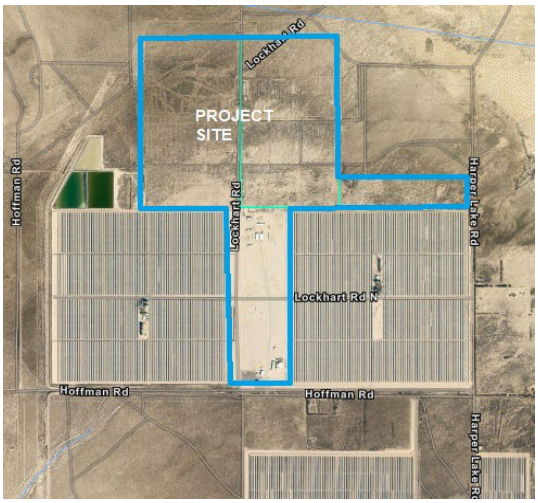
LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 21, 2022 **AGENDA ITEM #4**

Project Description

APN:	0490-101-54, -56, and 0490-223-33
Applicant:	CHRIS JOHNSON/TERRA-GEN
Community/ Supervisorial District:	HINKLEY 1ST SUPERVISORIAL DISTRICT
Location:	43450 HARPER LAKE ROAD HINKLEY, CA 92347
Project No:	PROJ-2021-00029
Staff:	MAGDA GONZALEZ/SENIOR PLANNER
Rep:	SAME AS APPLICANT
Proposal:	A ZONING AMENDMENT AND FOUR CONDITIONAL USE PERMITS FOR THE DEVELOPMENT OF A 150MW PHOTOVOLTAIC SOLAR FACILITY AND UP TO 4GWh OF BATTERY ENERGY STORAGE

Vicinity Map



Hearing Notices Sent On: April 8, 2022 **Report Prepared By: Magda Gonzalez**

SITE INFORMATION
Parcel Size: **722 Acres**
Terrain: **Gently sloping**
Vegetation: **Native/Partially Developed site**

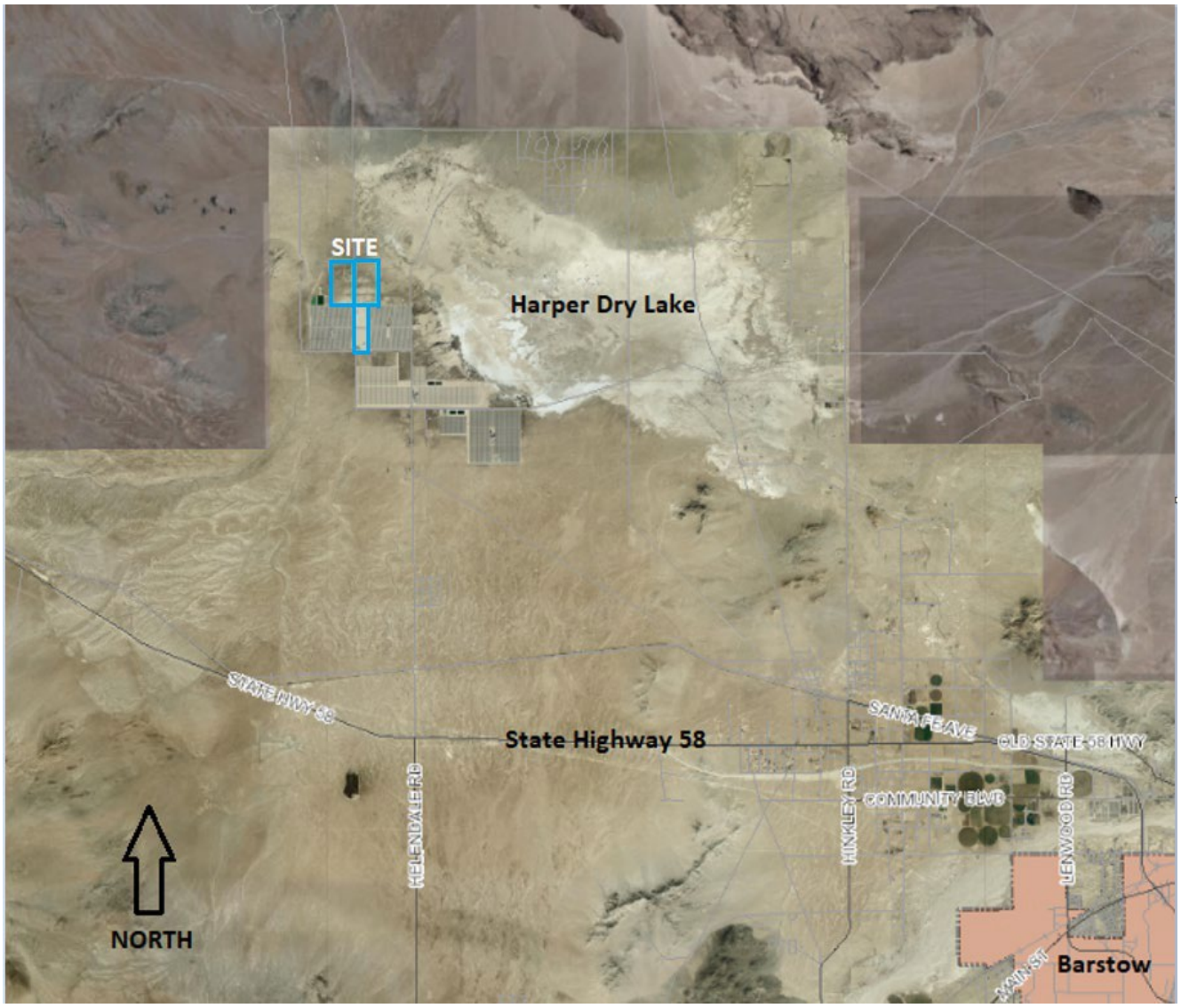
SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE CATEGORY	EXISTING ZONING	PROPOSED ZONING
Site	Partially Developed Thermal Solar Facility SEG X	Resource Land Management (RLM)	Rural Living (RL)	Resource Conservation (RC)
North	Vacant	Resource Land Management (RLM)	Rural Living (RL)	Resource Conservation (RC)
South	Developed Thermal Solar Facility SEGS XIII and IX	Resource Land Management (RLM)	Rural Living (RL)	Resource Conservation (RC)
East	Vacant	Resource Land Management (RLM)	Rural Living (RL)	Resource Conservation (RC)
West	Vacant	Resource Land Management (RLM)	Rural Living (RL)	Resource Conservation (RC)

STAFF RECOMMENDATION:

That the Planning Commission **RECOMMEND** that the Board of Supervisors **CERTIFY** the Environmental Impact Report; **ADOPT** the CEQA Findings and MMRP; **ADOPT** the findings for approval of the Zoning Amendment and CUP**; APPROVE** the Zoning Amendment; **APPROVE** the four Conditional Use Permits specifically described herein, subject to the Conditions of Approval; and **DIRECT** the Clerk of the Board to file a Notice of Determination.

REGIONAL VICINITY MAP



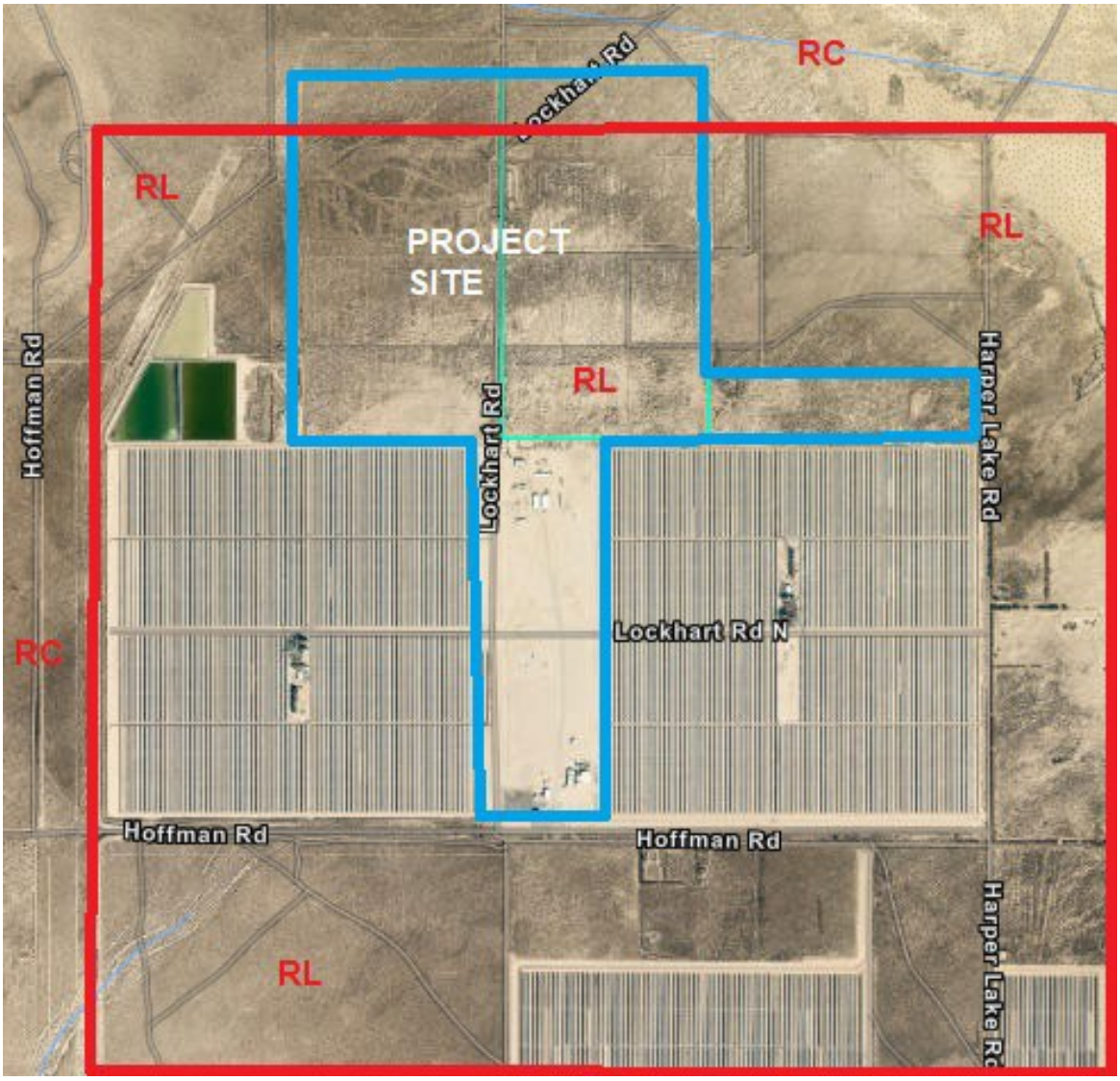


Figure 1 Current Zoning Designations

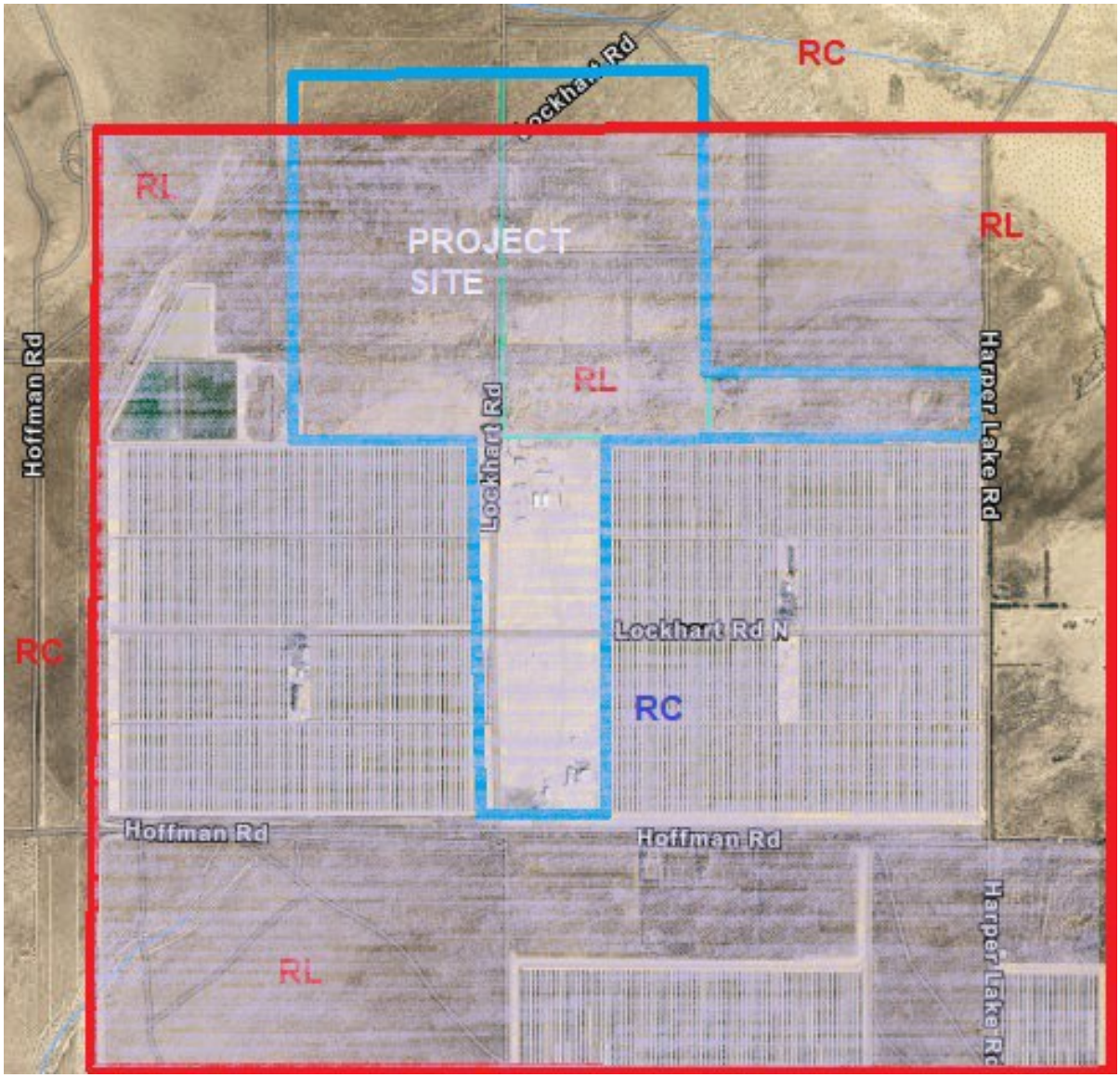


Figure 2 Proposed Zoning Designation

SITE PHOTOS

From central portion of proposal, facing west. (Disturbed allscale scrub)

Chain link fence located on the north end, facing west.

Shadscale scrub located on the northeastern area, facing southwest.

Allscale scrub located on the eastern part of the Project, facing west.

PROJECT DESCRIPTION AND BACKGROUND:

The applicant is requesting a zoning amendment to change the current zoning designation from Rural Living (RL) to Resource Conservation (RC) and the approval of four (4) Conditional Use Permits for the construction of the Lockhart Solar PV II Facility, which is a utility scale, photovoltaic (PV) electric generation and energy storage facility that will produce up to 150 megawatts (MW) of solar power and a Battery Energy Storage System (BESS) for up to 4 gigawatt hours (GWh) of energy storage capacity on 722-acres (Project). The Project is located within San Bernardino County (County) and is largely sited on land previously approved by the California Energy Commission (CEC) for development of Solar Energy Generating System (SEGS) X, a solar thermal power facility which was never fully constructed. The Project is bordered on the south by the approved Lockhart Solar I Facility and the existing SEGS VIII and IX Solar Thermal Plants. The Project would share existing operations and maintenance (O&M) facilities with the Lockhart Solar I Facility (i.e., O&M building, warehouse and employee building), water and septic systems, switchyard and electrical transmission infrastructure, and a new collector substation (approved and to be constructed) within the 110-acre "Shared Facilities Area" to connect the Project to the existing transmission line which runs to the Southern California Edison (SCE)-owned Kramer Junction substation.

The Project will include the development of solar facilities and associated infrastructure with the capacity to generate up to 150 MW of renewable electric energy and/or energy storage capacity. This is the same amount of electricity generated by the existing Project located to the south. Power generated by the proposed Project will be transferred to the Kramer Junction substation utilizing the existing 13.8-mile 220 kV gen-tie line. The solar facilities will use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facilities will operate year-round and will generate electricity during the daylight hours.

Solar modules for the Project will be provided on either a fixed-mount array system or a single-axis tracker system. Depending on the type of technology (modules) used, the panels will measure between 4 and 7 feet in length, and the total height of the panel system measured from ground surface will be approximately 7 to 12 feet. The length of each row of panels will be approximately 300 feet and oriented in the east-west direction in the case of a fixed mount array being used, and oriented in a north-south direction in the case of single-axis trackers being used.

Single-axis tracking systems will employ a motorized mechanism that will allow the arrays to track the path of the sun (from east to west) throughout the day. The motors will be installed after the horizontal cross-members are in place. In the morning, the panels will face the east. Throughout the day, the panels will slowly move to the upright position at noon and on to the west at sundown. The panels will reset to the east in the evening or early morning to receive sunlight at sunrise.

Interior access roads will be located throughout the Project Site. All perimeter and interior road networks are designed to comply with fire access roadway widths as required by County Fire Code and County Code requirements. A 26-foot-wide interior perimeter access road will be constructed along the Project fence line. All interior roads will consist of compacted native soil per San Bernardino County Fire Department requirements and will be stabilized with soil stabilization material, if necessary. Spacing between each solar panel row varies from approximately 8 to 22 feet.

PROJECT ANALYSIS:

CUP 1: Solar PV Generating Facilities and Solar Modules: CUP 1 covers an approximately 532- acre area and includes the installation of solar facilities capable of generating approximately 129 MW of renewable electrical energy. The energy is generated via PV modules made of thin film or polycrystalline silicon material covered by glass, mounted on a single-axis tracking system and connected to inverters and to the BESS. Depending on the type of modules used, panels would measure between approximately 4 and 7 feet in length, and the total height of the panel system measured from the ground surface would be approximately 7 to 12 feet. Spacing between each solar panel row would be between

10 to 24 feet. Single-axis systems would employ a motor mechanism that would allow the arrays to track the path of the sun throughout the day. In the morning, the panels would face the east. Throughout the day, the panels would slowly move to the upright position at noon and on to the west at sundown. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise.

CUP 2: Solar PV Generating Facilities and Solar Modules: CUP 2 covers an approximately 80-acre area and includes installation of solar facilities capable of generating approximately 15 MW of renewable electrical energy. Energy will be generated via PV modules made of thin film or polycrystalline silicon material covered by glass, mounted on a single-axis tracking system and connected to inverters and to the BESS. Depending on the type of modules used, panels would measure between approximately 4 and 7 feet in length, and the total height of the panel system measured from the ground surface would be approximately 7 to 12 feet. Spacing between each panel row would be between 10 and 24 feet. Single-axis systems would employ a motor mechanism that would allow the arrays to track the path of the sun throughout the day. In the morning, the panels would face the east. Throughout the day, the panels would slowly move to the upright position at noon and on to the west at sundown. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise.

CUP 3: Battery Energy Storage System (BESS): The BESS system is proposed on approximately 27-acres of the 110-acre Shared Facilities Area. The BESS and associated equipment will provide the ability to store up to 4 GWh of energy storage capacity for the electric grid. The BESS system will be designed to store energy generated from the Project's PV panels as well as energy delivered via the grid. While it's possible to charge from either source, the BESS would only charge from the Project's PV panels during the first 5 years of facility operations. The Applicant proposes to install the BESS components in phases over the life of this Project.

The batteries will be stored in individual containers, ranging from approximately 51 feet in length, 14 feet in width and 21.6 feet in height, including height needed for heating, ventilation, and air conditioning (HVAC). The batteries will be housed in open-air-style racking within its enclosed container (similar to computer racking). The associated inverters, transformers, and switchgear will be located immediately adjacent to the individual battery containers on concrete pads or on pier mounted skids. The BESS containers would have a fire rating in conformance with National Fire Protection Association (NFPA) and County standards and specialized fire suppression systems. The containers will include HVAC cooling to maintain energy efficiency and to protect the batteries. Power to the HVAC, lighting, etc. will be provided via a connection to the permitted, but not yet constructed, collector substation within the Shared Facilities Area, with connection lines installed above ground and/or below ground. The BESS will be operated primarily via remote control with on-site periodic inspections and maintenance performed, as necessary. The BESS component manufacturer has not been determined at this time but could include any commercially available and proved large-scale battery technology, including but not limited to lithium ion, sodium sulfur, and sodium or nickel hydride. Power stored by the BESS will be gathered into 34.5 kilovolt (kV) circuits and stepped-up to 220 kV at the substation.

CUP 4: Solar PV Generating Facilities and Solar Modules: CUP 4 is proposed on approximately 83 acres of the 110-acre Shared Facilities Area and includes installation of solar facilities capable of generating approximately 6 MW of renewable electrical energy. Energy will be generated via PV modules made of thin film or polycrystalline silicon material covered by glass, mounted on a single-axis tracking system and connected to inverters and to the BESS. Depending on the type of modules used, panels would measure between approximately 4 and 7 feet in length, and the total height of the panel system measured from the ground surface would be approximately 7 to 12 feet. Spacing between each panel row would be between 10 and 24 feet. Single-axis systems would employ a motor mechanism that would allow the arrays to track the path of the sun throughout the day. In the morning, the panels would face the east. Throughout the day, the panels would slowly move to the upright position at noon and on to the west at sundown. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise..

Development Code Compliance Summary: As noted above, with the adoption of the Zoning Amendment the Project satisfies all applicable standards of the Development Code for development in the Resource Conservation (RC) Land Use District, as illustrated in the following table. *See* **Table 1 *Project Code Compliance*.**

Table 1 *Project Code Compliance Resource Conservation (RC)*			
Project Component	**Development Code Standard**		**Project Plans**
PV Solar Facility	CUP		CUP
Parking	11		57 total spaces including 3 ADA spaces
Landscaping	20% minimum required		22%
Building Setbacks	Front: Street Side Side Interior: Rear	25’ 25’ 15’ 15’	25’ 25’ 20’ 20’
Building Height	35’ Maximum		12’
Drive Aisles	24’ (two way)		24’

Landscaping: A landscaping plan will be provided and will be required to comply with the Landscaping Standards provided in the San Bernardino Development Code Section 83.10.060, and table 83-12 “Minimum Landscaped Area”.

Fencing: Existing security fencing and electronic gate will be used for the Project. Desert tortoise fencing is already in place and will continue to be maintained for the life of the Project (see **Figure 3** below)

Figure 3 Existing Tortoise Fencing

Interconnection to the Grid: The Project will also require telecommunication facilities to meet the communication requirements for interconnecting with the Kramer Junction Substation and to support remote Project operations monitoring. Telecommunication equipment, including underground and overhead fiber optics, microwave, meteorological data collection systems, and supervisory control and data acquisition would be installed on the Project Site to connect the Project to remote monitoring locations and ultimately to the SCE substation at Kramer Junction via the existing gen-tie.

The Supervisory Control and Data Acquisition (SCADA) system is critical to the California Independent System Operator (CAISO) and SCE utility interconnection, and for the proper operation and maintenance, which uses proprietary software; a fiber-optic transmission system; a telephone, radio, and/or microwave communication network; and other means of communication such as radio links and phase loop communication systems. The SCADA system functions as a remote start, stop, reset, and tag out for the facility, thus minimizing the manpower and site diagnostic information generated from the panels. The SCADA system would also control the substations, allowing for fully centralized Project operation to meet all CAISO and utility interconnection requirements.

Solar Array Assembly: Construction of the solar arrays will include support structures and associated electrical equipment and cabling. During this work, there would be multiple crews working on the site with various equipment and vehicles, including special vehicles for transporting the modules and other equipment. As the solar arrays are installed, the collection substation and switchyard facility upgrades will be constructed, as needed, and the electrical collection and communication systems will be installed. Within the solar fields, the electrical and communication wiring will be installed in underground trenches, although some of the mid-voltage collection runs and communication systems may be on overhead lines.

Site Grading and Earthwork: Site grading and earthwork activities are expected to include mowing, excavation, and piledriving. Grading of the Project Site would be limited to the greatest extent possible to control dust. Micro-grading will occur to maintain pile foundation tolerances and grading will be required for installation of onsite roads and preparation of equipment foundation pads. Solar panels are attached to driven piles and do not require foundation pads. Stormwater flows from the Project will drain to the existing watershed which flows toward Harper Dry Lake. Site preparation and construction will occur in accordance with all federal, State, and County zoning codes and requirements. Noise-generating construction activities will be limited to the construction hours of 7:00 a.m. to 7:00 p.m, Monday through Friday.

Operation and Maintenance: The Project will operate year-round. Typical O&M activities that would occur on the Project site during operation include, but are not limited to, liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; repair and maintenance of solar facilities, substations, electrical transmission lines, and other Project facilities; and periodic panel washing.

The Shared Facilities Area includes an existing reverse osmosis and demineralizing system (RODS) to purify the brackish groundwater before use at the existing SEGS VIII and IX facilities. Currently, the RODS operates continuously, on an as-needed basis, up to approximately 18 hours per day. The existing RODS within the Shared Facilities Area (or similar system) will be used, as needed, to remove particles suspended in groundwater prior to Project solar panel cleaning, one to four times per year.

Schedule and Workforce: The Applicant is seeking four separate CUPs to facilitate Project financing. The four CUPs will share certain facilities, such as the BESS, the already approved shared collector substation, the gen-tie power line, and other appurtenant energy generation facilities. Project construction is anticipated to be completed over a period of approximately 14 months. Project construction activities generally fall into three main categories: (1) site preparation, (2) system installation, and (3) testing, commissioning, and cleanup. The on-site construction workforce is expected to peak at approximately 340 individuals; however, the average daily workforce on-site is expected to be between 225 and 250 construction, supervisory, support, and construction management personnel. Construction will primarily occur during daylight hours, Monday through Friday, between 7:00 a.m. and 7:00 p.m., as required to meet the construction schedule. Any construction work performed outside of the normal work schedule would be subject to pre-approval by County.

Solid and Non-Hazardous Waste: The Project will produce a small amount of solid waste from construction activities. This may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation waste.

These wastes would be segregated, where practical, for recycling. Non-recyclable wastes would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill. Vegetation waste generated by site clearing and grubbing will be chipped/mulched and spread on-site or hauled off site to an appropriate green waste facility.

Hazardous Waste: Small quantities of hazardous waste may be generated during Project construction. These wastes may include paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and spent welding materials. Workers will be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of, as allowed by permit, at a permitted and licensed treatment and/or disposal facility.

Parking: The Project will utilize the existing parking spaces located on the Lockhart 1 site which meet Chapter 83.11, section 83.11.040 table 83-15 and required eleven (11) spaces including one (1) ADA accessible space for a commercial building with the proposed square footage but provides a total of fifty-seven (57) parking spaces including three (3) ADA van accessible space.

Hours of Operation: The facility is intended to operate year-round and would generate electricity during the daylight hours. The facility would be designed to produce up to a combined 150MW of solar power and/or energy storage capacity at the point of interconnection to the transmission grid.

Water Use: During Project O&M, it is anticipated that water would be required for solar panel washing, equipment washing, non-sanitary uses, and other miscellaneous water uses. Solar panel washing is expected to occur one to four times per year. Water consumption for washing panels is expected to be approximately 4.5 acre-feet of water per year. This amount is in addition to the water necessary for operations staff, fire suppression and site maintenance, which is a small amount of water (i.e., approximately 0.45 AF per year). Water washing is by deluge and no chemicals or other materials are used.

Sewer System: An existing Onsite Water Treatment System (OWTS), located on Lockhart 1, will continue to be utilized.

Site Drainage: Stormwater runoff currently enters the Project Site from the southern and western boundaries and exits the Project Site along the northern and eastern boundaries. The existing earthen berm diverts the off-site flow to the northwest corner, which confluences with flows from the berm and ponds just outside the northeast corner of the Project Site within the dry lakebed of Harper Lake. The Project includes retention basins to manage the slight increase in runoff due to the installation of the Project facilities, such as steel piles, inverter foundations, and the BESS. The proposed improvements will maintain the existing drainage patterns on the Project Site. The retention basins will be sized to capture the difference in the pre-developed, versus the post-developed peak-flow conditions on the Project Site.

ENVIRONMENTAL REVIEW:

A Draft Environmental Impact Report (Draft EIR) was prepared and posted for a 45-day public review and comment period on November 16, 2021, until December 31, 2021. Comment letters were received from the California Department of Fish and Wildlife (CDFW), Lahontan Regional Water Control Board, and San Manuel Band of Mission Indians. Responses to the comment letters were prepared and incorporated into the Final Environmental Impact Report (Final EIR) for the Project. The Final EIR was posted on the County environmental Website with a link to the Final EIR and sent to the commenting agencies for review. The Final EIR concludes that the Project will have a less-than-significant effect, or a less-than-significant effect with the adoption of mitigation measures, on all resource areas analyzed in the EIR. CEQA Findings of Facts reflecting the Final EIR's analysis and conclusions have been prepared and are included for the Planning Commission's consideration and recommendation to the Board of Supervisors.

RECOMENDATION: That the Planning Commission recommend that the Board of Supervisors:

1. **CERTIFY** the Environmental Impact Report (SCH No. 2021070070) (collectively, Exhibits E and F), including the approval of the Water Supply Assessment (Appendix M to the Draft EIR)**;**
2. **ADOPT** the CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program (collectively, Exhibits G and H);
3. **ADOPT** the Findings for approval of the Zoning Amendment and Conditional Use Permits (Exhibit A)**;**
4. **APPROVE** the Zoning Amendment from Rural Living (RL) to Resource Conservation (RC) for the subject properties specifically described herein;
5. **APPROVE** the four Conditional Use Permits specifically described herein, subject to the Conditions of Approval (Exhibit B); and
6. **DIRECT** the Clerk of the Board to file the Notice of Determination.

ATTACHMENTS:

EXHIBIT A: Findings
EXHIBIT B: Conditions of Approval
EXHIBIT C: Site Plan
EXHIBIT D: Metes-Bounds
EXHIBIT E: Draft Environmental Impact Report (SCH No. 2021070070)
04-Draft EIR_Lockhart Solar PV II.pdf (sbcounty.gov)
EXHIBIT F: Final Environmental Impact Report (SCH No. 2018041007)
FINAL_EIR_LOCKHART_SOLAR.pdf (sbcounty.gov)
Technical Appendices for Lockhart Solar PV II Desert (sbcounty.gov)
EXHIBIT G: CEQA Findings of Fact
EXHIBIT H: Mitigation Monitoring and Reporting Program

EXHIBIT A

Findings

Project Description: A Zoning Amendment to change the current zoning designation from Rural Living to Resource Conservation (RC), and four (4) Conditional Use Permits for the construction of the Lockhart Solar PV II Facility, which is a utility scale, photovoltaic (PV) solar facility that will produce up to 150 megawatts (MW) of solar power and a Battery Energy Storage System (BESS) for up to 4 gigawatt hours (GWh) of energy storage capacity on 722-acres (Project).

FINDINGS: ZONING AMENDMENT

A zoning amendment to change the Land Use Zoning Designation from Rural Living (RL) to Resource Conservation (RC) on four (4) parcels (APNs: 0490-101-54, -56, and 0490-223-33) totaling 722-acres (Zoning Amendment).

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for the Zoning Amendment:

1. **The proposed zoning amendment is internally consistent with all other provisions of the Countywide Plan.**

   Consistency: *The Zoning Amendment is consistent with and will further the goals and policies of the Countywide Plan and will not obstruct their attainment as indicated below, and based on the evidence contained in the Project's supporting documents:*

   a. **Policy LU-1.1. Growth**. We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy.

      Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility ("Project") that will provide aid to the local and regional economy by providing clean renewable energy. The Project would produce up to 150 megawatts (MW) of solar power and include up to 4 gigawatt hours (GHh) of energy storage capacity rate in a battery energy storage system (BESS) within an approximately 722-acre Project site. The Project will assist California in meeting greenhouse gas (GHG) emission reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 in 2016, to address the effects of climate change on the environment and the economy. The Project will also promote the County's Renewable Energy and Conservation Element (RECE) polices and be sited in an area identified as suitable for utility oriented renewable energy generation projects.

   b. **Policy LU-2.1. Compatibility with existing uses**. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

      Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility that will be located on a site previously approved by the California Energy Commission (CEC) for the development of energy facility. The Project site is bordered on the south by the existing SEGS VIII and IX Solar Thermal Power Plants, the Abengoa Mojave Solar Project (MSP) located further to the south across Hoffman Road, the Black Mountain Wilderness Area 9 miles to the northeast, Harper Lake to the east, and vacant land to the north and west. The Solar Energy Generating System (SEGS) VIII, SEGS IX and MSP facilities are existing utility-scale solar thermal power facilities that include

solar arrays, steam turbines, wet cooling towers, gas-fired auxiliary boilers, and other appurtenant infrastructure for solar thermal power generation. The SEGS VIII and IX facilities have been operational since the early 1990s and MSP has been operational since 2014. The Project site is also located in proximity to existing high-voltage transmission lines that serve the existing facilities as well as the region, including the existing 13.8-mile transmission line that extends from the Shared Facilities Area to the SCE-owned Kramer Junction substation to the southwest.

c. **Policy RE-5.1 Siting**. Encourage the siting of RE generation facilities on disturbed or degraded sites in proximity to necessary transmission infrastructure. RE 5.1.2: Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.

Consistency: The Zoning Amendment is proposed in conjunction with a utility scale solar facility that is appropriately sited and will conform to all applicable standards set forth with the Development Code.

2. **The proposed zoning amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County**.

***Consistency**: The Zoning Amendment facilitates a Project that has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. The public interest will be served in that the Project will generate increased energy capacity to the community; the Project will promote economic development within the local community, during its construction phase, which support local businesses.*

3. **The proposed zoning amendment is in the public interest, therefore will be a community benefit, and other existing and allowed uses will not be compromised.**

***Consistency:** The Zoning Amendment facilitates a Project that will provide a utility scale solar facility while maintaining the goals and policies of the Countywide Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The Project will also promote economic development through construction jobs.*

4. **The proposed zoning amendment will provide a reasonable and logical extension of the existing land use pattern in the surrounding area**.

***Consistency:** The Project site is bordered on the south by the existing SEGS VIII and IX Solar Thermal Power Plants, the Abengoa Mojave Solar Project (MSP) located further to the south across Hoffman Road, the Black Mountain Wilderness Area 9 miles to the northeast, Harper Lake to the east, and vacant land to the north and west. The SEGS VIII, SEGS IX and MSP facilities are existing utility-scale solar thermal power facilities that include solar arrays, steam turbines, wet cooling towers, gas-fired auxiliary boilers, and other appurtenant infrastructure for solar thermal power generation. The SEGS VIII and IX facilities have been operational since the early 1990s and MSP has been operational since 2014. The Project site is also located in proximity to existing high-voltage transmission lines that serve the existing facilities as well as the region, including the existing 13.8-mile transmission line that extends from the Shared Facilities Area to the SCE-owned Kramer Junction substation to the southwest*.

5. **The proposed zoning amendment does not conflict with provisions of the Development Code.**

   Consistency*: The Project site conforms to the size and location criteria specified for the Resource Conservation (RC) land use district and all other applicable Development Code requirements.*

6. **The proposed zoning amendment will not have a substantial adverse effect on surrounding property**.

   Consistency: *The Project includes appropriate mitigation measures and Conditions of Approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property. In addition, there is existing solar facility to the south of the Project site.*

7. **The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.**

   Consistency: *The Project site has been conditioned to ensure needs of the Project have been met. The Project has been reviewed and conditioned by the County to ensure access and necessary road improvements will be met. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified Conditions of Approval. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided Conditions of Approval.*

FINDINGS: CONDITIONAL USE PERMIT

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

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

   The proposed Project would include the development of solar facilities and associated infrastructure with the capacity to generate up to 150 megawatts (MW) of renewable electric energy and up to 4-gigawatt hours (GWh) battery energy storage capacity. Power generated by the proposed Project would be transferred to the Kramer Junction substation utilizing the existing 13.8-mile 220 KV gen-tie line. The solar facilities would use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facilities would operate year-round and would generate electricity during the daylight hours. All setbacks meet the requirements of the Development Code for the proposed land use and the existing zoning.

2. **The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

The Project site is 722 acres including four (4) parcels located at 43450 Harper Lake Road in an unincorporated area of San Bernardino County in the community of Hinkley. The site for the proposed use has adequate access. Access roads would be located throughout the Project area. Spacing between each solar panel row would be approximately 8 to 22 feet. Single-axis tracking systems would employ a motor mechanism that would allow the arrays to track the path of the sun (from east to west) throughout the day.

3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.

The proposed use is required to comply with all requirements of the Development Code with respect to noise, vibration, lighting and glare.

4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan and any applicable Community or Specific Plan.

The Project, together with the provisions for its design and improvement are consistent with the Countywide Plan. The Project specifically implements the following goals, objectives and policies from the Renewable Energy and Conservation Element (RECE):

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

RE Objective 5.2: Utility-oriented Renewable Energy (RE) facilities will be subject to site criteria consistent with County priorities expressed in the RECE.

RE Policy 5.2(x): Utility-oriented RE generation projects on private land in the unincorporated County will be limited to the site-type below, in addition to meeting criteria established in the RECE and Development Code: …

(x). Existing energy generation sites.

Policy Implementation: Considering features of the site design, the RECE the Development Code, and the proximity to other solar generation facilities, the Project is appropriately sited and compatible with the Countywide Plan.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels.

During construction, the primary community infrastructure utilized by the Project will be the road system. Existing roadways that serve the Project site include Harper Lake Road and Hoffman Road. A Construction Management Plan is required prior to any grading activities which will ensure that all public roadways utilized during construction will be maintained. Non-potable water service is provided by on-site wells, and potable water will be trucked in by Sparkletts. Sewer service will utilize the existing approved septic system.

6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.

The Project Conditions of Approval include measures that require the developer to comply with the performance measures outlined in the Development Code. The Project has been evaluated by County departments and as part of the environmental review process to respond to specific development needs and reduce potential environmental impacts.

7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

The sole purpose of the Project is to construct and operate a photovoltaic solar generating facility that will contribute significant quantities of renewable energy for use by the larger public.

FINDINGS: COMMERCIAL SOLAR FACILITY:

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 84.29.035, and supporting facts for approval of a Commercial Solar Facility:

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

Consistency. *The Project site is adjacent (north) to the 1,073-acre Lockhart I site. The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The project design includes setbacks from roads as well as fencing to shield the facility from public view.*

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

Consistency. *Existing security fencing used to contain the Lockhart I site will be expanded to include SEG X (Lockhart II Facility). Any existing Desert tortoise fencing is already in place and will continue to be maintained for the life of the Project. All lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. There will be lesser visual impacts with low profile PV panels, there will be no power block and no cooling tower plume.*

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

Consistency. *The site is located adjacent to the existing Lockhart I Facility with existing electric transmission lines and transportation uses. The Project is also adjacent to additional solar facilities within the general area. The facility will be compatible with the overall character of the area.*

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

Consistency. *A minimum 26-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width. There will be no additional visual impact to the surrounding area due to the Project being developed adjacent to existing solar sites.*

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

> ***Consistency.*** *No element of the proposed project is expected to impact the feasibility of financing infrastructure development for the local area. The site will be served by onsite wells for non-potable water and delivered water for drinking. No additional infrastructure for sewer is proposed.*

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

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

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

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

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

> ***Consistency.*** *The Project is designed to include use of existing transmission and access infrastructure in the area developed for the existing Lockhart I solar site, including transmission lines, utility corridors and roads. The project will connect and deliver its output to the existing Kramer Junction Substation.*

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

> ***Consistency.*** *The Project site has been mostly disturbed by previous industrial or agricultural activities. A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. No special-status plant or wildlife species or vegetation communities were observed within or surrounding the survey area. In addition, based on 9-quadrangle database record searches it was determined that ten special-status plant species and sixteen special-status wildlife species known to occur within the vicinity of the survey area are either not expected or have a low potential to occur within the survey area. Due to the highly disturbed areas of bare ground, open water and developed areas*

(i.e. solar fields and associated infrastructure, evaporation ponds and open areas) bird nesting opportunities and wildlife movements are limited and restricted. No U.S. Fish and Wildlife Service designated critical habitat has been mapped within the survey area.

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

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

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

Consistency. *The procedure and protocol on how to address any cultural resources discovered during grading for the Project are addressed in the final conditions of approval for the project. As a previously disturbed site the San Manuel Band of Mission Indians had little concern for the site in terms of undiscovered resources and provided recommended conditions for the project to follow in the event cultural, historic, or Native American sacred discoveries are made.*

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

Consistency. *The Project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction.*

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

Consistency. *The project is located within Flood Zone D according to FEMA Panel Number 06071C3250H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit.*

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

Consistency. *Based on the National Flood Hazard Map, the entire project site is within Zone D, which indicates flooding hazards for the site have not been determined. Mitigation measures that will be implemented by the Developer will minimize impacts.*

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

Consistency. *The Project site is located approximately 0.5 miles west of Harper Dry Lake and sited to avoid potential channel migration zones and associated erosion impacts.*

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

Consistency. *The proposed Project will be located adjacent to an existing solar site. The existing partially developed site does not contain agricultural land and would not have an adverse effect on the agricultural viability of surrounding lands.*

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

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

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

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

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

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

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

Consistency. *The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust.*

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

Consistency. *The Project will apply dust control measures in compliance with permit conditions and MDAQMD regulations.*

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

Consistency. *The Project is not located within a quarter of a mile of any residential developments or single residences.*

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

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

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

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

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

Consistency. *The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 90 miles to the southeast.*

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

Consistency. *The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 70 miles to the east.*

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

Consistent. *The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 50 miles to the north.*

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

Consistency. *The Project is not located within 2 miles of County, state or federal agency designated wilderness area.*

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

Consistency. *The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 25 miles to the southeast. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

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

> ***Consistency.*** *The Project site is not located within the Sphere of Influence of a city. The City of Barstow Sphere of Influence is located approximately 8 miles southeast of the Project site.*

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

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

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

Lockhart Solar PV II, LLC
Zoning Amendment/Four Conditional Use Permits

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

1. Project Approval Description. Four (4) Conditional Use Permits for the construction of the Lockhart Solar PV II Facility, which includes a utility scale photovoltaic (PV) solar facility that will produce up to 150 megawatts (MW) of solar power and a Battery Energy Storage System (BESS) for up to 4 gigawatt hours (GWh) of energy storage capacity on 722-acres (Project). The Project is located within the County of San Bernardino (County) and is largely sited on land previously approved by the California Energy Commission (CEC) for development of Solar Energy Generating System (SEGS) X, a solar thermal power facility which was never fully constructed. The Project is bordered on the south by the approved Lockhart Solar I Facility and the existing SEGS VIII and IX Solar Thermal Plants, currently being decommissioned. The Project shares existing operations and maintenance (O&M) facilities with the Lockhart Solar I Facility (i.e., O&M building, warehouse and employee building), water and septic systems, switchyard and electrical transmission infrastructure, and a new collector substation (approved and to be constructed, P201900125) within the approximately 110-acre "Shared Facilities Area" to connect the Project to the existing transmission line which runs to the Southern California Edison (SCE)-owned Kramer Junction substation.

   This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Service Commercial (CS) land use designation, the California Building Codes (CBC), the California Fire Code (CFC), the Conditions of Approval, contained herein, and the approved site plan dated September 19, 2019.

2. Associated Applications. A Zoning Amendment to change the current zoning from Rural Living (RL) to Resource Conservation (RC).

3. Project Location. The Project site is a total of approximately 722-acres located in an unincorporated area of San Bernardino County in the community of Hinkley. (APNs: 0490-101-54, -56, and 0490-223-33)

4. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)

5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

   Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

6. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
   a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
   b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
   c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
      - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
      - The land use is determined by the County to be abandoned or non-conforming.
      - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

   PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
7. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Project Account. The Project account number is PROJ-2021-00029. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall comply with all of the conditions for each of the respective stages of development. The developer shall obtain written clearance (e-mail is okay) that all of the conditions have been satisfied prior to issuance of any permits.

12. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:

    a. FEDERAL: N/A;
    b. STATE: Lahontan RWQCB, Mojave Desert AQMD, CDFW;
    c. COUNTY: Land Use Services – Building and Safety, Code Enforcement. Land Development; County Fire – Community Safety, Hazardous Materials; Public Health – Environmental Health Services; Public Works –Traffic, County Surveyor, and
    d. LOCAL: N/A

13. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

    a. Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.

    b. Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.

    c. Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.

    d. Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.

    e. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.

    f. External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.

    g. Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.

    h. Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.

    i. Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.

    j. Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.

    k. Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as

identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.

l. Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking" designations and “Fire Lane” designations.

14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.

15. Lighting. Lighting shall comply with Section 83.07.030 “Glare and Outdoor Lighting-Desert Region” of the County’s Development Code. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.

17. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

18. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.

19. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

20. Construction Noise. The following measures shall be adhered to during the construction phase of the project:

    a. All construction equipment shall be muffled in accordance with manufacturer’s specifications.

    b. All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.

    c. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311

21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and

"developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

23. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
24. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
25. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

PUBLIC HEALTH - Environmental Health Services (800) 442-2283

26. Noise. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080

COUNTY FIRE DEPARTMENT–Community Safety Division (909)386-8465

27. Permit Expiration. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
28. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
29. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01AJ]
30. Access - 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. Standard 902.2.1 [F45]
31. Access - 30% slope. Where the natural grade between the access road and building is in excess of thirty percent (30%}, an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department. Standard 902.2.1 [F46]

32. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.
33. Access. The development shall have a minimum of TWO points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
    a. Perimeter roads shall have a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) fee six (6) inches in height.
    b. Interior roads shall have a minimum twenty (20) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITIES

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311

34. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
    a. Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
    b. Grading contractor shall provide and implement the following when possible:
        1. Training operators to use equipment more efficiently.
        2. Identifying the proper size of equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
        3. Replacing older, less efficient equipment with newer models.
        4. Use GPS for grading to maximize efficiency.
    c. Grading plans shall include the following statements:
        - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
        - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."
    d. Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
    e. Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
    f. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
35. **Off-road Diesel-Powered Construction Equipment (AQ-1). All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 Final emission standards during demolition, grading, and facilities construction. In addition, construction equipment shall be outfitted with best available control technologies (BACT) devices certified by the CARB. Emissions**

control devices used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. An exemption from these requirements may be granted by the County in the event that the Applicant documents that equipment with the required tier is not reasonably available and the Applicant proposes to replace that equipment with similar sized equipment which meets the next most stringent standard available (i.e., the Applicant must seek replacement equipment that meets Tier 4 Interim standards, and only when none are found to be reasonably available, seek equipment meeting Tier 3 standards, etc.). Under no circumstances will the County allow more than half of the heavy-duty equipment usage for Project construction or decommissioning (measured as total horse-power hours of usage) to be less stringent than Tier 4 Final.

A copy of each unit's certified tier specification, BACT documentation, and CARB operating permit shall be provided to the County of San Bernardino at the time of mobilization of each applicable unit of equipment.

36. **Valley Fever Management Plan (VFMP) (AQ-2). Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices including:**

    - **Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever.**
    - **Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing, and treatment options. This training must be completed by all workers and visitors (expected to be on-site for more than 2 days) prior to participating in or working in proximity to any ground disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction.**
    - **Developing a job-specific Job Hazard Analyses (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust, and maintain and manage safety supplies identified by the JHA.**
    - **Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.**

37. **Cultural Resources (CUL-1). Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of buried prehistoric or historic cultural deposits. Development of the WEAP shall include consultation with a Qualified Archaeologist meeting the Secretary of the Interior standards. The WEAP shall provide an overview of potential significant archaeological resources that could be encountered during ground disturbing activities, including how to identify prehistoric or historic cultural deposits, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Archaeologist. Prior to ground disturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.**

    In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a Qualified Archaeologist shall be hired

to assess the find. The Qualified Archaeologist shall have the authority to stop or divert construction excavation as necessary. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within Mitigation Measure TCR-1, regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

38. **Cultural Resources (CUL-2). If significant pre-contact and/or post-contact cultural resources, as defined by CEQA are discovered, and avoidance cannot be ensured, the qualified archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Director of the Planning Division for review and comment, as detailed within Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly**

39. **Tribal Cultural Resources (TCR-1). The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in Mitigation Measure CUL-1, if any pre-contact and/or postcontact cultural resources is discovered during Project implementation and be provided information regarding the nature of the find so as to provide Tribal input with regards to significance and treatment. Should the discovery be deemed significant, as defined by the California Environmental Quality Act, a Cultural Resources Monitoring and Treatment Plan shall be created by a Qualified Archaeologist, in coordination with SMBMI and the County Planning Department, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to represent SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on-site. If a pre-contact cultural resource is discovered during Project implementation, the following actions are required: (a) Ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed; (b) The County shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the SMBMI Cultural Resources Department, the Applicant, and the County shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. SMBMI has indicated it is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the County, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all grounddisturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American**

Association of Museums (AAM)- accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Applicant's obligation to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the County and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the County, and SMBMI. Inadvertent Discovery Guideline

1. **In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the SMBMI shall be contacted regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.**
2. **If significant pre-contact and/or post-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly.**
3. **If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.**

40. Tribal Cultural Resources (TCR-2). **Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Applicant and County for dissemination to the SMBMI. The County and/or Applicant shall, in good faith, consult with SMBMI throughout the life of the Project.**

41. Geology and Soils (GEO-1). **Prior to initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of paleontological resources. Development of the WEAP shall include consultation with a Qualified Paleontologist. The Qualified Paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology (2010). The WEAP training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Paleontologist. Prior to grounddisturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.**

42. Geology and Soils (GEO-2). **In the event that paleontological resources are exposed during construction activities for the Project, all work occurring within 100 feet of the find shall immediately stop until a Qualified Paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Work shall be allowed to continue outside of the buffer area. If it is demonstrated that resources cannot be avoided, the Qualified Paleontologist shall develop additional treatment measures that follow the guidelines of the SVP (2010) in consultation with the County, which may include recovery or other appropriate**

measures. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, if such an institution agrees to accept the fossils. The Qualified Paleontologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.

43. **Biological Resources (BIO-1). Prior to construction, a qualified botanist shall conduct a pre-construction rare plant survey within the Project Site, particularly focusing on areas with suitable habitat to support special-status plant species. The survey shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of, at a minimum, areas proposed for disturbance. The results of the survey shall be documented in a letter report that will be submitted to San Bernardino County. If individual or populations of special-status plant species are found along the edges of areas that are proposed for disturbance, measures to avoid and minimize impacts to these plants, including but not limited to flagging and/or fencing, shall be recommended and implemented as appropriate. Existing vegetation within the Project Site would be removed, but mitigation for the loss of CNPS List 1 or 2 special-status plant species that are detected during preconstruction surveys within the Project Site shall be considered during the process of purchasing mitigation lands for Project impacts. The surveys and reporting shall follow 2018 CDFW and/or 2001 CNPS guidelines. Although not expected, if State- and/or Federally-listed plant species are present and avoidance is infeasible, consultation with the CDFW and/or USFWS will be conducted and an Incidental Take Permit(s) from the CDFW and/or USFWS may be warranted prior to the commencement of Project activities. In the event that State or federally listed plant species are present and avoidance is infeasible, the County shall assess whether the loss of individual plants constitutes a "substantial adverse effect" on the species and if so, shall require mitigation for such impacts through the acquisition and protection of mitigation land commensurate with the impact. Acquisition of mitigation land is not required if equivalent mitigation will or has already been provided through an Incidental Take Permit.**

44. **Biological Resources (BIO-2). If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the Project Site. The extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).**

45. **Biological Resources (BIO-3). Pre-construction burrow clearance surveys shall be conducted by a qualified biologist to ensure that burrowing owls, desert kit fox, or American badger remain absent from the Project Site and impacts to these animals do not occur. Two (2) pre-construction clearance surveys should be conducted: the first to be conducted 14-30 days prior and the second to be conducted no more than 24 hours prior to any vegetation removal or ground disturbing activities. Once surveys are completed, the qualified biologist shall prepare a final report documenting surveys and findings. If no occupied burrows are detected, Project construction activities may begin. If an occupied burrow is found within the Project Site during pre-construction clearance surveys, a burrowing owl, desert kit fox, or American badger exclusion and mitigation plan shall be prepared and submitted to the County, which may consult with CDFW for review, prior to initiating Project construction activities.**

46. **Biological Resources (BIO-4). A qualified bat biologist shall survey all suitable structures and vegetation on the Project Site for bat roosts within 30 days prior to the start of Project construction activities. If bats roosts are found within the Project Site, the qualified bat biologist shall identify the**

bats to the species level and evaluate the colony to determine its size and significance. If structures on the Project Site house an active maternity colony of bats, construction activities shall not occur during the recognized bat breeding season (March 1 to October 1). Proposed work in areas with no suitable habitat shall not require a bat survey. If Project activities must occur during non-daylight hours or during the bat breeding season (March 1 to October 1), a qualified bat biologist shall establish monitoring measures, including frequency and duration, based on species, individual behavior, and type of construction activities. Night lighting should be used only within the portion of the Project Site actively being worked on and should be focused directly on the work area. This measure would minimize visual disturbance and allow bats to continue to utilize the remainder of the area for foraging and night roosting. If bats are showing signs of distress, work activities shall be modified to prevent bats from abandoning their roost or altering their feeding behavior. The qualified biologist shall have the authority to halt work if there are any signs of distress or disturbance that may lead to roost abandonment. Work shall not resume until corrective measures have been taken or it is determined that continued activity would not adversely affect roost success.

47. **Biological Resources (BIO-5). Prior to construction, a qualified biologist shall conduct preconstruction clearance surveys for Mohave ground squirrel. The biologist shall be current with the latest information on protocols and guidelines and have thorough and current knowledge of the species' behavior, natural history, ecology, and physiology. If any individual Mohave ground squirrels are found within the Project Site during pre-construction clearance surveys, the Project shall contact CDFW for appropriate action.**

48. **Biological Resources (BIO-6). Off-road travel shall be prohibited in all native habitats adjacent to the Project Site during construction and operation. Such areas shall be posted prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked.**

49. **Biological Resources (BIO-7). Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour.**

50. **Biological Resources (BIO-8). Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to provide construction contractors and all on-site personnel with information to encourage awareness and preservation of the desert ecosystem and the key species and resources with potential to occur on the Project Site and that are found in the western Mojave Desert. The WEAP shall also educate and instruct on-site personnel to avoid harassment and disturbance of wildlife, especially during reproductive activities (e.g., courtship and nesting) during construction. At a minimum, the program shall contain information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protective measures associated with the listed species that potentially occur within or adjacent to the Project Site. The program shall be administered to all onsite personnel including employees, contractors, contractors' employees, supervisors, inspectors, and subcontractors. The program shall be administered by a qualified biologist. It shall include an oral presentation, video/PowerPoint, and/or written materials. Each Project employee, as well as employees of contractors and subcontractors, who participate in the environmental awareness program shall sign an affidavit declaring that the individual understands and will adhere to the guidelines set forth in the program material. Documentation shall be retained demonstrating that construction personnel attended the training.**

51. **Biological Resources (BIO-9). The following best management practices shall be implemented during Project grading and construction and decommissioning activities to further address potential impacts on special-status wildlife species:**

    - **To prevent inadvertent entrapment during construction, at the end of each workday all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials or be equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly**

inspected for trapped animals by construction personnel trained by a qualified biologist. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a trapped listed species is discovered, the Project shall contact CDFW and/or USFWS to determine appropriate action.

- **All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a listed species is discovered inside a pipe, that section of pipe shall not be moved. The Project shall contact CDFW and/or USFWS to determine the appropriate action.**
- **Construction personnel trained by a qualified biologist or the qualified biologist shall inspect for special-status species and other wildlife under vehicles and equipment every time the vehicles or equipment are moved. If an animal is present, site workers shall wait for the individual to move to a safe location. If a listed species is discovered under equipment or vehicles and does not move on its own, the project shall contact CDFW and/or USFWS to determine the appropriate action.**
- **To avoid toxic substances on road surfaces, soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants.**
- **To minimize spills of hazardous materials, all vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.**
- **To discourage attraction by predators to the Project Site, all food-related trash items, such as wrappers, cans, bottles, and food scraps, shall be disposed of in solid, closed containers (trash cans) on a daily basis. Onsite trash receptacles shall be emptied as necessary (for example, weekly) to prevent overflow of trash. Trash removed from the receptacles shall be hauled to an offsite waste disposal facility. Workers shall not feed wildlife or bring pets to the Project Site.**
- **•The Project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the Project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Lahontan Regional Water Quality Control Board. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.**

52. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with

particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311

53. Geotechnical (Soil) Report. A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

54. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safety manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A $750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

55. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3250H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

56. Grading Plans. Grading and erosion control plans shall be submitted for review and approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

57. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

58. Regional Board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

59. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

DEPARTMENT OF PUBLIC WORKS – Surveyor – (909) 387-8149

60. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Survey or Section 8771(b) Business and Professions Code.

61. Record of Survey. Pursuant to Sections 8762 (b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:

    a. Monuments set to mark property lines or corners.

    b. Performance of a field survey to establish property boundary lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel.

c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a record of survey.

DEPARTMENT OF PUBLIC WORKS –Traffic Division – (909) 387-8186

62. Construction Management Plan. The applicant's engineer shall provide a construction management plan to the Department of Public Works, Transportation Operations Division to determine if a maintenance agreement (during construction) with the County will be required. The construction management plan shall show the number of trucks, type of trucks (size), the total number of Equivalent Single Axle Loads (ESALs), and the truck routes to the site for construction. If it is determined that a maintenance agreement is required, the developer shall enter into a maintenance agreement with the County Department of Public Works to insure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. Prior to issuance of grading permits, the developer/contractor shall contact the Transportation Operations Division at (909) 387-7995 in order to process the maintenance agreement with the County. Please allow a minimum of 12 weeks for the processing of an agreement and obtain approval from the Board of Supervisors. For additional information regarding the maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995. For additional information about the construction management plan, please contact the Department of Public Works - Traffic Division at (909) 387-8186.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311

63. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.

64. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

    a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
    b. All sign lighting shall not exceed 0.5 foot-candle.
    c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
    d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

65. Special Use Permit. The developer shall submit for review and gain approval for a Special Use Permit (SUP) from County Code Enforcement. Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the developer. Such actions may cause a hearing or an action that could result in revocation of this approval and imposition of additional sanctions and/or penalties

in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection. As part of this, the developer shall pay an annual public safety services impact fee in accordance with Code §84.29.040(d).

66. Decommissioning Requirements. In accordance with SBCC 84.29.060, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements:

    a. Closure Plan. Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.

    b. Closure Compliance**.** Following the operational life of the project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the project conforms to applicable requirements and would avoid significant adverse impacts.

    These plans shall include the following as applicable:

    - Water Quality Management Plan
    - Erosion and Sediment Control Plan
    - Drainage Report
    - Notice of Intent and Stormwater Pollution Prevention Plan
    - Air Quality Permits
    - Biological Resources Report
    - Incidental Take Permit, Section 2081 of the Fish and Game Code
    - Cultural Records Report
    - The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

LAND USE SERVICES DEPARTMENT – Building and Safety (909) 387-8311

67. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

68. Temporary Use Permit: A Temporary Use Permit (T.U.P.) for an office trailer (if necessary) will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465

69. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. If no buildings are proposed on the site and road grades do not exceed eight percent, roads may be constructed with approved native materials or gravel compacted to 85%.

70. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1

71. Solar I Photovoltaic System Plans. Solar/ Photovoltaic Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building. [F39]

72. Building Plans. Building Plans shall be submitted to the Fire Department for review and approval.

73. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

74. Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

75. Existing Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.

76. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

77. Water Purveyor. Water purveyor shall be Mojave Solar Project Alpha Power Plant Potable Treatment Facility or EHS approved.

78. Water Service Verification Letter. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311

79. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number **PROJ-2021-00029**.

80. Public Safety Services Impact Fees. This impact fee applies to the 612-acre portion of this Project. Applicant shall provide proof demonstrating 110-acre shared portion has paid impact fees as stipulated in Lockhart Solar I Facility. Upon completion and final construction of the Project, the developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:

Parcel Size	Fee Per Acre
0-4.99 acres	$580
5-14.99 acres	$280
15 acres or greater	$157

Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project's public safety services impacts, which study shall be paid at the developer's expense, using a consultant approved by the County.

Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

81. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
82. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
83. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
84. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:

    - Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
    - Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

85. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465

86. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]

87. Inspection by Fire Department. Permission to occupy or use the building {Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]

88. Combustible Vegetation. Combustible vegetation shall be removed as follows:

    - Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.
    - Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance# 3586 [F52]

COUNTY FIRE DEPARTMENT – Hazardous Materials Division (909) 386-8401

89. Occupancy. Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.

90. Permits. Prior to occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) http://cers.calepa.ca.gov/

91. Aboveground Storage Tanks. Prior to Occupancy a businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.

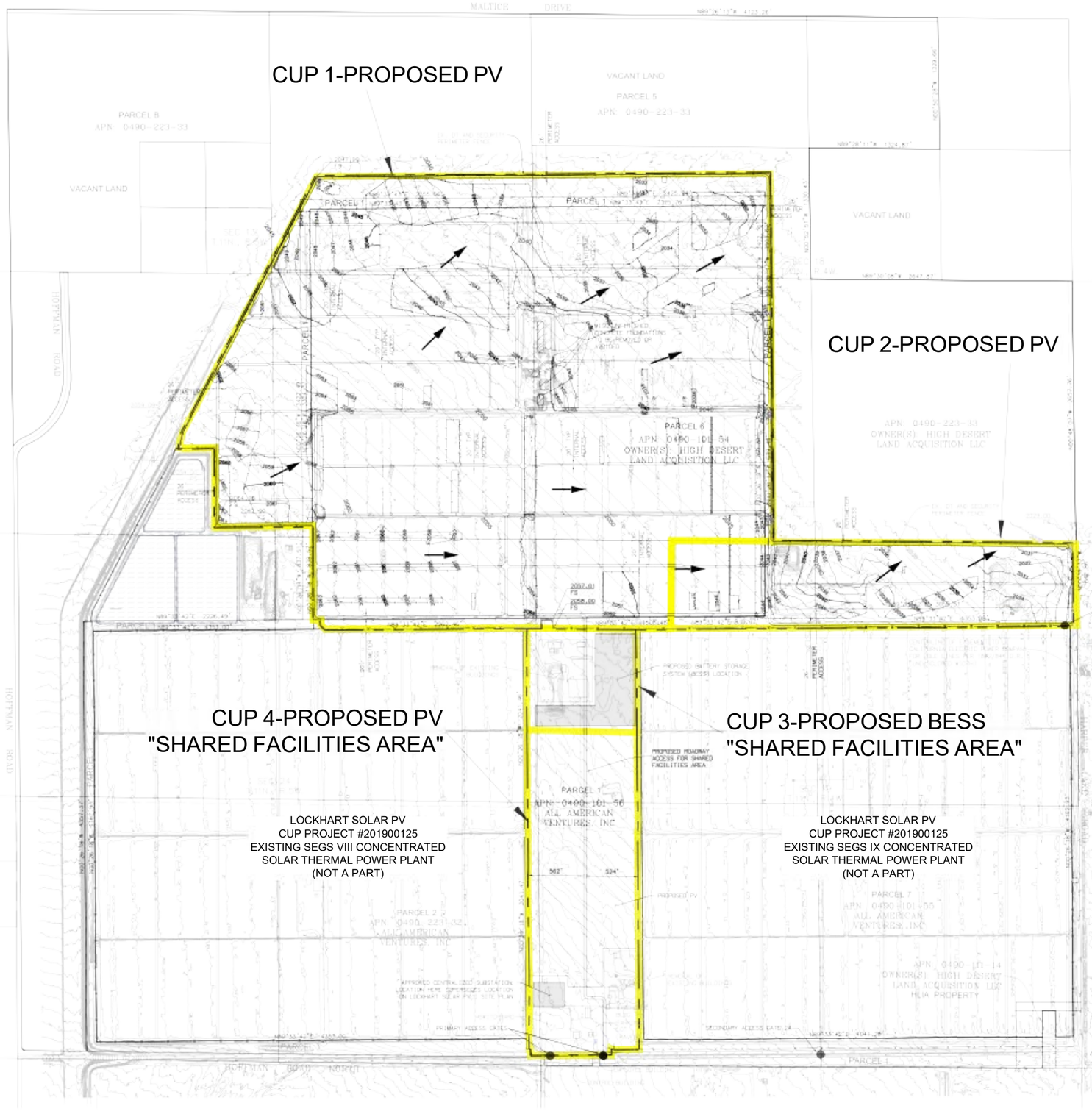
    "Hazardous Material" means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

    Additional information can be found at http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

END OF CONDITIONS

EXHIBIT C

Site Plan



OFFICIAL USE ONLY

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO AND DESCRIBED AS FOLLOWS:

PARCEL A:
PARCEL 5 OF PARCEL MAP NO. 12194, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 142, PAGE(S) 44 THROUGH 55 OF PARCEL MAPS, RECORDS OF SAID COUNTY.
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 122.
ALSO EXCEPT ONE-HALF INTEREST IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M. BECKER, HUSBAND AND WIFE, TO L.M. LOCKHART, RECORDED OCTOBER 20, 1950 IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.
ALSO EXCEPTING ALL OIL AND GAS IN THE SOUTH HALF OF GOVERNMENT LOT 1, IN THE SOUTHWEST QUARTER OF SECTION 18, AND TO IT OR PERSONS AUTHORIZED BY IT THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA TO JAY HUBERT MARSHALL, RECORDED MAY 11, 1927, IN BOOK 231, PAGE(S) 36 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
APN: 0490-243-33

PARCEL B:
THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.
EXCEPTING THEREFROM, AND REGARDLESS OF THE DEPTH BELOW THE SURFACE OF WHICH ANY SUCH SUBSTANCE MAY BE FOUND, ALL RIGHT, TITLE AND INTEREST IN AND TO ALL HYDROCARBONS, MINERALS, GEOTHERMAL RESOURCES, AND MINERAL ORES OF EVERY KIND AND CHARACTER, METALLIC OR OTHERWISE, SOLID, LIQUID OR GAS, AND WHETHER OR NOT PRESENTLY KNOWN TO SCIENCE OR INDUSTRY, NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, WITHIN OR UNDERLYING THE SURFACE OF SAID LAND, WITH THE SOLE RIGHT AND IN PERPETUAL RIGHT OF GRANTOR, ITS SUCCESSORS, ASSIGNS AND LESSEES, OF INGRESS AND EGRESS TO, UPON AND OVER SAID LAND TO EXPLORE FOR, EXTRACT, STORE, REFINE, PROCESS, AND REMOVE AND UTILIZE THE SAME, AND TO MAKE SUCH USE OF SAID LAND AS IS NECESSARY OR USEFUL IN CONNECTION THEREWITH, WHICH USE MAY INCLUDE, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE CONSTRUCTION AND USE OF ROADS (INCLUDING THE USE OF ROADS EXISTING FROM TIME TO TIME ON SAID LAND, BUT GRANTOR, ITS SUCCESSORS, ASSIGNS AND LESSEES SHALL BEAR ITS PROPORTIONATE SHARE OF THE COST OF MAINTENANCE THEREOF), PIPELINES, BUILDINGS, AND OTHER FACILITIES, TOGETHER WITH THE RIGHT TO USE SUCH WATER AS MAY BE FOUND ON OR BENEATH SAID PROPERTY FOR EXTRACTION OR PROCESSING OF SUCH MINERALS AS MAY BE FOUND THEREON, OR IN WAY OPERATIONS CONTEMPLATED BY RESERVATION OF THE RIGHTS HEREIN AS RESERVED BY SANTA FE PACIFIC R.R. CO., A CORPORATION, A DELAWARE CORPORATION, SUCCESSOR BY MERGER WITH SOUTHERN PACIFIC LAND COMPANY, A CALIFORNIA CORPORATION, IN GRANT DEED RECORDED SEPTEMBER 1, 1994 AS INSTRUMENT NO. 94-324740 OF OFFICIAL RECORDS.
APN: 0490-243-33

PARCEL C:
PARCEL 6 OF PARCEL MAP NO. 12194, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 142 PAGE(S) 44 THROUGH 55, OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 4 OF PATENTS, AND
BOOK 10 PAGE(S) 163 OF PATENTS.
ALSO EXCEPT ONE-HALF INTEREST IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M BECKER, HUSBAND AND WIFE, TO L.M. LOCKHART, RECORDED OCTOBER 20, 1950 IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.
ALSO EXCEPTING ALL OIL AND GAS IN THE SOUTH HALF OF GOVERNMENT LOT 1, IN THE SOUTHWEST QUARTER OF SECTION 18, AND TO IT OR PERSONS AUTHORIZED BY IT THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA TO JAY HUBERT MARSHALL, RECORDED MAY 11, 1927, IN BOOK 231, PAGE(S) 36 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.
APN: 0490-101-54

PARCEL D:
PARCEL NO. 1 OF PARCEL MAP NO. 12194, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 142, PAGE(S) 44 THROUGH 55, RECORDS OF SAID COUNTY.
EXCEPTING AND RESERVING TO THE UNITED STATES OF AMERICA ALL OIL AND GAS IN THE SAID LANDS, AND TO IT OR PERSON AUTHORIZED BY IT, THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS OF, AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT RECORDED JANUARY 20, 1925 IN BOOK 0, PAGE(S) 122 OF PATENTS.
EXCEPTING ALL OIL AND GAS AND TO IT OR PERSONS AUTHORIZED BY IT THE RIGHT TO PROSPECT FOR, MINE AND REMOVE SUCH DEPOSITS FROM THE SAME, UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THE ACT OF JULY 17, 1914 (38 STAT. 509) AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA TO JAY HUBERT MARSHALL, RECORDED MAY 11, 1927, IN BOOK 231, PAGE(S) 36 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.
EXCEPT ONE-HALF IN ALL MINERAL RIGHTS, AS CONTAINED IN DEED FROM FRANK R. BECKER AND LAVONIA M. BECKER, HUSBAND AND WIFE, TO L.M. LOCKHART, RECORDED OCTOBER 20, 1950 IN BOOK 2658, PAGE(S) 525 OF OFFICIAL RECORDS.
APN: 0490-101-56

UTILITIES:

WATER:
POTABLE WATER TRUCKED IN BY SPARKLETTS.
NON-POTABLE WATER PROVIDED BY ON-SITE WELL

SEWAGE:
SEPTIC SEWER SYSTEM

GAS:
PACIFIC GAS & ELECTRIC
ADDRESS: PO BOX 997300, SACRAMENTO, CA 95899-7300
PHONE #: 1-800-743-5000

ELECTRICITY:
SOUTHERN CALIFORNIA EDISON
ADDRESS: PO BOX 800, ROSEMEAD, CA 91770
PHONE #: 1-800-655-4555

PHONE:
FRONTIER COMMUNICATIONS
ADDRESS: 401 MERRITT 7, NORWALK, CT 06851
PHONE #: 1-877-735-7708

CABLE TV:
NO CABLE SERVICE REQUIRED

PARKING SUMMARY:
THE PROJECT WILL NOT REMOVE ANY EXISTING PARKING SPACES ON THE LOCKHART I FACILITY (TO THE SOUTH) AND PROPOSES NO NEW GROSS FLOOR AREA.

PARCEL NUMBERS:
APN: 0490-101-56, -54, -14, -55 & 0490-223-33

CONDITIONAL USE PERMIT

APPLICANT DATA:
SIMON DAY
LOCKHART LAND HOLDINGS, LLC
11455 EL CAMINO REAL, SUITE 160
SAN DIEGO, CA 92130
(415)404-0807
PHONE: (415)404-0807

PROPERTY OWNER:
ALL AMERICAN VENTURES c/o PEARL ELIAS
APN: 0490-101-56
PO BOX 345
MARION STATION, PA 19966
PHONE: (484)230-8051

PROPERTY OWNER:
HIGH DESERT LAND ACQUISITIONS, LLC c/o TIMOTHY DARETA
APN: 0490-101-54, 0490-223-33
700 UNIVERSE BLVD
JUNO BEACH, FL 33408-2657
PHONE: (561)691-7256

OWNER REPRESENTATIVE:
CHRIS JOHNSON
KIMLEY-HORN
1100 TOWN AND COUNTRY ROAD
ORANGE, CA 92868
(714)410-9046

LEGEND

- FLOW ARROW
- PROPOSED PV SOLAR FIELDS
- OVERHEAD POWER LINES
- PROJECT BOUNDARY
- EXISTING FENCE (UPGRADED/REPLACED AS NEEDED)
- DAYLIGHT LINE
- PROPOSED MAJOR CONTOURS
- PROPOSED MINOR CONTOURS
- FIRE ACCESS LOCATION

- NO SIGNS PROPOSED
- NO NEW DEDICATED ROADWAYS

GRADING NOTE:
PRELIMINARY GRADING SHOWN WITH PROPOSED CONTOURS.

NOTE:
THE FINAL LAYOUT OF PV ARRAYS ARE SUBJECT TO MODIFICATION PURSUANT TO FINAL DESIGN ENGINEERING. HOWEVER, ALL ROADWAYS WILL COMPLY WITH THE 20' FOR INTERIOR AND 26' FOR PERIMETER ROADWAY WIDTHS PER SB COUNTY FIRE AUTHORITY REQUIREMENTS. SHOULD THE LOCATION AND/OR REQUIRED ACCESS ROUTES CHANGE, THEY SHALL BE FOUND IN SUBSTANTIAL CONFORMANCE PROVIDED THE ABOVE CRITERIA IS MET AND WITHIN THE EXISTING AREA OF DEVELOPMENT.

LOCKHART SOLAR PV II PROJECT

Plot Plan

LOCKHART SOLAR II PLOT PLAN- (FORMERLY SEGS X)	SHEET 1 OF 1
COUNTY OF SAN BERNARDINO	04/03/2020

EXHIBIT D

Metes-Bounds

EXHIBIT A

CONDITIONAL USE PERMIT – LOCKHART II

LEGAL DESCRIPTION OF CUP 1:

Being a portion of Sections 18 and 19, Township 11 North, Range 4 West, and Sections 13 and 24, Township 11 North, Range 5 West, San Bernardino Meridian, County of San Bernardino, State of California, as shown on Parcel Map No. 12194, recorded in Book 142, Pages 43 through 53 of Parcel Maps, records of said County, said portion being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 18, thence North 89°07'46" West along the South line of said Section, a distance of 3067.97 feet; thence leaving said South line, North 00°01'10" East, a distance of 270.39 feet to the POINT OF BEGINNING;

Course 1) Thence North 00°01'10" East, a distance of 3456.51 feet;
Course 2) Thence South 89°58'47" West, a distance of 2411.16 feet to the East line of said Section 13;
Course 3) Thence continuing South 89°58'47" West, a distance of 2184.23 feet;
Course 4) Thence South 28°01'02" West, a distance of 2916.09 feet;
Course 5) Thence South 14°00'18" West, a distance of 169.34 feet;
Course 6) Thence North 89°31'03" East, a distance of 362.47 feet;
Course 7) Thence South 00°17'25" West, a distance of 803.80 feet;
Course 8) Thence North 89°49'32" East, a distance of 985.28 feet to the East sideline of Parcel 1 of said Parcel Map No. 12194;
Course 9) Thence South 00°03'29" East, along the East sideline of said Parcel 1, a distance of 109.70 feet to the North of said Section 24;
Course 10) Thence continuing South 00°03'29" East, along the East sideline of said Parcel 1 and its Southerly prolongation, a distance of 841.70 feet;
Course 11) Thence South 89°09'21" East, a distance of 71.88 feet;
Course 12) Thence South 01°55'51" East, a distance of 49.55 feet;
Course 13) Thence South 47°23'58" East, a distance of 69.19 feet;
Course 14) Thence North 89°56'22" East, a distance of 1997.40 feet;
Course 15) Thence South 88°10'34" East, a distance of 136.55 feet to the West line of said Section 19,
Course 16) Thence leaving said West line, South 88°50'29" East, a distance of 757.29 feet;
Course 17) Thence North 00°25'21" East, a distance of 902.41 feet to the South line of said Section 18;
Course 18) Thence continuing North 00°25'21" East, a distance of 246.21 feet;
Course 19) Thence South 89°58'26" East, a distance of 1638.78 feet to the POINT OF BEGINNING.

CONTAINING 507.75 ACRES, MORE OR LESS

EXHIBIT A

CONDITIONAL USE PERMIT – LOCKHART II

LEGAL DESCRIPTION OF CUP 2:

Being a portion Section 18 and 19, Township 11 North, Range 4 West, San Bernardino Meridian, County of San Bernardino, State of California, as shown on Parcel Map No. 12194, recorded in Book 142, Pages 43 through 53 of Parcel Maps, records of said County, said portion being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 19, also being the POINT OF BEGINNING;

Course 1) Thence North 89°07'46" West, a distance of 3067.97 feet along the North line of said Section 19;
Course 2) Thence leaving said North line of said Section 19, North 00°01'10" East, a distance of 270.39 feet;
Course 3) Thence North 89°58'26" West, a distance of 1638.78 feet;
Course 4) Thence South 00°25'21" West, a distance of 246.21 feet to the North line of said Section 19;
Course 5) Thence leaving said North line, continuing South 00°25'21" West, a distance of 902.41 feet;
Course 6) Thence North 89°58'40" East, a distance of 251.85 feet;
Course 7) Thence North 87°32'02" East, a distance of 44.07 feet;
Course 8) Thence South 89°57'54" East, a distance of 4353.00 feet;
Course 9) Thence South 88°25'01" East, a distance of 69.32 feet to the East line of said Section 19;
Course 10) Thence North 00°13'26" East, along said East line of Section 19, a distance of 828.11 feet to the POINT OF BEGINNING.

CONTAINING 103.15 ACRES, MORE OR LESS

EXHIBIT A

CONDITIONAL USE PERMIT – LOCKHART II

LEGAL DESCRIPTION OF CUP 3:

Being a portion of Section 19, Township 11 North, Range 4 West, and Section 24, Township 11 North, Range 5 West, San Bernardino Meridian, County of San Bernardino, State of California, as shown on Parcel Map No. 12194, recorded in Book 142, Pages 43 through 53 of Parcel Maps, records of said County, said portion being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19, thence along the North line of said Section, North 89°07'46" West, a distance of 4449.96 feet, thence leaving said North line, South 00°52'14" East, a distance of 898.46 feet to an angle point in the East sideline of Parcel 1 of said Parcel Map No. 12194, and also the POINT OF BEGINNING;

Course 1) Thence continuing South 00°12'21" West, along the East sideline of said Parcel 1, a distance of 1015.17 feet;
Course 2) Thence North 88°36'57" West, a distance of 1011.18 feet to the East line of said Section 24;
Course 3) Thence continuing North 88°58'53" West, a distance of 138.15 feet to the West sideline of said Parcel 1;
Course 4) Thence North 00°00'21" West, along the West sideline of said Parcel 1, a distance of 1007.84 feet to an angle point in the West sideline of said Parcel 1;
Course 5) Thence South 88°13'54" East, a distance of 136.55 feet to the West line of said Section 19;
Course 6) Thence leaving said West line, South 88°49'53" East, a distance of 757.29;
Course 7) Thence North 89°58'40" East, a distance of 251.85 feet to the POINT OF BEGINNING.

CONTAINING 26.56 ACRES, MORE OR LESS

EXHIBIT A

CONDITIONAL USE PERMIT – LOCKHART II

LEGAL DESCRIPTION OF CUP 4:

Being a portion of Section 19, Township 11 North, Range 4 West, and Section 24, Township 11 North, Range 5 West, San Bernardino Meridian, County of San Bernardino, State of California, as shown on Parcel Map No. 12194, recorded in Book 142, Pages 43 through 53 of Parcel Maps, records of said County, said portion being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19, thence North 89°07'46" West, along the North line of said Section, a distance of 4449.96 feet; thence leaving said North line, South 00°52'14" East, a distance of 898.46 feet to an angle point in the East sideline of Parcel 1 of said Parcel Map No. 12194, thence continuing South 00°12'21" West, along the East sideline of said Parcel 1, a distance of 1015.17 feet to the POINT OF BEGINNING;

Course 1) Thence South 00°01'05" East, along the East sideline of said Parcel 1, a distance of 3244.16 feet;
Course 2) Thence South 89°48'27" West, a distance of 260.48 feet;
Course 3) Thence North 68°29'55" West, a distance of 25.62 feet;
Course 4) Thence South 00°16'22" East, a distance of 65.97 feet;
Course 5) Thence North 89°51'29" West, a distance of 721.51 feet to the East line of said Section 24;
Course 6) Thence leaving said East Section line and continuing North 89°51'29" West, a distance of 96.81 feet;
Course 7) Thence North 00°47'14" West, a distance of 66.11 feet;
Course 8) Thence North 89°37'35" West, a distance of 41.97 feet;
Course 9) Thence North 00°02'08" East, a distance of 2148.02 feet;
Course 10) Thence North 89°28'09" East, a distance of 10.03 feet;
Course 11) Thence North 00°03'58" East, a distance of 80.14 feet;
Course 12) Thence North 89°28'09" East, a distance of 10.03 feet;
Course 13) Thence North 00°05'17" East, a distance of 1031.93 feet;
Course 14) Thence South 88°58'53" East, a distance of 138.15 feet to the West line of said Section 19;
Course 15) Thence South 88°36'57" East, a distance of 1011.18 feet to the POINT OF BEGINNING.

CONTAINING 86.87 ACRES, MORE OR LESS

d'Artagnan Alba CA PLS#9052
April 8, 2022

EXHIBIT E

Draft Environmental Impact Report (SCH No. 2021070070)

04-Draft EIR_Lockhart Solar PV II.pdf (sbcounty.gov)

EXHIBIT F

Final Environmental Impact Report (SCH No. 2018041007)

FINAL_EIR_LOCKHART_SOLAR.pdf (sbcounty.gov)
Technical Appendices for Lockhart Solar PV II Desert (sbcounty.gov)

EXHIBIT G

CEQA Findings of Fact

Facts and Findings Regarding the Lockhart Solar PV II Project

(State Clearinghouse No. 2021070070)

The Board of Supervisors of the County of San Bernardino (the "**Board**"), in certifying the Environmental Impact Report (the "**EIR**") for the Lockhart Solar PV II Project finds, determines, and declares that having received, reviewed, and considered the following information as well as all other information in the record of proceedings in this matter, the following:

Section 1. Introduction

Pursuant to the California Environmental Quality Act ("**CEQA**"), Public Resources Code [PRC] Section 21000 *et seq.*, the potential environmental effects of the proposed Lockhart Solar PV II Project (the "**Project**") have been analyzed in a Draft Environmental Impact Report (the "**Draft EIR**") (State Clearinghouse No. 2021070070). In accordance with California Code of Regulations, Title 14, Section 15121 (the "**CEQA Guidelines**"), the Draft EIR identifies the significant environmental effects associated with development of the Project and ways to minimize the significant environmental effects through mitigation measures or reasonable alternatives to the Project. A Final Environmental Impact Report (the "**Final EIR**," and collectively with the Draft EIR, the "**EIR**") has also been prepared that consists of the Draft EIR and technical appendices; a list of persons, organizations, and public agencies commenting on the Draft EIR; comments received on the Draft EIR and written responses to comments raising significant environmental issues; and clarifications and corrections to the Draft EIR.

1.1 Statutory Requirements for Findings

CEQA Guidelines Section 21081 and the CEQA Guidelines Section 15091 provide that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant effects of the project on the environment, unless the public agency makes one or more written findings for each significant effect, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

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

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Draft EIR discloses potential environmental impacts that may result from construction and operation of the Project, including an analysis of Project Alternatives, including the No Project Alternative. The Draft EIR discloses that prior to mitigation, Project implementation would result in potentially significant impacts to Air Quality, Biological Resources, Cultural Resources (Archaeological Resources), Geology and Soils

(Paleontological Resources), and Tribal Cultural Resources. Mitigation measures have been developed that reduced potentially significant impacts to less-than-significant levels. Concurrent with adoption of the Findings, the County will also adopt the Mitigation Monitoring and Reporting Program (the "**MMRP**").

As the Lead Agency for the Project, the County of San Bernardino (the "**County**") has made specific written findings regarding each significant impact associated with the Project (the "**Findings**"). This document is organized as follows:

- **Section 1, *Introduction***, provides a brief overview of the Findings.
- **Section 2, *Procedural Compliance with CEQA***, describes the EIR preparation process and the procedural steps that have been followed to comply with CEQA, including public meetings, public comment periods, noticing of the Draft and Final EIRs, and the location where these documents were available for review.
- **Section 3, *Description of the Project***, provides a description of the Project, including the location, setting and history, objectives, and physical characteristics.
- **Section 4, *Findings Required under CEQA***, provides the necessary Findings to be made for Project-related impacts, including Findings of No Impact or Less-than-Significant Impact Without Mitigation (Section 4.1) and Environmental Impacts Mitigated to a Level of Less-Than-Significant (Section 4.2).
- **Section 5, *Other CEQA Considerations*,** provides the Findings regarding growth-inducing impacts of the project and significant and irreversible environmental changes.
- **Section 6, *Evaluation of Alternatives***, provides the necessary Findings to be made for the different Project alternatives, including a comparison with the Project and reasons for rejecting the alternatives.
- **Section 7, *Findings Regarding the Final EIR***, provides a determination regarding the Final EIR.
- **Section 8, *Findings Regarding the Mitigation Monitoring and Reporting Program***, provides the Findings regarding the MMRP.

The Findings set forth in each section are supported by substantial evidence in the record of the approval of the Project.

1.2 Certification Required under CEQA Guidelines Section 15090

The Board has received, reviewed, and considered the information contained in the Final EIR, in addition to all public testimony received on the Project and the recommendations of County staff. The Final EIR was prepared under the direction of the San Bernardino County Land Use Services Department and reflects the County's independent judgment and analysis of the environmental impacts and comments received on the Draft EIR.

The Board hereby adopts these Findings pursuant to and in accordance with CEQA Guidelines Section 21081 and CEQA Guidelines Section 15091 and, in compliance with CEQA Guidelines Section 15090, hereby certifies that:

1. The Final EIR has been completed in compliance with CEQA;

2. The Final EIR was presented to the Board of Supervisors as the decision-making body of the County and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and

3. The Final EIR reflects the County's independent judgment and analysis.

1.3 Project EIR and Discretionary Actions

The Final EIR for the Project was prepared as a project EIR, which is the most common type of EIR and examines the environmental impacts of a specific development project. Pursuant to CEQA Guideline Section 15161, "This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."

The Final EIR addresses potential direct, indirect, and cumulative environmental effects of construction, operation, and decommissioning activities associated with the Project and all alternatives evaluated in the Final EIR. The Final EIR provides the environmental information necessary for the County to make a final decision on the Project. The Final EIR is also intended to support discretionary reviews and decisions by other agencies, as shown below. Discretionary actions to be considered by the County may include, but are not limited to, the following:

1. Zone Change to change the zoning of the Project Site to Resource Conservation (RC);
2. Conditional Use Permits;
3. Lot Line Adjustment to consolidate parcels within the Project Site from three parcels to two parcels;
4. Variance for Height of new on-site collection line poles; and
5. Environmental Impact Report Certification;

Section 2. Procedural Compliance with CEQA

As authorized in CEQA Guidelines Section 15084(d)(2), the County retained a consultant to assist with the preparation of the environmental documents. The County, acting as Lead Agency, has directed, reviewed, and edited, as necessary, all materials prepared by the consultant, and such materials, including the Final EIR and supporting technical reports, reflect the County's independent judgment.

The key milestones associated with preparation of the EIR are summarized in Section 2.1, *Public Review and Outreach*, below, including public meetings, public comment periods, and the public involvement and agency notification efforts that were conducted to solicit input on the scope and content of the EIR and to solicit comment on the results of the environmental analysis presented in the Draft EIR.

2.1 Public Review and Outreach

The County has conducted an extensive review of this Project which included the Draft EIR, Final EIR and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation (NOP) and then through the circulation of the Draft EIR. In addition, the County

has solicited input from the public and various State, regional, County, and local government agencies and other interested parties on the Project throughout the process. The following is a summary of the environmental review of this Project:

1. On July 14, 2021, the County circulated a NOP that identified environmental issues that the County anticipated would be analyzed in the Project's Draft EIR to the State Clearinghouse, responsible and trustee agencies; State, regional, County, and local agencies; Native American Tribes, and the public.

2. The NOP public review period ran for 34 days, from July 14, 2021 to August 17, 2021. A virtual scoping meeting was held to discuss the Project on July 28, 2021 between 5:00 P.M. and 7:00 P.M. via Zoom. A presentation was provided, including an overview of the Project and the CEQA process. Following the presentation, participants were encouraged to provide oral or written comments to aid the County in refining the scope of issues to be addressed in the Draft EIR. One individual from the public attended the scoping meeting. A total of four (4) written comment letters were received in response to the NOP (see Appendix A of the Draft EIR) from the Native American Heritage Commission (NAHC), Mojave Desert Air Quality Management District (MDAQMD), the California Department of Fish and Wildlife (CDFW), and the Southern California Association of Governments (SCAG).

3. In accordance with CEQA Guidelines Section 15085, upon completion of the Draft EIR and publication on November 16, 2021, the County, serving as the Lead Agency: (1) prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse; (2) published a Notice of Availability (NOA) of a Draft EIR which indicated that the Draft EIR was available for public review at the County's Planning Division Counter; (3) provided copies of the NOA and Draft EIR to the High Desert Government Center, San Bernardino Government Center, and San Bernardino County Library; (4) posted the NOA and the Draft EIR on the County's Planning Division website: http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx; (5) sent a NOA to all property owners within 1,300 feet of the Project Site boundary; (6) sent a NOA to the last known name and address of all organizations and individuals who previously requested such notice in writing or attended public meetings about the Project; (7) posted a copy of the NOA with the San Bernardino Sun; and (8) filed the NOA with the County Clerk. The public review period commenced on November 16, 2021 and ended on December 31, 2021 for a total of 46 days.

4. In compliance with CEQA Guidelines Section 15105(a), the Draft EIR was circulated for a 46-day public review period between November 16, 2021 and December 31, 2021.

5. The County received three comment letters on the Draft EIR through written correspondence.

2.2 Final EIR and County Proceedings

Pursuant to CEQA Guidelines Section 15088, the County reviewed all comments received during the Draft EIR review period and provided a written response to each comment in the Final EIR. The Final EIR dated April 2022, consists of the following documents:

- Draft EIR and Technical Appendices dated November 16, 2021

- Final EIR dated April, 2022 which includes:
  - A list of persons, organizations, and public agencies that commented on the Draft EIR;
  - Comments on the Draft EIR and written responses to comments;
  - Corrections and additions to the Draft EIR; and
  - Other information beyond the scope of CEQA provided by the County for context and information to the decision makers, agencies and the public.

The Final EIR document was posted for viewing and download with the previously posted Draft EIR prior to the County's consideration of the Final EIR and Project recommendations at http://cms.sbcounty.gov/lus/Planning/Environmental/Desert.aspx. In addition, a hard copy can be viewed at the County's Planning Division Counter, the High Desert Government Center, San Bernardino Government Center, and San Bernardino County Library. In addition, pursuant to CEQA Guidelines Section 15088(b), the County has prepared and provided responses to each of the written comment letters on the Draft EIR at least 10 days prior to certification of the Final EIR. All commenters on the Draft EIR were notified of completion of the Final EIR.

2.3 Record of Proceedings and Custody of Documents

For purposes of CEQA and these Findings, the Administrative Record of Proceedings for the Project includes, without limitation, the following documents:

- NOP and NOA for the Draft EIR, and all other public notices issued by the County in conjunction with the Project;
- All written comments received during the Draft EIR public review comment period;
- All responses to written comments received during the Draft EIR public review comment period;
- The Final EIR for the Project, including the MMRP;
- Matters of common knowledge to the County, including, but not limited to, federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings or the Final EIR; and
- Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e).

The documents and other materials that constitute the record of proceedings on which the Project Findings are based are located at the County Land Use Services Department in the San Bernardino Government Center located at 385 N. Arrowhead Avenue, First Floor, San Bernardino, CA 92415. The custodian for these documents is the Project's Senior Planner, Magda Gonzalez. This information is provided in compliance with PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

Section 3. Description of the Project

This section provides the Project location, setting and history, Project objectives and a description of the Project characteristics. This section summarizes information contained in the Draft EIR Chapter 3, *Project Description*.

3.1 Project Location

The Project Site is in unincorporated Hinkley, CA, approximately 7 miles north of the intersection of Harper Lake Road and Mojave-Barstow Highway 58. The Project Site consists of approximately 722 acres within three parcels, each of which contain vacant, previously disturbed land, miscellaneous concrete foundations, various electrical lines and poles, as well as existing facilities within the Shared Facilities Area (County Assessor's Parcel Numbers: 0490-101-56, 0490-101-54, and 0490-223-33). Upon approval of the Lot Line Adjustment (LLA) , the Project Site would consist of two parcels (County Assessor's Parcel Numbers: 0490-101-56 and 0490-101-54). The Project Site is bordered on the south by the existing Solar Energy Generating System (SEGS) VIII and IX Solar Thermal Power Plants, which the County approved for repowering to photovoltaic (PV) solar and battery storage in 2019 as part of the Lockhart Solar I Facility (Conditional Use Permit [CUP] Project #201900125); Harper Lake Road to the east; Hoffman Road to the west; and vacant land to the north. Vehicular access to the Project Site is currently provided via existing access gates off of Hoffman Road at the southern end of the Shared Facilities Area, as well as an existing access gate off of Harper Lake Road at the eastern end of the Project Site. Regional access to the Project Site is provided by Mojave-Barstow Highway 58, which runs east-west approximately 7 miles south of the Project Site; and State Route (SR)-395, which runs north-south approximately 15 miles west of the Project Site.

The Project Site has been subject to near complete surface disturbance associated with past agricultural use, grading during partial construction of the SEGS X facility, as well as construction of the Shared Facilities Area for the existing SEGS VIII and IX Solar Thermal Power Plants. The SEGS X site itself was largely graded during initial construction of the SEGS X facility before construction was halted in 1991. While the land was under alfalfa cultivation prior to grading for SEGS X, the site has largely sat undisturbed since SEGS X construction was halted and some of the historically cultivated acreage has become revegetated. The Project Site now contains some native vegetation with portions composed of disturbed habitat, bare ground, and development within the Shared Facilities Area. As stated above, the Project Site currently also includes several concrete foundations for the power block as well as concrete foundations for solar racking piers that were installed as part of initial construction for the SEGS X facility. The Project would share existing operations and maintenance (O&M) facilities with the Lockhart Solar I Facility (i.e., O&M building, warehouse and employee building), water and septic systems, switchyard and electrical transmission infrastructure, and a new collector substation (approved and to be constructed) within the approximately 110-acre Shared Facilities Area to connect the Project to the existing transmission line which runs to the Southern California Edison (SCE)-owned Kramer Junction substation. Additionally, an existing 6-foot-tall chain link fence with desert tortoise exclusion fencing currently surrounds the perimeter of the Project Site. The desert tortoise exclusion fencing was previously installed during initial construction of the former SEGS X project in 1990 but was damaged in several areas along the fence. The fence has been repaired and reinforced and is inspected and maintained by site operation personnel on a regular basis.

3.2 Project Objectives

CEQA Guidelines Section 15124(b) states that a project description shall contain "a statement of the objectives sought by the proposed project." In addition, CEQA Guidelines Section 15124(b) further states that "the statement of objectives should include the underlying purpose of the project."

The objectives that the Project seeks to achieve are as follows:

1. Site PV solar power-generating facilities and energy storage on previously graded and disturbed land, near existing utility infrastructure, thereby achieving economies of scale to maximize shared operation and maintenance facilities with existing solar operations.

2. Establish solar PV power-generating facilities and energy storage of sufficient size and configuration to produce and deliver reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power companies.

3. Use proven and established PV and energy storage technology that is efficient and requires low maintenance.

4. Assist California in meeting greenhouse gas emission reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 in 2016 to address the effects of climate change on the environment and the economy.

5. Promote the County's Renewable Energy and Conservation Element (RECE) policies and be sited in an area identified as suitable for utility oriented renewable energy generation projects.

6. Develop a PV solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

3.3 Project Description

Lockhart Solar PV II, LLC (Applicant) proposes a zoning amendment to change the current zoning designation to Resource Conservation (RC) from Rural Living (RL), a Lot Line Adjustment (LLA) to consolidate parcels within the Project Site from three parcels to two parcels, as well as four (4) CUPs to develop a utility scale, solar PV electricity generation and energy storage facility that would produce up to 150 megawatts (MW) of solar power and include up to 4 gigawatt hours (GWh) of energy storage capacity rate in a battery energy storage system (BESS) within an approximately 722-acre Project Site. The previously installed SEGS X concrete foundations will be removed if the foundations conflict with installation of Project facilities; they will otherwise be left in place. Concrete from SEGS X foundations would be demolished and exported from the site for proper disposal at a licensed landfill. Previously constructed concrete solar racking piers in the southwest portion of the site will largely remain in place as newer steel foundation piles can be driven around the old piers further reducing soil disturbance and offsite hauling and landfilling of debris.

Existing O&M buildings, warehouse and the employee building within the approximately 110-acre Shared Facilities Area would be shared by Lockhart Solar I Facility and Project operations staff. The Project would also be served by shared, and already approved, water and septic systems within the adjacent Lockhart Solar I Facility site. The Shared Facilities Area includes the permitted, but not yet constructed, BESS for Lockhart Solar I (County permitted), BESS for SEGS IX (California Energy Commission [CEC] permitted), and would include the BESS for the Project, as these facilities are integral to the collector substation. In addition, the already approved collector substation and the existing switchyard located within the Shared Facilities Area will be upgraded, as necessary, to connect the Project to the existing transmission line which runs to Southern California Edison (SCE)-owned Kramer Junction substation.

The Project is subject to CUP approval. In anticipation that power from the Project may be sold to different off-takers and/or may be financed by separate entities, the Applicant is requesting four CUPs be approved. This will better allow multiple off-takers to receive power from the Project Site as well as enable multiple investors and/or lenders to finance the Project. The facilities within each CUP area will share interconnection and other support facilities within the Shared Facilities Area.

The Project Site is designated as Resource Land Management (RLM) in the Countywide Plan, which permits natural resource conservation, mineral resource extraction, and renewable energy facilities consistent with the Renewable Energy and Conservation Element. The implementing land use/Zoning Districts within the RLM designation include Resource Conservation (RC), and Agriculture (AG). Solar generation facilities are allowed under the RLM/RC land use designation and zoning district with a Conditional Use Permit. The existing zoning for the Project Site is RL; however, the zoning is expected to be changed to RC with Board approval of an upcoming County-initiated Zoning ordinance and map update. In the event the Project is considered prior to the adoption of the County-initiated zoning ordinance and map update, the Project includes a site-specific zone change request for the Project Site from RL to RC. The RC land use zoning district provides sites for open space and recreational activities, single-family homes on very large parcels and similar and compatible uses. Utility scale Renewable Energy Facilities are allowed in this zone.

Section 4. Findings Required under CEQA

The following sections (Sections 4.1 and 4.2) set forth the County's findings from the EIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address the significant impacts associated with the Project. Although CEQA Guidelines Section 21081 and CEQA Guidelines Section 15091 require findings only to address significant environmental effects, in practice findings often address impacts that were found to be less than significant and, therefore, these Findings will account for all effects identified in the EIR.

These Findings provide the written analysis and conclusions of the Board regarding the environmental impacts of the Project, the mitigation measures included as part of the Final EIR and adopted by the Board as part of the Project, and the alternatives that have been rejected as infeasible. These Findings refer to the analysis contained within the Final EIR to avoid duplication and redundancy. Because the Board agrees with, and hereby adopts, the conclusions in the Final EIR, which includes the analysis provided in the Draft EIR, these Findings will not repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference in these Findings and relies upon them as substantial evidence supporting these Findings.

In preparing the Approvals for this Project, County staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

All mitigation measures recommended by the EIR will be adopted in the MMRP. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating, or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

4.1 Findings of No Impact or Less-than-Significant Impact Without Mitigation

The County determined the Project would result in no impact or less-than-significant impact without mitigation on the following resources areas. In accordance with CEQA Guidelines Section 15128, these issues were not discussed in detail in the Draft EIR (refer to Draft EIR Chapter 7.0, *Effects Found Not to Be Significant*, for more detail).

Agriculture and Forestry Resources. The Project Site is designated as Urban and Built-Up Land on the Important Farmland Finder Map by the California Department of Conservation. The surrounding land is designated as Grazing Land. There is no Prime, Unique, or Important Farmland designations to be converted within the Project Site boundaries or within the vicinity. The existing zoning for the Project Site is RL; however, as previously discussed, the zoning is expected to be changed to RC with Board approval of an upcoming County-initiated Zoning ordinance and map update. In the event the Project is considered prior to the adoption of the County-initiated zoning ordinance and map update, the Project includes a site-specific zone change request for the Project Site from RL to RC. The Project Site is not under a Williamson Act contract. The Project would not conflict with existing/future zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). The Project Site has never been designated as forest land or timberland. As a result, the Project would not: (1) convert agricultural or forest land to non-forest or non-agricultural uses; (2) conflict with a Williamson Act contract; or (3) conflict with existing zoning for agricultural or forest uses.

Land Use and Planning. The Project Site is largely located on undeveloped but previously disturbed land with miscellaneous concrete foundations, various electrical lines and poles, as well as existing facilities within the Shared Facilities Area. The area surrounding the Project Site is mostly a patchwork of undeveloped Bureau of Land Management (BLM) lands and existing solar thermal facilities adjacent to the Project Site to the south (SEGS VIII and IX Solar Thermal Power Plants and the Abengoa Mojave Solar facility). The Project would develop a utility scale solar PV and energy storage facility adjacent to other existing solar facilities. The Project would not physically encroach into or divide or restrict access to the adjacent uses. The Project Site is located within an area of RL zoning that is scheduled to be re-zoned to RC with a future update to the Countywide zoning ordinance to be consistent with the Countywide Plan Land Use Element. The Countywide zoning ordinance update is anticipated to be considered by the Board in spring or summer 2022. If the Countywide zoning update occurs prior to a decision on the Project, the change in zoning on the Project Site to RC would occur, and the Project would be consistent with both the Countywide Plan and zoning land use designations. In the event the Countywide zoning update does not occur prior to the Planning Commission's consideration of the Project, the Project includes a request for a site-specific zone change from RL to RC be approved and applied to the Project Site. With the rezone of the Project Site from RL to RC, the Project would be consistent with the Countywide Plan and zoning land use designations. In addition, the Project is consistent with RE Policy 5.2(x), adopted at the same time as Policy 4.10, as a suitable location for utility oriented RE generation projects. The Applicant is requesting four CUPs be approved to allow for construction and operation of the Project as an allowable use within the RC Zone. At the end of the Project's operational term, the Applicant would determine whether the Project should be decommissioned and deconstructed or if it would seek an extension of its CUPs. If any portion of the Project is decommissioned, the Applicant will work with the County to ensure decommissioning of the Project after its productive lifetime complies with all applicable land use regulations in effect at that time. As a result, the Project would not: (1) physically

divide an established community; or (2) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Mineral Resources. Most mining activities in the County are focused in the County's Desert Planning Area where the Project Site is located. However, there is no mining activity around the Project Site. According to the California Department of Conservation, the closest active open pit rock mine is Lynx Cat Mountain Quarry (ID 91-36-0049), located approximately 5 miles southeast of the Project Site. There are no active oil wells in the area, with only one idle well within a 15 miles radius. Due to relative distance from any active mining sites, the Project would not result in the loss of availability of mineral resources that would be of value to the region and the residence of the State. The Project Site is not delineated as a locally important mineral resource recovery site in the County General Plan or located in any Oil or Gas field reported by the California Geological Survey (CGS). The Project Site is also not located in a Mineral Resource Zone classified by the CGS. As there are no mineral resource recovery sites and no mineral resources on the Project Site, there would be no expected impacts to mineral resources related to the loss of availability of a known locally important mineral resource recovery site.

Population and Housing. The Project would develop a utility-scale solar and energy storage facility and would not include a residential component that would cause permanent or temporary population increases. The Project would not displace housing or residents. Because of the presence of locally available workers, and because of the relatively short duration of construction (approximately 14 months), workers are not expected to relocate to the area with their families. The Project is sited on land previously approved by the CEC for development of solar thermal power facilities. No existing housing is present on the Project Site. As a result, the Project would not: (1) result in a population increase that would result in people in the area being displaced or requiring additional housing; or (2) displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Public Services. The Project would not result in development that would generate new population in the area which would potentially increase demand for fire or police protection, as no residential uses are proposed; and existing employees that currently operate the SEGS VIII and SEGS IX facilities would continue to serve as operations staff of the Lockhart Solar I Facility and operations for the Project. During construction, some fire or police protection may be required but these increases in the level of service would not affect these agencies' response times because of the low probability and short-term nature of potential fire or police protection needs during construction. The Project would be designed and constructed in conformance with San Bernardino County Fire Department requirements (e.g., as conditions of approval). Implementation of the Project would not directly cause an increase in residential population or a substantial increase in workforce population that would require new or expanded schools or parks or recreational facilities or other public facilities (e.g., libraries); and during the approximately 14-month construction period, workers are not anticipated to temporarily relocate their families to the area and enroll their children in area schools or require parks or recreational facilities or other public facilities (e.g., libraries). As a result, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services including fire protection, police protection, schools, parks, recreational facilities, or other public services (e.g., libraries).

Recreation. The Project does not include residential uses and is not anticipated to increase the population in the area. Therefore, there would be no anticipated increase in the use of existing neighborhood and regional parks and or other recreational facilities due to Project implementation. Since construction workers would be working in the area temporarily and are not expected to relocate to the area with their families, they are not expected to generate a demand for local park services. The Project does not include any recreational facilities and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. As a result, the Project would not substantially increase the use of local or regional recreational parks or facilities such that substantial physical deterioration would be accelerated.

Utilities and Service Systems – Wastewater, Electric Power, Natural Gas, Telecommunications, and Solid Waste. During construction of the Project, a negligible amount of wastewater would be generated by construction workers. However, any such wastewater generation would be temporary, only lasting as long as Project construction activities occur, approximately 14 months. Therefore, such wastewater generation is anticipated to result in negligible discharges to the County's wastewater treatment conveyance systems or treatment facilities and would not be discharged through any new service connections at or near the Project Site. No new service connections would be established during Project construction to handle wastewater generated by construction workers. The minimal wastewater generation during construction would not require the construction of new or expansion of existing facilities, the construction or relocation of which could cause significant environmental impacts.

The Project would share existing O&M facilities (i.e., O&M building, warehouse and employee building) within the Shared Facilities Area with the approved Lockhart Solar I Facility. The Project would also be served by shared, and already approved, water and septic systems within the adjacent Lockhart Solar I Facility site. The Project would be required to coordinate electrical infrastructure removals or relocations with SCE and comply with site-specific requirements set forth by SCE, which would ensure that service disruptions and potential impacts associated with grading, construction, and development within SCE easements would be minimized. Project construction would not involve the installation of new natural gas connections to serve the Project Site. Telecommunication equipment, including underground and overhead fiber optics, microwave, and meteorological data collection systems or supervisory control and data acquisition would be installed on the Project Site to connect the Project to remote monitoring locations and ultimately to the SCE substation at Kramer Junction. Project construction would be coordinated with any telecommunications service providers prior to installation. As a result, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Wildfire. The Project is not located on or near any state responsibility areas or very high fire hazard severity zones as designated by the California Department of Forestry and Fire Protection's Fire and Rescue Assessment Program. The Project Site is located in a Local Responsibility Area (LRA) and a Federal Responsibility Area (FRA) with low fire hazard risk. Thus, the potential for wildfire on the Project Site is considered low. Furthermore, the Project Site is not located along an identified emergency evacuation route and is not identified in any adopted emergency evacuation plan. Given the low potential for wildfire, the Project is not anticipated to expose Project employees to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to slope, prevailing winds and other factors.

The Project is largely sited on land previously approved by the CEC for development of a solar thermal power facility which was only partially constructed and is adjacent to other existing utility-scale solar facilities. All cabling, trenches, and corresponding interior access roads would be constructed inside the limits of the Project Site. All interior access roads would comply with development requirements for emergency access, and therefore, would not exacerbate fire risk that could result in temporary or ongoing impacts to the environment. Therefore, the Project would not exacerbate fire risk that could result in temporary or ongoing impacts to the environment.

The analysis in the Draft EIR focused on the environmental resource areas that could potentially be affected by implementation of the Project. The Draft EIR, therefore, contains a comprehensive analysis with supporting technical studies for the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils (including Paleontological Resources)
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems – Water Supply

Under CEQA Guidelines Section 15126.4(a)(3), no mitigation measures are required for impacts that are less than significant. Based on substantial evidence in the entire record of this proceeding, the County finds that implementation of the Project will not result in any significant impacts in the following areas and that these impacts, therefore, do not require mitigation. These Findings do not repeat the analysis and conclusions in the EIR, but instead incorporate this information by reference and as substantial evidence supporting these Findings.

A. Aesthetics

Impact 4.1-1: The Project would not have a substantial adverse effect on a scenic vista. (No Impact.) (Draft EIR pgs. 4.1-17 to 4.1-18)

There are no designated scenic vistas within the viewshed of the Project per the Countywide Plan/Policy Plan. The Project Site is not considered an undisturbed natural area and does not have unique or unusual

features that dominate a portion of the viewshed. Existing public views from scenic vistas would not be adversely affected or otherwise substantially altered as a result of Project implementation. Additionally, there are no public views from recreational areas, including public trails, to the Project Site that would be adversely impacted by the Project. The Project Site contains vacant, previously disturbed land, several concrete foundations for the power block as well as concrete foundations for solar racking piers that were installed as part of initial construction for the SEGS X facility, various electrical lines and poles, and existing facilities within the Shared Facilities Area. The Project Site is surrounded by existing utility-scale solar thermal generation facilities as well as transportation and utility infrastructure. The Project Site is not within a scenic vista or visible from any designated scenic vista; therefore, the Project would have no impact on scenic vistas. No impacts will occur.

Impact 4.1-2: The Project would not substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway. (Less than Significant Impact.) (Draft EIR pgs. 4.1-18 to 4.1.20)

There are three highways eligible for listing as State scenic highways (SR-58, Interstate 15 [I-15], and SR-247) and a Federal byway (Route 66) within the vicinity of the Project Site. SR-58 is eligible for listing as a scenic highway; at the closest vantage point, views from SR-58 would be approximately seven miles to the southwest of the Project Site. Due to such distances, combined with intervening topography and development, as well as elevational differences, views to the Project Site would not be greatly diminished or obscured from any such roadways identified as having scenic value. In addition, no historic buildings would be affected by the Project. Therefore, existing public views to the Project Site from designated or eligible scenic roadways, or from local roadways, would not be adversely affected or otherwise substantially degraded as the result of Project implementation. As such, there would be a less than significant impact to the views seen from designated or eligible scenic roadways.

Impact 4.1-3: The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Less than Significant Impact.) (Draft EIR pgs. 4.1-20 to 4.1-21)

The existing visual quality of the Project Site and surrounding lands is low in vividness, intactness, and unity due to the presence of numerous anthropogenic elements in the landscape, including scattered rural residential properties, existing transportation infrastructure (i.e., SR-58, I-15, Route 66, SR-247, Burlington Northern Santa Fe [BNSF] railroad), the Abengoa Mojave Solar Project (MSP), SEGS VIII, SEGS IX, and electrical infrastructure in the existing transmission corridor. The minimal level of visual change on the landscape in an area with moderately low visual quality would result in a less than significant impact on visual quality. The tallest existing structures associated with the SEGS VIII and IX solar facilities are emission stack/cooling towers having a height of approximately 82 feet. As the tallest Project structure would be approximately 21.6 feet, structural elements on the Project Site would be substantially shorter than existing solar-related components on adjacent lands, and therefore, would be less visible than existing features within the visual landscape. As such, the Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings, and impacts would be less than significant.

Impact 4.1-4: The Project would not create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area. (Less than Significant Impact.) (Draft EIR pgs. 4.1-21 to 4.1-23)

Nighttime construction activities could occur, which may involve the use of temporary construction lighting equipment. The use of nighttime construction lighting would only occur for a short duration if nighttime work was necessary and approved by the County. Any construction lighting would be directed away from adjacent open space areas and toward active construction areas. Therefore, construction lighting and glare impacts would be less than significant.

Nighttime directional security lighting would be installed at the Project Site, as needed, for security purposes. Such lighting would be shielded and aimed downward and would comply with the County's Dark Sky Ordinance. County lighting regulations require submittal of and approval of exterior lighting plans per the General Plan, and any new Project lighting would be installed consistent with County requirements. Therefore, Project operation would not create a new source of substantial light that would adversely affect day or nighttime views in the area, and impacts would be less than significant.

The glare and reflectance levels from a given PV system are lower than the glare and reflectance levels of steel, snow, standard glass, plexiglass, and smooth water. The closest potential residential use is located approximately 0.8-mile to the north, and the next closest residences are approximately 1.6 miles south of the Project Site. As the panels would be angled in an east-west orientation (towards the horizon) at sunrise and sunset, expectation is that light reflection would not be directed to the north-south. The I-15, SR-58, and Route 66 roads are at a substantial distance away (seven miles or greater) from the Project Site. Therefore, motorists on these highways are not expected to be exposed to potential light reflection generated from the PV panels. The Project would also be designed to ensure consistency with County Code Section 84.29.040, which requires solar energy facilities to be designed to preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of way. Some Project facilities may include metallic components which could introduce new sources of glare. Any glare associated with the Project facilities would be minor and highly scattered because the metallic components, if any, would be separated geographically and would not concentrate potential glare in any one direction. Therefore, the solar PV panels and metallic electrical components would not create a new source of substantial glare that would adversely affect day or nighttime views in the area, and impacts would be less than significant.

Cumulative Aesthetic Impacts: The geographic scope for the analysis of cumulative impacts on aesthetic resources includes both the local viewshed within a one-mile radius of the Project Site and area (generally the Lockhart area). Local cumulative effects could occur in the immediate Project viewshed if cumulative projects, activities, and landscapes are visible in the same field of view as the Project and could generally be visible from the Project area. Regional cumulative effects could occur if viewers perceive that the general visual quality or landscape character of a regional area is diminished by the proliferation of visible similar structures or construction, even if the changes are not in the same field of view as existing or known future structures or facilities. The result is a perceived "industrialization" or "urbanization" of the existing landscape character. The extent of regional cumulative effects is limited to the project valley.

The Project and any potential cumulative project within one mile are not located within a scenic vista or visible from any designated scenic vistas. Given the low scenic quality of the area and the low to moderately low degree of visual change expected from the Project, substantial cumulative change to scenic resources within a State scenic highway is not anticipated. Implementation of potential cumulative projects and the

Project in an area with moderately low visual quality would not result in degradation of the existing visual character or quality of public views of the respective sites. The cumulative impact on the night sky would be less than significant due to required conformance with the County's applicable ordinance which are specifically intended to reduce impacts on nighttime skies. The Project and any potential cumulative projects would not introduce new sources of glare that would be directed cumulatively onto any area. As a result, the Project would create a less than significant cumulative impact on local scenic vistas, scenic resources, and visual character. Cumulatively, more lighting would be introduced into the area by proposed, existing, and future development. As with past and currently proposed development, cumulative lighting-related impacts would be reduced through adherence to applicable County ordinance. No cumulatively significant lighting impact would result from implementation of the Project.

B. Air Quality

Impact 4.2-1: The Project would not conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant for Project Operation.) (For construction, see Section 4.2, Impact 4.2-1 below.) (Draft EIR pgs. 4.2-16 to 4.2-18)

The Project does not include a residential component that would increase local population growth, nor does it include a commercial component that would substantially increase employment. Construction of the Project would not result in residential, commercial, or growth-inducing development that would result in a substantial increase in growth-related emissions. In addition, because of the presence of locally available construction workers, and because of the relatively short duration of construction (approximately 14 months), workers are not expected to relocate to the area with their families.

The County approved the Lockhart Solar I Facility (CUP Project #201900125) in 2019, which contemplated that existing SEGS operations staff would continue operation of the Lockhart Solar I Facility. The Lockhart Solar I Facility operations staff would also support operations for the Project, and no additional operations staff would be required. The Project would not have a substantial increase in population or employment such that it would exceed SCAG's growth forecast. As the MDAQMD has incorporated the SCAG forecasts in the air quality management plans (AQMPs), the Project would be consistent with the AQMPs. Impacts would be less than significant. Unmitigated long-term operational emissions of all criteria pollutants studied would be less than the applicable MDAQMD significance thresholds. As such, the Project would not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to localized air quality violations, or delay attainment of air quality standards. Therefore, Project-related operational emissions would result in a less than significant impact.

Impact 4.2-2: The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Less than Significant for Project Operation.) (For construction, see Section 4.2, Impact 4.2-2 below.) (Draft EIR pgs. 4.2-18 to 4.2-24)

During operation of the Project, there would be minimal periodic operational vehicle trips internal to the Project for maintenance activities. Fugitive dust emissions would be minimized through compliance with Development Code Section 84.29.035. In addition, it was assumed that the Project would generate 40 trips per year associated with solar panel washing activities. Estimated total Project operational emissions during both summer and winter would not exceed establish MDAQMD thresholds. Potential operational emission

impacts from the Project would be less than significant, and no mitigation is required. (Draft EIR, Table 4.2-6). Therefore, Project-related operational emissions would result in a less than significant impact.

Project operations would generate emissions of volatile organic compounds (VOC), nitrous oxides (NO_X), carbon monoxide (CO), and particulate matter (PM) with diameters of 10 and 2.5 micrometers or less (PM10 and PM2.5, respectively), which would not exceed any applicable SCAQMD regional or local impact thresholds (Draft EIR, Table 4.2-6). The Project would not introduce any substantial stationary sources of emissions. Therefore, operation of the Project would not result in a cumulatively considerable net increase for non-attainment of criteria pollutants or ozone precursors. As a result, the Project would result in a less than significant cumulative impact for operational emissions.

Impact 4.2-3: The Project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant for Project Operation.) (For construction, see Section 4.2, Impact 4.2-3 below.) (Draft EIR pgs. 4.2-25 to 4.2-27)

As shown in Table 4.2-6 of the Draft EIR, the maximum localized operational emissions would be below the localized thresholds for NO_X, CO, PM10, and PM2.5. Therefore, with respect to localized operational emissions, impacts would be less than significant.

Typical sources of acutely and chronically hazardous toxic air contaminants (TACs) include industrial manufacturing processes and automotive repair facilities. Project operations including facility monitoring; administration and reporting; remote operations of inverters, BESS system and other equipment; site security and management; communication protocol; repair and maintenance of solar facilities, electrical transmission lines, and other Project facilities; and periodic panel washing would result in the generation of excessive TAC emissions, or associated health risks. The Project would not include any of these potential sources. Therefore, the Project is not expected to release substantial amounts of TAC emissions, and health impacts would be less than significant.

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthy levels. CO is primarily a product of incomplete combustion of gaseous or liquid fuels, meaning tailpipe emissions are worse in stop-and-go congested traffic as compared to free-flowing conditions. The Project does not include any stationary sources of combustion, and results in a net increase of only 40 vehicle trips per year. The Project is not located near existing CO hotspots and the trips associated with the project are insufficient to create a CO hotspot. With such low existing ambient levels of CO, low levels of CO emissions from the Project, and lack of congested roadways around the Project Site, the Project would not cause CO hotspots in excess of applicable National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) standards at any intersections within the County, and impacts would be less than significant.

Impact 4.2-4: The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (Less than Significant Impact.) (Draft EIR pgs. 4.2-27 to 4.2-28)

Project construction activities may generate detectable odors from heavy-duty equipment exhaust. However, construction-related odors would be short-term in nature and cease upon completion of Project construction. Further, the nearest potential residence is too far from the Project Site to detect construction odors. In addition, the Project would be required to comply with the California Code of Regulations, Title 13,

Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would further reduce the detectable odors, if any, from heavy-duty equipment exhaust.

Land uses associated with odor complaints do not typically include solar energy generation and storage facilities. During operations, the Project would generate minimal periodic operational vehicle trips internal to the Project Site for required maintenance activities. In addition, it was assumed that the Project would generate 40 trips per year associated with solar panel washing activities. Project operational vehicle trips would be minimal and not of sufficient number to create concentrations of odorous fumes to form and cause a nuisance. As such, potential impacts would be easily dispersed in the atmosphere and are less than significant.

Cumulative Air Quality Impacts: The SCAQMD recommends that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality. As discussed under Impact 4.2-2 and Impact 4.2-3 (Draft EIR, Table 4.2-6), Project operational-related regional and localized maximum daily emissions for the criteria and precursor pollutants (VOC, NO_X, CO, SO_X, PM10, and PM2.5) would be below the SCAQMD thresholds of significance. Therefore, since operational emissions would be below regional SCAQMD thresholds, the Project's cumulative contribution to operational significant impacts would not be cumulatively considerable and would be less than significant.

As discussed under Impact 4.2-3, Project operations would not result in the generation of excessive TAC emissions, or associated health risks. Therefore, the Project is not expected to release substantial amounts of TACs, and the Project's air quality impacts would not be cumulatively considerable for toxic air contaminants during operations.

As the Project would not result in odor impacts, the Project would not contribute to cumulative odor impacts.

C. Biological Resources

Impact 4.3-2: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (No Impact.) (Draft EIR pg. 4.3-46)

Based on the results of a field delineation, and known conditions within the Shared Facilities Area, no wetland features, including riparian habitats, are within the Project Site. No critical habitat or designed sensitive natural community identified in a local or regional plan or designated by the CDFW or the United States Fish and Wildlife Service (USFWS) has been mapped within the Project Site. Therefore, no impacts to riparian or critical habitat are expected to occur as a result of the Project.

Impact 4.3-3: The Project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (No Impact.) (Draft EIR pg. 4.3-46)

A field delineation determined that no wetland features exist within the survey area. In addition, with the comprehensive surface disturbance, development, and compacted roads, the Shared Facilities Area continues to be completely denude of vegetation and does not contain wetland features. In addition, there are no off-site riparian areas or wetlands in the area immediately surrounding the Project Site. Therefore, the Project would not have a substantial adverse effect on State or federally protected wetlands (including,

but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impacts would occur as a result of the Project.

Impact 4.3-4: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant Impact.) (Draft EIR pg. 4.3-47)

Impacts to wildlife movement are not expected as a result of the Project because the Project Site has already been fenced and implementation of the Project will not inhibit wildlife from moving throughout the surrounding areas. No wildlife nursery sites have been identified on or in the vicinity of the Project Site. As such, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Impacts would be less than significant.

Impact 4.3-5: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant Impact.) (Draft EIR pg. 4.3-47)

The Project has been designed with consideration with the applicable policies and ordinances of the County that protect biological resources, and the Project is consistent with these policies and ordinances. The existing vegetation does not include native trees or plant species, such as Joshua trees or cacti that would require a Native Tree or Plant Removal Permit as required in Development Code Section 88.01.050 or 88.01.060. As such, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be less than significant.

Impact 4.3-6: The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (No Impact.) (Draft EIR pgs. 4.3-47 to 4.3-48)

The Project Site is not enrolled in any formal Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). The West Mojave Plan is a habitat conservation plan and federal Land Use Plan Amendment (LUPA) that presents a comprehensive strategy to conserve and protect sensitive biological resources within approximately 6.2 million acres in the western Mojave Desert while also providing a streamlined program for complying with state and federal endangered species laws. The two species of primary importance covered in the West Mojave Plan are the desert tortoise and Mohave ground squirrel. Because these species have not been detected within the Project Site, the development of the site would not pose significant conflicts with this plan. Because the Project includes development of a solar facility in an area previously approved by the CEC for this type of development since the 1990s, these activities would not conflict with the implementation or assembly of the West Mojave Plan. The Project would not adversely impact protected species by removing key populations of sensitive species, block or impair key wildlife passages or habitat linkages, or otherwise impede the development of implementation of an adopted habitat conservation plan. As such, the Project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan, and impacts would be less than significant.

Cumulative Biological Resource Impacts: Development of cumulative projects, primarily other renewable energy projects in the County's Desert Region, could result in direct take to special-status plant and wildlife species; construction, operational, and decommissioning disturbances; and/or special-status habitat

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

When considered in combination with other existing and reasonably foreseeable projects in the surrounding flat, open portions of the Desert Region, the Project has the potential to further reduce local wildlife movement. However, wildlife movement within the Project Site is already limited due to existing fencing, including desert tortoise exclusion fencing, that has been in place for nearly 30 years. The surrounding area consists of flat, undeveloped lands that would remain available to facilitate wildlife movement. Therefore, impacts concerning wildlife movement would not be cumulatively considerable and would be less than significant.

D. Cultural Resources

Impact 4.4-1: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. (Less than Significant Impact.) (Draft EIR pg. 4.4-11)

No historical resources were identified on the Project Site or in the Project vicinity (e.g., one-mile radius around the Project Site) that would be impacted by the development of the Project that would have direct or proximate views of the Project Site. Therefore, the Project would not cause a substantial adverse change in the significance of a historical resource. Impacts would be less than significant.

Impact 4.4-2: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. (No Impact for Project Operation.) (For construction, see Section 4.2, Impact 4.4-2 below.) (Draft EIR pg. 4.4-11)

Operation of the Project would not require substantial ground disturbing activities, such as grading or excavation; therefore, there is limited potential to encounter, alter, or disturb archaeological resources during Project operation. Therefore, no impacts related to archaeological resources during Project operation are anticipated.

Impact 4.4-3: The Project would not disturb any human remains, including those interred outside of dedicated cemeteries. (Less than Significant Impact.) (Draft EIR pgs. 4.4-12 to 4.4-13)

If human remains are found during excavation, excavation would be halted in the vicinity of the discovery and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Compliance with the established regulatory framework (i.e., Health and Safety

Code Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99) would ensure potential Project impacts concerning human remains are less than significant.

Cumulative Cultural Resource Impacts: Given that the Project would have neither a direct impact or an indirect impact on historical resources it would not contribute to or have a cumulative impact on historic architectural resources. Regarding archaeological resources, mitigation measures would be required for cumulative projects that have the potential to cause significant impacts to undiscovered archaeological resources, including existing regulations for undiscovered human remains. Also, regulations contained in the California Health and Safety Code and Penal Code would apply in some instances, and circumstances involving a loss of such resources are expected to be limited. Therefore, the cumulative effects from cumulative projects are considered less than significant.

The Project would be required to comply with Mitigation Measures CUL-1 and CUL-2 and regulations cited above in the event resources are found, thus reducing significant impacts on archaeological resources to less-than-significant levels. Therefore, the Project's contribution to cumulative impacts associated with archaeological resources would not be considerable.

E. Energy

Impact 4.5-1: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Less than Significant Impact.) (Draft EIR pgs. 4.5-11 to 4.5-15)

As shown in Table 4.5-4 of the Draft EIR, the Project's construction fuel consumption would represent an approximate 0.1329 percent increase in fuel consumption over the current Countywide annual usage. Additionally, the Project would utilize the United States Environmental Protection Agency (USEPA) and California Air Resources Board (CARB) engine emissions standards and implement Mitigation Measure AQ-1, both of which would prevent the unnecessary waste of fuels. Lastly, the Project would develop renewable energy resources on previously disturbed land that has been previously approved for renewable energy development; thus, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy during construction. Overall, energy impacts during Project construction would be less than significant.

As shown in Table 4.5-4, the Project's operational energy consumption would represent an approximate 0.0021 percent increase in electricity consumption over the current Countywide usage. Additionally, the Project would not result in a substantial increase in demand for transmission service, resulting in the need for new or expanded sources of energy supply or new or expanded energy delivery systems or infrastructure. Lastly, the Project would provide additional renewable energy sources on previously disturbed land; thus, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy during operation. In fact, the Project would offset energy consumption from non-renewable fossil fuels to a renewable source. Overall, energy impacts during Project operation would be less than significant.

Impact 4.5-2: The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. (Less than Significant Impact.) (Draft EIR pgs. 4.5-15 to 4.5-16)

The Project would provide the County and the State with additional renewable energy sources on previously disturbed land that would assist the State in complying with the Renewable Portfolio Standards (RPS). Additionally, per the RPS, the Project would utilize electricity provided by the SCE that is composed of 35.1

percent renewable energy as of 2019 and would achieve at least 60 percent renewable energy by 2030. Therefore, the Project is supportive of the State's goals, and would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

Cumulative Energy Impacts: As described above, the Project would not result in a significant impact related to inefficient, wasteful, or unnecessary consumption of energy resources. Each cumulative project would be required to maintain compliance with State requirements and through USEPA and CARB engine emissions standards and ensure that all off-road diesel-powered construction equipment greater than 50 horsepower (hp) meets the Tier 4 final emission standards. Compliance with these measures would increase efficiencies of equipment and vehicles. Further, the Project would offset energy consumption from non-renewable fossil fuels to a renewable source. As such, the Project's contribution to cumulative impacts associated with inefficient, wasteful, or unnecessary use of energy resources would not be substantial.

The Project is supportive of the State's goals as well as State and local plans for renewable energy and energy efficiency. Each similar cumulative project should also comply with all State and local plans, particularly Senate Bill (SB) 350 and SB 100, the County's Policy Plan, and the County's GHG Emissions Reduction plan. These plans provide guidelines and goals for reducing energy waste and increasing renewable energy resources in the State and County. In fact, the Project would offset energy consumption from non-renewable fossil fuels to a renewable source. As this Project does not obstruct or conflict with State or local plans, the Project's contribution to cumulative impacts associated with conflicting or obstructing State and local plans would not be substantial.

F. Geology and Soils

Impact 4.6-1: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Less than Significant Impact.) (Draft EIR pg. 4.6-9)

The Project Site is located in a seismically active region. While the Project Site is not mapped within an Alquist-Priolo Fault Zone, an Alquist-Priolo Fault Zone is mapped along the Lenwood-Lockhart fault, less than 0.25 miles from the Project Site. As the Project Site lies more than 500 feet outside of the Fault Rupture Study Area, the possibility of impacts due to ground rupture from earthquake fault rupture is considered low. Therefore, with conformance to all applicable requirements, the Project would not locate people or structures into areas that are susceptible to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. Therefore, impacts would be less than significant.

Impact 4.6-2: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic shaking. (Less than Significant Impact.) (Draft EIR pg. 4.6-10)

Although the Project Site is not mapped within an Alquist-Priolo Fault Zone, the Lenwood-Lockhart fault is within 0.25 miles of the Project Site. Ground shaking associated with nearby and regional faults should be anticipated during the lifespan of the Project. The Project's elements, associated infrastructure, and improvements would be required to be designed in compliance with all applicable California Building Code (CBC) requirements, which are proven to adequately address potential impacts to ground shaking.

Compliance with federal, State, and local laws, regulations, and policies ensure that the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, impacts would be less than significant.

Impact 4.6-3: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. (Less than Significant Impact.) (Draft EIR pg. 4.6-10)

While the investigation area does contain pockets of poorly graded sand with low fines content and has experienced large seismic events, the majority of the ground material within the investigation area is medium dense to dense with no groundwater detected. There are few pockets of poorly graded sand and few large seismic events. Therefore, the overall potential for liquefaction to occur is low. With compliance with all applicable federal, State, and local regulations, the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Therefore, impacts would be a less than significant.

Impact 4.6-4: The Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. (Less than Significant Impact.) (Draft EIR pg. 4.6-11)

Strong shaking has the potential for activating landslides on hillsides. The investigation area is located on relatively flat, vegetated desert ground on 0 to 5 percent slopes. In addition, the Project Site is not located on, or adjacent to, steep slopes or hillsides, and improvements within the Project Site would not result in the creation of steep slopes. Therefore, the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, impacts would be less than significant.

Impact 4.6-5: The Project would not result in substantial soil erosion or the loss of topsoil. (Less than Significant Impact.) (Draft EIR pgs. 4.6-11 to 4.6-12)

The potential for erosion to occur during Project construction would be minimized by limiting certain construction activities to dry weather, covering exposed excavated dirt during periods of rain, and protecting excavated areas from flooding with temporary berms. Additionally, all development associated with the Project would be subject to compliance with the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) Storm Water General Construction Permit (Order No. 99-08-DWQ) for construction activities. As a result, Project construction would not result in substantial soil erosion or the loss of topsoil. Therefore, impacts would be less than significant.

Following completion of construction activities, the Project Site would be an operational utility scale solar PV electricity generation and energy storage facility. The overall potential for soil erosion would be reduced from existing conditions as there would be reduced exposed soils on the Project Site. As the Project does not include any paved areas or access roads, the added impervious areas are limited to Project facilities (such as the solar arrays, posts under the arrays, inverters, and battery storage units). As further detailed in Chapter 3.0, *Corrections and Additions to the Draft EIR,* of the Final EIR, stormwater runoff currently enters the Project Site from the southern and western boundaries and exits the Project Site along the northern and eastern boundaries. The existing berm located along the western boundary of the SEGS VIII facility site diverts off-site flow to the northwest corner. On-site flows are anticipated to sheet flow across the Project

Site with only minor increases in imperviousness and therefore are not expected to result in substantial erosion. Therefore, Project operation would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

Impact 4.6-6: The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Less than Significant Impact.) (Draft EIR pgs. 4.6-12 to 4.6-13)

While there is low potential for the Project Site to include unstable geologic conditions, the Project would be required to comply with applicable federal, State, and local regulations and standard best engineering practices to ensure that the Project would not result in geologic hazardous conditions related to subsidence.

As mentioned earlier, much of the ground material on the Project Site is medium dense to dense with no groundwater detected. Therefore, the overall Project Site is not on unstable soil nor would the soil become unstable from the Project. The Project is also on relatively flat ground with low potential for landslides. Therefore, with compliance with all applicable regulations, the Project would not be developed on a geologic unit or soil that is unstable, or that would become unstable, and impacts would be less than significant.

Impact 4.6-7: The Project would not be located on expansive soil, as defined in Table 181B of the Uniform Building Code (1994), creating substantial risks to life or property. (Less than Significant Impact.) (Draft EIR pg. 4.6-13)

The Project Site is generally underlain with alluvium (granite, silty sand, and poorly graded sand) and marine deposits. Therefore, the Project would not be located on expansive soil, which would create substantial risks to life or property. Therefore, impacts would be less than significant.

Impact 4.6-8: The Project would have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater. (Less than Significant Impact.) (Draft EIR pg. 4.6-13)

The Project would not include installation of a new or expanded septic systems or other alternative wastewater disposal systems. The Project would also be served by shared, and already approved, water and septic systems within the adjacent Lockhart Solar I Facility site to the south. Therefore, the Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater. Therefore, impacts would be less than significant.

Impact 4.6-9: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (No Impact for Project Operation.) (For construction, see Section 4.2, Impact 4.6-9 below.) (Draft EIR pgs. 4.6-13 to 4.6-14)

Operation of the Project would not require significant ground disturbing activities, such as grading or excavation; therefore, there is limited potential to encounter, alter, or disturb paleontological resources during Project operation. Therefore, no impacts related to paleontological resources during Project operation are anticipated.

Cumulative Geology and Soils Impacts: As with the Project, cumulative projects would be subject to the same established guidelines and regulations pertaining to building design and seismic safety, including those set forth in the CBC and other applicable regulations. In addition, the cumulative projects would not have the potential to directly or indirectly exacerbate existing seismic conditions cumulatively in combination with the Project. Therefore, considering the existing regulatory requirements and regulations that would apply to all development, the Project's contribution to cumulative impacts associated with geology and soils would not be considerable.

G. Greenhouse Gas Emissions

Impact 4.7-1: The Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less than Significant Impact.) (Draft EIR pgs. 4.7-16 to 4.7-20)

As shown in Table 4.7-2 of the Draft EIR, the estimated total amount of Project-related GHG emissions would be approximately 3,833 million metric tons of carbon dioxide equivalent ($MTCO_2e$) during construction or decommissioning, and 4 $MTCO_2e$ per year during operation of the Project which is substantially below the MDAQMD threshold of 90,718.5 $MTCO_2e$ per year. Thus, the Project would result in a less than significant impact with regards to GHG emissions. Although the displaced emissions are not taken into account when comparing the Project-related GHG emissions to the threshold of significance, it is important to note that the Project would generate clean renewable energy that would potentially displace approximately 112,800 $MTCO_2e$ in its first year of operation that would otherwise have resulted from producing an equivalent amount of electricity from a non-renewable energy source. This displacement of GHG emissions would occur every year that the Project is in operation, helping the State achieve its target of supplying only carbon-free electricity by 2045 and bringing new, clean, and reliable energy to the region and State. Therefore, in addition to resulting in less than cumulatively considerable impacts, the Project would be beneficial to reducing GHG emissions.

Impact 4.7-2: The Project would not conflict with any applicable plan, policy, regulation, or recommendation of an agency adopted for the purpose of reducing GHG emissions. (Less than Significant Impact.) (Draft EIR pgs. 4.7-20 to 4.7-24)

The plan consistency analysis demonstrates that the Project is consistent with applicable plans, policies, regulations and GHG reduction actions/strategies, such as those outlined in the Policy Plan and CARB's 2017 Scoping Plan Update. Therefore, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Thus, impacts would be less than cumulatively considerable.

Cumulative Greenhouse Gas Emissions Impacts: It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects would also be subject to all applicable regulatory requirements, which would further reduce GHG emissions. As the Project provides a net positive effect on GHG emissions by providing clean renewable energy and would comply with all applicable plans, rules, regulations, and policies, its contribution to cumulative GHG emissions and climate change impacts would be less than cumulatively considerable.

H. Hazards and Hazardous Materials

Impact 4.8-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant Impact.) (Draft EIR pgs. 4.8-17 to 4.8-20)

The Project Site was historically used for agricultural purposes. Therefore, there is a potential that agricultural-related chemicals, such as pesticides, herbicides, and fertilizers, may have been used and stored on-site. As noted above, only one of 30 discrete soil samples contained a low concentration of lead below regulatory screening criteria, and no pesticides or arsenic were detected in any of the analyzed soil samples. Therefore, there would be no potential for agricultural-related chemicals to create a significant hazard to the public or the environment.

The Project would be expected to use limited hazardous materials and substances which would include herbicides and pesticides to control vegetation on the Project Site. Large quantities of these materials are not expected to be stored on-site. Storage of hazardous materials is regulated by applicable federal, State, and local regulations. It is also anticipated that water would be required for solar panel washing and equipment washing. Chemicals would not be added to the water used for O&M activities. Compliance with these requirements would serve to minimize health and safety risks to people or structures associated with routine use, transport, and disposal as well as accidental release of or exposure to hazardous materials.

Decommissioning would comply with federal, State, and local standards and all regulations that exist when the Project is decommissioned. Upon removal of the Project components, the site would be returned to conditions generally consistent with the existing (pre-development) conditions, subject to a closure plan in accordance with San Bernardino Development Code Section 84.29.060.

Compliance with the applicable regulations would ensure Project construction, operation, and decommissioning would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, and impacts would be less than significant.

Impact 4.8-2: The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact.) (Draft EIR pgs. 4.8-20 to 4.8-22)

For hazardous materials used during construction, contractors, in accordance with State regulations, would be required to properly use and store materials in appropriate containers with secondary containment to contain a potential release. Under normal operations, BESS facilities do not store or generate hazardous materials in quantities that would represent a risk to offsite receptors. In addition, the Project would include preventative measures, such as energy management systems and building management systems to reduce the potential for accidents to occur. Nevertheless, because lithium-ion BESS facilities do store energy, a battery thermal runaway can occur if a cell, or area within a cell, achieves elevated temperatures due to thermal failure, mechanical failure, internal/external short circuiting, and electrochemical abuse. In this event, state-of-the-art fire and safety systems would mitigate the thermal runaway event. Adherence to regulations and standard protocols during Project operation would minimize and reduce the potential for hazardous materials impacts from the BESS. Compliance with applicable federal, State, and local regulations would ensure that Project construction, operation, and decommissioning would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions

involving the release of hazardous materials into the environment, and impacts would be less than significant.

Impact 4.8-3: The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (No Impact.) (Draft EIR pg. 4.8-22)

The nearest schools, Lenwood Elementary School, at 34374 Ash Road and Ingels School at 3490 Agate Road are both approximately 17 miles southeast of the Project Site. The Project does not propose any uses which could generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in substantial quantities that would have an impact to surrounding schools. The Project would be required to adhere to all applicable federal, State, and regional regulations regarding handling, transport and disposal of hazardous materials. As the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, no impacts would occur.

Impact 4.8-4: The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, it would not create a significant hazard to the public or the environment. (No Impact.) (Draft EIR pg. 4.8-22)

The Project Site is not included on the hazardous sites list compiled pursuant to California Government Code Section 65962.5. In addition, the Phase I Environmental Site Assessments (ESAs) did not identify any environmental concerns for the Project Site. No impact would occur.

Impact 4.8-5: The Project, if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would not result in a safety hazard or excessive noise for people residing or working in the Project area. (No Impact.) (Draft EIR pg. 4.8-23)

The Project Site is not located in the vicinity of a public or public use airport. The nearest airport to the Project Site is the Sun Hill Ranch Airport located approximately 20 miles to the southwest. No impact would occur.

Impact 4.8-6: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant Impact.) (Draft EIR pg. 4.8-23)

As described in Section 4.11, *Transportation*, of the Draft EIR, the Project includes implementation of a Construction Traffic Management Plan (CTMP), which would include construction traffic control measures to ensure that emergency access is maintained during Project construction. The CTMP will include implementation of safety measures such as directing construction traffic with a flag person (as needed to maintain safety adjacent to existing roadways), placing temporary traffic control signage along access routes to indicate the presence of heavy vehicles and construction traffic, ensure access for emergency vehicles to the Project Site.

During Project operation, primary access to all major roads would be maintained and would not interfere with emergency access into or out of the Project Site. Therefore, the Project would not impair

implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Impact 4.8-7: The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. (Less than Significant Impact.) (Draft EIR pgs. 4.8-23 to 4.8-25)

The Project Site is designated as an LRA and is not identified as having a moderate, high, or very high fire severity zone classification. Furthermore, the County's Hazard Overlay Mapping shows that the Project Site is not located in a Fire Safety Overlay District. No areas in the general vicinity of the site are classified within a Fire Safety Overlay District. Therefore, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and no impact would occur.

The Project includes installation of BESS within the Shared Facilities Area. The Project's BESS would be designed, constructed, operated, and maintained in accordance with applicable best practices and regulatory requirements, including fire safety standards. The Project Site has been subject to near complete surface disturbance associated with past agricultural use, grading during partial construction of the SEGS X facility, as well as construction of the Shared Facilities Area for the existing SEGS VIII and IX Solar Thermal Power Plants. The Project would comply with the CFC and San Bernardino County Fire Department vegetation clearance requirements. Project vehicles will travel on roads that have been cleared of vegetation. As such, vegetation-related fires would be unlikely to occur on the Project Site. In addition, the Project design would be required to conform to conditions established by the San Bernardino County Fire Department to ensure potential hazards relative to exposure of people or structures to significant risk of loss, injury, or death involving wildland fires would be reduced to the extent feasible. Comprehensive safety measures that comply with federal, State, and local worker safety and fire protection codes and regulations would be implemented for the Project and would minimize the occurrences of fire due to project activities during construction and for the life of the project. Coupled with the implementation of fire suppression technology and adherence with applicable industry best practices and regulatory fire standards, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, impacts would be less than significant.

Cumulative Hazards and Hazardous Materials Impacts: With adherence to applicable federal, State, and local regulations governing hazardous materials, the potential risks associated with hazardous wastes would be reduced to a level of less than significant. The incremental effects of the Project related to hazards and hazardous materials, are anticipated to be minimal, and any effects would be site-specific. Therefore, the Project would not result in incremental effects to hazards with respect to hazardous materials that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. Therefore, Project would not result in cumulatively considerable impacts to or from hazards or hazardous materials.

I. Hydrology and Water Quality

Impact 4.9-1: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (Less than Significant Impact.) (Draft EIR pgs. 4.9-11 to 4.9-12)

With implementation of the Stormwater Pollution Prevention Plan (SWPPP), compliance with the NPDES permit requirements, and implementation of best management practices (BMPs), Project construction would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. As noted in Response to Comment 2-4 of Chapter 2.0, *Comment Letters and Responses to Comments,* of the Final EIR, the Applicant anticipates implementing BMPs to reduce the potential for erosion and to treat post-construction stormwater runoff. Examples of such BMPs include:

- Scheduling tactics related to rainfall to allow for implementation of soil stabilization and sediment treatment controls on all disturbed areas prior to the onset of rain;
- Installing a silt fence to trap sediment from disturbed areas and to promote sedimentation behind the fence;
- Installing fiber rolls to cover the soil surface and reduce erosion from rainfall, hold soil in place, and absorb and hold moisture near the soil surface;
- Installing a stabilized entrance/exist consisting of shaker plates and gravel, and ensuring all construction traffic utilizes this entrance/exit; and
- Locating a tire wash to remove sediment from being transported onto public roadways.

Construction impacts would be less than significant. Any pollutants or waste that would be produced during Project operation would be required to be discharged according to all appropriate local, State, and federal rules and regulations. Therefore, Project operation would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant.

Impact 4.9-2: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. (Less than Significant Impact.) (Draft EIR pgs. 4.9-13 to 4.9-15)

The Mojave Water Agency (MWA) has assigned the Central subarea a Base Annual Production (BAP) of 56,657 acre-feet (AF), with a resulting Free Production Allowance (FPA) of 39,660 AF. The MWA includes its allocations under the Adjudication for the Centro Subarea in its assumptions for its existing and projected water supply in the MWA 2020 Urban Water Management Plan (UWMP).

It should be noted that the prior SEGS X project anticipated approximately 4,300 AF of water use during construction. At the time, the CEC concluded the overall construction water usage for construction of SEGS X (4,300 AF) would not have a measurable impact on the groundwater supplies as a one-time use. The approval of this Project would effectively reduce the overall construction water demand associated with the property as compared to the approved SEGS X project. Furthermore, the 240 AF of water utilized during Project construction would constitute approximately 0.4 percent of the BAP for the Central subarea.

Therefore, Project construction would not substantially decrease groundwater supplies such that the Project may impede sustainable groundwater management of the Mojave Basin.

It should be noted that the previously approved SEGS X project, a solar thermal facility that would have required a more intensive water demand, was estimated to use 820 AF per year for O&M. As the Project is a PV solar project, the Project would use significantly less water than what was required for the previously approved SEGS X project. Given the Project Site's history with SEGS X being an approved project but never constructed, MWA's 2020 UWMP assumes the water demand associated with the SEGS X project as a present and future water demand within its service area. Accordingly, MWA's total demand, as defined in their 2020 UWMP, is actually expected to decrease with implementation of the Project. The approval of this Project would effectively reduce the water demand associated with the use of the property as compared to the approved SEGS X project. Therefore, Project operation would not substantially decrease groundwater supplies such that the Project may impede sustainable groundwater management of the Mojave Basin.

As previously stated, the Project is anticipated to be 0.5 percent impervious upon Project buildout, with the remaining 99.5 percent of the Project Site remaining as native material and infiltration will occur as it does under existing conditions. Therefore, Project construction and operation would have a minimal effect on groundwater recharge because of the minimal new impervious surface area that could interfere with groundwater recharge. As a result, the changes would be negligible relative to the existing conditions. The Project would not interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin, and impacts would be less than significant.

Impact 4.9-3: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. (Less than Significant Impact.) (Draft EIR pg. 4.9-15)

BMPs would be designed to reduce runoff and pollutant levels in runoff during construction. The NPDES and SWPPP measures are designed to contain and treat, as necessary, stormwater or construction watering on the Project Site so runoff does not impact off-site drainage facilities or receiving waters. As previously stated under Impact 4,9-1 above, the Applicant anticipates implementing BMPs to reduce the potential for erosion and to treat post-construction stormwater runoff. As discussed in Response 2-2 of Chapter 2.0, *Comment Letters and Responses to Comments,* and Chapter 3.0, *Corrections and Additions to the Draft EIR,* the extension of the open channel located outside of the Project fence line is no longer proposed. The proposed improvements would maintain the existing drainage patterns on the Project Site. Project construction and operation would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site. Impacts would be less than significant.

Impact 4.9-4: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site. (Less than Significant Impact.) (Draft EIR pgs. 4.9-16 to 4.9-17)

Since the construction site would be greater than one acre, the Project would be required to obtain coverage under the NPDES General Permit. In accordance with the requirements of this permit, the Project would

implement a SWPPP that specifies BMPs to be implemented during construction to manage runoff flows and avoid on- or off-site flooding.

As stated in Chapter 3.0, *Corrections and Additions to the Draft EIR,* the extension of the open channel located outside of the Project fence line is no longer proposed. The Project would develop retention basins to manage the slight increase in runoff due to the installation of the Project facilities. Project improvements would maintain the existing drainage patterns on the Project Site. With use of properly sized retention basins, Project operation would not substantially alter the existing drainage pattern of the site or area in a manner which would substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site. Impacts during Project operation would be less than significant.

Impact 4.9-5: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant Impact.) (Draft EIR pg. 4.9-17)

No existing storm drain systems exist within the Project Site or downstream of the Project. See the discussion under Impact 4.9-1 regarding polluted runoff. Furthermore, the increase in runoff generated from the increased imperviousness after Project buildout would be sufficiently managed by retention basins. Runoff flows that leave the Project Site would collect in Harper Lake to the east of the Project Site. The Project would not substantially alter the existing drainage pattern of the site or area in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional source of polluted runoff. Impacts would be less than significant.

Impact 4.9-6: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. (Less than Significant Impact.) (Draft EIR pg. 4.9-17)

The Project Site is mapped by the Federal Emergency Management Agency (FEMA) as lying within a Zone D area; therefore, flood hazards are undermined in this area, and base flood elevations are not provided in Zone D areas. No rivers or streams exist on the Project Site, and the Project would not alter any rivers or streams. Furthermore, existing flood flows and runoff on the Project Site are directed toward Harper Lake to the east of the Project Site and would continue to be directed towards Harper Lake upon Project buildout. The Project would also include retention basins to sufficiently manage additional runoff generated from increased imperviousness. As such, the Project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be less than significant.

Impact 4.9-7: The Project would not, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. (No Impact.) (Draft EIR pgs. 4.9-17 to 4.9-18)

Seiches are seismically induced tidal phenomena that occur in enclosed bodies of water and tsunamis are seismically induced tidal phenomena that affect low-lying coastal areas. There are no bodies of water in the Project vicinity and the Project Site is located approximately 95 miles northeast of the Pacific Ocean. Therefore, there is no risk of a seiche resulting in damage to the Project, and the Project Site is not located within a designated tsunami hazard area or susceptible to inundation by tsunami. As stated in the Hydrology

Report, offsite flow would collect in Harper Lake located immediately east of the Project Site after the runoff flow crosses through the Project Site. While there are areas that may have deeper flow depths, the runoff that exceeds existing conditions would be sufficiently managed by Project retention basins. Therefore, the Project would not risk release of pollutants due to inundation. No impact would occur.

Impact 4.9-8: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less than Significant Impact.) (Draft EIR pgs. 4.9-18)

Project operation is not anticipated to produce any pollutants that would result in a violation of water quality standards or waste discharge requirements, and all discharges would be compliant with the applicable local, State, and federal regulations and standards. Therefore, the Project would not conflict with or obstruct implementation of a water quality control plan.

The Project's potential impacts on groundwater supplies and groundwater recharge are discussed under Impact 4.9-2. As discussed therein, the Project would not impede sustainable groundwater management of the basin; therefore, the Project would not conflict with or obstruct implementation of a sustainable groundwater management plan. Impacts would be less than significant.

Cumulative Hydrology and Water Quality Impacts: As with the Project, cumulative projects would also be subject to the same regulatory requirements as the Project, including, where applicable, NPDES permits and other discharge requirements discussed above. Each cumulative project would be evaluated individually to determine appropriate BMPs needed to avoid impacts to water quality. Therefore, compliance with applicable regulatory measures would ensure that impacts on drainage/flooding conditions, water quality, and groundwater quality would be less than significant. Accordingly, the Project and cumulative projects would not result in cumulatively considerable impacts with respect to hydrology, drainage quantities/patterns, and water quality.

As demonstrated above, through compliance with applicable regulatory requirements via site-specific systems and BMPs, the Project and cumulative projects would not substantially conflict with or obstruct implementation of a water quality control plan. Each cumulative project would also be required to, if they were to utilize groundwater, analyze their respective impacts on groundwater supply and recharge. Accordingly, with these considerations, along with the Project's and cumulative project's compliance to applicable regulatory requirements, no significant cumulative impacts regarding conflicts with or obstructing implementation of a water quality control plan or sustainable groundwater management plan would occur.

As with the Project, cumulative projects would similarly not be located within a flood hazard zone, tsunami zone, or seiche zones. Thus, there would be no cumulative potential for risk of release of pollutants within these zones. Accordingly, the Project and cumulative projects would not result in cumulatively considerable impacts with respect to release of pollutants due to project inundation by flooding, tsunami, or seiche.

J. Noise

Impact 4.10-1: The Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Less than Significant Impact.) (Draft EIR pgs. 4.10-10 to 4.10-15)

As depicted in Table 4.10-7 of the Draft EIR, the closest potential residential receptor could be exposed to temporary and intermittent noise levels up to 55.9 dBA. Upon compliance with the County's allowable construction hours (San Bernardino County Code Section 83.01.080), short-term noise impacts from construction traffic would be less than significant. Any construction work performed outside of the normal work schedule would be subject to pre-approval by County. Any construction work performed outside of the normal work schedule would not result in substantial noise levels beyond the Project Site boundary.

Noise levels associated with solar PV array trackers would be approximately 22.4 dBA and well below the County's daytime and nighttime noise standards of 55 dBA and 45 dBA, respectively, for residential uses. Due to the dispersed layout of the tracker motors across the Project Site, their distance from sensitive receptors, and the intermittent noise generating activity, impacts would be less than significant in this regard. Overhead electrical lines that would be installed as part of the Project would have the potential to emit electrical discharge (or corona discharge); however, audible noise from corona discharge is expected to be within the range of 40 dBA or below. Therefore, noise levels associated with electrical collection lines would be inaudible at the nearest sensitive receptor, located approximately 4,320 feet to the north of the Project Site. Impacts would be less than significant in this regard. Similar to the electrical collection lines, the gen-tie line would generate audible corona noise (i.e., 40 dBA immediately below the line). As the nearest sensitive receptor is located approximately 4,320 feet to the north of the Project Site, noise levels associated with the gen-tie power line would be inaudible. Impacts would be less than significant in this regard. The nearest sensitive receptor property line would be located approximately 10,000 feet to the northwest of the Project BESS facilities. At this distance, noise levels from the BESS heating, ventilation, and air conditioning (HVAC) units are estimated at approximately 22 dBA, which is well below the County's daytime (55 dBA Leq) and nighttime (45 dBA Leq) outdoor stationary noise standard for residential uses; therefore, impacts would be less than significant.

The existing reverse osmosis and demineralizing system (RODS) within the Shared Facilities Area will be used, as needed, to remove particles suspended in groundwater prior to Project solar panel cleaning, one to four times per year. Project use of the existing RODS will not result in additional equipment or create a substantial increase in stationary source noise from the Shared Facilities Area above existing conditions. Therefore, potential noise impacts from Project maintenance activities would be less than significant.

Upon compliance with the County's allowable construction hours (San Bernardino County Code Section 83.01.080), short-term noise impacts from decommissioning activities would be less than significant.

Impact 4.10-2: The Project would not generate excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact.) (Draft EIR pgs. 4.10-16 to 4.10-18)

The nearest noise-sensitive receptor to the Project Site is a potential residence located approximately 4,320 feet to the north. At this distance, vibration velocities would be imperceptible (i.e., up to 0.001 inch-per-second PPV). Therefore, the 0.2 inch-per-second PPV significance threshold and the 0.4 inch-per-second PPV human annoyance criteria would not be exceeded as a result of Project construction activities. Thus, no

Project-related sources of groundborne vibration or groundborne noise would be expected to affect sensitive receptors in the Project vicinity, and there would not be any potential for excessive exposure of persons to or generation of groundborne vibration levels. Impacts would be less than significant.

The nearest noise-sensitive receptor is located over 4,000 feet from the Project Site, operational vibration levels at the nearest off-site receptors would be imperceptible. Thus, the County's 0.2 inch-per-second PPV vibration threshold and the 0.4 inch-per-second PPV human annoyance criteria would not be exceeded, and impacts would be less than significant.

It is reasonable to assume that vibration generated from decommissioning activities would be similar in nature to construction activities. As with the construction activities described above, decommissioning activities would not be expected to generate groundborne noise that would affect sensitive receptors in the Project vicinity, and there would not be any potential for excessive exposure of persons to or generation of groundborne vibration levels. Impacts would be less than significant.

Impact 4.10-3: The Project, if located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would not expose people residing or working in the Project area to excessive noise levels. (No Impact.) (Draft EIR pgs. 4.10-18)

The nearest airport to the Project Site is the Sun Hill Ranch Airport located approximately 20 miles to the southwest. The Project Site is not located within the vicinity of a private airstrip or related facilities. No impact would occur.

Cumulative Noise Impacts: The combination of the Project together with other related present and reasonably foreseeable future projects in the Project vicinity could involve actions with the potential to result in noise impacts. However, construction noise impacts for each cumulative project would be mitigated through compliance with the County's standards and ordinances, and any necessary mitigation measures identified through the County's development review process. Thus, construction noise impacts would not be cumulatively considerable, and impacts would be less than significant.

Operation of the Project would not result in a substantial permanent increase in ambient noise levels from on-site stationary or off-site mobile traffic noise sources. In addition, cumulative projects in the Project vicinity would be subject to the development review process, which could include conditions of approval to minimize the exposure of sensitive receptors and other receiving land uses to excessive noise to the furthest extent possible. Therefore, operational noise impacts would not be cumulatively considerable, and impacts would be less than significant.

Temporary noise impacts from decommissioning activities associated with the Project would not likely combine with other cumulative projects in close proximity and at the same time. Therefore, noise and vibration impacts from construction, operation, and decommissioning would not be cumulatively considerable, and impacts would be less than significant.

K. Transportation

Impact 4.11-1: The Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. (Less than Significant Impact.) (Draft EIR pgs. 4.11-6 to 4.11-9)

Implementation of the CTMP would ensure that Project construction would not result in any access or traffic issues on roads surrounding the Project Site, such that there would be a conflict with a program, plan, ordinance, or policy addressing the circulation system. Solar panel washing is expected to occur one to four times per year and general labor (up to 10 individuals) may assist in the panel cleaning. Therefore, it was assumed that the Project would generate approximately 40 trips per year associated with solar panel washing activities. From a daily and peak hour perspective, these trips are considered nominal and would not be expected to impact the existing road network near the Project Site including SR-58. The roadway network in the vicinity is characterized by free-flowing traffic conditions, and vehicles on the roadway generally travel unimpeded by others. Therefore, traffic during Project operation would not conflict with the Congestion Management Plan (CMP) standards.

The existing access gate off of Harper Lake Road will be relocated internal to the SEGS IX fence line to provide operational access to the Project Site. No public transit, pedestrian, or bicycle facilities currently exist on Hoffman Road, Harper Lake Road or in the vicinity of the Project Site. The Project would also not develop any new public roadways, transportation facilities, or transportation-related improvements.

As the Project would not develop a new roadway system or road improvements and would not bring additional employees to the Project Site, the Project would not conflict with any programs, plans, ordinances, or policies related to transportation. Therefore, impacts during Project construction and operation would be less than significant.

Impact 4.11-2: The Project would not conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b). (Less than Significant Impact.) (Draft EIR pgs. 4.11-9 to 4.11-10)

According to the County's Transportation Impact Study Guidelines (TISG), land use projects that meet certain screening criteria are assumed to result in a less-than-significant transportation impact under CEQA and do not require a detailed quantitative vehicle miles traveled (VMT) assessment. The Project would generate less than 110 daily vehicle trips during Project operations. As such, the Project meets one of the screening criteria identified in the TISG, and a detailed quantitative VMT assessment is not required. Therefore, the Project is considered to have a less-than-significant VMT impact.

Impact 4.11-3: The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Less than Significant Impact.) (Draft EIR pgs. 4.11-10 to 4.11-11)

The existing primary access points through the Shared Facilities Area would be used for construction vehicle and equipment ingress and egress. Both primary and secondary access points would remain in place during operation of the Project to support O&M activities as well as to maintain sufficient emergency access to the Project Site. All perimeter and interior road networks would be designed to comply with fire access roadway widths as required by County Fire Code and County Code requirements. Lines of sight are not currently obstructed for existing traffic and would not be altered by the Project. No public transit, pedestrian, or bicycle facilities currently exist on Harper Lake Road or in the vicinity of the Project Site. As the Project is

adjacent to similar utility-scale renewable energy facilities, it would not be incompatible with the uses in the vicinity. Therefore, the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Impacts would be less than significant.

Impact 4.11-4: The Project would not result in inadequate emergency access. (Less than Significant Impact.) (Draft EIR pg. 4.11-11)

The CTMP would include construction traffic control measures to ensure that emergency access is maintained during Project construction. The Project would not develop new public roads or introduce new hazards to roads leading to the Project Site. All emergency access would be provided via two existing access points. All access roads interior to the Project Site would be constructed consistent with County Fire code. The Project would not result in inadequate emergency access during construction or operation, and potential impacts would be less than significant.

Cumulative Transportation Impacts. Each of the cumulative projects considered in the cumulative transportation analysis of consistency with programs, plans, policies, and ordinances would be separately reviewed and approved by the County, including a check for consistency with applicable policies. As the Project would not be inconsistent and would not conflict with the programs, plans, policies, and ordinances that are analyzed above, the Project in combination with the cumulative projects would not create inconsistencies nor result in cumulative impacts with respect to the identified programs, plans, policies, and ordinances.

Similar to the Project, any cumulative project that would be subject to environmental review would be required to evaluate VMT on a project-by-project basis. If the cumulative project were determined to have potentially significant VMT impacts, it would be required to include appropriate mitigation measures to reduce VMT impacts to a less-than-significant level. With regard to geometric hazards, each cumulative project would be reviewed by the County to ensure compliance with applicable County requirements relative to the provision of safe access for vehicles, pedestrian, and bicyclists. Furthermore, since modifications to access and circulation plans are largely confined to a project site and immediate surrounding area, a combination of impacts with other cumulative projects that could potentially lead to cumulative impacts is not expected. With regard to emergency access, cumulative projects would likely implement a similar CTMP to include construction traffic measures to ensure adequate emergency access is maintained in and around the cumulative project sites throughout construction activities. Coordination of these plans will ensure construction activities of concurrent cumulative projects and associated hauling activities (if any) are managed in collaboration with one another and the Project. Therefore, the Project's potential contribution to cumulative impacts associated with emergency access would not be considerable.

L. Utilities and Service Systems – Water Supply

Impact 4.13-1: The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (Less than Significant Impact.) (Draft EIR pg. 4.13-13)

The Project Site is within the service limits of the MWA. Four existing groundwater wells were originally installed to provide non-potable water supply to the previously approved and existing SEGS VIII and IX facilities. The wells depend on groundwater supply drawn from the adjudicated Mojave Basin Area, which is managed by the MWA. These existing groundwater wells pump water from the Harper Valley Groundwater

Basin. Non-potable water supply during Project construction and operation is anticipated to be supplied by pumping groundwater from existing wells located within the Shared Facilities Area and immediately off-site on the adjacent SEGS IX facility site. No new groundwater wells are proposed as part of the Project. Therefore, Project construction and operation would not require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. Therefore, impacts would be less than significant.

Impact 4.13-2: The Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. (Less than Significant Impact.) (Draft EIR pgs. 4.13-13 to 4.13-14)

The approval of this Project would effectively reduce the construction water demand for the Project Site as compared to the approved SEGS X project by approximately 4,060 AF of water during construction. Project construction would result in less than significant impacts related to water supply. The Project's operational water use of approximately 4.5 AF and 0.45 AF for equipment washing and other site maintenance would be within the total projected water supplies available to MWA during normal year, single-dry year, and multi-year drought hydrologic conditions over a 20-year period. Therefore, MWA's supplies and groundwater allocations are sufficient to serve the customer base, including the Project, over the next 20 years. Therefore, Project operation would have sufficient water supplies available to serve the Project during normal, dry, and multiple dry years, and impacts would be less than significant.

Cumulative Utilities and Service Systems: Regarding infrastructure for water supply, the Project would not install water infrastructure and would utilize existing groundwater wells. Therefore, the Project would not contribute to cumulative impacts associated with the construction or installation of water infrastructure.

Regarding water demand, under the provisions of SB 610, all past, present, and future projects in the surrounding area would be required to prepare a comprehensive Water Supply Assessment, as applicable. The WSAs for the projects that would require a WSA, in conformance with the 2015 UWMP Update, would evaluate the quality and reliability of existing and projected water supplies, as well as alternative sources of water supply and measures to secure alternative sources if needed, on a project-by-project basis. Any new water facilities would undergo separate environmental review and require compliance with all applicable water supply and conservation ordinances, laws and regulations. The Project would effectively replace the previously approved SEGS X project, thereby reducing the anticipated water demand associated with the use of the Project Site by 815 AF of water annually and 4,060 AF of water during construction. As a result, the Project expected to decrease MWA's total demand relative to what is described in its 2020 UWMP. Therefore, the Project's contribution to cumulative impacts associated with water supply would not be considerable.

4.2 Environmental Impacts Mitigated To A Level Of Less-Than-Significant

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant but can be mitigated to a less-than-significant level with the implementation of mitigation measures: air quality (construction), biological resources, cultural resources (archaeological resources), geology and soils (paleontological resources), and tribal cultural resources. This County hereby finds pursuant to PRC Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by implementation of the mitigation measures in the EIR; and that these

mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by the Board. Specific Findings for each category of such impacts are set forth in detail below.

A. Air Quality

Impact 4.2-1: The Project could conflict with or obstruct implementation of the applicable air quality plan. (Potentially Significant Construction Impact.) (For operation, see Section 4.1, Impact 4.2-1 above.) (Draft EIR pgs. 4.2-16 to 4.2-18)

Unmitigated short-term construction emissions would potentially exceed MDAQMD significance threshold established for NO_X. However, with compliance to MDAQMD Rule 403 and implementation of Mitigation Measure AQ-1, NO_X emissions during construction would fall below the significance thresholds set by the MDAQMD. As such, the Project would not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to localized air quality violations, or delay attainment of air quality standards with mitigation incorporated. Impacts would be reduced to less than significant.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant emissions during construction as identified in the Final EIR. With the implementation of Mitigation Measure AQ-1, emissions during construction would be reduced to less-than-significant levels.

> **Mitigation Measure AQ-1:** All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 Final emission standards during demolition, grading, and facilities construction. In addition, construction equipment shall be outfitted with best available control technologies (BACT) devices certified by the CARB. Emissions control devices used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. An exemption from these requirements may be granted by the County in the event that the Applicant documents that equipment with the required tier is not reasonably available and the Applicant proposes to replace that equipment with similar sized equipment which meets the next most stringent standard available (i.e., the Applicant must seek replacement equipment that meets Tier 4 Interim standards, and only when none are found to be reasonably available, seek equipment meeting Tier 3 standards, etc.). Under no circumstances will the County allow more than half of the heavy-duty equipment usage for Project construction or decommissioning (measured as total horse-power hours of usage) to be less stringent than Tier 4 Final.
>
> A copy of each unit's certified tier specification, BACT documentation, and CARB operating permit shall be provided to the County of San Bernardino at the time of mobilization of each applicable unit of equipment.

Basis for Finding. Mitigation Measure AQ-1 requires that the construction contractor ensure that all off-road diesel equipment greater than 50 hp used for this Project meets USEPA Tier 4 final off-road emission standards. Tier 4 standards regulate NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions from off-road diesel engines and require these emissions to be reduced from Tier 1-3 standards. The County and Applicant are committed to using the cleanest off-road equipment available; however, market availability may make exclusive use of equipment certified to meet Tier 4 Final standards infeasible. Mitigation Measure AQ-1 includes a waiver provision to account for the potential unavailability of Tier 4 equipment. Although the Project could achieve

less than significant NO_X emissions (the only pollutant in excess of thresholds), meaning total daily emissions below 137 pounds per day, using all Tier 3 equipment, Mitigation Measure AQ-1 includes limits on the circumstances and extent that the Applicant can request and be granted a waiver from the stringent Tier 4 Final equipment requirement. With the implementation of Mitigation Measure AQ-1, MDAQMD thresholds would not be exceeded, and potential impacts would be reduced to less than significant levels.

Impact 4.2-2: The Project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Potentially Significant Construction Impact.) (For operation, see Section 4.1, Impact 4.2-2 above.) (Draft EIR pgs. 4.2-18 to 4.2-24)

Unmitigated short-term construction emissions would potentially exceed MDAQMD significance threshold established for NOx. However, with compliance to MDAQMD Rule 403 and implementation of Mitigation Measure AQ-1, the Project's short-term construction emissions would fall below the significance thresholds set by the MDAQMD. As such, the Project would not contribute to a cumulatively considerable air quality impact for nonattainment criteria pollutants in the basin.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant emissions during construction as identified in the Final EIR. With the implementation of Mitigation Measure AQ-1, emissions during construction would be reduced to less-than-significant levels.

Mitigation Measure AQ-1: (see measure description under Impact 4.2-1 above)

Basis for Finding. Mitigation Measure AQ-1 requires that the construction contractor ensure that all off-road diesel equipment greater than 50 hp used for this Project meets USEPA Tier 4 final off-road emission standards. Tier 4 standards regulate NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions from off-road diesel engines and require these emissions to be reduced from Tier 1-3 standards. The County and Applicant are committed to using the cleanest off-road equipment available; however, market availability may make exclusive use of equipment certified to meet Tier 4 Final standards infeasible. Mitigation Measure AQ-1 includes a waiver provision to account for the potential unavailability of Tier 4 equipment. Although the Project could achieve less than significant NO_X emissions (the only pollutant in excess of thresholds), meaning total daily emissions below 137 pounds per day, using all Tier 3 equipment, Mitigation Measure AQ-1 includes limits on the circumstances and extent that the Applicant can request and be granted a waiver from the stringent Tier 4 Final equipment requirement. With the implementation of Mitigation Measure AQ-1, MDAQMD thresholds would not be exceeded, and potential impacts would be reduced to less than significant levels.

Impact 4.2-3: The Project could expose sensitive receptors to substantial pollutant concentrations. (Potentially Significant Construction Impact.) (For operation, see Section 4.1, Impact 4.2-3 above.) (Draft EIR pgs. 4.2-25 to 4.2-27)

During ground disturbing activities associated Project construction, the potential exists that such activities could disturb dust particles and, if present, *Coccidioides immitis* (CI) spores, which could then be released into the air and potentially be inhaled by on-site workers and nearby sensitive receptors; exposure to these spores can cause Valley Fever. With the implementation of Mitigation Measure AQ-2, the potential for the release of CI spores, if present, and the potential for workers or other sensitive receptors to be exposed to CI would be reduced to less than significant levels.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant exposure to Valley Fever during construction as identified in the Final EIR. With the implementation of Mitigation Measure AQ-2, exposure to Valley Fever during construction would be reduced to less-than-significant levels.

> **Mitigation Measure AQ-2:** Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices including:
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> - Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever.
> - Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing, and treatment options. This training must be completed by all workers and visitors (expected to be on-site for more than 2 days) prior to participating in or working in proximity to any ground disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction.
> - Developing a job-specific Job Hazard Analyses (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust, and maintain and manage safety supplies identified by the JHA.
> - Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.

Basis for Finding. Mitigation Measure AQ-2 requires that the construction contractor prepare a VFMP, including a Valley Fever training program, a job-specific JHA, in accordance with Cal/OSHA regulations, and provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators. With the implementation of Mitigation Measure AQ-2, exposure to Valley Fever during construction would be reduced to less-than-significant levels.

B. Biological Resources

Impact 4.3-1: The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Potentially Significant Impact.) (Draft EIR pgs. 4.3-38 to 4.3-46)

Regarding special status plant species, the Project has the potential to impact special-status species through loss of habitat as well as direct and indirect impacts to these species. It is important to note that because the SEGS X site itself was largely graded during initial construction of the SEGS X facility before construction was halted in the early 1990s, these plants have regrown in this area and would be expected to regrow again

after the Project is decommissioned. Based on the results of the field surveys and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that Mojave spineflower is present within the Survey Area, and that the survey area has a low potential to support Barstow woolly sunflower, desert cymopterus, crowned muilla, and Beaver Dam breadroot. These four species were not found within the survey area. All remaining special-status plant species identified by the California Natural Diversity Database (the "**CNDDB**") and the California Native Plant Society (the "**CNPS**") databases are not expected to occur within the survey area. However, the 2021 rare plant surveys were conducted in drought conditions where the occurrence of annual plant species may have been negatively affected due to lack of rainfall. As such, impacts are analyzed in the event that special status plant species are present on the Project Site between the time it takes for this EIR to be finalized and construction implementation. Therefore, impacts would be potentially significant. However, Mitigation Measure BIO-1 would require pre-construction surveying for special-status plant species that could be onsite and implementing appropriate avoidance measures. Thus, with the implementation of Mitigation Measure BIO-1, potential impacts on special status plant species would be reduced to less than significant.

Regarding special status wildlife species, six (6) special-status wildlife species were observed during the survey: sharp-shinned hawk, northern harrier, California horned lark, loggerhead shrike, California gull, and double-crested cormorant. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the survey area has a moderate potential to support long-eared owl, and a low potential to support golden eagle, burrowing owl, prairie falcon, yellow warbler, desert kit fox, and American badger. Therefore, impacts would be potentially significant. However, Mitigation Measures BIO-2, BIO-3, and BIO-4 require pre-construction surveys to determine the presence of and avoid or minimize impacts to special-status nesting bird species; burrowing owls, kit foxes, and American badgers; and roosting bats, respectively. Thus, with the implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4, potential impacts on special status bird species, desert kit fox, American badger, or roosting bats would be reduced to less than significant. Although not required under CEQA, as detailed in Response to Comment 3-4 of Chapter 2.0, *Comment Letters and Responses to Comments,* of the Final EIR, the Applicant will voluntarily develop and implement a Bird and Bat Conservation Plan (BBCP). The BBCP will outline policies and procedures to minimize unanticipated impacts to birds and bats during operations. Site personnel will be provided a set of standardized instructions to follow in response to any bird or bat incidents on-site. The BBCP shall include procedures on how to document any bird or bat species discovered dead or injured on the Project Site. In the event of an injury or death of a listed species, CDFW and/or USFWS shall be contacted to consult on appropriate next steps. The BBCP shall be implemented for the life of the Project. The Applicant will submit the BBCP to the County for review. Further, as stated in Response to Comment 3-5 of the Final EIR, the Applicant will submit a mitigation and monitoring plan that covers burrowing owl, desert kit fox, and American badger to the County for review prior to the start of ground disturbing activities.

It should be noted that in response to the CDFW, as detailed in Response to Comment 3-4 of the Final EIR, studies related to PV solar facilities and their hypothetical risk to aquatic habitat birds (e.g., the lake effect hypothesis) showed that while aquatic habitat birds were attracted to PV facilities, the magnitude of attraction was low. As the Project is located in an area of desert habitat with no large waterbody within 50 kilometers, it is unlikely that aquatic habitat birds would be exposed in large numbers, and no significant direct or indirect impact on aquatic habitat birds is anticipated. Based on the landscape setting of the Project, it is expected that fatalities, should they occur, would be similar to the patterns found at other PV facilities and include common ground-dwelling birds, and that this Project would not create a significant impact to

water birds due to the hypothetical lake effect. Thus, no significant direct or indirect impact on migratory birds is anticipated.

Focused surveys for the desert tortoise did not identify the presence of any desert tortoise on the Project Site. The potential for habitat onsite has been degraded by the previous SEGS X development and the movement of desert tortoise on the site has been restricted by existing fencing that has been in place since the 1990s. The State-threatened Mohave ground squirrel is known to occupy areas within the Project vicinity, and while its occurrence has been impacted by development since at least the 1950s, there is nonetheless potential for its occurrence. It is not anticipated that the construction and operation of the Project would result in significant adverse impacts to the species, given the moderate to low suitability of the habitat onsite. Nonetheless, to the extent there were a species-level impact, the Project has already permanently conserved off-site mitigation lands in perpetuity by conveying land to the Department of Fish and Game of the State of California, now CDFW. Furthermore, Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8 require preconstruction clearance surveys, prohibit off-road travel, impose speed limits on the Project Site, and require a worker education awareness program, respectively. Thus, implementation of these mitigation measures would reduce potential impacts on desert tortoise and Mojave ground squirrel that could enter the Project Site once construction activities begin or Project operations begin to less than significant.

Regarding nesting birds and wildlife movement, suitable bird nesting habitat is present throughout the Project Site. Ground nesting species may also nest throughout the eastern portion of the Project Site. Therefore, impacts would be potentially significant. Mitigation Measure BIO-2 requires pre-construction bird nesting surveys that when implemented would reduce impacts to nesting birds to less than significant.

Upon decommissioning of the Project, the Project Site would be disturbed and have some areas of compacted soil (e.g., on roads, laydown yards, and structure foundations). The post-Project condition of the Project Site as a result of Project construction and operation would be different than pre-Project conditions. If special-status species have recolonized the Project Site during operation, decommissioning could impact these species. Depending on the species and biological resources present within and adjacent to the Project Site at the time of decommissioning, impacts during decommissioning would be potentially significant. Mitigation Measures BIO-8 and BIO-9 require worker education training, and measures for avoidance and protection of biological resources. Implementation of Mitigation Measures BIO-8 and BIO-9 during the decommissioning period would reduce potentially significant impacts to special-status wildlife and plant species to less than significant.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant impacts to special status species through loss of habitat as well as direct and indirect impacts to these species, as identified in the Final EIR. With implementation of Mitigation Measures BIO-1 through BIO-9, impacts would be reduced to less-than-significant levels.

> **Mitigation Measure BIO-1:** Prior to construction, a qualified botanist shall conduct a pre-construction rare plant survey within the Project Site, particularly focusing on areas with suitable habitat to support special-status plant species. The survey shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of, at a minimum, areas proposed for disturbance.

The results of the survey shall be documented in a letter report that will be submitted to San Bernardino County. If individual or populations of special-status plant species are found along the edges of areas that are proposed for disturbance, measures to avoid and minimize impacts to these plants, including but not limited to flagging and/or fencing, shall be recommended and implemented as appropriate. Existing vegetation within the Project Site would be removed, but mitigation for the loss of CNPS List 1 or 2 special-status plant species that are detected during preconstruction surveys within the Project Site shall be considered during the process of purchasing mitigation lands for Project impacts. The surveys and reporting shall follow 2018 CDFW and/or 2001 CNPS guidelines.

Although not expected, if State- and/or Federally-listed plant species are present and avoidance is infeasible, consultation with the CDFW and/or USFWS will be conducted and an Incidental Take Permit(s) from the CDFW and/or USFWS may be warranted prior to the commencement of Project activities. In the event that State or federally listed plant species are present and avoidance is infeasible, the County shall assess whether the loss of individual plants constitutes a "substantial adverse effect" on the species and if so, shall require mitigation for such impacts through the acquisition and protection of mitigation land commensurate with the impact. Acquisition of mitigation land is not required if equivalent mitigation will or has already been provided through an Incidental Take Permit.

Mitigation Measure BIO-2: If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the Project Site. The extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

Mitigation Measure BIO-3: Pre-construction burrow clearance surveys shall be conducted by a qualified biologist to ensure that burrowing owls, desert kit fox, or American badger remain absent from the Project Site and impacts to these animals do not occur. Two (2) pre-construction clearance surveys should be conducted: the first to be conducted 14-30 days prior and the second to be conducted no more than 24 hours prior to any vegetation removal or ground disturbing activities. Once surveys are completed, the qualified biologist shall prepare a final report documenting surveys and findings. If no occupied burrows are detected, Project construction activities may begin. If an occupied burrow is found within the Project Site during pre-construction clearance surveys, a burrowing owl, desert kit fox, or American badger exclusion and mitigation plan shall be prepared and submitted to the County, which may consult with CDFW for review, prior to initiating Project construction activities.

Mitigation Measure BIO-4: A qualified bat biologist shall survey all suitable structures and vegetation on the Project Site for bat roosts within 30 days prior to the start of Project construction activities. If bats roosts are found within the Project Site, the qualified bat biologist shall identify the bats to the species level and evaluate the colony to determine its size and significance. If structures on the Project Site house an active maternity colony of bats, construction activities shall not occur during the recognized bat breeding season (March 1 to October 1). Proposed work in areas with no suitable habitat shall not require a bat survey.

If Project activities must occur during non-daylight hours or during the bat breeding season (March 1 to October 1), a qualified bat biologist shall establish monitoring measures, including frequency and duration, based on species, individual behavior, and type of construction activities. Night lighting should be used only within the portion of the Project Site actively being worked on and should be focused directly on the work area. This measure would minimize visual disturbance and allow bats to continue to utilize the remainder of the area for foraging and night roosting. If bats are showing signs of distress, work activities shall be modified to prevent bats from abandoning their roost or altering their feeding behavior. The qualified biologist shall have the authority to halt work if there are any signs of distress or disturbance that may lead to roost abandonment. Work shall not resume until corrective measures have been taken or it is determined that continued activity would not adversely affect roost success.

Mitigation Measure BIO-5: Prior to construction, a qualified biologist shall conduct preconstruction clearance surveys for Mohave ground squirrel. The biologist shall be current with the latest information on protocols and guidelines and have thorough and current knowledge of the species' behavior, natural history, ecology, and physiology. If any individual Mohave ground squirrels are found within the Project Site during pre-construction clearance surveys, the Project shall contact CDFW for appropriate action.

Mitigation Measure BIO-6: Off-road travel shall be prohibited in all native habitats adjacent to the Project Site during construction and operation. Such areas shall be posted prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked.

Mitigation Measure BIO-7: Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour.

Mitigation Measure BIO-8: Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to provide construction contractors and all on-site personnel with information to encourage awareness and preservation of the desert ecosystem and the key species and resources with potential to occur on the Project Site and that are found in the western Mojave Desert. The WEAP shall also educate and instruct on-site personnel to avoid harassment and disturbance of wildlife, especially during reproductive activities (e.g., courtship and nesting) during construction. At a minimum, the program shall contain information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protective measures associated with the listed species that potentially occur within or adjacent to the Project Site. The program shall be administered to all onsite personnel including employees, contractors, contractors' employees, supervisors, inspectors, and subcontractors. The program shall be administered by a qualified biologist. It shall include an oral

presentation, video/PowerPoint, and/or written materials. Each Project employee, as well as employees of contractors and subcontractors, who participate in the environmental awareness program shall sign an affidavit declaring that the individual understands and will adhere to the guidelines set forth in the program material. Documentation shall be retained demonstrating that construction personnel attended the training.

Mitigation Measure BIO-9: The following best management practices shall be implemented during Project grading and construction and decommissioning activities to further address potential impacts on special-status wildlife species:

- To prevent inadvertent entrapment during construction, at the end of each workday all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials or be equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by construction personnel trained by a qualified biologist. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a trapped listed species is discovered, the Project shall contact CDFW and/or USFWS to determine appropriate action.
- All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a listed species is discovered inside a pipe, that section of pipe shall not be moved. The Project shall contact CDFW and/or USFWS to determine the appropriate action.
- Construction personnel trained by a qualified biologist or the qualified biologist shall inspect for special-status species and other wildlife under vehicles and equipment every time the vehicles or equipment are moved. If an animal is present, site workers shall wait for the individual to move to a safe location. If a listed species is discovered under equipment or vehicles and does not move on its own, the project shall contact CDFW and/or USFWS to determine the appropriate action.
- To avoid toxic substances on road surfaces, soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants.
- To minimize spills of hazardous materials, all vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.
- To discourage attraction by predators to the Project Site, all food-related trash items, such as wrappers, cans, bottles, and food scraps, shall be disposed of in solid, closed containers (trash cans) on a daily basis. Onsite trash receptacles shall be emptied as necessary (for example, weekly) to prevent overflow of trash. Trash removed from the receptacles shall be hauled to an offsite waste disposal facility. Workers shall not feed wildlife or bring pets to the Project Site.

- The Project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the Project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Lahontan Regional Water Quality Control Board. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.

Basis for Finding. Mitigation Measure BIO-1 would be implemented to reduce potentially significant impacts on special-status plant species that could be present onsite prior to the commencement of Project construction. The implementation of Mitigation Measure BIO-1 would include surveying for the species and implementing appropriate avoidance measures. With the implementation of Mitigation Measure BIO-1, potential impacts on special status plant species would be reduced to less than significant.

Mitigation Measures BIO-2, BIO-3, and BIO-4 require focused surveys, pre-construction burrow surveys, nesting bird surveys, and avoidance and minimization efforts. Focused survey efforts for loggerhead shrike, long-eared owl, golden eagle, prairie falcon, and yellow warbler are not recommended. Instead, the presence of these species can be determined with a nesting bird survey required through the implementation of Mitigation Measure BIO-2. Focused surveys for burrowing owl, desert kit fox, and American badger, all of which were determined to have low potentials to occur within the survey area based on field survey observations and known records in the area, are not recommended, as 100 percent of the survey area was covered during focused desert tortoise survey efforts in 2020 and 2021 and no suitable burrowing owl, desert kit fox, or American badger burrows or sign were found within the survey area. Mitigation Measure BIO-3 requires pre-construction burrow surveys to ensure that owls, kit fox, and badger remain absent from the Project Site prior to the commencement of construction. Mitigation Measure BIO-4 is required for bat roost avoidance and impact minimization efforts. With the implementation of Mitigation Measures BIO-2, BIO-3, and BIO-4, potential impacts on special status bird species, desert kit fox, American badger, or roosting bats would be reduced to less than significant.

Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8 require preconstruction clearance surveys, prohibition of off-road travel, speed limits, and a worker education awareness program. If the construction and operation of the Project were to result in “take” of individual Mojave ground squirrels, it is not anticipated that many individual animals would be taken due to the moderate to low suitability of the habitat and the avoidance measures detailed in Mitigation Measure BIO-5. Obtaining an incidental take permit from CDFW may be warranted to maintain compliance with state law but the take of a small number of individuals is not expected to have a substantial adverse effect on the species, which would be required to conclude a significant impact under CEQA. Nonetheless, to the extent there were a species-level impact from take of individuals, the Project has already permanently conserved off-site mitigation lands in perpetuity by conveying land to the Department of Fish and Game of the State of California (CDFG). Implementation of Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO 8 are required to minimize and avoid potential impacts on

desert tortoise and Mojave ground squirrel during Project construction and operation. Implementation of these mitigation measures would reduce potential impacts on desert tortoise and Mojave ground squirrel that could enter the Project Site once construction activities begin or Project operations begin to less than significant.

Mitigation Measures BIO-8 and BIO-9 require worker education training, and measures for avoidance and protection of biological resources. Implementation of Mitigation Measures BIO-8 and BIO-9 during the decommissioning period would reduce potentially significant impacts to special-status wildlife and plant species to less than significant.

C. Cultural Resources (Archaeological Resources)

Impact 4.4-2: The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5. (Potentially Significant Construction Impact.) (For operation, see Section 4.1, Impact 4.4-2 above.) (Draft EIR pgs. 4.4-11 to 4.4-12)

During the field survey, BCR Consulting personnel were unable to locate the four previously recorded prehistoric isolated artifacts (P-36-62624, P-36-62625, P-36-62653, P-36-62654). Five additional isolated finds (four prehistoric and one historic-period) and one historic-period archaeological site were identified. Following the archival research and field work, it was determined that there are no known archaeological resources on the Project Site.

The Project Site has been subject to near complete surface disturbance associated with past agricultural use, grading during partial construction of the SEGS X facility that was initiated in the early 1990s and halted in 1991, as well as construction of the Shared Facilities Area for the existing SEGS VIII and IX Solar Thermal Power Plants. However, the potential exists that there may be undiscovered archaeological resources that could be unearthed during ground-disturbing activities during Project construction. As there is potential for ground-disturbing activities to encounter previously unknown prehistoric archaeological resources, impacts would be considered potentially significant. Therefore, the Project would be required to implement Mitigation Measures CUL-1 and CUL-2 to reduce potential impacts to archaeological resources to a less-than-significant level during Project construction.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant impacts to archaeological resources during construction as identified in the Final EIR. With the implementation of Mitigation Measures CUL-1 and CUL-2, potential impacts to archaeological resources during construction would be reduced to less-than-significant levels.

> **Mitigation Measure CUL-1:** Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of buried prehistoric or historic cultural deposits. Development of the WEAP shall include consultation with a Qualified Archaeologist meeting the Secretary of the Interior standards. The WEAP shall provide an overview of potential significant archaeological resources that could be encountered during ground disturbing activities, including how to identify prehistoric or historic cultural deposits, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Archaeologist. Prior to ground disturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction

personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.

In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a Qualified Archaeologist shall be hired to assess the find. The Qualified Archaeologist shall have the authority to stop or divert construction excavation as necessary. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within Mitigation Measure TCR-1, regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

Mitigation Measure CUL-2: If significant pre-contact and/or post-contact cultural resources, as defined by CEQA are discovered, and avoidance cannot be ensured, the qualified archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Director of the Planning Division for review and comment, as detailed within Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly.

Basis for Finding. Mitigation Measures CUL-1 and CUL-2 require a WEAP, hiring of a Qualified Archaeologist in the event of a find, and preparation of a monitoring and treatment plan if resources cannot be avoided. The mitigation measures provide procedures in the event that an archaeological resource is unearthed. With the implementation of Mitigation Measures CUL-1 and CUL-2, construction of the Project would result in less than significant impacts to archaeological resources.

D. Geology and Soils (Paleontological Resources)

Impact 4.6-9: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Potentially Significant Construction Impact.) (For Operation, see Section 4.1, Impact 4.6-9 above.) (Draft EIR pgs. 4.6-13 to 4.6-14)

While there are no known unique geologic features within the Project Site, the substantial depths of disturbance or excavation within the Project Site during Project construction would increase the potential likelihood of reaching Early Holocene or Lake Pleistocene alluvial sediments, which would have a higher potential to be paleontologically sensitive, as per the guidelines of the Society of Vertebrate Paleontology (SVP). Therefore, impacts related to paleontological resources during Project construction would be potentially significant. With implementation of Mitigation Measures GEO-1 and GEO-2, impacts during Project construction to unique paleontological resources or sites would be reduced to less than significant.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant impacts to paleontological resources during construction as identified in the Final EIR. With the implementation of Mitigation Measures GEO-1 and GEO-2, potential impacts to unknown paleontological resources during construction would be reduced to less-than-significant levels.

Mitigation Measure GEO-1. Prior to initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of paleontological resources. Development of the WEAP shall

include consultation with a Qualified Paleontologist. The Qualified Paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology (2010). The WEAP training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Paleontologist. Prior to ground-disturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.

Mitigation Measure GEO-2. In the event that paleontological resources are exposed during construction activities for the Project, all work occurring within 100 feet of the find shall immediately stop until a Qualified Paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Work shall be allowed to continue outside of the buffer area. If it is demonstrated that resources cannot be avoided, the Qualified Paleontologist shall develop additional treatment measures that follow the guidelines of the SVP (2010) in consultation with the County, which may include recovery or other appropriate measures. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, if such an institution agrees to accept the fossils. The Qualified Paleontologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.

Basis for Finding. Mitigation Measures GEO-1 and GEO-2 require construction worker paleontological resources sensitivity training, and procedures to follow in the event of paleontological resources discoveries. Implementation of Mitigation Measures GEO-1 and GEO-2 would reduce the potential for adverse effects on paleontological resources individually and would preserve and maximize the potential of these resources to contribute to the body of scientific knowledge. With implementation of Mitigation Measures GEO-1 and GEO-2, construction of the Project would result in less than significant impacts to paleontological resources.

E. Tribal Cultural Resources

Impact 4.12-1: The Project could be developed in an area listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k).

Impact 4.12-2: The Project could contain a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Potentially Significant Impact.) (Draft EIR pgs. 4.12-6 to 4.12-8)

Tribal cultural resources, as defined in PRC Section 5020.1(k), have not been previously identified within the Project Site and are considered unlikely to be present given the historical use of the Project Site. As a result of the County's consultation efforts and other archival research, no known tribal cultural resources or tribal cultural places have been identified within the Project Site or immediate vicinity. Therefore, the Project would result in no impacts to tribal cultural resources. The Project Site does not contain any existing structures or extant historical tribal cultural resources with the potential for inclusion on the California Register of Historical Resources or a local register. However, the potential exists that there may be

undiscovered tribal cultural resources that could be unearthed during ground-disturbing activities during Project construction. Therefore, as there is potential for ground-disturbing activities to encounter buried or unknown tribal cultural resources, impacts would be considered potentially significant. The Project would be required to implement Mitigation Measures TCR-1 and TCR-2 to reduce potential impacts to tribal cultural resources to a less-than-significant level during Project construction.

Finding. The County finds that changes or alterations have been required in, or incorporated into, the Project that substantially lessen significant tribal cultural resources impacts as identified in the Final EIR. With the implementation of Mitigation Measures TCR-1 and TCR-2, potential impacts to tribal cultural resources would be reduced to less-than-significant levels.

Mitigation Measure TCR-1: The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in Mitigation Measure CUL-1, if any pre-contact and/or post-contact cultural resources is discovered during Project implementation and be provided information regarding the nature of the find so as to provide Tribal input with regards to significance and treatment. Should the discovery be deemed significant, as defined by the California Environmental Quality Act, a Cultural Resources Monitoring and Treatment Plan shall be created by a Qualified Archaeologist, in coordination with SMBMI and the County Planning Department, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to represent SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on-site.

If a pre-contact cultural resource is discovered during Project implementation, the following actions are required:

(a) Ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed;

(b) The County shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the SMBMI Cultural Resources Department, the Applicant, and the County shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. SMBMI has indicated it is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the County, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have

been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

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

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the County and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the County, and SMBMI.

Inadvertent Discovery Guideline

1. In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the SMBMI shall be contacted regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

2. If significant pre-contact and/or post-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly.

3. If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

Mitigation Measure TCR-2: Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the

Applicant and County for dissemination to the SMBMI. The County and/or Applicant shall, in good faith, consult with SMBMI throughout the life of the Project.

Basis for Finding. Mitigation Measures TCR-1 and TCR-2 require contacting the SMBMI in the event of inadvertent discovery, suspending construction, and preparing a research design plan; and supplying all documents to the SMBMI, along with consultation through the life of the Project. The mitigation measures provide procedures in the event that a tribal cultural resource is unearthed. With the implementation of Mitigation Measures TCR-1 and TCR-2, construction of the Project would result in less than significant impacts to tribal cultural resources.

Section 5. Other CEQA Considerations

Growth Inducing Impacts

CEQA Guidelines Section 15126.2(e) requires that an EIR "discuss the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Please refer to Section 5.2 of the Draft EIR for an analysis of the potential growth-inducing impacts of the Project.

In general terms, a project may induce spatial, economic or population growth in a geographic area if it meets any one of the four criteria: (1) removal of an impediment to growth (e.g., establishment of an essential public service or the provisions of new access to an area); (2) economic expansion or growth (e.g., changes in revenue base, employment expansion, etc.); (3) establishment of a precedent setting action (e.g., an innovation, a change in zoning or general plan amendment approval); or (4) development or encroachment in an isolated area or one adjacent to open space (being different from an "infill" type of project).

The Project would not introduce features that draw other developments into an area. The Project would not encourage growth in the area. With respect to employment, construction workers would be working in the area temporarily and are not expected to relocate to the area with their families. It is anticipated that the construction workforce would commute to the site each day from local communities, and the majority would likely come from the existing labor pool as construction workers travel from site to site as needed. Construction staff not drawn from the local labor pool would stay in any of the local hotels in Barstow or other local communities. Temporary construction workers are not expected to generate a demand for services that would require an extension of infrastructure into areas that have not previously been served by public facilities (e.g., new water mains, sewer mains, or roadways). Employees that currently operate the Solar Energy Generating System (SEGS) VIII and SEGS IX facilities would continue to serve as operations staff for this Project.

The Project would contribute to the energy supply, which supports growth, but the development of power infrastructure is a response to increased market demand. Energy demand, as determined by the California Public Utilities Commission with input from the California Energy Commission drives generation procurement; procurement does not drive an increase in either utility customers or energy consumption.

Based upon these considerations, the Project will not result in significant growth-inducing impacts.

Significant and Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(c) defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the Project. Irreversible impacts can also result from damage caused by environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified.

Build-out of the Project would commit nonrenewable resources during Project construction and operation. During Project construction, nonrenewable resources such as oil, gas, and other fossil fuels would be consumed, primarily in the form of production of Project facilities and transportation fuel for construction workers. The County approved the Lockhart Solar I Facility (CUP Project #201900125) in 2019, which contemplated that existing SEGS operations staff would continue operation of the Lockhart Solar I Facility. Lockhart Solar I Facility operations staff would also support operations for the Project. As such there would be no increase in the use of oil, gas, and other fossil fuels and nonrenewable resources associated with additional operations staff. However, the Project would generate minimal periodic operational vehicle trips internal to the Project Site for required maintenance activities, 40 trips per year for solar panel washing, and may require materials for replacement parts/repairs over the course of facility operations. Therefore, an irreversible commitment of nonrenewable resources would occur as a result of short-term Project construction and long-term Project operations. However, assuming that those commitments occur in accordance with the adopted goals, policies, and implementation measures of the San Bernardino Countywide Plan, as a matter of public policy, those commitments have been determined to be acceptable. The San Bernardino County Countywide Plan/Policy Plan ensures that any irreversible environmental changes associated with those commitments will be minimized. Furthermore, the Project will provide a new source of renewable energy that would reduce the need for future consumption of nonrenewable fossil fuels for energy use.

Section 6. Evaluation of Alternatives

In accordance with CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project or to the location of the project that could feasibly avoid or lessen any significant environmental impacts of the project while attaining most of the project's basic objectives and evaluate the comparative merits of the alternatives. The Project's objectives are provided above in Section 3.2, *Project Objectives*. CEQA Guidelines Section 15126.6(b) states that the selection of project alternatives "shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly." As described in CEQA Guidelines Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are environmental impacts, site suitability, economic viability, social and political acceptability, technological capacity, availability of infrastructure, Countywide Plan consistency, specific plan consistency, regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control, or otherwise have access to an alternative site. If an alternative has effects that cannot be reasonably identified, if its implementation is remote or speculative, or if it would not achieve the basic project objectives, it need not be considered in the EIR.

The environmental impact analysis revealed that all potentially significant impacts could be mitigated to less than significant impacts with implementation of feasible mitigation measures. Thus, the Project would not result in any significant and unavoidable impacts. Based on the significant environmental impacts of the Project, the aforementioned objectives established for the Project, and the feasibility of the alternatives

considered, three alternatives, including the No Project Alternative as required by CEQA, are considered in the EIR.

CEQA Guidelines Section 15126.6(e)(2) indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR, and that if the "no project" alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives. In general, the environmentally superior alternative is the alternative with the least adverse impacts on the environment.

No significant and unavoidable impacts were identified. Therefore, based on the objectives established for the Project (set forth above), the following alternatives were evaluated:

1. No Project Alternative
2. Reduced Acreage Alternative
3. Alternative Site Alternative

The impacts of each alternative evaluated in detail in the Draft EIR are compared to the Project's impacts in Draft EIR Chapter 6.0, *Alternatives*, with a summary of comparative impacts provided in Draft EIR Table 6-2.

The County finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even if alternatives might impede attainment of the Project objectives or be more costly. As a result, the scope of alternatives analyzed in the Final EIR is not unduly limited or narrow. The County also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the EIR and the ultimate decision on the Project.

Project Objectives

In identifying potentially feasible alternatives to the Project, the following Project objectives were considered:

1. Site PV solar power-generating facilities and energy storage on previously graded and disturbed land, near existing utility infrastructure, thereby achieving economies of scale to maximize shared operation and maintenance facilities with existing solar operations.

2. Establish solar PV power-generating facilities and energy storage of sufficient size and configuration to produce and deliver reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power companies.

3. Use proven and established PV and energy storage technology that is efficient and requires low maintenance.

4. Assist California in meeting greenhouse gas emission reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 in 2016 to address the effects of climate change on the environment and the economy.

5. Promote the County's Renewable Energy and Conservation Element (RECE) policies and be sited in an area identified as suitable for utility oriented renewable energy generation projects.

6. Develop a PV solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

6.1 Alternatives Considered and Rejected

According to CEQA Guidelines Section 15126.6(c), alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the Project objectives, are infeasible, or do not avoid or substantially reduce any significant environmental effects. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not need to be considered (CEQA Guidelines Section 15126(f)(2)). Though the Project would not result in any significant and unavoidable impacts, the County considered several alternatives that could reduce potential impacts associated with Project implementation. Alternatives initially considered but eliminated from further consideration in this EIR because they do not meet any Project objectives or were infeasible. These alternatives that were considered but rejected after initial analysis include a wind energy project alternative and industrial power plant alternative.

As identified in PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), findings are required only for "alternatives identified in the environmental impact report." Alternatives that are not reviewed in detail in the EIR because they have been determined to be infeasible need not be discussed in the findings. Therefore, findings are not provided for alternatives considered in the Draft EIR and rejected from detailed analysis.

6.2 Alternatives Analyzed in the EIR

6.2.1 Alternative 1: No Project Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternative consists of the circumstance under which the Project would not proceed. The No Project Alternative assumes that no new development would occur within the Project Site. Accordingly, Alternative 1, the No Project Alternative, assumes that development of a utility scale solar PV electricity generation and energy storage facility would not occur. The No Project Alternative would not require County approval of CUPs and would result in no change in land use classifications for the Project Site. Existing land uses on the Project Site would remain in the current condition, which consist mostly of vacant, previously disturbed land, miscellaneous concrete foundations, various electrical lines and poles, as well as existing facilities within the Shared Facilities Area as well as an existing 6-foot-tall chain link fence with desert tortoise exclusion fencing that currently surrounds the perimeter of the Project Site. No physical changes would be made to the Project Site and the remnants of the partially developed structures left from initial construction of the SEGS X project would remain.

Finding. The County finds that the No Project Alternative is infeasible because, although it is environmentally superior to the Project, it would not meet any of the Project Objectives and would not provide any of the benefits associated with the Project, and thus rejects this alternative.

Basis for Finding. The baseline environmental conditions on the Project Site would remain under the No Project Alternative. The No Project Alternative would have fewer impacts on most environmental resources as compared to the Project because no construction would occur, and the Project Site would remain in its current condition. Compared to the Project, this alternative would underutilize land that has been planned for a solar energy facility within an existing fenced area that would remain vacant and undeveloped. The No Project Alternative would not fulfill any of the Project Objectives for meeting renewable energy generation goals, siting a solar facility in previously disturbed lands near existing utility infrastructure, achieving economies of scale to maximize shared operation and maintenance facilities with existing solar operations, and helping local energy companies in fulfilling local renewable energy procurement goals. Additionally, the No Project Alternative would lose the beneficial impacts to visual resources and energy.

6.2.2 Alternative 2: Reduced Acreage Alternative

Under the Reduced Acreage Alternative, the Project Site would be reduced to only include CUP Areas 1, 3, and 4. This alternative would reduce the Project's footprint from 722 acres to 675 acres and would restrict construction of Project facilities to CUP Areas 1, 3, and 4 (see Figure 6-1 of the Draft EIR). Restricting construction of Project facilities in this 80-acre area would keep this portion of the Project Site in its current state. This area is the closest portion of the Project to known habitat for special status bird species such as western snowy plover, mountain plover, and burrowing owls farther to the east around Harper Dry Lake; see Figure 4.3-4 of the Draft EIR. Although this 80-acre area is currently fenced, excluding development within the CUP 2 area would provide additional distance between the Project and these offsite populations.

Solar panels and associated infrastructure would be restricted to the reduced development area. The Reduced Acreage Alternative would diminish Project energy generation production by approximately 15 MW due to reduction of the 80-acre CUP 2 area. This would result in the corresponding reduction in renewable energy output from the Project by approximately 10 percent. As the BESS system will be designed to store energy generated from the Project's PV panels as well as energy delivered via the grid, and it is possible to charge from either source, no reduction in storage would be anticipated. Under this Alternative, the existing 6-foot-tall chain link perimeter fence with desert tortoise exclusion fencing would remain in place and the 80-acre area of land with CUP 2 area would remain in the current undeveloped condition. This alternative would require County approval of three CUPs instead of four as under the Project.

Finding. The County finds that the Reduced Acreage Alternative would generally meet the Project objectives, but three important objectives would be met to a lesser extent than the Project while resulting in mostly similar or only slightly reduced impacts that are already less than significant or reduced to less-than-significant with the Project, and thus rejects this alternative.

Basis for Finding. The Reduced Acreage Alternative is the environmentally superior alternative because it would incrementally reduce certain impacts associated with the Project due to the reduced footprint (e.g., air quality, biological resources, cultural resources, geology and soils, hydrology, and utilities). However, the Project would not result in any significant and unavoidable impacts, so environmental impacts would be less than significant for all resource areas under either the Project or Alternative 2. Further, Alternative 2 would not realize certain environmental benefits and would not meet the Project objectives to the same extent as the Project. Alternative 2 would leave undeveloped underutilized land that has been planned for a solar energy facility, within an existing fenced area surrounded by similar renewable energy development. Alternative 2 would also contribute less than the Project in assisting California reach its renewable energy

generation goals under SB 100. Alternative 2 would attain most of the Project Objectives, although it would not do so to the same extent as the Project.

The Reduced Acreage Alternative would meet the objectives of minimizing environmental impacts by siting a facility on disturbed lands and developing in proximity of existing utility scale solar generating facilities. But compared to the Project, this alternative would underutilize land that has been planned for a solar energy facility within an existing fenced area that would remain vacant and undeveloped. Given the other existing and proposed solar facilities adjacent to this site, a solar facility within the CUP 2 area would be the most compatible land use.

The Reduced Acreage Alternative would reduce Project energy generation production by approximately 15 MW. Compared to the Project, the Reduced Acreage Alternative would meet the objective of establishing solar PV power-generating facilities and energy storage of sufficient size and configuration to produce reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power companies; however, to a lesser degree. While this alternative would achieve economies of scale to maximize shared operation and maintenance facilities with existing solar developments, because the Reduced Acreage Alternative is 80 acres smaller in size than the Project, it would have less power generating capacity to produce reliable electricity. This alternative would partially meet the objectives of achieving economies of scale to maximize shared operation and maintenance facilities with existing solar developments. This reduction would reduce the Reduced Acreage Alternative's contribution to assisting California reach its renewable energy generation goals under SB 100, requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045.

Overall, the Reduced Acreage Alternative would meet the six Project Objectives, but three of the objectives would only be partially met compared to the Project.

6.2.3 Alternative 3: Alternative Site Alternative

Alternative 3, includes use of approximately 1,386 acres on BLM-administered land, located west of the SR-395 and north of SR-58, just north of the community of Boron as shown on Figure 6-2: Alternative Site Alternative. The Alternative 3 site is designated as a Development Focus Area (DFA) for renewable energy in the Desert Renewable Energy Conservation Plan (DRECP). Due to development constraints associated with topography and natural drainages of the Alternative site, it was assumed that a larger area than the 722-acre Project Site would be required (approximately 1,386 acres) to achieve development of a similar utility-scale renewable energy facility as proposed under the Project.

The DRECP requires the CDFW to develop a county-wide conservation strategy that addresses the Mohave ground squirrels, prior to developing land in DFA-designated areas. The Mohave ground squirrel Conservation Strategy and DRECP consider the Alternative 3 site a feasible location for solar development and solar development is an allowable use; however, further evaluation is required on the Mohave ground squirrel conservation requirements for the area before it can be opened to renewable energy applications for individual projects.

This Alternative would require construction of a new generation transmission line (gen-tie) to transmit the power generated from the facility to the existing SCE-owned substation at Kramer Junction. A potentially feasible route for the Alternative 3 gen-tie is shown on Figure 6-2 of the Draft EIR but has not been fully determined at this time. It is assumed that interconnection would require an approximately 6-mile-long gen-

tie line and use right-of-way within existing roadways from the southeast corner of the site to the point of interconnection at the Kramer Junction Substation.

The viability of this Alternative is uncertain given the need to obtain permission to utilize land under the control of another jurisdiction (BLM). Depending on the final route of the gen-tie, additional new rights-of-way may be required for the entirety, or a portion of the gen-tie line if existing rights of way are not available or the gen-tie route requires new access points to build and maintain the gen-tie line. The Applicant does not currently have land rights to place a gen-tie line in this alternative alignment.

Finding. The County finds that Alternative 3 is infeasible because it fails to meet important Project objectives, would result in greater impacts for most environmental resource areas as compared to the Project, and would require additional approvals by other agencies, and thus rejects this alternative.

Basis for Finding. Implementation of Alternative Site Alternative would result in greater impacts on all environmental resource areas, except for hazards and hazardous materials and noise, as compared to the Project. This Alternative would meet some of the Project Objectives and is located within DRECP DFAs that are recommended for renewable energy projects. The Alternative Site Alternative would not meet the objectives of minimizing environmental impacts by siting a facility on disturbed lands and developing in proximity of existing utility scale solar generating facilities. The Alternative Site Alternative would also not meet the objective of achieving economies of scale to maximize shared operation and maintenance facilities with existing solar developments.

This Alternative would, to a lesser extent than the Project, meet the Project Objective of establishing a solar PV power-generating facilities and energy storage of sufficient size and configuration to produce reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power companies. Due to physical site constraints, increased mitigation requirements, increased construction costs, and the absence of land control this alternative is less economically feasible than the Project when considering the additional expenses. Additionally, this Alternative has additional expenses for infrastructure costs associated with O&M compared to the Project which will share existing O&M facilities. The Alternative Site Alternative would meet the Project Objective related to developing a PV solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

Additionally, this Alternative would require a BLM right-of-way grant for development, County approval for development of an overhead gen-tie line, and coordination with CDFW to develop the project consistent with the 2019 CDFW conservation strategy for Mohave ground squirrel. These additional processes could substantially increase the cost and length of time required for permitting this Alternative.

Overall, the Alternative Site Alternative would meet the some, but not all of the Project objectives. Further, this alternative would underutilize land that has been planned for a solar energy facility within an existing fenced area that would remain vacant and undeveloped.

6.2.4 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires the designation of an environmentally superior alternative to the Project and, if the environmentally superior alternative is the No Project Alternative, selection of an environmentally superior alternative from among the remaining alternatives.

Of the alternatives listed above, Alternative 2, the Reduced Acreage Alterative, is conservatively considered as the environmentally superior alternative because it would incrementally reduce certain impacts of the Project due to the reduced footprint. However, the Project would not result in any significant and unavoidable impacts, so environmental impacts would be less than significant for all resource areas under either the Project or Alternative 2. Further, Alternative 2 would not realize certain environmental benefits and would not meet the Project objectives to the same extent as the Project. Alternative 2 would leave undeveloped underutilized land that has been planned for a solar energy facility, within an existing fenced area surrounded by similar renewable energy development. Alternative 2 would also contribute less than the Project in assisting California reach its renewable energy generation goals under SB 100. Alternative 2 would attain most of the Project Objectives, although it would not do so to the same extent as the Project.

Section 7. Findings Regarding the Final EIR

Chapter 2.0, *Comment Letters and Responses to Comments,* of the Final EIR provides the comments received during the public review period on the Draft EIR, as well as the County's responses to these comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines Section 15088(c). The County provided a written proposed response to each public agency on comments made by that public agency pursuant to CEQA Guidelines Section 15088(b).

The purpose of the Final EIR is to respond to all comments received by the County regarding the environmental information and analyses contained in the Draft EIR. Chapter 3.0, *Corrections and Additions to the EIR*, of the Final EIR includes any clarifications/corrections to the text of the EIR generated either from responses to comments or independently by the County. The County finds that comments made on the Draft EIR, the responses to these comments, and revisions to the EIR clarify or update the analysis presented in the document but do not change the analysis or conclusions of the EIR. Accordingly, no significant new information, as described in CEQA Guidelines Section 15088.5, was added to the EIR after the Draft EIR were made available for public review.

The comments, responses to comments, and the clarifications to the EIR do not trigger the need to recirculate the EIR pursuant to CEQA Guidelines Section 15088.5. These changes merely clarify or update the discussion but do not change the analysis or conclusions of the EIR. Based on the analysis in the Draft EIR, the comments received, and the responses to these comments, no substantial new environmental issues have been raised that have not been adequately addressed in the EIR. Also, no changes to the analysis or conclusions of the EIR are necessary based on the comments, the responses to the comments, and the revisions to the EIR.

Section 8. Findings Regarding the Mitigation Monitoring and Reporting Program

PRC Section 21081.6 requires that when a public agency is making the finding required by PRC Section 21081(a)(1), the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval adopted in order to mitigate or avoid significant effects on the environment.

The mitigation measures in the MMRP would serve to avoid or reduce environmental impacts associated with implementation of the Project to less than significant levels, as supported by substantial evidence in the Record of Proceedings for the Project. The MMRP ensures implementation of the mitigation measures and provides the following information: (1) the full text of the mitigation measure and the impact statement(s) to which it applies; (2) the timing/phase of the Project during which the measure would be implemented; (3) the agency responsible for monitoring implementation of the mitigation measure; and (4) the procedure to demonstrate implementation and compliance of the mitigation measure. Thus, the County hereby finds that the MMRP meets the requirements of PRC Section 21081.6.

EXHIBIT H

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program
Environmental Impact Report
Lockhart Solar PV II Project

Prepared by:

County of San Bernardino, Land Use Services Department
15900 Smoke Tree Street, Suite #131
Hesperia, California 92345
Contact: Magda Gonzalez, Senior Planner

APRIL 2022

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Lockhart Solar PV II Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
15900 Smoke Tree Street, Suite #131
Hesperia, CA. 92345

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2 Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
Section 4.2, Air Quality				
Mitigation Measure AQ-1 All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 Final emission standards during demolition, grading, and facilities construction. In addition, construction equipment shall be outfitted with best available control technologies (BACT) devices certified by the CARB. Emissions control devices used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. An exemption from these requirements may be granted by the County in the event that the Applicant documents that equipment with the required tier is not reasonably available and the Applicant proposes to replace that equipment with similar sized equipment which meets the next most stringent standard available (i.e., the Applicant must seek replacement equipment that meets Tier 4 Interim standards, and only when none are found to be reasonably available, seek equipment meeting Tier 3 standards, etc.). Under no circumstances will the County allow more than half of the heavy-duty equipment usage for Project construction or decommissioning (measured as total horse-power hours of usage) to be less stringent than Tier 4 Final. A copy of each unit's certified tier specification, BACT documentation, and CARB operating permit shall be provided to the County of San Bernardino at the time of mobilization of each applicable unit of equipment.	Pre-construction Construction	Require as Condition of Approval by County	County Land Use Services Department Mojave Desert Air Quality Management District (MDAQMD) Project Applicant	Applicant to provide documentation for each unit at the time of mobilization of each applicable unit of equipment. Compliance shall be demonstrated and verified through periodic inspections by the County and MDAQMD.
Mitigation Measure AQ-2 Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices including: • Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever. • Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing, and treatment options. This training must be completed by all workers and visitors (expected to be on-site for more than 2 days) prior to participating in or working in proximity to any ground	Pre-construction	Require as Condition of Approval by County	County Land Use Services Department Project Applicant	Applicant to provide a copy of the VFMP to the County for review and approval. Applicant to record and report attendance at Valley Fever training sessions. Signed documentation of successful completion of training to be kept on-site for the duration of construction.

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction. • Developing a job-specific Job Hazard Analyses (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust, and maintain and manage safety supplies identified by the JHA. • Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.				
Section 4.3, Biological Resources				
Mitigation Measure BIO-1 Prior to construction, a qualified botanist shall conduct a pre-construction rare plant survey within the Project Site, particularly focusing on areas with suitable habitat to support special-status plant species. The survey shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of, at a minimum, areas proposed for disturbance. The results of the survey shall be documented in a letter report that will be submitted to San Bernardino County. If individual or populations of special-status plant species are found along the edges of areas that are proposed for disturbance, measures to avoid and minimize impacts to these plants, including but not limited to flagging and/or fencing, shall be recommended and implemented as appropriate. Existing vegetation within the Project Site would be removed, but mitigation for the loss of CNPS List 1 or 2 special-status plant species that are detected during preconstruction surveys within the Project Site shall be considered during the process of purchasing mitigation lands for Project impacts. The surveys and reporting shall follow 2018 CDFW and/or 2001 CNPS guidelines. Although not expected, if State- and/or Federally-listed plant species are present and avoidance is infeasible, consultation with the CDFW and/or USFWS will be conducted and an Incidental Take Permit(s) from the CDFW and/or USFWS may be warranted prior to the commencement of Project activities. In the event that State or federally listed plant species are present and avoidance is infeasible, the County shall assess whether the loss of individual plants constitutes a "substantial adverse effect" on the species and if so, shall require mitigation for such impacts through the acquisition and protection of mitigation land commensurate with the impact. Acquisition of mitigation land is not required if equivalent mitigation will or has already been provided through an Incidental Take Permit.	Pre-construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated by a letter report containing the results of the survey. If necessary, consultation with the CDFW and/or USFWS. Compliance shall be demonstrated by an Incidental Take Permit(s) from the CDFW and/or USFWS.
Mitigation Measure BIO-2 If it is not feasible to avoid the nesting bird season (typically January through July for raptors and February through August for other avian species), a qualified	Pre-construction Construction	Require as a Condition of Approval by County	County Land Use Services Department	Compliance shall be demonstrated by a letter report

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the Project Site. The extent of the survey buffer area surrounding the nest should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).			Project Applicant Qualified biologist	containing the results of the survey.
Mitigation Measure BIO-3 Pre-construction burrow clearance surveys shall be conducted by a qualified biologist to ensure that burrowing owls, desert kit fox, or American badger remain absent from the Project Site and impacts to these animals do not occur. Two (2) pre-construction clearance surveys should be conducted: the first to be conducted 14-30 days prior and the second to be conducted no more than 24 hours prior to any vegetation removal or ground disturbing activities. Once surveys are completed, the qualified biologist shall prepare a final report documenting surveys and findings. If no occupied burrows are detected, Project construction activities may begin. If an occupied burrow is found within the Project Site during pre-construction clearance surveys, a burrowing owl, desert kit fox, or American badger exclusion and mitigation plan shall be prepared and submitted to the County, which may consult with CDFW for review, prior to initiating Project construction activities.	Pre-construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated by a letter report containing the results of the survey.
Mitigation Measure BIO-4 A qualified bat biologist shall survey all suitable structures and vegetation on the Project Site for bat roosts within 30 days prior to the start of Project construction activities. If bats roosts are found within the Project Site, the qualified bat biologist shall identify the bats to the species level and evaluate the colony to determine its size and significance. If structures on the Project Site house an active maternity colony of bats, construction activities shall not occur during the recognized bat breeding season (March 1 to October 1). Proposed work in areas with no suitable habitat shall not require a bat survey. If Project activities must occur during non-daylight hours or during the bat breeding season (March 1 to October 1), a qualified bat biologist shall establish monitoring measures, including frequency and duration, based on species, individual behavior, and type of construction activities. Night lighting should be used only within the portion of the Project Site actively being worked on and should be focused directly on the work area. This measure would minimize visual disturbance and allow bats to continue to utilize the remainder of the area for	Pre-construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated by a letter report containing the results of the survey.

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
foraging and night roosting. If bats are showing signs of distress, work activities shall be modified to prevent bats from abandoning their roost or altering their feeding behavior. The qualified biologist shall have the authority to halt work if there are any signs of distress or disturbance that may lead to roost abandonment. Work shall not resume until corrective measures have been taken or it is determined that continued activity would not adversely affect roost success.				
Mitigation Measure BIO-5 Prior to construction, a qualified biologist shall conduct preconstruction clearance surveys for Mohave ground squirrel. The biologist shall be current with the latest information on protocols and guidelines and have thorough and current knowledge of the species' behavior, natural history, ecology, and physiology. If any individual Mohave ground squirrels are found within the Project Site during pre-construction clearance surveys, the Project shall contact CDFW for appropriate action.	Pre-construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated by a letter report containing the results of the survey.
Mitigation Measure BIO-6 Off-road travel shall be prohibited in all native habitats adjacent to the Project Site during construction and operation. Such areas shall be posted prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked.	Construction Operation	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated and verified through periodic inspections by the County.
Mitigation Measure BIO-7 Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour.	Construction Operation	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated and verified through periodic inspections by the County.
Mitigation Measure BIO-8 Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to provide construction contractors and all on-site personnel with information to encourage awareness and preservation of the desert ecosystem and the key species and resources with potential to occur on the Project Site and that are found in the western Mojave Desert. The WEAP shall also educate and instruct on-site personnel to avoid harassment and disturbance of wildlife, especially during reproductive activities (e.g., courtship and nesting) during construction. At a minimum, the program shall contain information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protective measures associated with the listed species that potentially occur within or adjacent to the Project Site. The program shall be administered to all onsite personnel including employees, contractors, contractors' employees, supervisors, inspectors, and subcontractors. The program shall be administered by a qualified biologist. It shall include an oral presentation, video/PowerPoint, and/or written materials. Each Project employee, as well as employees of contractors and subcontractors, who participate in the environmental awareness program shall sign an affidavit	Pre-construction Construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Applicant to record and report attendance at WEAP sessions. Signed documentation of successful completion of training to be kept on-site for the duration of construction. Compliance shall be demonstrated and verified through periodic inspections by the County.

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
declaring that the individual understands and will adhere to the guidelines set forth in the program material. Documentation shall be retained demonstrating that construction personnel attended the training.				
Mitigation Measure BIO-9 The following best management practices shall be implemented during Project grading and construction and decommissioning activities to further address potential impacts on special-status wildlife species: • To prevent inadvertent entrapment during construction, at the end of each workday all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials or be equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals by construction personnel trained by a qualified biologist. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a trapped listed species is discovered, the Project shall contact CDFW and/or USFWS to determine appropriate action. • All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a listed species is discovered inside a pipe, that section of pipe shall not be moved. The Project shall contact CDFW and/or USFWS to determine the appropriate action. • Construction personnel trained by a qualified biologist or the qualified biologist shall inspect for special-status species and other wildlife under vehicles and equipment every time the vehicles or equipment are moved. If an animal is present, site workers shall wait for the individual to move to a safe location. If a listed species is discovered under equipment or vehicles and does not move on its own, the project shall contact CDFW and/or USFWS to determine the appropriate action. • To avoid toxic substances on road surfaces, soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants. • To minimize spills of hazardous materials, all vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed	Construction Operation	Require as a Condition of Approval by County	County Land Use Services Department Regional Water Quality Control Board Project Applicant	Compliance shall be demonstrated and verified through periodic inspections by the County.

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
facility. Servicing of construction equipment shall take place only at a designated staging area. • To discourage attraction by predators to the Project Site, all food-related trash items, such as wrappers, cans, bottles, and food scraps, shall be disposed of in solid, closed containers (trash cans) on a daily basis. Onsite trash receptacles shall be emptied as necessary (for example, weekly) to prevent overflow of trash. Trash removed from the receptacles shall be hauled to an offsite waste disposal facility. Workers shall not feed wildlife or bring pets to the Project Site. • The Project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the Project area. Typical construction best management practices specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Lahontan Regional Water Quality Control Board. An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.				
Section 4.4, Cultural Resources				
Mitigation Measure CUL-1 Prior to the initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of buried prehistoric or historic cultural deposits. Development of the WEAP shall include consultation with a Qualified Archaeologist meeting the Secretary of the Interior standards. The WEAP shall provide an overview of potential significant archaeological resources that could be encountered during ground disturbing activities, including how to identify prehistoric or historic cultural deposits, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Archaeologist. Prior to ground disturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.	Pre-construction Construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Applicant to record and report attendance at WEAP sessions. Signed documentation of successful completion of training to be kept on-site for the duration of construction. Compliance shall be demonstrated and verified through periodic inspections by the County. Upon discovery, coordination with the San Manuel Band of

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a Qualified Archaeologist shall be hired to assess the find. The Qualified Archaeologist shall have the authority to stop or divert construction excavation as necessary. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within Mitigation Measure TCR-1, regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.				Mission Indians Cultural Resources Departments.
Mitigation Measure CUL-2 If significant pre-contact and/or post-contact cultural resources, as defined by CEQA are discovered, and avoidance cannot be ensured, the qualified archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Director of the Planning Division for review and comment, as detailed within Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly.	Construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Upon discovery, a Monitoring and Treatment Plan prepared by Qualified Archaeologist shall be submitted to the Director of the Planning Division for review and comment. Compliance report by Qualified Archaeologist.
Section 4.6, Geology and Soils				
Mitigation Measure GEO-1 Prior to initiation of ground-disturbing activities, the Project Applicant and construction manager shall conduct a Worker Education Awareness Program (WEAP) to alert field personnel to the possibility of paleontological resources. Development of the WEAP shall include consultation with a Qualified Paleontologist. The Qualified Paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology (2010). The WEAP training shall include an overview of potential significant paleontological resources that could be encountered during ground disturbing activities, including how to identify subsurface evidence of "older" sediment or fossils that may potentially be encountered during excavation, to facilitate worker recognition, avoidance, and subsequent immediate notification to the Qualified Paleontologist. Prior to ground-disturbing activities, the San Bernardino County Land Use Services Department shall ensure that construction personnel partake in the WEAP. Documentation shall be retained demonstrating that construction personnel attended the training.	Pre-construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Applicant to record and report attendance at WEAP sessions. Signed documentation of successful completion of training to be kept on-site for the duration of construction. Compliance shall be demonstrated and verified through periodic inspections by the County.
Mitigation Measure GEO-2 In the event that paleontological resources are exposed during construction activities for the Project, all work occurring within 100 feet of the find shall	Construction	Require as a Condition of Approval by County	County Land Use Services Department	Upon discovery, a Qualified Paleontologist to develop

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
immediately stop until a Qualified Paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. Work shall be allowed to continue outside of the buffer area. If it is demonstrated that resources cannot be avoided, the Qualified Paleontologist shall develop additional treatment measures that follow the guidelines of the SVP (2010) in consultation with the County, which may include recovery or other appropriate measures. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the material and with retrievable storage, if such an institution agrees to accept the fossils. The Qualified Paleontologist shall prepare a report documenting the treatment of the resource. A copy of the report shall be provided to the County.			Project Applicant	additional treatment measures in consultation with the County. Compliance report by Qualified Paleontologist.
Section 4.12, Tribal Cultural Resources				
Mitigation Measure TCR-1 The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in Mitigation Measure CUL-1, if any pre-contact and/or post-contact cultural resources is discovered during Project implementation and be provided information regarding the nature of the find so as to provide Tribal input with regards to significance and treatment. Should the discovery be deemed significant, as defined by the California Environmental Quality Act, a Cultural Resources Monitoring and Treatment Plan shall be created by a Qualified Archaeologist, in coordination with SMBMI and the County Planning Department, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to represent SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on-site. If a pre-contact cultural resource is discovered during Project implementation, the following actions are required: (a) Ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed; (b) The County shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the SMBMI Cultural Resources Department, the Applicant, and the County shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a	Pre-construction Construction	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant SMBMI	Upon discovery, a Qualified Archaeologist, in coordination with SMBMI and the County Planning Department, to prepare a Cultural Resources Monitoring and Treatment Plan.

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
Tribal monitor representing the Tribe unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. SMBMI has indicated it is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the County, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the County, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the Applicant's obligation to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the County and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the County, and SMBMI. <u>Inadvertent Discovery Guideline</u> 1. In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the SMBMI shall be contacted regarding any pre-contact and/or post-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.				

Mitigation Measure	Timing	Implementation Procedure	Monitoring Responsibility	Compliance/Monitoring Procedure
2. If significant pre-contact and/or post-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered, and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment. The archaeologist shall monitor the remainder of the Project and implement the plan accordingly. 3. If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.				
Mitigation Measure TCR-2 Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Applicant and County for dissemination to the SMBMI. The County and/or Applicant shall, in good faith, consult with SMBMI throughout the life of the Project.	Pre-construction Construction Operation	Require as a Condition of Approval by County	County Land Use Services Department Project Applicant	Compliance shall be demonstrated by providing all archaeological/cultural documents created as a part of the Project to the County for dissemination to the SMBMI.