, and other Project infrastructure.

EVIDENCE: Revised MMs BR-1.1 and previously adopted MM 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: MM BR-19.1, as modified in the FSEIR 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: MM AQ-1.1 would reduce impacts from fugitive dust on the species and its habitat.

EVIDENCE: Previously adopted MMs BR-G.1, G.4 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 1.1 and 19.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

28. BIOLOGICAL RESOURCES (Impact BR-20 – Jurisdictional Wetlands)

FINDING: The 2010 Final EIR concluded that the Approved Project would significantly impact Jurisdictional Wetlands, but that these impacts could be reduced to a level of insignificance with implementation of mitigation measures. The 2010 Final EIR identified approximately 18,700 linear feet of the ephemeral drainage channels within the Panoche Creek drainage, and approximately 7,025 linear feet of Las Aguilas Creek within the project site subject to the jurisdiction of USACE and/or CDFW. The FSEIR concludes that the Revised Project would result in a similar significant impact due to the loss of jurisdictional wetland and ephemeral drainage habitats. Based on additional surveys and consultation with USACE since 2010, some of the previously identified ephemeral drainages, specifically 5,951 linear feet of such drainages on the eastern side of the Revised Project site have been deemed waters of the U.S. or federal jurisdictional waters. Impacts associated with these features are described below. In addition, the Revised Project would impact approximately 7.93 acres of ephemeral drainage channels. Survey data indicates that the total length of federally jurisdictional waters within the Project Footprint totals approximately 0.39 acres (6,081 linear feet [ft]). Of the 0.39 acres of federally jurisdictional waters, only 0.122 acres (3,504 linear ft) of federal waters will be permanently impacted by the Revised Project. Due to the extent of the impacts associated with solar array development and the permanent nature of impacts to this habitat in many areas spread over the Revised Project site, impacts to jurisdictional waters would be potentially significant absent mitigation. To reduce the Revised Project's potential impact on jurisdictional wetlands and ephemeral drainages to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs AQ 1.1, BR G.1, G.4 and 1.2 and revised MMs BR-G.2, G.3, G.5, G.6, and 1.1. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: As required by law, PVS 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, PVS 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.

EVIDENCE: In addition, previously adopted MMs BR-G.1 and BR-G.4 would ensure that all construction personnel participate in the Worker Environmental Education Program and that biological construction monitoring is implemented to minimize species impacts. Revised MMs BR-G.2, G.3, G.5 and G.6 require implementation of Best Management Practices (BMPs) to avoid and minimize species impacts, a Habitat Restoration and Revegetation Plan is ensure the persistence of species on the project site, the creation and permanent protection of conservation lands to compensate for the potential loss of species and their habitats; and implementation of a Wetlands Mitigation and Monitoring Plan and Habitat Management Plan to ensure that targeted mitigation areas are properly monitored and managed to ensure the long term success and survival of impacted species. 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 suitable habitat exists to compensate for any permanent impacts on species that would be impacted by the Revised Project.

EVIDENCE: Revised MM BR-1.1 would ensure the preparation and implementation of a Weed Control Plan and previously adopted MM BR-1.2 would ensure the development of a Grazing Plan for vegetation management on the site. MM AQ-1.1 would reduce impacts from fugitive dust. Implementation of these mitigation measures would reduce both direct and indirect impacts to jurisdictional waters to less than significant levels.

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

EVIDENCE: Previously adopted MMs BR-G.1, G.4 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MMs AQ-1.1, BR-G.2, G.3, G.5, G.6, 1.1 and 17.1 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

29. BIOLOGICAL RESOURCES (Impact BR-22 – Construction Pond Impacts on Wildlife)

FINDING: The 2010 Final EIR analyzed the environmental impacts of a previously proposed lined evaporation pond, along with permanent and temporary

storage tanks, that were required for the Approved Project. The 2010 Final EIR concluded that the evaporation ponds could result in wildlife exposure to toxic trace elements and high salt concentrations. The Revised Project eliminates the evaporation pond. However, the Revised Project now includes the construction of two temporary construction water ponds with a combined capacity of approximately 4.4 million gallons. The temporary ponds would be removed at the end of construction. Temporary piping would be used to transport water from the ponds to drop tanks at designated locations around the site. Permanent piping would be installed from permanent water storage tanks to operations and maintenance (O&M) building for use during operations, including providing water to the fire suppression system.

While the risks to wildlife resulting from exposure to toxic trace elements and high salt concentrations at evaporation ponds have been eliminated under the Revised Project, potential direct and indirect effects on wildlife resulting from attractiveness of the construction ponds would remain with the construction of the Revised Project. Special-status bird species including waterfowl and shorebirds could be attracted to the ponds, increasing the risk of collision and electrocution from Project infrastructure. Special-status wildlife species in the area attracted to the ponds to drink could become trapped and be exposed to increased risk of mortality from drowning. To reduce the Revised Project's potential impact on wildlife to a less than significant level, the FSEIR recommends implementation and adoption of revised MM BR-22.1. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: Revised MM BR-22.1 requires the applicant to install temporary exclusionary fencing around the ponds for safety and to restrict access by special-status species. The perimeter of the temporary ponds shall be surrounded by a barrier fence (or combination of fencing) designed to keep wildlife species out. The temporary chain link fence shall be tall enough (6 feet) to keep out large mammals and fine enough at the bottom, and additional fine material exclusionary fencing shall be buried at least 2 feet, to keep out amphibians, reptiles, birds, and small and medium sized mammals. This mitigation measure will be effective because the barrier methods employed will reduce wildlife exposure. The measure further requires regular monitoring and reporting by a designated biologist.

EVIDENCE: Revised MM BR-22.1 is feasible, is hereby adopted, and is incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

30. BIOLOGICAL RESOURCE (Impact BR 23 - Cumulative Impacts)

FINDING: The FSEIR concludes that the Revised Project's cumulative impact on biological resources is largely the same as the Approved Project. While the Revised Project results in a smaller development footprint than the Approved Project

(2,506 acres as opposed to 3,202 acres), the Revised Project would continue to significantly impact various wildlife species, which could lead to the cumulative loss of these species and habitat. To address this impact and as explained in other findings above, the Revised Project also will permanently conserve and manage over 24,000 acres of high quality habitat within the boundaries of the Recovery Plan for Upland Species of the San Joaquin Valley to compensate for 2,506 acres of direct and indirect impacts. These mitigation lands are comprised of approximately 10,782 acres within the Panoche Valley that have slopes less than 11 percent contiguous with the Valley floor, are occupied by San Joaquin kit fox, giant kangaroo rat, and blunt-nosed leopard lizard, and are considered likely to contain the same genetically distinct populations of these species that occur on the project site. In addition, one of the conservation areas is the Silver Creek Ranch, which USFWS and BLM have specifically targeted in regional conservation plans to facilitate the long term recovery of sensitive species, including GKR, SJKF, and BNLL. The Revised Project would conserve and manage this habitat for all life stages of the target species. 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 Revised Project, PVS would be removing this hurdle, and ensuring the long term protection of species on private property. In addition, after the useful life of the Revised Project and in accordance with the decommissioning plan set forth in Section B.9 of the Project Description of the FSEIR, all structures on the site will be removed and the project site restored, which will benefit biological resources.

As discussed in the context of other findings above, the Revised Project also will implement various avoidance and minimization measures during construction and operation to minimize impacts on species.

Finally and to further reduce that the Revised Project's potential cumulative impact to a less than significant level, the FSEIR recommends implementation and adoption of previously adopted MMs BR-16.3 and 23.1. The Board finds, based on the analysis in the FSEIR and in light of the whole record, that changes or alterations have been required in, or incorporated into the Revised Project which will avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.6 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceeding.

EVIDENCE: Previously adopted MM BR-23.1 requires the applicant to record a permanent biological conservation easement on the entire 2,506 acre development footprint prior to the start of construction. The conservation easement would require preservation in perpetuity of all Revised Project areas retired from the development footprint for the benefit of species, with the exception of the PG&E switchyard which would be owned and operated by PG&E, and decommissioning would occur per the utility specification at the time.

EVIDENCE: MM BR-16.3, as modified in the FSEIR provides an added layer of protection by requiring the preservation, management, and maintenance giant

kangaroo rat habitat corridors across the project site to ensure the functionality of the corridor for sensitive species.

EVIDENCE: Previously adopted MMs BR-16.3 and 23.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

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

FINDING: Like the Approved Project, the possibility of accidental discovery and disturbance of unknown archaeological resources or Native American human remains exists during construction of the Revised Project. To reduce the Revised Project's potential impact on unknown cultural resources to a less than significant level, the FSEIR recommends implementation of previously adopted MMs CR-2.2., 2.3, and 2.4 and revised MM CR-2.1.

The PG&E Upgrades involve only a small amount of ground disturbance (such as for preparation of pulling/stringing sites and installation of replacement new ADSS wood distribution poles and new interconnection TSPs); however the possibility of accidental discovery and disturbance of unknown archaeological resources or Native American human remains still exists. This risk would be reduced to a level of insignificance by AMM CR-1 (Pre-Construction Worker Cultural Resources Training), AMM CR-2 (Resource Avoidance), AMM CR-3 (Construction Monitoring), AMM CR-4 (Unanticipated Discovery of Cultural Deposits), and AMM CR-5 (Unanticipated Discovery of Human Remains), which have all been incorporated into the PG&E Upgrades.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.7 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: In accordance with previously approved MM CR-2.2, 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. The applicant 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: In accordance with previously approved MM CR-2.3, 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: In accordance with previously approved MM CR-2.4, 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. The applicant will provide the County with a list of personnel who have completed the training, which shall be updated as required.

EVIDENCE: MM CR 2.1 was modified based on the recommendation of a qualified archaeologist to clarify the locations that are sensitive and could contain Native American remains and that should be monitored during construction. In accordance with revised MM CR-2.1, the applicant must hire a registered professional archaeologist familiar with the types of resources to be encountered within the project area to monitor all subsurface construction disturbances. The applicant must also hire a Native American monitor to be present during construction at sensitive locations for Native American remains within 200 meters of Panoche Creek and Las Aquilas Creek. 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: Previously adopted MMs CR-2.2, 2.3 and 2.4 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MM 2.1 is feasible, is hereby adopted, and is incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the possibility of accidental discovery and disturbance of unknown paleontological resources exists during construction of the Revised Project. While 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. To reduce the Revised Project's potential impact on unknown paleontological resources to a less than significant level, the FSEIR recommends implementation of previously adopted MMs PA-1.1 and 1.2. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.7 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM PA-1.1 requires a qualified Principal Paleontologist to develop a Paleontological Monitoring and Recovery Plan (PMRP) in accordance with the guidelines of the Society for Vertebrate Paleontology (1995) and to submit it the County for review and approval prior to construction. The applicant 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

EVIDENCE: Previously adopted MM PA-1.2 requires the applicant to 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: Previously adopted MMs PA-1.1 and 1.2 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

33. CULTURAL RESOURCES (Cumulative Cultural/Paleontological Resources Impacts)

FINDING: While no cultural resources or paleontological resources were identified on the site, the Revised Project has the potential to impact unidentified resources just like the Approved Project. If such an accidental discovery occurred during construction at the Revised Project site or within the area of the PG&E Upgrades and other cumulative development projects resulted in similar accidental discovery then the Revised Project could have a potentially significant cumulative impact on such resources. However, state law provides specific 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 that should minimize any potential cumulative effect. In addition, the Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.7 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: See Findings 31 and 32 for a summary of the cultural and paleontological resources mitigation, an explanation regarding the effectiveness of these measures to reduce impacts, and the incorporation of these measures as requirements of the Project.

34. GEOLOGY AND SOILS (Impact GE-4 – Exposure of People and Structures to Problematic Soils)

FINDING: The geologic and soils conditions at the site have not changed since 2010 when the County approved the Approved Project; thus the analysis contained 2010 Final EIR continues to be relevant and adequate for the Revised Project. Accordingly, the potential risk of exposure to people and structures to problematic soils has not changed. Potentially corrosive and expansive soils continue to be located within the site. 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. To reduce this potentially significant impact of the Revised Project, the FSEIR recommends implementation of revised MM GE-4.1.

This impact of the Revised Project would not occur as a result of construction or operation of the PG&E Upgrades due to the nature of the PG&E Upgrades and the small physical changes to the ground that would result. The PG&E Upgrades entail primarily the placement of cables along existing features and installation of poles and other small structures.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.8 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Revised MM GE-41 requires 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. The Geotechnical Report recommends that further corrosion testing be performed by a Professional Geologist to better characterize the site and properly design piles to withstand corrosion prior to approval of final foundation plans. 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. Additionally and in accordance with previously adopted APM GEO-2, which has been incorporated into the Revised Project, in order to avoid expansive clay and mitigate possibly disturbed surface soil, over excavation of building and equipment pads will be considered as required by the geotechnical report.

EVIDENCE: Revised MM GE-4.1 is feasible, is hereby adopted, and is incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The same equipment that was described in the 2010 Final EIR would be used to construct the Revised Project. The Revised Project would include fewer PV panels than the Approved Project, but would compress the construction schedule from five years to approximately 18 months. Construction activities would be shorter but more intense. The risk of a leak or accidental spill of hazardous materials would be the same as described in the 2010 Final EIR. During construction and operation of the Revised Project, 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. Spills and releases occurring during construction periods could result in hazards to construction personnel. The Revised Project no longer includes evaporation ponds associated with water treatment, and therefore the risk of mobilizing contaminants through brine harvesting no longer exists.

Like the Approved Project, the Revised Project includes installation of photovoltaic panels that 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.

To reduce these potentially significant impact of the Revised Project, the applicant must comply with strict regulations governing the use and disposal of hazardous materials. The FSEIR further recommends the adoption and implementation of previously adopted MM WR-6.3 to reduce impacts to a less than significant level.

Construction and operation (including inspection and maintenance) of the PG&E Upgrades would involve the use of heavy machinery, including helicopters. If not properly maintained, this machinery could leak potentially hazardous materials,

including diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, and transmission fluid. An accidental spill or leak of these materials could contaminate soil, surface water, groundwater, or affect construction workers or the public. This risk would be reduced by AMM HAZ 1 (Proper Storage and Disposal of Waste and Hazardous Materials) and AMM WR 1 (Hazardous Material Spill Prevention and Response Plan), which would be implemented as part of the proposed PG&E Upgrades. The full text of these AMMs is presented in Table B 12 (Section B.11). This impact would be less than significant.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.9 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM WR-6.3 requires the applicant and its contractors to 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: The applicant will require that all construction personnel be trained in the handling and storage of hazardous materials in compliance with OSHA standards. The applicant 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 significant spills and releases of hazardous materials shall be reported to the San Benito County Public Health Services.

EVIDENCE: The applicant 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 Spill Prevention Control and Countermeasure (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 materials shall not be drained onto the ground or into streams or drainage areas. Totally enclosed containment shall be provided for all trash, as well as recyclable materials containers. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to a disposal facility authorized to accept such materials.

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). The applicant 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: Mitigation Measure HZ 1.1 has been deleted and is no longer to necessary to reduce any potentially significant hazardous materials impacts because the measure addressed the harvesting of wet brine from the evaporation pond that has been eliminated from the Revised Project.

EVIDENCE: Previously adopted MMs WR-6.3 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project.

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

FINDING: The Revised Project includes the installation of 2 to 3 million less PV panels than the Approved project. Although the characteristics of the project area represent only a moderate fire hazard and the Revised Project includes far less panels

than the Approved Project, the FSEIR continues to identify the accidental ignition of wildland fires during construction, operation, or maintenance as a potentially significant impact. Like the Approved Project, potential ignition sources of the Revised Project include heavy equipment, idling vehicles, soldering, welding, and recreational smoking by project personnel. In addition, the accidental disconnection of "hot" array wiring may also cause wildland fires. Improper containment and regulation of any of these sources could result in wildland fires and threaten the scattered residences in the vicinity of the project area. Any loss of property or life, or injury would be considered a significant impact.

Construction of the PG&E Upgrades would take between 12 and 16 weeks. Several components of the PG&E Upgrades (including the microwave towers at the Call and Panoche Mountain sites and the OPGW in the Panoche Hills) are located in remote open space where fire risk is generally high. Vehicles idling on dry vegetation or personnel smoking near dry vegetation could ignite a wildfire. This risk would be reduced by AMM HAZ 2 (Curtailed Work During Red Flag Conditions) and AMM HAZ 3 (Fire Season Preparedness), which would be implemented as part of the proposed PG&E Upgrades.

To reduce this potentially significant impact of the Revised Project, the 2010 Final EIR and FSEIR recommends the adoption and implementation of previously adopted MM HZ-5.1 and revised MM PS-1.1. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.9 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: The applicant proposes to graze sheep under the panels to be installed in the project area. Through management of sheep grazing, the applicant 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: During fire season in designated State Responsibility Areas (SRAs), all motorized equipment will have federal or state approved spark arrestors; a backpack pump filled with water and a shovel will be carried on all vehicles; and fire-resistant mats and/or windscreens will be used when welding.

EVIDENCE: In the event of a Red Flag Warning issued for the zone containing the project area, previously adopted MM HZ-5.1 requires that the applicant 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: Pursuant to revised MM-PS-1.1, the Applicant must enter into an agreement with a qualified firefighting entity (the Hollister Fire Department, CAL FIRE, or private providers). A fully executed agreement shall be submitted to the Department of Planning and Building, prior to issuance of building permits, which documents the Applicant's agreement to pay the firefighting providers an agreed upon fee based on actual costs to fund additional personnel needed to serve the project site during construction.

EVIDENCE: PVS will also be required to submit site plans and building plans be submitted for review and compliance with the Hollister Fire Code (2011 California Fire Code) prior to building permit issuance. Compliance with the Hollister 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: Previously adopted MM HZ-5.1 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project. Revised MM PS-1.1 is feasible, is hereby adopted, and is incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the Revised Project has the potential to (1) expose workers and the public to airborne spores that cause Valley Fever, (2) expose workers and the public to unknown contaminants that may exist in the soil, (3) to create potential breeding areas for disease vectors such as rodents, mosquitos and flies due to trash piles, standing water, or other open containers. To reduce these potentially significant impacts of the Revised Project, the Revised Project would be required to comply with applicable laws and regulations that address valley fever, the discovery of unknown contaminants and minimizing the risk of disease vectors. The applicant has also incorporated APMs (HAZ-1 and HAZ 4) into the Revised Project to reduce these impacts. Finally, the 2010 Final EIR and FSEIR recommend the adoption and implementation of revised MM HZ-7.1 and 7.2 to reduce the impacts of disease vectors from standing water and valley fever to a less than significant level.

Regarding the PG&E Upgrades, the proposed upgrades will be constructed over a significantly shorter construction period than the Revised Project. In addition, the PG&E Upgrades will result in minimal grading and ground disturbance activity. Therefore, the same risk of exposure that would exist during work on the Panoche Valley floor to construct the solar project would be significantly reduced and less than significant. In addition, PG&E has incorporated two AMMs into the project to reduce the temporary construction risk related to Valley Fever: AMM AQ 1 (Reduce fugitive dust) and AMM HAZ 4 (Reduce risk of Valley Fever) that would further ensure that these potential impacts are less than significant.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.9 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

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 Revised 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: In accordance with APM HAZ-1, the applicant 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: Revised MM HZ-7.1 requires the applicant to 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, the applicant 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: Revised MM HZ-7.2 requires the Applicant to provide to all workers a detailed informational brochure explaining Valley Fever, its cause, and its symptoms, and the populations most at risk for the disease, make breathing protection gear available to all workers if requested, and educate the workers to recognize symptoms of Valley Fever.

EVIDENCE: Revised MM AQ-1.1 requires the applicant to develop and implement a fugitive dust plan which will be used to control or eliminate dust emissions and minimize airborne fungal spores.

EVIDENCE: Revised MM AQ-1.2 requires the applicant to designate a qualified dust compliance monitor to ensure the fugitive dust plan and grading activities are

conducted in accordance with approved plans and state and local air quality regulations.

EVIDENCE: sheep grazing under the panels will help to keep pasture growth controlled as necessary.

EVIDENCE: In accordance with APM HAZ-4, the applicant shall ensure that any animals grazing on the site during construction activity pursuant to a lease or other agreement shall be properly vaccinated in accordance with local custom and practice for San Benito County and Panoche Valley.

EVIDENCE: Revised MMs HZ-7.1, HZ-7.2, AQ-1.1, AQ-1.2, are incorporated into the Adopted Mitigation Monitoring and Reporting Program and are requirements of the project.

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

FINDING: Like the Approved Project, construction of the Revised 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 also could potentially disrupt adjacent land uses, including residential neighbors, visitor-serving uses, 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. To reduce these impacts to a less than significant level, the FSEIR recommends the adoption and implementation of previously adopted MMs LU-1.1 (establish construction liaison), LU-1.2 (provide advance notice of construction), LU-1.3 (provide quarterly construction updates) and TR-1.1 (traffic control plan).

Construction of the PG&E Upgrades would occur over a period of 12 to 16 weeks. Due to the short terms nature of these improvements, land use impacts would be less than significant.

The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.10 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM LU-1.1 requires the applicant to 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: Previously adopted MM LU-1.2 requires the applicant 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. The applicant will also provide notice to the Department of Planning and Building, all noise complaints within 72 hours of receipt and strategy for resolution.

EVIDENCE: Previously adopted MM LU-1.3 provides that after commencement of construction and for the duration of construction, the applicant 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: Previously adopted MM TR-1.1 requires the Applicant to identify measures to ensure safe transport of all trucks to the project site. The Traffic Control Plan will 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 MM 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: Previously adopted MMs LU-1.1, LU-1.2, LU-1.3, and TR-1.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

39. LAND USE (Cumulative Land Use Impacts)

FINDING: Like the Approved Project, the only potentially significant land use impact of the Revised Project relates to construction activities. Project construction is planned to take 18 months to be completed. The projects that have been constructed or proposed in the area of potential cumulative effects have changed since 2010, as described in Section D of the FSEIR. However, all of the projects are too far from the

project site to create any cumulative land use impact. Moreover, the mitigation measures recommended in the FSEIR and discussed in Finding 38 would ensure that the Revised Project's incremental land use impact would not be cumulatively significant. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.10 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MMs LU-1.1, LU-1.2, LU-1.3, and TR-1.1 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

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

FINDING: The Revised Project includes the same stationary noise sources as the Approved Project, including inverters and transformers that are located at regular intervals at the solid fields, and all equipment located at the substation and switchyard. However, the number of noise generating inverters and transformers has been reduced from 830 and 210 respectively with the Approved Project to 151 and 151 respectively with the Revised Project. As documents in the 2010 Final EIR and FSEIR, noise levels generated by the substation and switchyard would be less than significant. However, noise levels of the 151 inverters and transformers would potentially significant. To reduce the noise impacts from inverters and transformers from nearby residences, the FSEIR recommends adopting and implementation of revised MM NS-4.1. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.11 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Revised MM NS-4.1 requires that all inverters and transformers be setback at least 180 feet from the project's property line and at least 300 feet apart from each other or as needed to meet the County's daytime hourly noise level standard of 45 dBA Leq at the project's property line. In the event that daytime noise standards are exceeded or noise levels increase by more than 5 dBA, the subject inverter or transformer shall be enclosed or other noise attenuation measures would be implemented to comply with the noise standards.

EVIDENCE: Revised MM NS-4.1 is incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project.

41. NOISE (Impact NS-5 - Panel Washing Activities Would Substantially Increase Ambient Noise Levels in The Project Vicinity)

FINDING: Like the Approved Project, the Revised Project would require panel washing twice per year during the dry season to maintain panel efficiency, which could significantly increase ambient noise levels if panel washing crews are operating simultaneously and in close proximity to one another. To reduce the potential noise impact from panel washing, the FSEIR identifies and recommends the adoption and implementation of previously adopted MM NS-5.1 (limit panel washing activity). The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.11 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: MM NS-5.1 impose limitations on panel washing depending on the distance of the panel washing from the property line. If panel washing occurs within 1,900 feet of the property line, panel washing is subject to restricted hours to ensure that ambient nighttime noise levels would not exceed applicable noise standards.

EVIDENCE: Previously adopted MM NS-5.1 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project.

42. PUBLIC SERVICES, UTILITIES AND SERVICE SYSTEMS (Impact PS-1 – Construction and operation would place burdensome demands on public services)

FINDING: Like the Approved Project, the Revised Project requires a number a number of new structures (including PV panels, substation, and O&M building) in a very rural and remote area of the County that will increase demand on existing fire and police protection services in the immediate area. In addition, the Revised Project increases the number of daily construction workers at the project site from 200 to 550 that could potentially require fire and police protection services. The Revised Project also increases the number of truck deliveries to and from the project site. The large volume of construction traffic resulting from the condensed construction schedule would result in as many as 1,150 daily trips on the roads entering the valley. As stated in the 2010 Final EIR and repeated in the FSEIR, worker commute traffic, and construction and operational activities at the project site would increase the potential for accidents, fire, or other medical emergencies. To reduce the Revised Project's demand on fire and police protection services to a less than significant level, the FSEIR recommends the adoption and implementation of revised MM PS-1.1 (develop and implement service agreement with the fire department), previously adopted MM TR-1.1 (prepare and implement traffic control plan) and new MM TR-1.4 (ensure traffic safety). The Board finds, based on the analysis in the Final SEIR and Record of

Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project, which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.13 and C.14 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Revised PS-1.1 requires PVS to enter into an agreement with a qualified firefighting entity (the Hollister Fire Department, CAL FIRE, or private providers) to ensure that the fire service provider has sufficient staff to service the Revised Project. A fully executed agreement shall be submitted to the Department of Planning and Building, prior to issuance of building permits, which documents the Applicant's agreement to pay the firefighting providers an agreed upon fee based on actual costs to fund additional personnel needed to serve the project site during construction.

EVIDENCE: Previously adopted MM TR-1.1 requires the Applicant to identify measures to ensure safe transport of all trucks to the project site. The Traffic Control Plan will 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 MM 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: New MM TR 1.4 (Prepare Traffic Safety Plan) has been developed to ensure safety given the additional traffic that would occur with the Revised Project. One potential component of this measure would require the applicant to fund additional California Highway Patrol units or San Benito County Sheriff traffic safety officers during the construction of the Revised Project.

EVIDENCE: The Revised Project would also be required to comply with other design features and requirements of the fire service provider pursuant to standard County conditions of approval. These features may include the following: 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) addresses 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 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: Previously adopted MM TR-1.1 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project. Revised MM PS-1.1 and new MM TR-1.4 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Like the Approved Project, the Revised Project would have a less than significant cumulative impact on public services with implementation of the mitigation measures identified and described in Finding 42. Even though the FSEIR identifies a list of new cumulative projects since 2010 when the County approved the Approved Project, none of these projects would increase the demand on the same public services that would be affected by the Revised Project because they are outside of San Benito County in areas that are served by other local fire and police protection agencies. Moreover and as described in Finding 42, mitigation measures have been adopted for the Revised Project that would ensure that the Revised Project's incremental impact on public services would not be cumulatively significant. The Board finds, based on the analysis in the Final SEIR and the Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.13 and C.14 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM TR-1.1 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project. Revised MM PS-1.1 and new MM TR-1.4 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

44. TRANSPORTATION AND CIRCULATION (Impact TR-1 – Construction Would Create Unsafe Roadway Conditions)

FINDING: Similar to the Approved Project, the Revised Project would create potentially unsafe conditions on public roadways during the 18-month construction period. Overall impacts to the roadway system would be similar to those of the Approved Project, but the impacts would incrementally increase due to the shorter and

more intense construction period of time. For example, the increase in intensity of truck trips associated with the Revised Project would require potentially more frequent road rehabilitation during the approximately 18-month duration of construction activities and, following construction, roadways would be repaired to meet the current traffic-serving capacity. The Revised Project also would generate substantially more daily (and hourly) traffic over its shorter construction period than the Approved Project. The increase in daily construction traffic due to the condensed project schedule has the potential to impede emergency response vehicle access to the Panoche Valley. In addition, the large number of vehicles on the small local roads during project commuting timeframes could present a risk of increased frequency of accidents for workers and the public and place additional burden on emergency response agencies. To reduce these traffic impacts to a less than significant level, the FSEIR recommends the adoption and implementation of previously adopted MMs TR-1.1 (traffic control plan) and TR 1.3 (Repair roadway damage), revised MM TR 1.2 (Rehabilitate and monitor roadway pavement), and new MM TR 1.4 (ensure traffic safety).

The Board finds, based on the analysis in the Final SEIR and the Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.14 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM TR-1.1 requires the applicant to prepare and implement a traffic control plan that identifies measures to ensure safe transport of all trucks to the project site. The traffic control plan will 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 MM 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: MM TR-1.2 requires the applicant 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 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 the applicant shall coordinate with Caltrans, San Benito, and Fresno Counties to implement appropriate wheel load weight distribution to protect bridge and culvert crossings. The applicant 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 the applicant. 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. The applicant 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 the road accommodates construction traffic loads.

EVIDENCE: MM TR-1.3 requires the applicant to 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. The applicant 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, the applicant 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, the applicant 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, the applicant will provide a letter signed by the counties stating their satisfaction with the repairs.

EVIDENCE: New MM TR-1.4 requires the applicant to develop a Traffic Safety Plan that includes the 14 specific requirements set forth in this mitigation to ensure (a) the ability of emergency service providers to access the Panoche Valley region during Revised Project construction, and (b) the safety of the public and project traffic using regional roads during peak project traffic conditions. The Traffic Safety Plan would be developed based on coordination with the County Building and Planning Department, the San Benito and Fresno County Sheriffs' Offices, and the California Highway Patrol.

EVIDENCE: Previously adopted MM TR-1.1 and TR-1.3 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project. Revised MM TR-1.2 and new MM TR-1.4 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: Traffic volume data collected in 2010 as part of the 2010 FEIR as well as information presented in the updated traffic study prepared for the FSEIR, showed existing traffic volumes were well below capacities of each roadway. The Revised Project would temporarily add more one-way vehicle trips to the existing roadway network than the Approved Project due to the accelerated construction schedule. Although the Revised Project would increase traffic trips, this increase would have little effect on roadway operations and the total volume of traffic on Panoche would remain within the roadway capacities. In addition, under the Revised Project work schedule, employees would generally be coming to and from the project site during non-peak times when few other vehicles are using these roadways.

As with the Approved Project, the Revised Project may require short-term road closures of Little Panoche Road that could disrupt traffic flow and could lead to congestion. To ensure that any temporary construction-related lane closures would not significantly increase congestion, the FSEIR recommends the adoption and implementation of MM TR-1.1 and TR-1.4. The Board finds, based on the analysis in the Final SEIR and the Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.14 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Previously adopted MM TR-1.1 requires the applicant to prepare and implement a traffic control plan that identifies measures to ensure safe transport of all trucks to the project site. The traffic control plan will 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 MM 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: New MM TR-1.4 requires the applicant to develop a Traffic Safety Plan that includes the 14 specific requirements set forth in this mitigation to ensure (a) the ability of emergency service providers to access the Panoche Valley region during Revised Project construction, and (b) the safety of the public and project traffic using regional roads during peak project traffic conditions. The Traffic Safety Plan would be developed based on coordination with the County Building and Planning Department, the San Benito and Fresno County Sheriffs' Offices, and the California Highway Patrol.

EVIDENCE: Previously adopted MM TR-1.1 has been incorporated into the Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project. New MM TR-1.4 is feasible, is hereby adopted, and is incorporated into the Mitigation Monitoring and Reporting Program as a requirement of the Revised Project.

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

FINDING: Like the Approved Project, the Revised Project would rely entirely on groundwater from on-site wells to satisfy its water demand during construction and once operational. During the construction of the project, water would be used for dust suppression, soil compaction and manufacturing of concrete and mixing. Water demand during the peak construction component of the project would be approximately 581,250 gallons per day (gpd) or 314.87 acre feet per year (afy). The short term water use during construction would temporarily lower water levels for portions of the Panoche Valley Groundwater Basin. The greatest drawdown would occur at the extraction wells and would decrease with increasing distance from the pumped wells. The simulations predicted that maximum drawdown (12 months after the start of pumping) in two wells near the southern boundary of the project site would be between 1.2 and 2.7 feet. Drawdown for a well that serves an organic farm south-east of the property was predicted to result in a maximum drawdown of approximately 0.45 to 1.5 feet. The maximum simulated drawdown for the pumped well (Well #4) was predicted to be 3-5 feet. However, based on the current water levels in the groundwater basin, the predicted drawdown levels during the construction phase are unlikely to significantly impair existing water supply well use in the valley.

At the end construction, water use would be substantially less and would be used primarily for panel maintenance. Estimated operational groundwater needs are approximately 812,000 gallons per year for panel washing and approximately 112,500 gallons per year for employee use.

To reduce the Revised Project's potentially significant impact on local groundwater supplies, the FSEIR recommends the adoption and implementation of revised MMs WR-1.1 and WR-1.2. The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen this significant environmental effect.

EVIDENCE: Section C.15 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

EVIDENCE: Revised MM WR-1.1 provides that at least 60 days prior to project-related groundwater pumping activities, the applicant will prepare and submit for review and approval, a Groundwater Monitoring Plan (GMP), 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 GMP, Monthly reports summarizing daily pumping and monthly (minimum) water level monitoring data shall be submitted to San Benito County submitted throughout construction. Annual reports shall be submitted for the following three years. If results of the monthly trend analyses indicate that the project pumping has resulted in water level decline of 5 feet or more below the baseline trend at nearby private wells, the applicant shall be prohibited from using the well(s) as a water source for the Revised Project, or shall reduce groundwater pumping until water levels stabilize or recover. At the conclusion of project construction (the time of highest groundwater demand) the project owner and San Benito County shall jointly evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and determine if monitoring frequencies or procedures should be revised, extended into the operation period, or eliminated.

EVIDENCE: Revised MM WR-1.2 requires the applicant to prepare and implement an Aquifer Testing and Well Interference Analysis Plan (ATWIAP) prior to pumping any existing or new wells south of Well 19 (as depicted on Figure 15.2 in the 2010 Final EIR) to evaluate the effect of project pumping at private wells south of the well. The aquifer test duration shall be a minimum of 72-hours and must conform to the protocol set forth in this measure. The results of the aquifer test and well interference analysis shall be submitted to San Benito County for review and approval prior to using the subject well for project water supply. If a new or existing well located south of existing Well #19 is approved for project use, the Groundwater Monitoring and Reporting Plan (MM WR-1.1) shall be amended to identify monitoring wells near the new project supply well.

EVIDENCE: Revised MMs WR-1.1 and 1.2 are feasible, are hereby adopted, and are incorporated into the Mitigation Monitoring and Reporting Program as requirements of the Revised Project.

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

FINDING: The same equipment that was described in the 2010 Final EIR would be used to construct the Revised Project. The Revised Project would compress the construction schedule from five years to approximately 18 months; therefore, construction activities would be more intense. The risk of a leak or accidental spill of hazardous materials would be the same as described in the 2010 Final EIR, and the same APMs and mitigation measures would apply. 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. To reduce this potential impact to a less than significant level, the FSEIR recommends the adoption and implementation of previously adopted MMs WR-6.1 (Accidental spill control and environmental training), WR-6.2 (No storage of fuels and hazardous materials near sensitive water resources), and WR-6.3 (Maintain vehicles and equipment) The Board finds, based on the analysis in the FSEIR and Record of Proceedings, that changes or alterations have been required in, or incorporated into, the Revised Project which avoid or substantially lessen these significant environmental effects.

EVIDENCE: Section C.15 of the 2010 FEIR and the FSEIR provide the technical analysis that supports this finding along with other pertinent oral and written testimony in the Record of Proceedings.

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

EVIDENCE: Previously adopted MM WR-6.1 requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that must 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. The applicant 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: Previously adopted MM WR-6.2 requires the applicant to require contractors to store fuels and hazardous materials more than 200 feet of groundwater supply wells.

EVIDENCE: Previously adopted MM WR-6.3 requires that 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: The applicant proposes that each PV panel will be checked for toxic metals and properly cleaned prior to installation on the project site.

EVIDENCE: The applicant 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: Previously adopted MMs WR-6.1, 6.2, and 6.3 have been incorporated into the Mitigation Monitoring and Reporting Program and are requirements of the Revised Project.

III. SIGNIFICANT AND UNAVOIDABLE ENVIRONMENT IMPACTS

1. AESTHETICS (Impact AE-1 Construction Visibility/Night Lighting)

FINDING. When the Board certified the 2010 Final EIR, the Board found that the 2010 Project would have significant and unavoidable aesthetic impacts due to the long-term visibility of construction activities, equipment, and night lighting over the original 5-year construction period. The Revised Project would result a similar significant and unavoidable impact even though the Revised Project includes a shorter 18-month construction scheduled because the intensity of construction activity will increase during the shorter construction period. The visibility of construction activities, equipment and night lighting during the shorter 18 month construction period of the Revised Project would remain significant and unavoidable because construction activity would be more intense. The FSEIR 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 because of the benefits of the Revised Project as set forth in the statement of overriding considerations.

EVIDENCE: Construction of the Revised Project would cause the same, but shorter term impacts due to the presence of equipment, materials, and workforce that were described and analyzed in the 2010 Final EIR. Like the 2010 Project, 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.

EVIDENCE: The Revised Project would expose sensitive receptors to views of heavy construction equipment and staging areas during the 18 month construction period. Night lighting would be required during the construction period and would be visible from the various key viewpoints as well as other nearby locations within Panoche Valley.

EVIDENCE: The applicant would incorporate previously adopted APM AES-2 and revised AES-3 into the Revised Project to reduce lighting and glare impacts. Pursuant to previously adopted APM AES-2, during Revised Project 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 revised APM AES-3, during operation of the project, motion-sensor lighting will be used at the main entrance, substation and switching station. 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. While constant lighting, at a low-level, may be required at the O&M building, 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, previously adopted Mitigation Measure AE-1.1 (Reduce Night Lighting Impacts) is feasible and is hereby incorporated into the Revised Project to further reduce significant visual impacts from night lighting.

EVIDENCE: Previously adopted and incorporated MM 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 construction timeframe and the impact would remain significant.

EVIDENCE: Previously adopted MMs AE-1.1 is incorporated into the Adopted Mitigation Monitoring and Reporting Program and is a requirement of the Revised Project.

2. AESTHETIC (Impact AE-3 Introduction of Structures)

FINDING: The FEIR concluded that the Approved Project would have a significant and unavoidable aesthetic impact due to the introduction of structures to the rural Panoche Valley. The Revised Project would have a reduced visual contrast relative to the proposed project because its construction footprint would be smaller and number of structures would be less than the Approved Project. However,

notwithstanding these design changes the Board finds that the aesthetic impacts of the Revised Project would be similar to the Approved Project and would remain significant and unavoidable even with implementation of feasible mitigation measures. This impact is overridden by the Revised Project 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 Revised 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 Revised Project structures will be located on the Valley floor and based on a review of the visual simulations of the Approved Project, the Revised Project 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, as shown in the 2010 Final EIR, 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. Like the Approved Project, the Revised Project 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: The applicant proposes to incorporate APM AES-1 into the Revised Project to reduce aesthetic impacts. Pursuant to APM AES-1, the applicant 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, MM 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: MM 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 policies 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.

3. NOISE (Impact NS 1 – Construction Noise)

FINDING: The 2010 Final EIR concluded that construction noise levels from the Approved Project 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 even with the creation of a 1,683-acre conservation area buffer along the southern project site boundary. However and discussed in Section C.11 of the FSEIR, even with the Revised Project's reduced building footprint and increased conservation easement area, 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 Revised Project's benefits as set forth in the statement of overriding considerations.

EVIDENCE: The applicant would incorporate APM N-1 into the Revised Project 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, changes or alterations have been incorporated into the Revised Project that further reduce, but do not fully mitigate, significant effects from Impact NS-1. Specifically, previously adopted MMs 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.

EVIDENCE: MM 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. MM 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, MM NS-1.3 provides advance notice of construction and demolition including a mechanism for submitting noise complaints and requires documentation of resolution. MM 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. MM 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 Revised Project to the maximum extent feasible. 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.).

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

FINDING: The 2010 Final EIR 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 more intense construction activity during the shortened, 18-month, construction schedule, and the need for limited nighttime construction activity, the FSEIR concluded that this impact would be significant and unavoidable. The Board finds that like the Approved Project, construction noise levels of the Revised Project would significantly increase existing ambient noise levels that exceed the County's noise standards and that this impact cannot be mitigated to a less than a significant level even with implementation of feasible mitigation measures. This impact is overridden by the Revised Project's 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 Revised Project would exceed the County's day time noise standards.

EVIDENCE: The applicant would incorporate APM N-1 into the Revised Project 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, changes or alterations have been incorporated into the Revised Project that reduce, but do not fully mitigate, significant effects from Impact NS-2. Specifically, MMs 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. MM NS-2.1 would reduce noise impacts from decommissioning to a less than significant level.

EVIDENCE: MM 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. MM 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, MM NS-1.3 provides advance notice of construction and demolition including a mechanism for submitting noise complaints and requires documentation of resolution. In addition, MM 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, MM 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.

IV. OTHER CEQA CONSIDERATIONS

1. Growth Inducing Effects.

FINDING: The 2010 Final EIR and FSEIR (Section F.1) analyzed potential growth-inducing components of the Approved Project and Revised Project related to employment and population growth increased power generation and regional population growth, and increased transmission capacity that serves renewable power development.

EVIDENCE: The Revised Project would increase the peak daily construction workforce from 200 workers to 550 workers. 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 Revised Project would require same number of full-time staff as the Approved Project. However, as documented in the 2010 Final EIR and FSEIR, the temporary increase in construction workers and permanent employees would not have a growth inducing impact on the area.

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 Revised Project would add an additional 247 MW of power to the California power grid. However, the purpose of the Revised Project is not foster growth locally or throughout the state. The purpose of the Revised Project is to assist California utilities in off-setting their current use and procurement of non-renewable energy sources. The Revised Project includes no components that would result in a growth inducing impact, such as oversized power lines that could conceivably accommodate additional growth and development.

2. Irreversible Changes.

FINDING: The FSEIR identified the same significant irreversible changes and irretrievable commitments of resources relating to the Revised Project that the 2010 Final EIR identified for the Approved Project. The Revised Project would not cause any new changes or commitments that were not previously analyzed in the 2010 Final EIR.

EVIDENCE: Construction of the Revised Project would continue to 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, like the Approved Project, the Revised Project would facilitate the replacement of nonrenewable energy sources with renewable energy sources.

EVIDENCE: Like the Approved Project, the Revised Project would result in long-term impacts to the existing rural visual landscape and result in the conversion of habitat and agricultural lands. However, the 2010 Final EIR and the FSEIR includes extensive mitigation measures to reduce these impacts. Regarding the conversion of habitat, the Revised Project would implement a comprehensive mitigation program 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 Revised Project. Regarding the conversion of agricultural land, the Revised Project would implement mitigation measures 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 Revised Project would ultimately be decommissioned and removed at the end of its useful life in accordance with the decommissioning plan. 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 Revised Project would ensure that substantial habitat for threatened and endangered species will exist during the life of the Revised Project and beyond.

EVIDENCE: Although construction and operation of the Revised 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 FSEIR would ensure that all natural resources are conserved to the extent feasible.

V. PROJECT ALTERNATIVES

1. General Findings

FINDING: In making these findings, the Board certifies that it has independently reviewed and considered the information on alternatives provided in the FSEIR, including the information provided in comments on the DSEIR and the responses to those comments in the FSEIR. The FSEIR'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 FSEIR are incorporated in these findings by reference to supplement the analysis here.

FINDING: The Board finds that the range of alternatives studied in the FSEIR 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. The Board further finds that the FSEIR did not identify any new or substantially more severe environmental impacts due to project changes, changes in circumstances or new information that warranted the identification and consideration of additional alternatives that were not previously considered and analyzed in the 2010 Final EIR.

FINDING: The Board finds that the Revised Project 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 Revised Project. While these mitigation measures will not mitigate all the impacts of the Revised Project 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 Revised Project instead of approving one of the remaining alternatives.

FINDING: The Board finds that when compared to the other alternatives described and evaluated in the FSEIR, the Revised Project, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level

FINDING: The Board finds that the range of alternatives evaluated in the FSEIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of Revised Project, 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 Revised Project 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.

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 Revised Project:

- a. Maximize renewable energy output through construction of a large-scale 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 by 2016.

2. Alternatives Considered But Eliminated From Further Consideration (14 Cal. Code Regs. §15126.6(C))

FINDING: Per Public Resource Code sections 21061.1 and 21081(a)(3) and CEQA Guideline sections 15091(c)(3) and 15364, the Board 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 DSEIR for the following reasons:

EVIDENCE: *Brownfield Alternative.*

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 2010 Final EIR, within the region, there is generally a lack of suitably sized brownfield sites in this area. 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 Revised Project. Therefore, in addition to not meeting the basic timing objectives of the Revised 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 the applicant does not own or otherwise control, nor is there any assurance that the applicant 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 Revised Project 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 the applicant does not presently control any brownfield sites and the inherent challenges in acquiring a brownfield site, all of the sites identified in the 2010 Final EIR, 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 project completion 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 Revised Project. 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 the applicant 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 project completion 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 Revised Project. 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. As noted in the 2010 Final EIR, California had 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, 74 million square feet would be required for a 247 MW project. The Applicant could not feasibly acquire or lease 74 million square feet of rooftops to accommodate the additional 247 MW. Moreover and as documented in the FSEIR, there are significant challenges to development Distributed Solar PV project and development of both utility-scale and distributed renewable technologies will be required to meet the State's 33% Renewable Portfolio Standard (RPS) requirement.
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 Revised Project. 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 and again in 2012 in a report on the Governor's Conference on Local Renewable Energy (Russell & Weissman), 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.

3. Project Alternatives Analyzed In The Final SEIR

FINDING: *No Project Alternative.* In accordance with CEQA, the FSEIR 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 Revised Project. 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 FSEIR 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 Revised Project. 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, the applicant 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 the applicant'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 Revised Project will provide 247 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 Revised Project were not built, consumers of renewable energy from the Revised Project would not benefit from the annual solar power that this project would generate. In addition, without the Revised Project, 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 Revised Project would result in the conservation and permanent protection of privately owned land for the benefit of sensitive species. The opportunity to preserve up to 24,176 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 Revised Project would not be provided if the No Project alternative were adopted. Without the Revised Project, 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 Revised Project will result in new jobs. The Revised Project would provide up to 550 construction jobs per year during construction and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate. The no-project/no-build alternative would not generate much needed jobs for the region.

FINDING: Alternative A Revised ("Alternative A Revised"). The Board finds that this alternative, which is the larger Approved Project with a 5 year construction period is infeasible for the following reasons.

EVIDENCE: Fails to meet the basic project objectives. This alternative would fail meet the critical timing objectives of project completion in 2016. The proposed 5 phased, five-year construction period, contemplated under this Alternative would mean a 2020 project completion date.

EVIDENCE: Incrementally Increases the Significant Environmental Impacts of the Revised Project. Alternative A Revised is a larger 399 MW project that would permanently disturb a larger valley floor footprint than the Revised Project. Accordingly, certain environmental impacts, such as biological resources impacts, would incrementally increase. Other environmental impacts, such as aesthetics, would increase under Alternative A Revised.

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 Revised Project. 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 energy facility to help meet mandatory State renewable energy goals. This alternative contemplates the construction of a solar facility that produces much less renewable energy than the Revised Project and is not consistent with the public utility scale project contemplated by the applicant.

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 Revised Project. 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 75 percent of the renewable energy output that would be generated by the Revised Project. A solar facility that generates less power would also not further, to the same degree as the Revised Project, 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 Revised Project, other existing or new power plants with unknown technologies would likely be constructed in the region to supply the additional 64 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. The Revised Project would provide up to 550 construction jobs per year during construction and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate. Alternative B Revised would generate less jobs for the San Benito County and the region and is therefore less desirable than the Revised Project.

EVIDENCE: This alternative would continue to have significant and unavoidable environmental impacts. While Alternative B Revised would proportionally reduce all the Revised Project's environmental impacts, the alternative would continue to have a significant and unavoidable aesthetic and noise impacts. The construction period would be longer (3 years as opposed to 18 months) and 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 Revised Project, this alternative does not offer the same degree of economic benefits to County or job opportunities for highly skilled workers.

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 PVS 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 Revised Project. 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 energy facility to help meet mandatory State renewable energy goals. This alternative contemplates the construction of a solar facility that is less than 50% of the size of the Revised Project and is not consistent with the public utility scale project contemplated by the applicant.

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 Revised Project. 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 44 percent of the renewable energy output that would be generated by the Alternative A Revised. A solar project that generates less than half of the renewable energy output of the Revised Project would also not further, to the same degree as the Revised Project, 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 Revised Project, other existing or new power plants with unknown technologies would likely be constructed in the region to supply the additional 137 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 than the Revised Project. The Revised Project would provide up to 550 construction jobs per year during construction and 50 permanent jobs for San Benito County and the region. These additional job opportunities will help reduce the County's significant unemployment rate. Alternative C Revised would generate less jobs for the San Benito County and the region and is therefore less desirable than the Revised Project.

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.

Since the 2010 Final EIR was approved and as noted in the FSEIR, a private entity has reportedly partnered with Westside Holdings, LLC to invest in future development of the Westlands CREZ, but specific of the development have not been made available to the public. In addition, some small scale solar projects have been developed (18 and 15 MW) or are proposed (2 MW) within the Westlands CREZ.

In 2013, a Notice of Preparation of a Master EIR for Westlands CREZ, which described a solar park for up to 2,400 MW of solar PV generating facilities and the need for at least two new transmission lines, one of which would span 70 miles across Fresno, Madera, and Kings Counties, and is expected to be operational in 2022.

The Board rejects the Westlands CREZ as infeasible and less desirable than the Revised Project. 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," which was confirmed in 2013 when the NOP was released describing two new transmission corridors. 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. In order for PVS to succeed with implementing a project on this site, the applicant 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 the applicant does not own or otherwise control property within the Westlands CREZ, under this alternative, the Revised Project 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 Revised Project would provide significant job opportunities to help reduce the County's significant unemployment rate. In addition, the Revised Project will generate positive financial benefits to the County. The applicant estimates that the Revised Project will generate approximately \$30 million sales/use taxes for the County based on Section 2.8.1 of the Development Agreement, which sets forth specific requirements for establishing

the County as the point of sale for purposes of sale tax assessments. In addition, Section 2.8.2 of the Development Agreement requires the applicant to pay annually to the County's General Fund fourteen percent of one percent (.14%) of the assessed value of the property, which the applicant has estimated at approximately \$6 million through 2034. These monies will benefit the County, and its residents and constituencies, by providing needed revenue for the provision of required services and amenities during a very critical fiscal period. If the Revised Project 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 has now partnered with another private entity and controls the entire 30,000 acres Westlands CREZ. The applicant 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 PVS 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 having a fully operational project by 2016.

EXHIBIT B

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Mitigation Measures Modified After 2010 Final EIR					
Monitoring Process					
EM-2	Provide documentation for monitoring.	<ul style="list-style-type: none"> Confirm qualifications of monitor Prepare monitoring report annually for each calendar year in which construction occurs, and annually thereafter until monitor/County determine annual reports are no longer needed Verify completion of remedial measures. 	<ul style="list-style-type: none"> Throughout construction Annually post-construction until the monitor and the County determine that all measures have been successfully established 	<ul style="list-style-type: none"> County verifies qualifications of monitor. County confirms receiving annual report of mitigation monitoring. County confirms remedial measures are implemented, if required. 	<ul style="list-style-type: none"> Retain a qualified individual to verify that all adopted measures have been successfully implemented. Prepare monitoring reports on an annual basis Agree to complete any necessary remedial measures identified in the reports.
Air Quality					
AQ-1.1	Reduce fugitive dust.	<ul style="list-style-type: none"> Implement all components of mitigation measure. 	<ul style="list-style-type: none"> During construction, operation, and decommissioning. 	N/A	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Prior to any grading, earthwork, or demolition and during construction 	<ul style="list-style-type: none"> Monterey Bay Unified APCD will confirm receiving contact information of monitoring personnel. 	<ul style="list-style-type: none"> Designate fugitive dust monitor. Provide name of monitor to Monterey Bay Unified APCD Compliance Division. Provide and post a sign with contact information.

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The full text of all modified mitigation measures is presented in each part of Section C (Sections C.1 through C.15). Measures that have not changed since the 2010 Final EIR are identified below under the heading "Mitigation Measures Unchanged since 2010 Final EIR" and the full text of those measures is presented in Appendix 3.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Biological Resources					
BR-G.2	Implement Best Management Practices (BMPs).	<ul style="list-style-type: none"> Implement BMPs. Provide annual documentation of BMPs. 	<ul style="list-style-type: none"> During all ground disturbance and construction-related activities. 	<ul style="list-style-type: none"> County will review annual written report. County will verify qualifications of the environmental monitor. 	<ul style="list-style-type: none"> Implement BMPs. Submit written report annually documenting compliance with BMPs. Retain an environmental monitor to ensure compliance with BMPs.
BR-G.3	Develop and implement a Habitat Restoration and Revegetation Plan (HRRP).	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-G.5	Purchase credits from a CDFW-approved mitigation bank, create a permanent conservation easement(s), in favor of CDFW or a CDFW-approved conservation holder for the management of the land pursuant to the approved HMMP, or transfer land in fee to a CDFW approved conservation holder with a deed restriction for the management of the land pursuant to the approved HMMP.	<ul style="list-style-type: none"> • Preserve habitat according to requirements found in the mitigation measure. • Monitor and maintain mitigation land per the requirements set forth in the Wetland Mitigation Monitoring Plan and the Habitat Mitigation and Monitoring Plan (HMMP). • Prepare annual report. 	<ul style="list-style-type: none"> • Prior to the disturbance of vegetation, the Applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements or other appropriate agreement as described in the mitigation measure, and the restrictions contained in the conservation easement(s) created for the permanent protection of these lands. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Provide funds for a "qualified land trust" or other appropriate fee holder as described in the mitigation measure 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.
BR-G.6	Develop and implement Wetland Mitigation and Monitoring Plan and Habitat Management Plan for mitigation lands.	<ul style="list-style-type: none"> • Prepare and implement WMMP and HMP per the requirements set forth in the mitigation measure. 	<ul style="list-style-type: none"> • Prior to start of construction, submit WMMP and HMP. • 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. 	<ul style="list-style-type: none"> • County will review and approve WMMP and HMP. • County will verify acquisition of off-site lands. 	<ul style="list-style-type: none"> • Retain a qualified biologist to prepare and implement WMMP and HMP.
BR-1.1	Prepare and implement a Weed Control Plan (WCP).	<ul style="list-style-type: none"> • Prepare WCP with 6 elements outlined in the mitigation measure. • Retain an environmental monitor to ensure compliance with measures set forth in WCP. 	<ul style="list-style-type: none"> • Prior to the issuance of a building permit or ground disturbance, prepare and approve WCP. • WCP will be implemented prior to and during construction 	<ul style="list-style-type: none"> • County will verify qualifications of biologist or restoration ecologist responsible for preparing WCP. • County will review and approve WCP. 	<ul style="list-style-type: none"> • 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.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-3.1	Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implement avoidance measures.	<ul style="list-style-type: none"> Retain a qualified plant ecologist/ Conduct pre-construction surveys for special-status plants. Document special-status plants found. Establish buffers based on survey results. 	<ul style="list-style-type: none"> Prior to new ground disturbance throughout construction, conduct pre-construction surveys. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
BR-6.1	Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. 	<ul style="list-style-type: none"> 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-9.1	Conduct pre-construction surveys for California tiger salamander and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction California tiger salamander surveys. Restrict grading and subsurface disturbing activities to daylight hours. Inspect pipes and similar structures. Avoid disturbance to all ponds and in-stream pools. Scope burrows proximal to known breeding pools. 	<ul style="list-style-type: none"> Prior to project construction, complete surveys and provide documentation demonstrating completion. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for California tiger salamanders. Implement avoidance measures in the mitigation measure.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-10.1	Conduct pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys within 30 days prior to construction for blunt-nosed leopard lizard, establish buffers and exclusion areas for all observed blunt-nosed leopard lizards. 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. 	<ul style="list-style-type: none"> Prior to all construction activities that will result in permanent or temporary ground disturbance within 30 days of construction. Prior to issuance of grading permits, mitigation for impacts must be completed. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> 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.
BR-13.1	Focused pre-construction burrowing owl surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Create appropriate buffer zone around observed burrows. Passively relocate birds, if necessary, and place one-way doors on evicted burrows. 	<ul style="list-style-type: none"> No more than 30 days and no less than 14 days prior to the commencement of initial ground disturbing activities, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist(s) with experience surveying for burrowing owls to conduct pre-construction surveys in conformance with CDFG protocols. Implement avoidance measures and ensure buffer delineations are kept in good working order.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-14.2	Prepare and Implement an Avian Conservation Strategy and Eagle Conservation Plan	<ul style="list-style-type: none"> • Prepare and implement an Avian Conservation Strategy and Eagle Conservation Plan that includes a bird mortality study, polarized light and insectivorous bird study, thresholds, and implementation measures. 	<ul style="list-style-type: none"> • Prior to issuance of construction permit, submit an Avian Conservation Strategy and Eagle Conservation Plan. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Retain a qualified biologist to prepare an Avian Conservation Strategy and Eagle Conservation 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 Avian Conservation Strategy and Eagle Conservation Plan. • 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.	<ul style="list-style-type: none"> • Conduct pre-construction and post-construction surveys as defined in the mitigation measure. • Conduct surveys preferably during the maternity season as defined in the mitigation measure. • Avoid active maternity roosts or hibernacula if feasible. • Survey for alternative maternity roosts if avoidance is not feasible. 	<ul style="list-style-type: none"> • Prior to the commencement of construction activities and preferably within the maternity season, conduct pre-construction surveys. 	<ul style="list-style-type: none"> • County will verify qualifications of the biologist. • County will verify completion of pre-construction surveys and surveys for maternity roosts. 	<ul style="list-style-type: none"> • 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.

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MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-15.2	Provide substitute roosting habitat.	<ul style="list-style-type: none"> Provide substitute roosting habitat for the maternity colony as defined in the mitigation measure and the HMP. 	<ul style="list-style-type: none"> Conduct pre-construction and post-construction surveys as defined in the mitigation measure. Submit HMP for County approval prior to commencement of construction activities. 	<ul style="list-style-type: none"> County will approve HMP prior to commencement of construction activities. 	<ul style="list-style-type: none"> Protect and/or provide suitable roosting opportunities as defined in the mitigation measure and the HMP.
BR-15.3	Exclude bats prior to eviction from roosts.	<ul style="list-style-type: none"> 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 August). 	<ul style="list-style-type: none"> A minimum of one week prior to intended eviction date, implement methods to evict bats. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will ensure evictions are done according to mitigation measure standards. 	<ul style="list-style-type: none"> 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-15.4	Implement management recommendations at known roosts.	<ul style="list-style-type: none"> Implement protective measures for identified maternity roosts as defined in the mitigation measure and the Habitat Management Plan. 	<ul style="list-style-type: none"> Submit HMP to County for approval prior to commencement of construction activities. 	<ul style="list-style-type: none"> County will review and approve HMP. 	<ul style="list-style-type: none"> Retain a qualified biologist to prepare and implement HMP.
BR-16.1	Conduct focused pre-construction giant kangaroo rat burrow/precinct surveys and implement avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish buffer around active giant kangaroo rat burrows/. Map all active burrows/precincts and incorporate them into a GIS based figure for use by on-site monitors and construction crews. Live-trap and relocate giant kangaroo rats present in impact areas as described in an approved Giant Kangaroo Rat Relocation Plan 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. 	<ul style="list-style-type: none"> Retain a qualified biologist to perform pre-construction surveys for giant kangaroo rat. Create GIS figure of all active burrows/and give to 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.

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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	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.	<ul style="list-style-type: none"> Construction monitoring shall occur for the duration of construction, and if the biologist determines that the corridors are not functional, adaptive management measures shall be implemented in consultation with USFWS and CDFG. 	<ul style="list-style-type: none"> Conservation easement on habitat corridors shall be recorded prior to commencement of construction. 	<ul style="list-style-type: none"> County will ensure construction monitoring. 	<ul style="list-style-type: none"> 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 EIR that would reduce available habitat and may provide perching opportunities for predatory birds permitted within or directly adjacent to the habitat corridors.
BR-17.1	Conduct pre-construction San Joaquin antelope squirrel surveys and implement avoidance measures.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-19.1	Conduct focused pre-construction San Joaquin kit fox surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> Conduct pre-construction surveys. Flag and establish appropriate buffer around active San Joaquin kit fox surveys. Stop work within a 200-foot radius of an occupied natal den and contact USFWS if active dens are found within 1,000 feet of project activities; work may resume after pups have left the den. Implement sequential steps to evict San Joaquin kit fox if avoidance is infeasible. Natal dens shall not be disturbed at any time 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.
BR-22.1	Fence temporary pond to exclude wildlife.	<ul style="list-style-type: none"> Fence the perimeter of the temporary ponds. Report any bird or other wildlife deaths as defined in the mitigation measure to the CDFW and USFWS 	<ul style="list-style-type: none"> Monthly monitoring starting with the first month of construction. No less than 30 days prior to operation of the ponds, provide as-built drawings of the ponds. No later than January 30, submit annual report for the life of the project. 	<ul style="list-style-type: none"> County will review as-built drawings of the ponds. County will review annual monitoring reports. 	<ul style="list-style-type: none"> Retain a designated biologist to regularly survey the ponds at least once per month starting with the first month of construction of the ponds. Submit annual monitoring reports to the County, CDFG, and USFWS describing the dates, durations, and results of site visits conducted at the ponds.

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Cultural and Paleontological Resources					
CR-2.1	Conduct cultural resource monitoring during construction.	<ul style="list-style-type: none"> Conduct cultural resources monitoring. 	<ul style="list-style-type: none"> During construction, conduct monitoring. 	<ul style="list-style-type: none"> County will verify qualifications of the archaeologist. County will ensure compliance with and effectiveness of the cultural resources monitoring program. 	<ul style="list-style-type: none"> Fully fund all monitoring and documentation activities. Retain a professional archaeologist to monitor 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)
Geology, Mineral Resources, and Soils					
GE-4.1	Implement Geotechnical Report recommendations.	<ul style="list-style-type: none"> Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report. 	<ul style="list-style-type: none"> During construction. 	<ul style="list-style-type: none"> County will verify all earth operations are performed according to specifications found in the Geotechnical Report. 	<ul style="list-style-type: none"> Perform all earthwork operations according to the project specifications set forth in the Geotechnical Report.
Hazards and Hazardous Materials					
HZ-7.1	Prohibit standing water.	<ul style="list-style-type: none"> 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 water storage and stormwater management ponds. Consult appropriate agencies and obtain permits before filling naturally occurring depressions, drainages, and pools at the site appropriate permits. 	<ul style="list-style-type: none"> During construction and operation. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Ensure construction and operation workers do not allow water to accumulate. Consult the appropriate resource agency (San Benito County, U.S. 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.

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HZ-7.2	Protect workers and public from Valley Fever	<ul style="list-style-type: none"> • Prepare detailed Valley Fever informational brochure • Provide breathing protection gear upon request 	<ul style="list-style-type: none"> • Submit Valley Fever informational brochure to Department of Public Health 30 days prior to commencement of construction activities 	<ul style="list-style-type: none"> • DPH will approve Valley Fever brochure 	<ul style="list-style-type: none"> • Prepare Valley Fever brochure and provide to all workers entering construction site • Provide breathing protection gear upon request
Noise					
NS-1.3	Provide advance notice of construction.	<ul style="list-style-type: none"> • Provide advance notice of construction between 2 and 4 weeks prior to commencement of construction. • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • County will verify implementation of noise-reduction strategy through an environmental monitor. • County will review report documenting complaints. 	<ul style="list-style-type: none"> • Provide advance notice of construction and decommissioning. • Address any complaints received related to noise and prepare a report indicating how noise complaints are handled.
NS-4.1	Locate PV inverters and transformers away from the project's property line.	<ul style="list-style-type: none"> • Place inverters/transformers the appropriate distance from the project property line and each other to ensure compliance with the County's daytime hourly noise level standard. • Enclose inverters/transformers or implement other noise attenuation measures as necessary to meet County daytime hourly noise level standards • 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. 	<ul style="list-style-type: none"> • During construction and operation. • Throughout duration of the noise-making activity, ensure measures installed remain in good working order. 	<ul style="list-style-type: none"> • County will verify implementation of noise-reduction strategy through an environmental monitor. 	<ul style="list-style-type: none"> • Place inverters/transformers the appropriate distance from the project property line and each other. • Enclose inverters/transformers or implement other noise attenuation measures as necessary • Stop operations of offending inverters and transformers until adequate noise attenuation measures are installed to meet these standards

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Public Services, Utilities, and Service Systems					
PS-1.1	Develop and implement service agreement with firefighting entities	<ul style="list-style-type: none"> Establish an agreement with a qualified firefighting entity and the Applicant. Provide qualified entity an agreed upon fee based on actual costs to fund additional personnel. Provide fire protection training to its permanent employees. 	<ul style="list-style-type: none"> Prior to issuance of building permits, submit fully executed agreement between qualified firefighting entity and the Applicant. Yearly, provide funding to qualified entity. 	<ul style="list-style-type: none"> County will verify funds provided to qualified entity. County will verify fire protection training is provided to permanent project employees. 	<ul style="list-style-type: none"> Establish an agreement with a qualified firefighting entity and the Applicant. Provide a qualified firefighting entity an agreed upon amount based on actual costs to fund additional personnel. Provide fire protection training to its permanent employees.
Transportation and Circulation					
TR-1.2	Rehabilitate, protect and monitor roadway pavement, bridges and culverts.	<ul style="list-style-type: none"> Implement repairs along roads specified in the mitigation measure prior to construction and decommissioning. Monitor road conditions every three months during construction and implement local and State requirements relating to oversized loads and all elements specified in the mitigation measure. 	<ul style="list-style-type: none"> Prior to the start of construction (and every three months thereafter) and during decommissioning, repair and improve roadway pavements. During construction, the project contractor will monitor road conditions every three months. Submit pavement condition report to County within 30 days of each monitoring and repair cycle. 	<ul style="list-style-type: none"> County will verify road conditions are repaired prior to start of construction (and every three months thereafter) and during decommissioning. County will verify monitoring of roadways. 	<ul style="list-style-type: none"> Implement repairs along roads specified in the mitigation measure during 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-1.4	Ensure Traffic Safety	<ul style="list-style-type: none"> Develop Traffic Safety Plan. Implement one or more traffic safety measures. 	<ul style="list-style-type: none"> Develop Traffic Safety Plan prior to commencement of construction activities. 	<ul style="list-style-type: none"> County Building and Planning Department and Sheriff's Office to coordinate development of the Traffic Safety Plan. 	<ul style="list-style-type: none"> Develop Traffic Safety Plan in coordination with the County Building and Planning Department and the Sheriff's Office. Implement one or more traffic safety measures.

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Water Resources					
WR-1.1	Groundwater Monitoring and Reporting Plan.	<ul style="list-style-type: none"> • Prepare and submit a Groundwater Monitoring and Reporting Plan. • Prepare and submit monthly summary reports during construction, annual reports for 3 years following completion of construction. • Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly. 	<ul style="list-style-type: none"> • 60 days prior to commencing project-related pumping activities, approve submitted Groundwater Monitoring and Reporting Plan. • Submit summary reports monthly during construction and annually for the three years following construction. • After construction, evaluate the Groundwater Monitoring and Reporting Plan. 	<ul style="list-style-type: none"> • County will review and approve the Groundwater Monitoring and Reporting Plan. • County will review monthly and annual summary reports. • County will coordinate with the Applicant to review the effectiveness of the Groundwater Monitoring and Reporting Plan. 	<ul style="list-style-type: none"> • Prepare and submit a Groundwater Monitoring and Reporting Plan. • Prepare and submit monthly and annual summary reports. • Evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and revise, extend, or eliminate plan accordingly.

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WR-1.2	Aquifer Testing and Well Interference Analysis.	<ul style="list-style-type: none"> • 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 15 days prior to the onset of sustained pumping for the project. • Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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 15 days prior to the onset of sustained pumping for the project. • Amend the Groundwater Monitoring and Reporting Plan if a new or existing well south of Well #19 is approved project use.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Mitigation Measures Unchanged Since 2010 Final EIR					
Monitoring Process					
EM-1	Provide funding for environmental monitoring.	<ul style="list-style-type: none"> • Verify provision of funding from the Applicant to County • Confirm that the mitigation monitoring program is in compliance with County Conditions of Approval. 	<ul style="list-style-type: none"> • Prior to issuance of building or grading permits. • Monitoring will occur throughout construction, operation, and decommissioning. 	<ul style="list-style-type: none"> • County shall approve environmental mitigation measures and any other conditions of approval. 	<ul style="list-style-type: none"> • 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
Aesthetics					
AE-1.1	Reduce night lighting impacts.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
AE-3.1	Treat surfaces of project structures and buildings.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • County reviews and approves Surface Treatment Plan. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • 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). 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
Climate Change/Greenhouse Gas					
There were no mitigation measures for Climate Change/Greenhouse Gas in the 2010 Final EIR.					

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Biological Resources					
BR-G.1	Implement a Worker Environmental Education Program (WEEP).	<ul style="list-style-type: none"> Develop and implement WEEP with all elements defined in the mitigation measure. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist preparing WEEP and the environmental monitor implementing WEEP. County will review and approve WEEP. 	<ul style="list-style-type: none"> 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.4	Implement biological monitoring of construction activities.	<ul style="list-style-type: none"> 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). 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify qualifications of biologist and environmental monitor. County will review reports submitted by biological monitor. 	<ul style="list-style-type: none"> 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-1.2	Develop and implement a Grazing Plan for the project site.	<ul style="list-style-type: none"> Prepare the Grazing Plan with 6 elements outlined in the mitigation measure. 	<ul style="list-style-type: none"> Prior to the issuance of a construction permit, prepare and approve Grazing Plan. Grazing Plan will be implemented during construction and operation. 	<ul style="list-style-type: none"> County will verify qualifications of biologist or restoration ecologist responsible for preparing the Grazing Plan. County will review and approve the Grazing Plan. 	<ul style="list-style-type: none"> Prepare and implement the Grazing Plan. Prepare and submit alterations to the Grazing Plan to the County.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-7a.1	Impacts to all potential breeding habitat for western spadefoot toad shall be avoided to the extent feasible.	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Prior to the commencement of construction activities implement avoidance and minimization measures. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. Re-locate San Joaquin coachwhip and coast horned lizards when identified. 	<ul style="list-style-type: none"> Prior to the disturbance of habitat, conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> 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.
BR-7b.1	Conduct pre-construction surveys for non-breeding birds designated as California Species of Special Concern.	<ul style="list-style-type: none"> Conduct pre-construction surveys for birds designated as California Species of Special Concern (CSSC) in areas proposed for ground disturbance. 	<ul style="list-style-type: none"> Prior to ground-disturbing activities. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. 	<ul style="list-style-type: none"> Retain a qualified biologist. Conduct pre-construction surveys for birds designated as CSSC. Consult with the CDFG to determine timing of surveys.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
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.	<ul style="list-style-type: none"> Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse. Flag occupied areas and relocate when identified. 	<ul style="list-style-type: none"> 30 days prior to commencement of ground disturbing activities, conduct pre-construction surveys. 	<ul style="list-style-type: none"> County will verify the qualifications of the biologist. Review the report provided by the Applicant's biologist. 	<ul style="list-style-type: none"> 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-8.2	Avoid disturbance to ephemeral pools occupied by vernal pool fairy shrimp to the maximum extent practicable, and mitigate for any unavoidable impacts.	<ul style="list-style-type: none"> Avoid disturbing vernal pool fairy shrimp habitat. Compensate for the loss of vernal pool fairy shrimp habitat. 	<ul style="list-style-type: none"> During construction. 	<ul style="list-style-type: none"> County will verify ephemeral pool avoidance and appropriate compensation, when required. 	<ul style="list-style-type: none"> 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.
BR-8.3	Avoid seasonal depressions and known waterbodies.	<ul style="list-style-type: none"> Avoid seasonal depressions known to support listed fairy shrimp. Place buffers around seasonal depressions. Delineate buffers on construction plans. Environmental monitor will periodically check to ensure that the on-site delineation method is working and observed. 	<ul style="list-style-type: none"> Prior to commencement of construction activities, place on-site delineations of buffers. 	<ul style="list-style-type: none"> County will verify avoidance of seasonal depressions and application of appropriate buffers. 	<ul style="list-style-type: none"> Avoid seasonal depressions known to support listed fairy shrimp.

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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-12.2	Avoid and report California condors.	<ul style="list-style-type: none"> Stop work within 500 feet of a California condor found in the project area. Report all California condor sightings to the USFWS and CDFG. 	<ul style="list-style-type: none"> Report sightings of California condor within 24 hours. 	<ul style="list-style-type: none"> County will verify that work stops upon sighting of a California condor. 	<ul style="list-style-type: none"> 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-14.1	Implement Avian Power Line Interaction Committee guidelines (APLIC).	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Submit designs and documentation of compliance with the construction permit application. Prior to final inspection, review submitted designs and documents. 	<ul style="list-style-type: none"> County will review and approve submitted designs and documents. 	<ul style="list-style-type: none"> 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
BR-16.2	Minimize impacts of foundation support installations.	<ul style="list-style-type: none"> Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> County will verify installation of noise and vibration minimizing foundations. 	<ul style="list-style-type: none"> Evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife.
BR-18.1	Conduct focused pre-construction surveys for American badger surveys and implementation of avoidance measures.	<ul style="list-style-type: none"> 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). 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify qualifications of the biologist. County will verify completion of pre-construction surveys. County will review document listing all badger-related activities. 	<ul style="list-style-type: none"> 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.

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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
BR-23-1	Create conservation easement on all project areas retired from the development footprint.	<ul style="list-style-type: none"> Documentation of recorded conservation easement shall be submitted to the San Benito County Department of Planning and Building. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will verify receipt of recorded conservation easement. 	<ul style="list-style-type: none"> 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.
Cultural and Paleontological Resources					
CR-2.2	Treat previously unidentified archaeological resources discovered during construction.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Immediately cease work and notify the County within 24 hours upon discovery of archaeological remains. Prior to implementation, review data recovery plan. 	<ul style="list-style-type: none"> County will verify qualifications of the archaeologist. County will review and approve data recovery plan. 	<ul style="list-style-type: none"> 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.
CR-2.3	Inadvertent discovery of human remains.	<ul style="list-style-type: none"> 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 Descendent, who will determine the manner in which the remains are treated 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> County will provide a coroner upon discovery of human remains. 	<ul style="list-style-type: none"> Cease work and implement buffer zone around human remains. Contact County coroner.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
CR-2.4	Implement workers environmental awareness program.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Prior to working, all construction workers must participate in workers environmental awareness program. 	<ul style="list-style-type: none"> County will review and approve workers environmental awareness program. County will review list of construction personnel. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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, 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	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.	<ul style="list-style-type: none"> Monitor grading, trenching, and other earth disturbance that may affect the Pleistocene Older Alluvium, 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. 	<ul style="list-style-type: none"> Upon discovery of paleontological materials, implement procedures outlined in the Paleontologic Monitoring and Recovery Plan and prepare and submit report. 	<ul style="list-style-type: none"> County will verify qualifications of the paleontological monitor. County will review report on paleontological discoveries. 	<ul style="list-style-type: none"> 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

Hazards and Hazardous Materials

HZ-5.1	Cease work during Red Flag Warning.	<ul style="list-style-type: none"> Cease all grading, welding, soldering, and smoking on the project. Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation. 	<ul style="list-style-type: none"> During a Red Flag Warning issued for the zone encompassing the proposed project site, cease work. 	<ul style="list-style-type: none"> County will verify a work-stop is implemented on 	<ul style="list-style-type: none"> Cease all grading, welding, soldering, and smoking on the project. Ensure vehicles remain on designated access roads or laydowns areas cleared of vegetation.
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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
Land Use and Recreation					
LU-1.1	Establish construction liaison.	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • County will verify the provision of a public liaison. • County will review the quarter compliance reports. 	<ul style="list-style-type: none"> • 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.
LU-1.2	Provide advance notice of construction.	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Prior to and during construction, give at least 30 days advance notice of the start of any construction-related activities. • 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 	<ul style="list-style-type: none"> • County will verify distribution of notice. • County will review report documenting complaints. 	<ul style="list-style-type: none"> • 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

Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
LU-1.3	Provide quarterly construction updates.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • County will verify distribution of quarterly updates. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • County will verify that noise barriers are in place and that noise level standards are not exceeded. 	<ul style="list-style-type: none"> • 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.
NS-1.2	Implement noise-reducing features and practices for construction noise.	<ul style="list-style-type: none"> • Employ and clearly state in the contractors' specifications the noise-suppression techniques listed in the mitigation measure. 	<ul style="list-style-type: none"> • Prior to construction and de-commissioning work commencing, employ noise-suppression techniques to minimize the impact of temporary noise. 	<ul style="list-style-type: none"> • County will verify that noise-suppression techniques are implemented. 	<ul style="list-style-type: none"> • Employ and clearly state in the contractors' specifications the noise-suppression techniques.
NS-1.4	Limit pile driving activities.	<ul style="list-style-type: none"> • Implement limitations on pile driving activities to reduce noise levels. 	<ul style="list-style-type: none"> • During pile driving activities. 	<ul style="list-style-type: none"> • County will verify appropriate limitations are implemented during pile driving activities. 	<ul style="list-style-type: none"> • Implement limitations on pile driving activities to reduce noise levels.

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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
NS-2.1	Limit decommissioning activities to daytime.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> During decommissioning, limit hours of construction-related activities to between 7:00 am and 7:00 pm. 	<ul style="list-style-type: none"> County will verify construction-related activities occur during the appropriate hours. 	<ul style="list-style-type: none"> Ensure construction-related activities occur only during the hours of 7:00 a.m. to 7:00 p.m.
NS-5.1	Limit panel washing activities.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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

There were no mitigation measures for Population and Housing in the 2010 Final EIR.

Transportation and Circulation

TR-1.1	Prepare and implement Traffic Control Plan (TCP).	<ul style="list-style-type: none"> Prepare and implement a TCP including the components listed in the mitigation measure, including a Vehicle Safety Plan. 	<ul style="list-style-type: none"> Prior to the start of construction and decommissioning, submit a TCP. 	<ul style="list-style-type: none"> County will review and approve TCP. County will verify the implementation of measures listed in the TCP. 	<ul style="list-style-type: none"> Submit a TCP to the County for its review and approval and to Caltrans. Implement measures listed in the TCP.
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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
TR-1.3	Repair roadway damage.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Restore all public roads to preexisting conditions as 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.
Water Resources					
WR-6.1	Accidental spill control and environmental training.	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Prior to construction, review submitted SWPPP and environmental training program. During all construction, operation, and maintenance activities, monitor for compliance with plans. 	<ul style="list-style-type: none"> County will review and approve SWPPP and the environmental training program. The County's environmental monitor will ensure all plans are followed. 	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells. 	<ul style="list-style-type: none"> During construction, operation, and decommissioning. 	<ul style="list-style-type: none"> County will verify that fuel is stored at the appropriate distance from wells. 	<ul style="list-style-type: none"> Prohibit fuel storage with 200 feet of groundwater supply wells or 4000 feet of community or municipal wells.

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Mitigation Monitoring and Reporting Plan ¹

MM #	Mitigation Measure Title	Monitoring / Reporting Action	Timing & Method of Verification	Agency or County Responsibilities	Applicant Responsibilities
WR-6.3	Maintain vehicles and equipment.	<ul style="list-style-type: none">• Maintain all vehicles to ensure they are free of leaks.• Maintain a vehicle and equipment maintenance log.	<ul style="list-style-type: none">• During construction, operation, and decommissioning, maintain vehicles.• Monthly, during construction, submit vehicle and equipment maintenance log.	<ul style="list-style-type: none">• County will monitor vehicles and equipment to ensure no leakage occurs.• County will review monthly log.	<ul style="list-style-type: none">• Maintain all vehicles to ensure they are free of any and all leaks.• Maintain a vehicle and equipment maintenance log to the County.

EXHIBIT "C"

Applicant Proposed Measures for Revised Solar Project

The Applicant proposed revisions to the Applicant Proposed Measures (APMs) that were listed in the 2010 Final EIR. The reason for each proposed change and the effect of each on the 2010 Final EIR's analysis of environmental impacts are addressed in SEIR Section C. Changes between the 2010 Final EIR and the Draft SEIR are shown in Table 1 below with underlining for added text and strikethrough for deleted text. Changes between the Draft SEIR and the Final SEIR are shown in Table 1 with double underlining for added text and double strikethrough for deleted text.

APMs that have not changed are presented in Appendix 3 (Section 3.2) for the convenience of readers, because they are already incorporated into the Approved Project based on the County's 2010 decisions. These APMs are not subject to comment as part of the Supplemental EIR.

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
Aesthetics	
APM AES-1	"Dulled" metal finish structures, and facility buildings painted in earth tones, will be used to reduce visual impacts <u>where feasible</u> . <u>The solar module cells will be blue or green toned and non-reflective. Certain electrical equipment, such as transformers and capacitors cannot be dulled. Equipment that cannot be dulled will have an ANSI gray or factory standard manufacturer finish. The perimeter fence will also be galvanized steel.</u>
APM AES-3	Operation Lighting: During operation of the project, motion-sensor lighting will be used at each 2-MW block <u>the main entrance, substation and switching station</u> . 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 <u>onsite</u> . Constant lighting, at a low-level, <u>may</u> be required at the O&M building <u>for security and safety</u> . This will be a single lamp source near the entrance of the <u>O&M</u> building, which will be activated by a timer. All lighting will have a power switch to conserve energy when the lighting is not required.
Agriculture	
APM AG-1	Grazing sheep on the project site. <u>Sheep</u> If necessary for vegetation control, sheep would be grazed throughout the project site, except on the 50-65 acres where new roads and , buildings, solar panels, <u>and switching station/substation are constructed or where safety concerns would be raised 2 feet off the ground, which would allow sheep to graze underneath prevent grazing.</u> The grazing operation would be a rotational system using short-duration intensive grazing alternating with periods of rest. The project site would be divided into nine pastures, which would <u>could</u> provide forage for between 750 and 3,600 adult sheep depending on annual rainfall and temperatures. The project site would be grazed between January and May. The Applicant would construct new sheep fencing as necessary. Each pasture would have access to water from existing livestock watering facilities.

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM AG-2	Allow grazing on lands covered by conservation easement created for biological resource mitigation. Cattle grazing would be used as appropriate 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-Wildlife (CDFW) and the United States Fish and Wildlife Service (FWS-USFWS). The grazing management plan would be developed, implemented, and monitored by the land trust or public conservation agency that holds the habitat conservation easement in consultation with DFG-CDFW and FWS-USFWS.
Air Quality	
APM AQ-2	<p>The Applicant shall implement the following BMPs to further reduce construction vehicle emissions (NOx, VOC, and DPM Diesel Particulate Matter) during project construction:</p> <ul style="list-style-type: none"> ▪ Maintain all construction equipment in proper tune according to manufacturer's specifications; ▪ Use diesel construction equipment, <u>including portable equipment, rated more than 50 horsepower meeting CARB's the California Air Resources Board's (CARB's) Tier 2 standards for certified engines or cleaner off-road heavy-duty diesel engines (e.g., Tier 3 and Tier-4, where feasible), and comply with the State In-Use Off-Road Diesel Vehicle Regulation (California Code of Regulations [CCR] Title 13, Article 4.8, Chapter 9, Section 2449);</u> ▪ Prohibit on and off-road diesel equipment idling for more than <u>515</u> minutes, or within time necessary to comply with <u>Title-13, California Code of Regulations-CCR, Section 2485 (c) (1)</u> regarding idling of commercial vehicles. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of all idling limits; ▪ Prohibit diesel idling within 1,000 feet of sensitive receptors; ▪ Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; ▪ Electrify off-road construction equipment when feasible; and ▪ Provide incentives for workers to use project-sponsored shuttle bus service <u>or carpooling</u>, where feasible. ▪ <u>Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, biodiesel, or electric.</u> <p>For the purposes of this mitigation measure, "sensitive receptors" shall be defined as occupied residences, senior living centers, parks and recreation areas, medical facilities and schools.</p>

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM AQ-3	<p>The Applicant shall reduce fugitive dust emissions during construction through implementation of the following best management practices to be shown on grading and building plans:</p> <ul style="list-style-type: none"> ▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least three times daily or apply chemical soil stabilizers per manufacturer recommendations. Frequency should be based on the type of operations, soil and wind exposure ▪ Apply chemical soil stabilizers or water on inactive construction areas (disturbed lands, including dirt stockpiles; ▪ All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or gravel for temporary roads; ▪ Gravel shall be placed on all <u>perimeter</u> roadways and driveways as soon as possible after grading for said roadways. ▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114; ▪ Install <u>wheel washers-gravel track systems</u> where vehicles enter and exit unpaved roads onto streets, <u>or wash-off trucks and equipment leaving the site, and inspect vehicle equipment</u> tires to ensure free of soil prior to carry-out to paved roadways.
Biological Resources	
APM BIO-6	<p>Project boundary fencing will be constructed using chain link approximately 6 feet in height. The bottom of the chain link fencing will be elevated off the surface of the ground approximately <u>24 5 to 6 inches</u> to allow for wildlife movement across the project site.</p>
APM BIO-7	<p>In construction areas where ground disturbance is significant or where recontouring is required, surface restoration would occur as required by the landowner or land management agency <u>as part of decommissioning</u>. The method of restoration would normally consist of returning disturbed areas back to their natural contour, reseeding, installing cross drains for erosion control, placing water bars in the road, and filling ditches.</p>
APM BIO-8	<p>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.</p>
APM BIO-9	<p>Protocol surveys <u>were completed for the entire Project Footprint and additional preconstruction surveys</u> will be conducted during the April 15 to July 15 adult BNLL season prior to any completed within 30 days of ground disturbance associated with constructing the limited number of bridges necessary for the project. Therefore, in these few cases where complete avoidance of washes and streams are not feasible the project will establish 30-ft buffers from small mammal burrows (whether BNLL are detected at them or not) in wash bottoms and 50-ft buffers from any observed BNLL location in these features. These buffer zones will be demarcated by for each construction fencing to ensure that construction crews do not enter the avoidance zone. area. Monitors will be present during construction activities.</p>
APM BIO-10	<p>Protocol surveys will be conducted during the adult season period of April 15 to July 15 prior to any surface disturbance. Project elements will avoid all observations of BNLL based on a 5-acre buffer that will be encompass the sighting and include the best available habitat within this 5-acres; the closest edge of the buffer to the sighting will be 50-ft.</p>

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM BIO-11	All construction activity including all vehicular traffic should be contained within the defined construction zone. The construction zone will be demarcated with exclusion fencing to ensure that a BNLL does not errantly wander into the construction zone. An onsite monitor will be present during all construction activity in this area. In addition, pre-construction surveys will be conducted no more than 30 days prior to any surface disturbance and on-site monitor will be present during all construction activities to ensure that the project does not harm or injure individual BNLL. If a BNLL is detected during construction by the on-site monitor, than the 5-acre buffer as described above will be established around this location and the project will avoid constructing any project elements within this buffer. The project will also implement all BMPs as discussed below. <u>The BNLL Protection Plan will be implemented at the site for construction activities.</u>
APM BIO-12	Preserve Undisturbed Onsite Lands. Of the total project site area of 4,885 acres, the applicant will limit the total permanent disturbance area to <u>1,888 acres</u> 2437 acres (designating 2,448 acres for preservation) for solar blocks, roads, substation (including O&M building and transmission tower connections), parking lots, demineralization plant, evaporation pond, water tanks, washway crossings and utilities trenching. Prior to the issuance of building or grading permits for each phase of construction, the applicant will submit for the County's review and approval a site plan, building plan or grading plan, that delineates and calculates the total disturbance area for facilities proposed for that phase area of construction and will include a note on those plans that describes how these areas will be demarcated on the ground through the placement of appropriate staking, signage, or equally effective technique to ensure that construction is confined to the disturbance area. The applicant will implement on the ground demarcation of the disturbance area in accordance with the approved plan(s).
APM BIO-13	On-site Conservation Measures for BNLL <ul style="list-style-type: none"> ▪ Project is avoiding impacts by staying out of the floodplain and by buffering any <u>historic</u> BNLL sighting by with a 1952.4-acre area (3 standard deviations from the mean male home range size of recent unpublished data for the Carrizo Plain). ▪ Provide for connectivity of these avoided areas, which will be largely accomplished via the avoided wash/creek habitat through the <u>Valley Floor Conservation Land</u>. ▪ Project is also integrating a series of other avoidance measures by APM and MM to allow the applicant to construct and operate in a manner that will not result in take of individuals (e.g., protocol surveys prior to developing a phase, preconstruction surveys, education program of workers, site restrictions on access and operations, etc.). ▪ Restoration measures (soil stockpiling and revegetation efforts) will restore temporarily disturbed areas so they provide suitable areas for the species ▪ On-going monitoring based on the occupancy sampling will be used to determine changes in use of the site. ▪ This monitoring will inform an adaptive management approach to site management such as modifications of the grazing regime. The site will implement the BNLL Protection Plan that was included in the Biological Assessment and reviewed by the U.S. Fish and Wildlife Service.
APM BIO-14	Off-site Conservation Measures for BNLL BNLL have yet to be <u>been</u> detected on the Mitigation Lands (<u>Valley Floor Conservation Land</u> and therefore their ability to compensate for habitat impacts is not presently known. Solargen will acquire 7,311 acres of lands that are suitable for BNLL. This could be the <u>Silver Creek Ranch Conservation Land</u>). These Mitigation Lands, some other lands known to support the species or a combination of the two are included in the Project's Conservation Management Plan.

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM BIO-15	<p>On-site Conservation Measures for GKR</p> <ul style="list-style-type: none"> Project is also integrating a series of avoidance and minimization measures by APM and MM to allow the applicant to construct and operate in a manner that will not minimize to the extent practicable impacts to individuals (e.g., preconstruction surveys, translocation efforts, education program of workers, site restrictions on access and operations, etc.). Restoration measures (soil stockpiling and revegetation efforts) will restore temporarily disturbed areas so they provide suitable areas for the species. On-going monitoring based on the occupancy <u>Occupancy sampling will be used</u> to determine changes in use layout of the site. This monitoring will inform <u>informed</u> an adaptive management approach to site management such as modifications of the grazing regime
APM BIO-16	<p>Off-site Conservation Measures for GKR</p> <ul style="list-style-type: none"> Mitigate at a 3:1 ratio Mitigate an additional 1:1 if after 5 years of monitoring the temporarily restored areas are found to no longer support the species. Mitigation Lands provide 10,331 acres of land (4.2:1 ratio of mitigation to impact) that on average support equivalent density of burrow clusters km² that the Project Site does. This is, <u>including Valley Floor Conservation Lands, Silver Creek Ranch Conservation Lands, and Valadeao Ranch Conservation Lands provide</u> greater than the 3:1 ratio required assuming the project maintains residual value in the temporarily disturbed areas that are restored on the Project Site and greater than the 4:1 ratio that would eventual be required if the project could not maintain the residual value for GKR in the temporarily disturbed areas. Monitoring of the site will permit an adaptive management program such as modifications of the grazing regime. Off-site lands will be managed by a third party such as the BLM or California Rangeland Trust. <u>selected in consultation with CDFW and USFWS.</u>
APM BIO-19	<p>Off-site Conservation Measures for SJKF</p> <ul style="list-style-type: none"> Mitigate 3:1 for loss of habitat, with an additional 1:1 if after 5 years of monitoring the temporarily restored areas are found to no longer support the species. Based on the Haight et al. (2002) spatial model, there are 1010 acres are of high suitability and 9,026 acres are of moderate suitability on the <u>portions of</u> Mitigation Lands. Therefore, the mitigation lands provide 10,036 acres of suitable habitat for the kit fox. The 10,036 acres that provide suitable habitat for kit fox on the Mitigation Lands results in a 4.1:1 replacement ratio. This is greater than the 3:1 ratio required assuming the project maintains residual value in the temporarily disturbed areas that are restored on the Project Site and greater than the 4:1 ratio that would eventual be required if the project could not maintain the residual value for kit fox in the temporarily disturbed areas minimum of a 4.1:1 replacement ratio. In addition, a SJKF corridor has been created through the center of the Project Footprint to allow for movement of the species. Monitoring of the site will permit an adaptive management program such as modifications of the grazing regime. Off-site lands will be managed by a third party such as the BLM or California Rangeland Trust. <u>selected in consultation with CDFW and USFWS.</u>

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM BIO-20	<p>Employee Education Program</p> <ul style="list-style-type: none"> ▪ The Employee Education Program familiarizes Solargen<u>Applicant</u> employees and contractors with BMPs and other measures associated with BNLL-protected species potentially on the project and in the vicinity. This program is designed to ensure all personnel who work at the PVSF are aware of and can identify the BNLL-species and the measures implemented to avoid individuals of this species. In addition, contact names and numbers are given to which personnel can report incidents regarding BNLL-protected species. ▪ An employee environmental program (awareness) will be administered to all new employees and to all other employees every 2 years. Upon completion of the program, the employees are given a badge <u>or hardhat sticker</u> that is required for admittance onto the PVSF. Badges will include the employee's picture and will be color-coded and dated in order to show that the employee is current with required training ▪ Prior to beginning work at the PVSF, all new employees, contractors, and other personnel that work at the PVSF will complete an employee education program that includes a section on BNLL awareness. Personnel must take the Employee Education Program administered test. Training included in the Employee Education Program pertains to BNLL-protected species identification, BNLL-basic natural history, components of avoidance program, familiarity with pre-construction surveys and what they are and how they are administered, BMPs, and how to report incidents involving BNLL-protected species. ▪ The employee or contractor for Solargen<u>the Applicant</u> will be shown examples (i.e., pictures) of BNLL-protected species and their burrows, or other sign. Basic natural history facts for the BNLL-protected species will be included in information given to employees. All BMPs will be provided in easy to carry pamphlets for reference while working at the PVSF and mitigation lands. A review of the BMPs will be conducted for each employee and a test will be administered to verify that employees have a familiarity with the provisions in the BMPs.
APM BIO-21	<p>List of Best Management Practices (LOA 5/24/10). Refer to updated Supplemental EIR for a <u>list of Best Management Practices</u>. All employees and contractors will be made aware of the BMPs, and those BMPs that are pertinent to employee work conduct will be implemented. They<u>Applicable</u> measures are listed below (<u>a through r</u>).</p>
APM BIO-22	<p>a) Prior to initiation of construction of in a project Phase-area (i.e., any activity that results in surface disturbance), a qualified biologist shall conduct a BNLL education program (e.g., tailgate briefing) for all project personnel. Topics to be discussed during the briefing shall include: occurrence and distribution of BNLL in the project-area-adjacent areas, take avoidance measures being implemented during the project, reporting requirements if an incident occurs, and applicable definitions and prohibitions under the Fish and Game Code for fully protected species, and relevant provisions of the federal and state Endangered Species Act.</p>
APM BIO-23	<p>b) All activities that will result in permanent or temporary ground disturbances shall be preceded by protocol surveys prior to the construction and then by a pre-construction survey within 30 days of construction by a qualified biologist. The biologist(s) shall identify and clearly mark the location of areas where any BNLL were observed. A 50 ft buffer will be established around all sightings with highly visible markers.</p>
APM BIO-24	<p>e b) A biological monitor(s) shall be present while ground disturbing activities are occurring. In addition to conducting preconstruction surveys, the biological monitors shall aid crews in satisfying take avoidance criteria for BNLL and implementing project mitigation measures. Biological monitors shall accompany vehicles and crews throughout the project area if the qualifying biologist considers it necessary in order to avoid individual BNLL</p>
APM BIO-25	<p>d c) Biological monitors are empowered to order cessation of activities if take avoidance and/or mitigation measures are violated and will notify Solargen's <u>the Applicant's</u> environmental representative.</p>

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM BIO-26	e) Unless biological monitors allow alterations to routes, all project vehicles shall be confined to defined access routes that will be staked and/or flagged. All observed BNLL shall be avoided by a flagged 50 ft buffer to alert project personnel to their presence. All project-related flagging shall be collected and removed after completion of the project.
APM BIO-27	d f) Solargen The Applicant shall appoint a Solargen representative who will be the contact source for any employee or contractor who inadvertently kills or injures a BNLL or who finds a dead, injured, or entrapped individual BNLL. The representative will be identified during the pre-performance educational briefing.
APM BIO-28	g e) Any contractor, employee(s), or other personnel who inadvertently kills or injures a BNLL shall immediately report the incident to their representative. The representative shall contact the Solargen Applicant's environmental representative and, if feasible, a qualified biologist. Solargen The Applicant will contact CDFG CDFW immediately in the case of a dead, injured, or entrapped BNLL. The CDFG CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. State Dispatch will contact the local warden or biologist. The qualified biologist will also document all circumstances of death, injury or entrapment of BNLL. The biologist will 1) take all reasonable steps to enable the individual animal to escape should it be entrapped, 2) contact CDFG or other appropriate authorities to identify an approved rehabilitation center and appropriate capture and transport techniques should the covered animal be injured, and 3) document circumstances of death in writing and if possible photographing dead animal in situ prior to moving. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured BNLL, and any other pertinent information. The USFWS contact for this information is the Endangered Species, Program Field Office, 2493 Portola Rd., Suite B, Ventura CA 93003. The dead covered animal can be transported to California State University at Bakersfield or the Endangered Species Recovery Team in Bakersfield for storage and research if CDFG approves.
APM BIO-29	h f) To prevent inadvertent entrapment of BNLL-protected species, all open holes, steep-walled holes, or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks (wooden planks should be more no less than 10 inches in width and should reach to bottom of trench). Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals.
APM BIO-30	i g) All spills of hazardous materials shall be cleaned up immediately in accordance with the Solargen Spill Prevention Plan.
APM BIO-36	0-m) Motorized vehicles are prohibited within occupied blunt-nosed leopard lizard habitat. If not avoidable, that area will be considered temporarily disturbed and size will be limited in width to 25 feet (12.5 feet on either side of the centerline) and a biological monitor will be present. <u>Due to the potential presence of BNLL on Yturiarte Road, all vehicles and equipment would make a single trip down to the crossing location and a single trip back. During each trip a Biological Monitor or Designated Biologist will lead the vehicles and/or equipment by walking and surveying for BNLL (within the known buffered area only) to clear the roadway of BNLL.</u>
APM BIO-39	f p) Upon completion of any Phase-Project component, all areas that are significantly disturbed and not necessary for future operations, shall be stabilized to resist erosion, and re-vegetated and re-contoured if necessary, to promote restoration of the area to pre-disturbance conditions.
Geology	
APM GEO-1	No structures shall be placed within 50 feet from the topographical feature along the western boundary of the project site unless trench exploration is undertaken by geotechnical engineer that demonstrates that the topographical feature is not fault related.
APM GEO-2	In order to avoid expansive clay and mitigate possibly disturbed surface soil, overexcavation of building and equipment pads will be considered, <u>as required by the geotechnical report.</u>

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
Hazards and Hazardous Materials	
APM HAZ-3	Sheep grazing under the panels will help to keep pasture growth controlled, and in a continued state of agricultural production as necessary.
APM HAZ-5	Based on the remote location of the project site, a helipad will be constructed on site in accordance with the Federal Aeronautics Administration Advisory Circular No. 150/5390-2B "Helipad Design" to provide emergency transportation.
APM HAZ-6	Prior to energizing the project, the Applicant will install a reasonable number of electrical safety signage on all solar arrays in the immediate vicinity of all wiring and on all electrical conduit equipment using weather-resistant and fade-proof materials, as required by applicable electrical code. Warning signs will be designed to be evident to any person tampering with, working on, or dismantling project photovoltaic panels electrical system. Sign print language shall substantially conform to comply with the following language: "CAUTION: Solar PV Wiring May Remain Energized After Disconnection During Daylight Hours. Tampering With Wiring May Result requirements in ELECTRIC SHOCK or FIRE. Death or Serious Injury May Result. Do Not Expose Wires to Vegetation or Other Flammable Materials." applicable electrical codes.
Population and Housing	
APM PH-1	At least thirty days prior to commencing construction of each phase, the applicant will provide construction contractors for that phase with information, including general information on the facility, telephone numbers, addresses and contact information, on temporary housing opportunities, including short term rental housing, hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month in coordination with San Benito County and the San Benito County Chamber of Commerce. The information will be provided on a website, pamphlet or other written material.
Public Services and Facilities	
APM PSU-2	During operation of the solar farm, the project site would be maintained free of non-biodegradable debris trash.
APM PSU-3	During construction and operation of the solar farm, all disposable materials that are considered recyclable shall be separated and properly recycled or reused in compliance with federal, State and local law or disposed of as required by a facility authorized to accept such materials, and will be disposed of at such a facility.
APM PSU-4	Hazardous materials shall not be drained onto the ground or into streams or drainage areas. Totally enclosed containment shall be provided for all trash, as well as recyclable materials containers. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to a disposal facility authorized to accept such materials.
Water Resources	
APM WR-1	If they are damaged or destroyed by construction activities, water facilities (i.e. physical damage to equipment or infrastructure) would be repaired or replaced to their pre-disturbed condition as required by the landowner or land management agency.
APM WR-2	In construction areas where ground disturbance is significant or where recontouring is required, surface restoration would occur as required by the landowner or land management agency, as part of Project decommissioning. The method of restoration would normally consist of returning disturbed areas back to their natural contour, reseeding, installing cross drains for erosion control, placing water bars in the road, and filling ditches.

Table 1. Applicant Proposed Measures (APMs) Changed Since 2010

APM Number	Measure by Issue Area
APM WR-3	Roads would be built as near as possible to right angles to the streams and washes <u>or as required by Project permits</u> . Culverts would be installed where necessary. All construction and maintenance activities shall be conducted in a manner that would minimize disturbance to vegetation, drainage channels, and intermittent or perennial stream banks. In addition, road construction would include dust-control measures during construction in sensitive areas. All existing roads would be left in a condition equal to or better than their condition prior to the construction of the solar farm.
APM WR-4	The Applicant would limit the panel washing to two washings per year during project operation. Should this estimate need to be revised one-once the project is fully operational depending on soil/dust conditions, the Applicant would consult with the County and obtain the requisite approvals prior to any modifications to this schedule.