

EXHIBIT C

Correspondence



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
christina@lozeaudrury.com

Via Email and U.S. Mail

January 31, 2014

Mr. Dennis Draeger
County Clerk
County of San Bernardino
222 W. Hospitality Lane
San Bernardino, CA 92415-0022
ddraeger@asr.sbcounty.gov

Ms. Laura H. Welch
Clerk of the Board of Supervisors
County of San Bernardino
385 N. Arrowhead Ave., 2nd floor
San Bernardino, CA 92415-0130
COB@sbcounty.gov

Secretary of the Planning Commission
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Mr. Chris Conner, Senior Planner
San Bernardino County - Land Use Services
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182
cconner@lud.sbcounty.gov

Re: **CEQA and Land Use Notice Request for Clean Focus (CF SBC Owner One, LLC) Projects**

Dear All:

I am writing on behalf of the Laborers International Union of North America, Local Union 783 and its members living in San Bernardino County ("LiUNA") regarding four solar photovoltaic ("PV") projects proposed by Clean Focus (CF SBC Owner One, LLC) in San Bernardino County:

- P201300556; APN 0620-021-01: A 2 megawatt solar PV project on 160 acres, on the southeast corner of Raymond Drive and Mesquite Springs Road in 29 Palms;
- P201300557; APNs 0438-212-01 and 0438-212-02: A 3 megawatt solar PV project on 24 acres on the southeast corner of Central Road and Tussing Ranch Road in Apple Valley;
- P201300558; APNs 0608-161-20, 0608-161-21 and 0608-161-22: A 6.5 megawatt solar PV project on 56 acres east of Cascade Road, approximately 650 feet north of 29 Palms Highway in Joshua Tree; and
- P201300559; APNs 0588-131-02 and 0588-131-74: A 5 megawatt solar PV project on 55 acres on the south side of Alta Loma Drive, approximately 700 feet west of Olympic Road in Joshua Tree.

(collectively, "Projects")

We hereby request that the County of San Bernardino ("County") send by mail and electronic mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the County and any of its

January 31, 2014

CEQA and Land Use Notice Request for Clean Focus (CF SBC Owner One, LLC) Solar Projects

Page 2 of 2

subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the County, including, but not limited to the following:

- Notice of any public hearing in connection with the Projects as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Projects pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local County to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by mail and electronic mail to:

Richard Drury

Christina Caro

Stacey Osborne

Lozeau Drury LLP

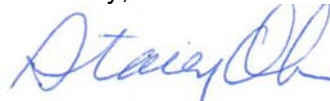
410 12th Street, Suite 250

Oakland, CA 94607

richard@lozeaudrury.com; christina@lozeaudrury.com; stacey@lozeaudrury.com

Please call should you have any questions. Thank you for your attention to this matter.

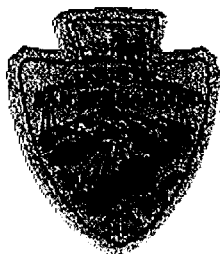
Sincerely,



Stacey Osborne

Paralegal

Lozeau | Drury LLP



**SAN BERNARDINO COUNTY
LAND USE SERVICES
PLANNING PROJECT NOTICE**

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

Referral Date:
January 02, 2014

ATTENTION PROPERTY OWNERS

Page 1 of 2

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than January 16, 2014 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding

ASSESSOR PARCEL NUMBER: 0438-212-01 (See map below for more information)

PROJECT NUMBER: P201300557/CF * Multiple Parcel Associations *

APPLICANT: CF SBC OWNER ONE LLC

LAND USE DISTRICT (ZONING): RL

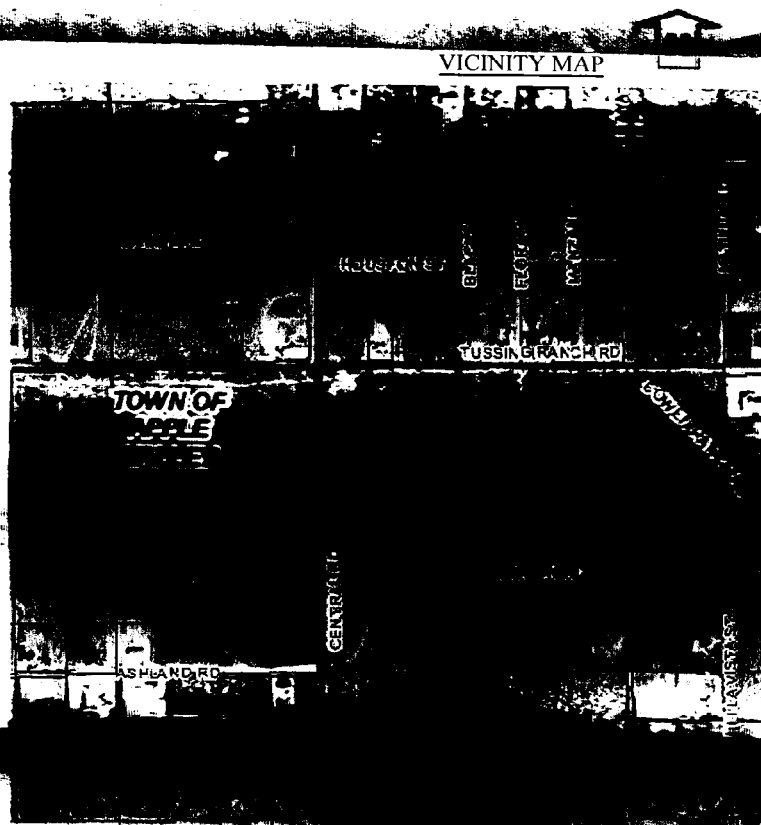
IN THE COMMUNITY OF: APPLE VALLEY/1ST/ SUPERVISORIAL DISTRICT

LOCATED AT: CENTRAL ROAD AND TUSSING RANCH ROAD, SOUTHEAST CORNER

PROPOSAL: CONDITIONAL USE PERMIT TO ESTABLISH A 3 MW COMMERCIAL PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY ON 24 ACRES AND A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS TOTALING 24 ACRES

If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):



SIGNATURE

DATE

AGENCY

Subject: RE: Proposed Solar Energy Generating Facility (Apple Valley) - Parcel #0438-212-01

From: Mike Byrd (mkebyrd@verizon.net)

To: cconner@lusd.sbcounty.gov;

Date: Wednesday, January 8, 2014 3:01 PM

Dear Mr. Conner,

It was a pleasure speaking with you on January 7th regarding a development proposal notice (Parcel #0438-212-01) for the proposed solar energy generating facility located near the intersection of Central and Tussing Ranch Roads in Apple Valley.

After living at any adjacent property for over fifteen years, I must voice my concerns/opposition regarding such development/installation based on the following:

- 1) The western most portion of the proposed development parcel does not have any natural wind breaks, and as such, prevailing winds produce excessive dirt / dust even with the current existing natural vegetation. This will be multiplied upon vegetation removal and grading.
- 2) It is a known fact that the reflective surface of solar panels generate heat and transmit light (glare) at certain periods of the day. These factors will have a direct impact on our adjacent property which I am unwilling to accept.
- 3) Although the referenced parcel currently remains undeveloped, a solar facility will definitely not increase the value of our property. In fact, I am not sure what future potential buyer (including myself) would want to look at 24 acres of solar panels and deal with excessive dust during dry conditions or street flooding / runoff during rainy/winter periods. So much for our desert/mountain views.
- 4) The environmental impact (during grading) could potentially force the natural inhabitants to migrate to adjacent properties thereby endangering domestic animals (pets) and/or children.

While I understand that the proposed project is in it's early stages, I hope that further (detailed) information (i.e., transmission line data/points, fencing/screening details, etc.) will be provided to all property owners in the immediate area for review/comment.

I look forward to your response.

Regards,

Mr. and Mrs. Byrd



Dear Neighbor,

I'm writing to personally inform you about a proposed new solar energy facility by my company that would be located outside of Apple Valley, which we're calling "Apple Valley East Solar." I would sincerely appreciate the opportunity to meet with you in person, share our plans, and address any questions or concerns you might have, as well as hear your thoughts on how to make this the best fit for the Apple Valley community.

The Apple Valley East Solar facility would be located outside the city limits of Apple Valley, at the southeast corner of Tussing Ranch Road and Central Road. The solar field we are proposing would use non-toxic photovoltaic solar panels to generate about 3 megawatts of electricity, all of which would supply power to local residents and businesses—no export of electricity to other regions would occur from this project. This site was chosen because it is not located adjacent to many residences, abuts railroad tracks and has electrical infrastructure abutting the site and contains no unique biological, cultural or geological features.

The solar panels would be mounted at ground level behind substantial setbacks, so existing vegetation could be retained and no structures would views. Once constructed, traffic to the site would be very limited and related only to facility maintenance. No water would be required as part of Apple Valley East Solar's operations, except for twice per year for the washing of solar panels.

Other sensitive design features and benefits of the project include:

- Apple Valley East Solar would create 50 jobs during the construction phase, and a smaller number of permanent security and maintenance jobs once it is operational.
- Apple Valley East Solar would produce enough electricity to power around 1,100 local homes.
- The project is designed with broad setbacks and low panel heights (generally 8 feet in height, with a maximum height of 11 feet).
- Apple Valley East Solar would be built on flat site, so very limited grading would be required.
- During construction, the site will be watered to control dust. Once the facility is operational, non-toxic soil binders will be used to prevent dust from blowing offsite.
- Solar is a passive electricity generating use so there is very little noise associated with the facility. The solar panels themselves have few moving parts and produce no noise that could be heard outside the solar field.
- The project will contribute tens of thousands of dollars in fees in support of public services.

More information about the Apple Valley East Solar project and solar energy generation farms in general can be found in the attached Frequently Asked Questions document.

We are very interested in meeting with you to provide more information and receive your input on the project. We intend to be long-term partners and neighbors in the community so I hope to have an opportunity to spend time with you. Please feel free to contact me directly at the email address or phone number below. I look forward to meeting with you personally.

Sincerely,

Matt Coleman
solar@cleanfocus.net
(760) 362-8874

Apple Valley East Solar Project

Frequently Asked Questions

About Apple Valley East Solar

The Apple Valley East Solar project is a 3-megawatt photovoltaic (PV) solar energy generation facility on a 23-acre site located at the southeast corner of Tussing Ranch Road and Central Road, north of the BNSF railroad tracks (see site plan figure). The facility will generate enough energy to power about 1,100 homes. Unlike some massive solar projects, Southern California Edison will purchase the energy produced by Apple Valley East Solar and deliver it directly to the local Apple Valley power grid—no electricity from the site would travel outside the region. During peak construction periods Apple Valley East Solar will provide 50 jobs on-site. During the operations and maintenance phase of the project, which typically extends approximately 30 years, additional operations and maintenance jobs will be created.

Benefits of Solar Energy

Solar electricity is renewable and virtually inexhaustible. Solar PV panels produce no pollution, require minimal maintenance and are the most "green" form of power generation available. There is as much solar energy hitting the earth in one hour as the energy we use on the planet in one year. It is also clean, emits no greenhouse gas, can displace fossil fuel generation and is generated at peak times, when it is needed most. Energy produced from Apple Valley Solar will help California reach its 33% renewable energy portfolio target while reducing greenhouse gas emissions and the need for fossil fuel-fired power plants.

How does the Apple Valley community benefit from this project?

In addition to the provision of construction and operations jobs, the Apple Valley community will directly benefit from solar power generation at the site. The 1,100 homes (or other types of buildings) the facility will power will all be in the Apple Valley area. Many of these structures, for various reasons, are not suited for on-site solar power generation, and currently rely entirely on imported electricity—most of which is produced from polluting gas power plants, which have no positive economic benefit to the community. Beyond these benefits, the project will contribute tens of thousands of dollars in fees in support of public services.

Why the Apple Valley East Solar Site?

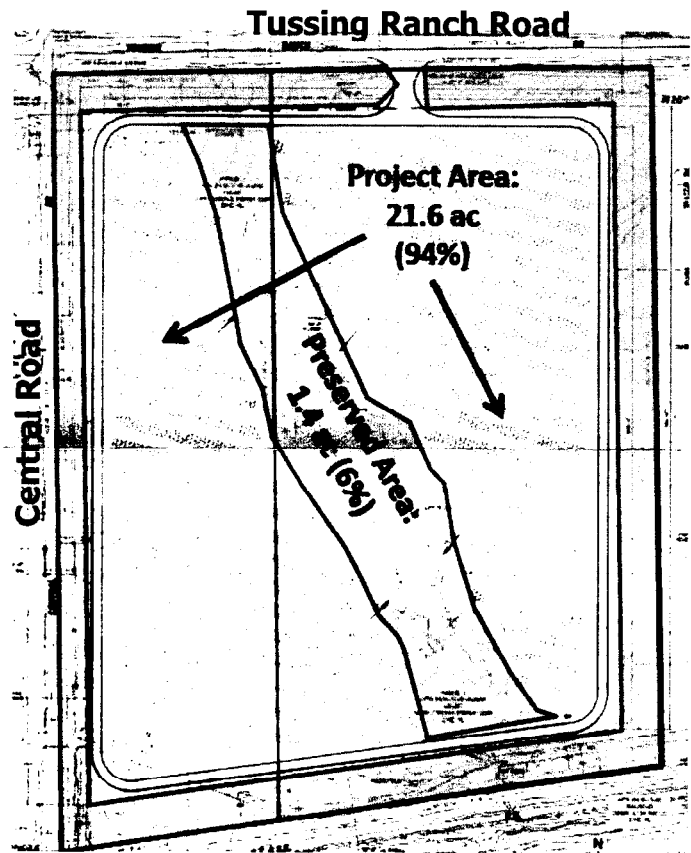
This site was selected based on the quality of the solar resource (i.e., lots of sun!), proximity to existing electrical transmission lines, compatibility with existing land uses, and limited environmental and visual impacts. The parcel is large enough that the project includes all required setbacks and preserves the drainage feature running through the center. There are no threatened or endangered species on the site, and the project will not use water for electricity generation.

Will Apple Valley East Solar require significant water use?

No, solar PV panels do not require water to convert sunlight to electricity. No water would be required as part of Apple Valley East Solar's operations except for a maximum of twice per year and sometimes less for the washing of solar panels.

Will there be visual impacts?

Solar PV panels do not require towers and have a very low height with an average of 8 feet and a maximum height of 11 feet. The panels will also be set back from adjacent properties, with setback areas retaining native plantings. Additional native plants will be planted within these setbacks to further screen the panels.



Will I be affected by glare coming off the panels?

Solar PV panels are specifically engineered to absorb light rather than reflect it because reflected light results in lost energy output. Solar PV panels are half as reflective as standard glass used in your home or business.

Will the solar panels increase the temperature around the site?

Although the panels would be hot to the touch, they would not noticeably affect the temperature of the surrounding area; temperatures below the panels would be nearly the same as ambient temperatures in the ordinary shade.

Will there be noise coming from the site?

Noise levels from solar PV arrays are negligible because the array has very few moving parts. In addition, because of the substantial setbacks to other properties in the area, local residents would not experience increased noise from the site.

How will dust be controlled onsite?

During construction, the site will be watered on a regular basis to control dust. Once the facility is operational, non-toxic soil binders will be applied and maintained to prevent dust from blowing onsite.

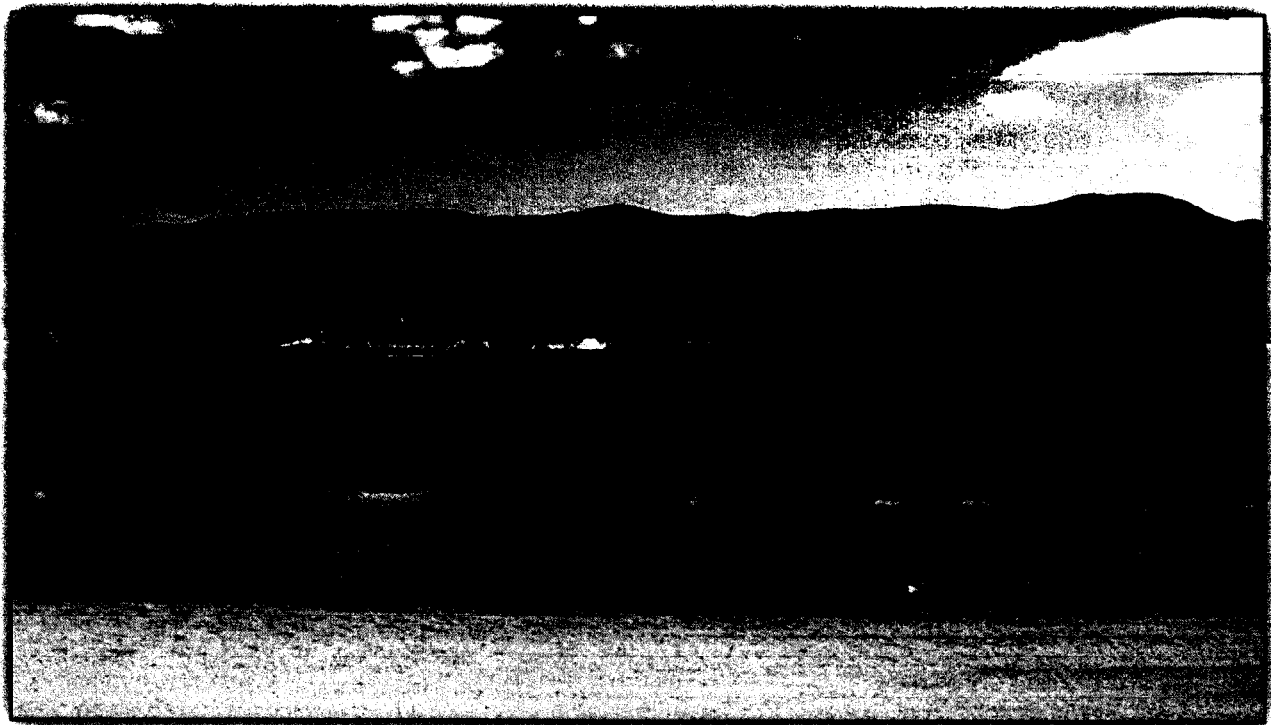
Tell me about Clean Focus

Clean Focus is a California-based company that develops, owns and operates solar-energy projects in the United States. We develop commercial and small utility solar systems, and use our expertise in project development and underwriting to identify project locations that derive the highest benefit from solar while minimizing local and environmental impacts. We are in the business of selling electricity generated from clean, renewable energy sources and manage construction and operations to ensure our projects will continue to generate clean energy for many years.

Want more information?

Contact Matt Coleman at (760) 362-8874 or solar@cleanfocus.net.

Simulated view of project looking south from Tussing Ranch Road, east of Central Road.





Dear Neighbor,

In March, you may have received a letter from me in which I introduced my company's proposed new solar energy facility, called "Apple Valley East Solar," to be located at the southeast corner of Central Road and Tussing Ranch Road and provided a frequently asked questions (FAQ) document about solar projects. I am now writing to personally invite you to a neighborhood meeting on April 28, 2014 so you can learn more about the proposed solar facility, ask any questions you may have and offer input.

The meeting will be held at:

Date: 4/28/2014
Time: 6:00 pm to 8:00 pm
Location: Apple Valley Conference Center
14975 Dale Evans Parkway
Apple Valley, CA 92307

Please feel free to contact me directly at the email address or phone number below. I look forward to meeting with you.

Sincerely,

A handwritten signature in black ink that reads "Matt Coleman".

Matt Coleman
solar@cleanfocus.net
(760) 362-8874

Subject: responses to comments from 4-28-14 community meeting

From: Jeremy Krout (jeremy@epdsolutionsinc.com)

To: mkebyrd@verizon.net;

Cc: matt.coleman@cleanfocus.us; psouthard@oreillypr.com;

Date: Wednesday, May 7, 2014 5:57 PM

Ms. Byrd,

It was a pleasure to meet you at the 4/28/14 community meeting regarding the Clean Focus Apple Valley Solar Project. We took notes of your comments/questions made during the meeting and attempted to respond/answer them in the attached document. I'll call you as well, but please do not hesitate to call me or Matt if you have any questions.

Thank you,

Jeremy Krout

EPID Solutions, Inc.

jeremy@epdsolutionsinc.com

949.794.1181 direct

949.751.8993 cell



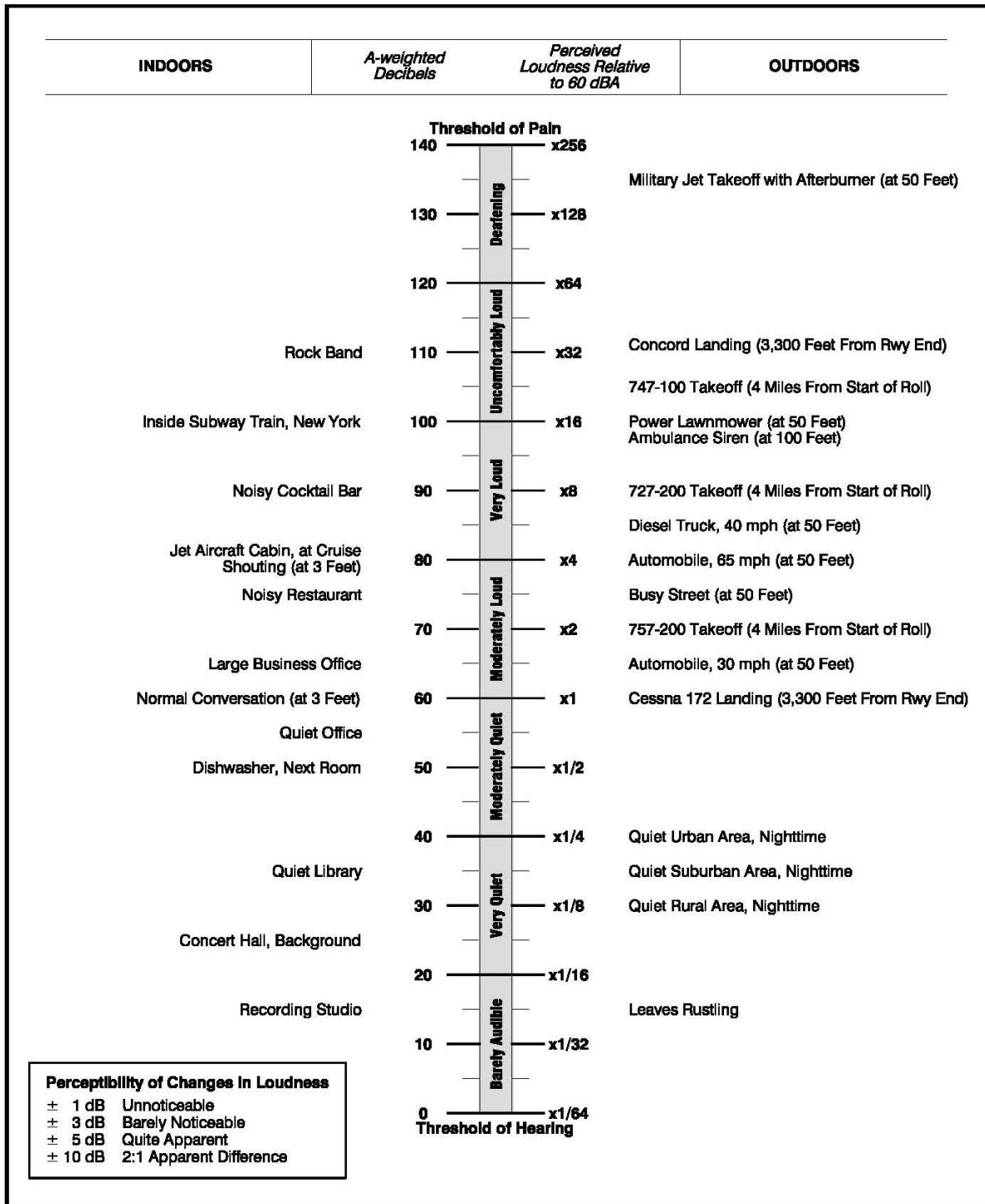
Apple Valley Solar Project

Responses to Community Comments at 4/28/14 Meeting

Topic 1: Noise level

The project calls for two inverters to convert electricity generated by the solar panels to alternating current for Edison's electrical grid. The inverters will only operate during the day; therefore, they will not produce any sound at night. One inverter is along Tussing Ranch Road and one is along Central Avenue. The inverter along Tussing Ranch Road is located about 105 feet from the property boundary, which is approximately 125 feet from the nearest home, north of the property, across Tussing Ranch Road. In total, the inverter will be around 230 feet from the nearest home. The inverter located along Central is further away from the nearest home. As mentioned during the community meeting, just like standing next to a piece of equipment like a refrigerator, the sound quickly dissipates as you move further away. Similarly, the invertors produce a humming sound that is noticeable when standing next to the equipment, but once you are 50 feet or further away, the noise drops significantly to less than 55 dBA (decibels). The noise level drops to even less at over 200 feet, to around 40 dBA, which is far below the County's noise threshold of 65 dBA during the daytime. As shown on the chart below, 40 dBA is a noise level that is compared to quiet urban area, nighttime. And most important, it is perfectly silent at night. In addition, the County will apply the following requirement to the project to ensure the project will not impact neighboring uses:

The applicant shall perform any repairs or upgrades to the components of the solar power facility at such times and in such a manner that noise and glare will not be significantly disruptive to adjacent properties, roads, or traffic.



Topic 2: Graffiti

The County applies very stringent requirements to solar projects, which include the requirement to remove graffiti within 48 hours. If these requirements are not followed, they could fine the owner or revoke the permit. To address this issue, panel slats similar to those shown in the image below are proposed that are easy to remove and replace if they are vandalized.



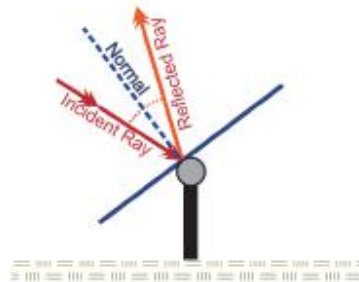
Topic 3: Glare

The panels would not be expected to cause any visual discomfort or impairment of vision for residents south of the project location or drivers driving north on Central Road because the panels are designed to absorb as much sunlight as possible and therefore would have minimal reflectivity. The type of glare that could be expected in the most extreme conditions, when the sun is rising in the eastern sky, is a level of veiling reflection that may cause viewers to be less able to distinguish levels of contrast, but not cause a temporary loss of vision. Additionally, for most local residents, glare effects would be further reduced by intervening elements in the immediate viewshed, such as vegetative screening, fence slats, and other homes or structures, which would obstruct views of the panels. When the sun is higher in the sky, reflection from the panels are not an issue. The following diagram is from a solar panel glare impact analysis and explains why the glare from the panels will not be an issue for adjacent home owners or drivers on Central Avenue. The diagram shows that any reflection from the panels would be upward, far above ground level. This is also illustrated in the attached glare “FAQ” provided by a consulting firm in Oregon for a different solar project but the analysis is directly applicable to our site. Our panels will be angled at 30 degrees, as are the panels in this diagram. As you can see, what light is reflected will be reflected much higher than the height of the hill south of our installation and much higher than the peak

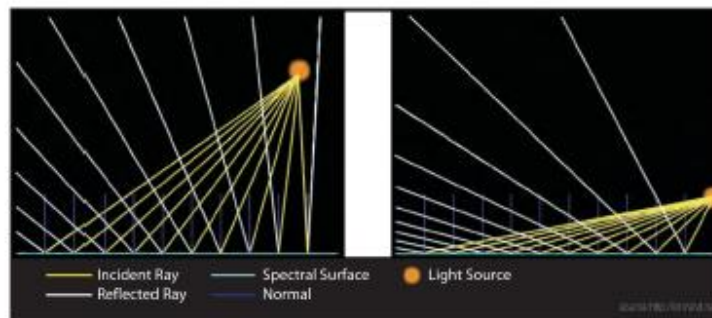
of Central Road. In summary, with these obstructions and their inherent low reflectivity, the panels would not be expected to cause any visual impairment for motorists on area roadways or residents south of our installation.



Incident and reflected rays of light that would result from an optimally oriented solar panel on a variable tilt single axis tracking mechanism.

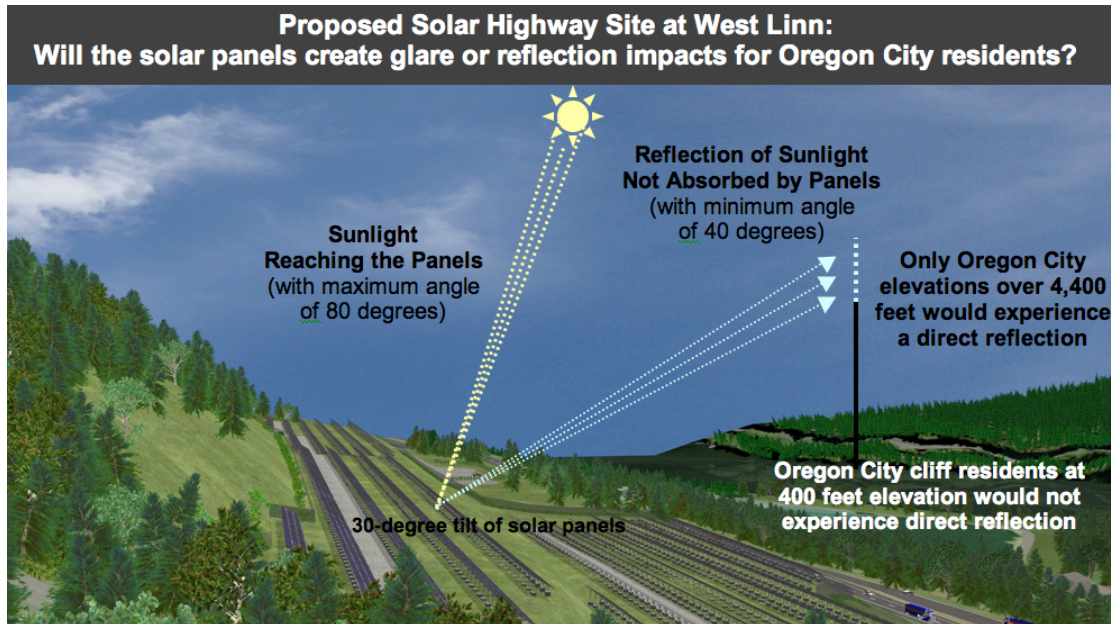


Incident and reflected rays of light that would result from the fixed tilt single axis tracker array.



This diagram illustrates how the angle of the reflected ray reacts to a light source moving to a lower horizontal azimuth. The conditions in the right illustration would increase the possibility of glare to a terrestrial-based viewer.

Potential Impacts from the Reflection of Proposed Solar Panels



Does a solar panel absorb sunlight or reflect it?

Photovoltaic solar panels are designed to absorb sunlight in order to convert it into electricity. The more sunlight that is absorbed, the more energy that can be produced. A monocrystalline silicon solar cell, similar to those used at the Solar Highway Demonstration site, absorbs two-thirds of the sunlight reaching the panel's surface. This means that only one-third of the sunlight reaching the surface of a solar panel has a chance to be reflected.

How does an anti-reflective coating on panels reduce the amount of sunlight that is reflected?

An anti-reflective coating or glass can reduce the sunlight that is reflected and increase the amount of sunlight that is absorbed. Most solar panels are now designed with at least one anti-reflective layer and some panels have multiple layers. These measures further reduce reflectivity.

Is the amount of reflected sunlight from the solar panels a concern?

The reflectivity of a surface, or albedo, varies with the type of material that covers it. These solar panels have a reflectivity of around 30% – similar to the reflectivity of current site surface materials such as dry sand at 45%, needle-leaf coniferous trees at 20%, grass-type vegetation at 25% and broadleaf deciduous trees at 10%. The solar panels therefore do not noticeably alter the site's current amount of reflected, indirect sunlight.

Is there a time of day or year that the panels could reflect directly into the surrounding area?

Due to the path of the sun over West Linn and Oregon City, sunlight would reach the solar panels at varying angles before it is absorbed or reflected over the course of a day. Based on the position of the south-facing system and the sun path diagram,¹ the summertime at high noon would present the highest potential for impact to the surrounding area, namely for Oregon City residents. There is no potential impact of glare or reflection for I-205 drivers or for West Linn residents.

Will Oregon City residents experience direct reflection from the solar panels?

No. In the summertime noon scenario of highest potential for impact, rays of sunlight reach the panels at a maximum angle of 80 degrees; 30% of those rays are reflected in the direction of Oregon City at a minimum angle of 40 degrees. Performing a few calculations determines that Oregon City residents who are one mile away would need to be at an elevation of over 4,400 feet higher than the panels in order to experience direct reflection from the solar panels. Concerned Oregon City residents are at an elevation of 400 feet and will not experience direct reflection from the solar panels.

¹ GAISMA sun path diagram for West Linn (the location of the panels) is available at <http://www.gaisma.com/en/location/west-linn-oregon.html>

Subject: RE: responses to comments from 4-28-14 community meeting

From: Jeremy Krout (jeremy@epdsolutionsinc.com)

To: mkebyrd@verizon.net;

Date: Tuesday, May 13, 2014 10:30 AM

Thank you for your comments/questions. I'm working on addressing them and will get back to you shortly

Jeremy Krout

EPD Solutions, Inc.

jeremy@epdsolutionsinc.com

949.794.1181 direct

949.751.8993 cell

EPD has moved! Effective April 1, our new address is 2030 Main St., Ste. 1200, Irvine, CA 92614.

From: Mike Byrd [mailto:mkebyrd@verizon.net]
Sent: Monday, May 12, 2014 11:31 AM
To: Jeremy Krout
Subject: Re: responses to comments from 4-28-14 community meeting

Mr. Krout,

Thank you for responding to the major items discussed during the community meeting conducted on April 28th. However, not all presented issues were clarified in writing as I originally thought would occur. I would still like to see a reply regarding the following:

- (1) Fire related danger to fire fighting personnel/residents and/or potential panel toxic emissions in the event of a wild fire.
- (2) Impact to the resident wild life.
- (3) Noise relative to wind passing over the panel assemblies.

With respect to the written responses provided, I still have concerns that require further input on your part. These are as follows:

Item 1 (Noise Level) - Please provide a site specific evaluation with published findings regarding emitted sound from the inverters being redirected by refraction (wind).

Item 2 (Graffiti) - OK.

Item 3 (Glare) - Although you indicate that glare should not be an issue, it is still disturbing that your written response mentions that "Veiling Reflection" will occur under certain conditions. If I accurately understand the term "Veiling Reflection", also known as Reflected Glare, this is still a form of Glare that partially or totally obscures details to be seen by reducing contrast. And since the human eye adjusts to the highest level of a glare source, I am not convinced that there will be no impact to those South of the panel installations. While this may not directly impact residents to the North, I must ask if the home owners South of the proposed installation have been advised and/or notified of this?

I look forward to your reply.

On Wednesday, May 7, 2014 5:57 PM, Jeremy Krout <jeremy@epdsolutionsinc.com> wrote:

Ms. Byrd,

It was a pleasure to meet you at the 4/28/14 community meeting regarding the Clean Focus Apple Valley Solar Project. We took notes of your comments/questions made during the meeting and attempted to respond/answer them in the attached document. I'll call you as well, but please do not hesitate to call me or Matt if you have any questions.

Thank you,

Jeremy Krout

EPID Solutions, Inc.

jeremy@epdsolutionsinc.com

949.794.1181 direct

949.751.8993 cell

Creason, Tracy - LUS

From: Mike Byrd <mkebyrd@verizon.net>
Sent: Friday, May 23, 2014 6:44 PM
To: Jeremy Krout
Subject: Re: RE: Responses to 04-28-14 Community Meeting Minutes

Mr. Krout,

Thank you for responding to our concerns/questions. However, I still remain of the opinion that the majority of the provided responses are generic in nature and not specific to the proposed installation location/site.

Question 1 - Based on the verbal response received during the community meeting, natural vegetation below the panel installation would remain. Perhaps I misunderstood this, but in any event, glass/plastic can AND/WILL fail/burn during a fire, thereby exposing the internal silicon based cells. As an additional point of interest, solar panels exposed to sunlight (during daytime operation) continue to generate voltage with no way to turn them off. Although their output (DC-AC) may seem minimal, the shock hazard to fire fighting personnel should be of concern.

Question 2 - While a site investigation/survey may have been conducted, it appears (based on personal observation) that it was performed over a short period of time. Although this may satisfy county requirements, as of this correspondence, wild life is now active and flourishing. In my opinion, biological surveys should have been conducted over a minimum period of 1 year.

Question 3 / 4 - Once again, the response is based upon other installations and not specific to the proposed location. Unless a site specific analysis/calculation (as indicated in my prior e-mail) is performed, the response is inconclusive.

Question 5 - So as I understand, only residents within 1,000 (One Thousand Feet) were notified of the proposed installation. While we may be North of the glare source, am I to assume that those South (Over 1,000 feet) have no clue of this project! I suggest a published site specific analysis be developed and sent to ALL residents within visual view of the project.

In closing, I must continue to express our opposition to this project. As long time residents and homeowners, we are very concerned how this proposed project will impact our neighborhood and property values.

Regards,

Mr. & Mrs. Byrd

On Friday, May 16, 2014 4:32 PM, Jeremy Krout <jeremy@epdsolutionsinc.com> wrote:

I appreciate your patience while we put these responses together. Please see the attached document with responses to your comments. Feel free to contact any of us if you have further questions. I will follow up with you on Monday to confirm you received this email.
Have a great weekend.

Thank you,

Jeremy Krout
E|P|D Solutions, Inc.

jeremy@epdsolutionsinc.com
949.794.1181 direct
949.751.8993 cell

EPD has moved! Effective April 1, our new address is 2030 Main St., Ste. 1200, Irvine, CA 92614.

From: Mike Byrd [mailto:mkebyrd@verizon.net]
Sent: Monday, May 12, 2014 11:31 AM
To: Jeremy Krout
Subject: Re: responses to comments from 4-28-14 community meeting

Mr. Krout,

Thank you for responding to the major items discussed during the community meeting conducted on April 28th. However, not all presented issues were clarified in writing as I originally thought would occur. I would still like to see a reply regarding the following:

- (1) Fire related danger to fire fighting personnel/residents and/or potential panel toxic emissions in the event of a wild fire.
- (2) Impact to the resident wild life.
- (3) Noise relative to wind passing over the panel assemblies.

With respect to the written responses provided, I still have concerns that require further input on your part. These are as follows:

Item 1 (Noise Level) - Please provide a site specific evaluation with published findings regarding emitted sound from the inverters being redirected by refraction (wind).

Item 2 (Graffiti) - OK.

Item 3 (Glare) - Although you indicate that glare should not be an issue, it

is still disturbing that your written response mentions that "Veiling Reflection" will occur under certain conditions. If I accurately understand the term "Veiling Reflection", also known as Reflected Glare, this is still a form of Glare that partially or totally obscures details to be seen by reducing contrast. And since the human eye adjusts to the highest level of a glare source, I am not convinced that there will be no impact to those South of the panel installations. While this may not directly impact residents to the North, I must ask if the home owners South of the proposed installation have been advised and/or notified of this?

I look forward to your reply.

On Wednesday, May 7, 2014 5:57 PM, Jeremy Krout <jeremy@epdsolutionsinc.com> wrote:

Ms. Byrd,

It was a pleasure to meet you at the 4/28/14 community meeting regarding the Clean Focus Apple Valley Solar Project. We took notes of your comments/questions made during the meeting and attempted to respond/answer them in the attached document. I'll call you as well, but please do not hesitate to call me or Matt if you have any questions.

Thank you,

Jeremy Krout
E|P|D Solutions, Inc.

jeremy@epdsolutionsinc.com

949.794.1181 direct

949.751.8993 cell

Lahontan Regional Water Quality Control Board

January 16, 2014

File: Environmental Doc Review
San Bernardino County

Chris Conner, Planner
San Bernardino County Land Use Services
15900 Smoke Tree Street
Hesperia, CA 92345
cconner@lusd.sbcounty.gov

COMMENTS ON THE CONDITIONAL USE PERMIT TO ESTABLISH A 3 MEGAWATT COMMERCIAL PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY ON 24 ACRES AND A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS TOTALING 24 ACRES, APPLE VALLEY, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received a Project Referral Memo and request for consultation regarding a Conditional Use Permit (CUP) and lot line adjustment application for the above-referenced project (Project) on January 7, 2014. The County of San Bernardino, as the lead agency under the California Environmental Quality Act (CEQA), has requested that this proposed Project be evaluated by the Water Board, acting as a responsible agency under CEQA, for water quality concerns. Included with the memo was a proposed site plan, application work sheet, land use application questionnaire, and brief description of the Project location. No narrative description of the Project was included. Based on the minimal information provided, our comments are general water quality issues associated with solar development projects. Additional information would be needed in order for Water Board staff to provide more substantive comments.

The proposed Project is to develop and operate a 3 megawatt (MW) photovoltaic (PV) solar generating facility on a 24-acre parcel of land located near the city limits of Apple Valley, San Bernardino County, and to adjust the lot line between the 2 adjacent parcels. Ancillary components include inverter pads; distribution switch board; an access road; power poles; fencing; and access, overhead, and underground utilities. Based on our review of the figure provided and aerial photographs of the Project vicinity, one main drainage feature, an ephemeral stream tributary to Mojave River, appears to cross the middle of the site in a northwest-southeast direction. According to the site plan provided, location of the PV panels will be in such a way so as to avoid impacts to this drainage course.

Authority

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board.

Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

Specific Comments

Our specific comments on the Project are presented below.

1. We are pleased that the Project proponent has sited the Project to avoid the ephemeral stream channel located in the middle of the site. We encourage the County to continue to support and promote development projects that avoid onsite surface water resources. However, should construction activities occur within the ephemeral stream channel, permits for such activities must be obtained prior to channel disturbance.
2. In general, the installation of PV grid systems for these types of projects has the potential to hydrologically modify natural drainage systems. The Project is located within the Upper Mojave Hydrologic Area (Mojave Hydrologic Unit 628.20) of the Lahontan Region. The surface waters on the Project site are considered "minor surface waters" and assigned the following beneficial uses: municipal supply (MUN); agricultural supply (AGR); groundwater recharge (GWR); hydropower generation (POW); contact and non-contact recreational uses (REC-1, REC-2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); and wildlife habitat (WLD). Water quality objectives and standards, both numerical and narrative, for these surface waters are outlined in Chapter 3 of the Basin Plan. Implementation of the proposed Project must comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.
3. It is unclear in the Proposed Site Plan provided (Drawing PV1) whether or not the access road around the perimeter of the PV panels will be paved or unpaved. It is also unclear how this access road will cross the ephemeral stream bed at the south boundary of Parcel 2. Water Board staff request additional detailed drawings of the access road and the ephemeral stream crossing. We also request that during construction of the access road and bridge that disturbance of the ephemeral stream bed be avoided. If avoidance is not practical, then disturbance must be minimized and mitigations may be required.
4. The legal description of the boundaries of Parcel 2, APN 0438-212-02-0-000, on Drawing PV1, appears to have some information omitted, indicated by the question marks (?).

5. Post-construction storm water management must be considered a significant Project component. Of particular concern is the collection of onsite storm water runoff and the concentrated discharge of that storm water to natural drainage channels. Design alternatives that are compatible with low impact development (LID) should be considered. LID components include: maintaining landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration.
6. Vegetation clearing should be kept to a minimum. Where feasible, existing vegetation should be mowed so that after construction the vegetation could reestablish and help mitigate for potential storm water impacts.
7. We request that construction staging areas be sited in upland areas outside stream channels and other surface waters on or around the Project site. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing stream channels. Construction equipment should use existing roadways to the extent feasible.
8. All temporary impacts should be restored (recontoured and revegetated) to match pre-Project conditions.
9. Obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation may be required.

Permitting Requirements

A number of activities associated with the Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include:

10. Land disturbances of more than 1 acre may require a Clean Water Act (CWA), section 402(p) stormwater permit, including a National Pollution Discharge Elimination System General Construction Storm Water permit obtained from the State Water Board; and
11. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

Please be advised that these permits may be required for the proposed Project, as outlined above. Should Project implementation result in activities that will trigger these permitting actions, the Project proponent is urged to consult with Water Board staff prior to Project implementation. Information regarding these permits, including application forms, can be downloaded from our web site at <https://waterboards.ca.gov/lahontan/>.

Thank you for the opportunity to comment. If you have any questions regarding this letter, please contact me at (760) 241-7391 (tbrowne@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist at (760) 241-7404 (patrice.copeland@waterboards.ca.gov).

A handwritten signature in black ink, appearing to read "Tom Browne", with a stylized flourish at the end.

Tom Browne, PhD, PE
Water Resources Control Engineer

cc: California Department of Fish and Game, Region 6
(via email, heidi.sickler@wildlife.ca.gov)

U:\PATRICE'S UNIT\Tom\CEQAs\Tussing Ranch Rd PV Project
\final Tussing Ranch Rd PV project comments CUP.docx



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

May 1, 2014

Tracy Creason, Senior Planner
County of San Bernardino, Land Use Services Department
Planning Division
15900 Smoke Tree Street, Suite 131
Hesperia, CA 92345

RECEIVED
RECEIVED
PLANNING DIVISION
PLANNING DIVISION

Project: Clean Focus – Apple Valley East (P201300557)

Dear Ms. Creason:

The Mojave Desert Air Quality Management District (District) has received the Notice of Availability and Notice of Intent to adopt an Initial Study/Mitigated Negative Declaration for a Conditional Use Permit and Merger for Clean Focus – Apple Valley (P201300557). This project is a conditional use permit to establish an approximately 3-megawatt solar photovoltaic electricity generation facility on 23 acres and a merger of two parcels on 23 acres. The project is located west of Central Road, south of Tussing Ranch Road, and north of BNSF railroad tracks in Apple Valley.

The District has reviewed the Initial Study and concurs with the determination of “Less than Significant with Mitigation Incorporated” and “Less than Significant” for Air Quality issues. The District also concurs that the proposed Air Quality Mitigation Measures (AQ-1 through AQ-3) represent feasible mitigation.

In addition to the requirements of existing District Rules 401, 402, 403, 403.1 and 403.2 as applicable, the District recommends that the following dust mitigation measures be required on this project (enforceable by the District AND by the land use agency):

- The following signage shall be erected not later than the commencement of construction: A minimum 48 inch high by 96 inch wide sign containing the following shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on one inch A/C laminated plywood board, with the lower edge between six and seven feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day:

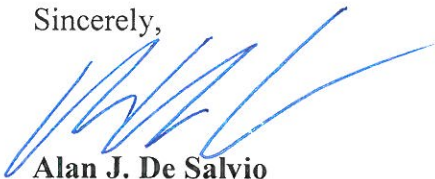
“[Site Name] {four inch text}
[Project Name/Project Number] {four inch text}
IF YOU SEE DUST COMING FROM {four inch text}
THIS PROJECT CALL: {four inch text}
[Contact Name], PHONE NUMBER XXX-XXXX {six inch text}
If you do not receive a response, Please Call {three inch text}
The MDAQMD at 1-800-635-4617 {three inch text}”

- For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All disturbed earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

The District supports the development of renewable energy sources; such development is expected to produce cumulative and regional environmental benefits.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,



Alan J. De Salvio
Supervising Air Quality Engineer

AJD/tw

P201300557 MND

RECEIVED
MAY 06 2014
PLANNING DIVISION



Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, California 92307

A Better Way of Life

April 10, 2014

County of San Bernardino
Land Use Services
385 North Arrowhead Ave. First Floor
San Bernardino, CA 92415-0182
Attention: Tracy Creason

Subject: P201300557/CF SBC Owner One LLC (APNs: 0438-212-01, and 02)

Dear Ms. Creason:

In conformance with San Bernardino County Development Code Section 84.29.035 (30), the Town of Apple Valley finds the proposed 3 MW commercial photovoltaic solar project to be inconsistent with the Town's Development Code requirements for commercial photovoltaic solar development. The subject site is zoned Rural Living (RL), both as a County zoning designation, as well as a Town sphere of influence zoning designation. The Town's Development Code only allows commercial photovoltaic solar development within the Apple Valley Dry Lake (Residential-Very Low Density (R-VLD)) zoning designation.

Thank you for the opportunity to comment on this project. If you have any questions, please contact me at 760-240-7000 x 7222.

Sincerely,

Carol Miller
Senior Planner



Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, California 92307

A Better Way of Life

January 15, 2014

County of San Bernardino
Land Use Services
385 North Arrowhead Ave. First Floor
San Bernardino, CA 92415-0182
Attention: Chris Conner

Subject: P201300557/CF SBC Owner One LLC (APNs: 0438-212-01, and 02)

Dear Mr. Conner:

This letter is in response to the project notice for the three (3) megawatt photovoltaic solar facility located at the southeast corner of Central and Tussing Ranch Roads. This project is not only located in the Town of Apple Valley Sphere of Influence but adjacent to Town limits.

The Town of Apple Valley supports the request provided that the project be required to comply with the following, in accordance with the Town's revised Photovoltaic Solar Farm Ordinance:

- Street improvements to secondary and major roadways shall be installed. Since Central Road is a 104' right-of-way, south of Tussing Ranch Road is shown on the Town's General Plan Circulation Plan and Tussing Ranch Road is a 128' right-of-way, the Town would request half width street improvements be installed on both streets.
- Maximum solar panel height not to exceed ten (10) feet.
- Street setbacks from major roadways shall be a minimum of fifty (50) feet, Interior property line setbacks shall be a minimum of twenty-five (25) feet. These setbacks also apply to equipment cabinets/ pedestals.
- Maximum fence height shall not exceed seven (7) feet in height. No barb wire on top of fence. Fifty (50)-foot setback along the street frontages for fencing.

Although the Town limits commercial solar development to the Apple Valley Dry Lake, the changes and implementation of the Conditions of Approval as discussed above would bring this project closer to the Town's high standards and providing quality development in which Apple Valley takes great pride in preserving. The Town of Apple Valley requests that the Initial Study and other related environmental documents be forwarded to the Town during the public review period. A self-addressed and stamped envelope has been included to forward any future noticing of this project.

Thank you for the opportunity to comment on this project. If you have any questions, please contact me at 760-240-7000 x 7222.

Sincerely,

Carol Miller
Senior Planner



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2014-CPA-0069 and 0070

February 3, 2014

Chris Connor
Land Use Services
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0182

Subject: Planning Project Notices, San Bernardino County, California
APN 0588-131-02, Yucca Valley East Solar Array and
APN 0438-212-01, Apple Valley East Solar Array

Dear Mr. Connor:

We have reviewed the referenced project notices and offer the following comments on the proposed projects. The County of San Bernardino (County) is considering the issuance of conditional use permits to allow for the construction and operation of two photovoltaic generating facilities on two geographically separated sites. We are providing these comments under the authorities of the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703), and other authorities of the Department of the Interior.

Endangered Species Act

Both project notices included reports on the results of surveys for the federally threatened desert tortoise (*Gopherus agassizii*). Desert tortoises were not detected on either site. In both cases, some potential exists for desert tortoises to re-enter the sites from adjacent habitat. Both sites are, however, close to developed areas; the indirect effects of developed areas on desert tortoises (e.g., dogs, recreational activities, etc.) likely suppress the number of individuals on adjacent lands and reduce the likelihood that desert tortoises would be able to move on to the project sites.

Both survey reports contain a list of mitigation measures to prevent desert tortoises from entering the sites. These measures should be effective in achieving this goal. The County and Clean Focus Corporation (the applicant) should be aware that, if a desert tortoise enters a project site, the process of applying for an incidental take permit under the authorities of section 10(a)(1)(B) of the Endangered Species Act would require 6 months or longer to complete.

To ensure that the County and Clean Focus Corporation are fully aware of the prohibitions regarding the federally listed animals, I have included information regarding section 9 of the Endangered Species Act herein. Section 9 prohibits the “take” of listed animal species. “Take” is defined by the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. “Harm” is an act that kills or injures wildlife. Such act may include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 Code of Federal Regulations 17.3). “Harass” is defined as an intentional or negligent act or omission that creates the likelihood of injury to listed species by annoying it to such an extent as to significantly impair normal behavior patterns which include breeding, feeding, or sheltering (50 Code of Federal Regulations 17.3). The Service may provide an exemption from the take prohibitions through the issuance of a biological opinion for Federal actions (section 7 of the Endangered Species Act) or of an incidental take permit for non-federal actions (section 10(a)(1)(B)). Absent the Service’s provision of an exemption or permit, such take could result in prosecution.

Our final comment with regard to the desert tortoise is that, regardless of the measures included in the conditional use permit, the solar sites would likely provide some subsidies to common ravens (*Corvus corax*) in the form of shelter and perching sites. Common ravens are effective predators of desert tortoises and will fly long distances to obtain food and water. The project sites are within flying distance of occupied habitat of desert tortoises; consequently, common ravens that perch and shelter within the boundaries of the proposed projects would be able to forage in areas where desert tortoises reside. We consider this potential augmentation of the number of common ravens and increased predation pressure on desert tortoises to be a significant impact of the proposed projects and recommend that the County require Clean Focus Corporation to participate in the regional comprehensive management plan for common ravens through the payment of the per-acre fee, in addition to the implementation of the proposed measures to reduce the attractiveness of the project sites to common ravens. I have enclosed a copy of the management plan for your information. All fees collected under this program would be used by the Desert Managers Group to manage common ravens in the California desert with the goal of reducing their predation on desert tortoises.

Migratory Bird Treaty Act

The survey reports that accompanied the project notices described the measures that the County and Clean Focus Corporation would implement to avoid the take of migratory birds. We appreciate these efforts to reduce the effects of the construction of the project on migratory birds.

The Migratory Bird Treaty Act protects most native species of birds in the United States, including those likely to occur in the project area; you can find a list of species protected by the Migratory Bird Treaty Act at:

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html>. The Migratory Bird Treaty Act is the cornerstone of migratory bird conservation and protection in the United States and implements four treaties that provide for international protection of migratory birds.

The Migratory Bird Treaty Act prohibits the “take” or possession of protected species of migratory birds. Under the Migratory Bird Treaty Act, take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect (50 Code of Federal Regulations 10.12).

The Migratory Bird Treaty Act is a strict liability statute, meaning that proof of intent, knowledge, or negligence is not an element of a violation of this statute. The statute’s language is clear that an action resulting in the “taking” of an individual of a protected species is a violation of this law. The Migratory Bird Treaty Act does not specifically authorize the incidental take of migratory birds; consequently, the Service does not issue permits authorizing such take. In the absence of a permit from the Service, the temporary or permanent possession of protected migratory birds and their carcasses is also a violation of the Migratory Bird Treaty Act.

The Service carries out its mission to protect migratory birds by fostering relationships with entities that have taken effective steps to avoid take, by encouraging others to implement measures to avoid take, and through investigations and enforcement when appropriate. Companies are encouraged to work closely with the Service to identify available protective measures when developing project plans to safeguard wildlife and to implement those measures where applicable. Companies are also strongly encouraged to apply for permits authorizing otherwise prohibited activity, including special purpose utility permits. For these proposed actions, Clean Focus Corporation may need to apply for a special purpose utility use permit from the Service. We discuss this permit with regard to migratory birds later in this letter. Ultimately, those parties involved with the planning, design, construction, operation, maintenance, and decommissioning of projects are responsible for conducting relevant evaluations of the area and for determining, which, if any, bird species may be affected and for seeking and obtaining necessary permits to avoid liability.

We did not see any discussion of gen-tie lines in either project notice. Power lines of all sizes can kill migratory birds through collisions and electrocutions. We recommend that the County require Clean Focus Corporation to construct all power lines associated with the projects to the specifications recommended by the Avian Power Line Interaction Committee to minimize impacts from electrocutions and line collisions. These specifications are available at <http://www.aplic.org/>.

Although Clean Focus Corporation has proposed to avoid the direct loss of nesting migratory birds during construction, the development of solar facilities can cause the loss of a substantial amount of breeding, foraging, and nesting habitat for numerous species of birds. Additionally, numerous avian fatalities have occurred in association with commercial scale solar fields. Migratory water birds, such as grebes, have landed at solar facilities in the desert, perhaps mistaking the sites for water bodies. Because some species of birds, such as grebes, cannot easily take flight unless they are in water, at least some of the birds that land within solar plants will most likely die. Carcasses of other bird species have been found in association with solar panels, fences, and ancillary building at solar facilities.

We note that Clean Focus Corporation proposes to provide an avian protection plan to the County and Service to ensure that “any birds encountered dead or injured on the project site are documented.” Given the potential impacts that the proposed projects may have on migratory birds, we recommend that each project’s plan identify a comprehensive monitoring protocol for birds. The strategy should include sufficient monitoring to detect mortality events that could result during sporadic migration pulses during both construction and operation of the project. We recommend that this protocol include mortality monitoring that incorporates components that address the efficiency of searchers and the rate at which carcasses disappear from the site; absent these components, the results of the mortality monitoring will not present a realistic estimate of the numbers of birds that die within the solar arrays. The bird plan should also include an adequate spectrum of adaptive management measures to avoid and minimize the effects of the facility’s operations on bird populations. We recommend that Clean Focus Corporation implement the monitoring program for a minimum of 2 to 3 years; if numerous birds die as a result of operation of the project, we would recommend that the duration of monitoring be extended until Clean Focus Corporation can demonstrate that its adaptive management strategy is effectively reducing the number of mortalities.

The development and implementation of a bird conservation strategy to avoid take of migratory birds does not limit or preclude the Service from exercising its authority under any law, statute, or regulation. However, our Office of Law Enforcement focuses its resources on investigating and prosecuting those individuals and companies that do not identify and implement all reasonable, prudent and effective measures to avoid the take of migratory birds (including eagles) and then subsequently take individuals of such species. Ideally, a high quality, scientifically valid, and robust bird conservation strategy that is implemented in a timely and effective manner, and regularly reviewed and revised as needed, can result in the Service regarding such actions as appropriate means to avoid take of species protected under our various laws while allowing for project development in the most environmentally conscientious ways practicable.

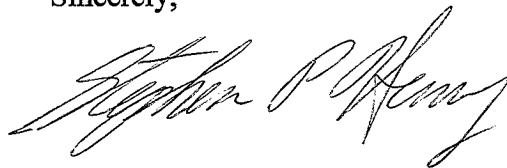
If Clean Focus Corporation intends to collect the carcasses of birds, it would need to apply for a special purpose utility permit from the Service to ensure compliance with the Migratory Bird Treaty Act. The County may wish Clean Focus Corporation to collect carcasses to facilitate its monitoring efforts, to avoid attracting scavengers (e.g., common ravens, which also prey on desert tortoises), and to reduce the potential for human health issues. If the County determines that it would like Clean Focus Corporation to collect carcasses, we strongly encourage beginning the process to obtain a special purpose utility permit, which includes developing an acceptable bird monitoring plan, early enough to allow us to issue a permit prior to the onset of construction. The application for this type of permit can be found at <http://www.fws.gov/forms/3-202-17.pdf>.

Because the development of numerous solar facilities in San Bernardino County and throughout the California desert, we recommend that the County address the cumulative impact of the development and operation of these solar facilities in the desert on migratory bird populations and their habitat. Specifically, the Service recommends that the County include a requirement in the conditional use permits for Clean Focus Corporation to mitigate for the loss of this habitat for

migratory birds. Possible mitigation could include contributing to a fund to investigate the regional and cumulative effects of the loss of habitat for migratory birds, identifying and reducing sources of mortality, and enhancing habitat. We are willing to work with you and the applicant to develop and implement appropriate mitigation; one of the regional joint ventures that the Service has established for the conservation of migratory birds may have programs in place that would facilitate the implementation of such mitigation. A joint venture is a collaborative, regional partnership of government agencies, non-profit organizations, corporations, tribes, and individuals that conserves habitat for priority bird species, other wildlife, and people. More information on joint ventures is available at: <http://www.fws.gov/birdhabitat/JointVentures/index.shtm>.

We appreciate the opportunity to participate in your planning process. If you have any questions regarding these comments, please contact Ray Bransfield of my staff at (805) 644-1766, extension 317.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen P. Henry". The signature is fluid and cursive, with a large initial "S" and "H".

Stephen P. Henry
Acting Field Supervisor

Enclosure

Common Raven Predation on the Desert Tortoise November 2010

Summary

Over the past few decades, common raven (*Corvus corax*; raven) populations have increased substantially and its distribution has expanded in the California desert, primarily in response to human-provided subsidies of food, water, and nest sites associated with a variety of land uses. Ravens are a known predator of the desert tortoise (*Gopherus agassizii*), a species listed as threatened under the federal Endangered Species Act (ESA) and the California ESA (CESA). A large number of projects are currently proposed in the California deserts within the range of the desert tortoise. Due to the locations of these projects, associated infrastructure, and the increase in human activities that will occur if these projects are approved, a corresponding increase in raven presence and predation on desert tortoises is anticipated throughout the region. The direct, indirect, and cumulative impacts from these projects throughout the range of the desert tortoise have been and will continue to be substantial. As discussed below, conservation efforts at both the project and regional level will be required to address impacts to the desert tortoise from an increase in raven populations throughout the desert.

Offsetting Direct Impacts from Development Projects:

The Bureau of Land Management (BLM) addresses the increase of ravens and associated issues in each of the amendments to the California Desert Conservation Area Plan (CDCA). The CDCA plan amendments established that all new projects with the potential to increase raven populations would be required to implement mitigation measures to reduce or eliminate the opportunity for proliferation of ravens. The BLM's biological assessments and the U.S. Fish, and Wildlife Service's (USFWS) biological opinions for the CDCA plan amendments reiterate the need to address this species and its potential impacts on desert tortoise populations.

Pursuant to CESA, the California Department of Fish and Game (CDFG) issues incidental take permits for projects that may affect desert tortoises and their habitats. Permit conditions include mitigation measures designed to offset project impacts and typically require the development of a raven control plan and implementation of off-site measures to reduce the indirect and cumulative environmental effects of increased raven predation.

To address project-specific impacts on desert tortoises from ravens that may be attracted to project sites and associated features, (e.g. buildings, fences, and transmission lines), project proponents should design their projects to exclude ravens to the maximum extent practicable and implement measures to reduce raven predation on the desert tortoises at the local level. Each project proponent should develop an on-site raven management plan to eliminate and/or minimize the availability of subsidies and the potential for ravens to occupy the project site during all phases of development and use, including construction, operation, and maintenance, and decommissioning. The USFWS developed a project-specific raven management plan template, which is provided in Appendix A. However, because it is not possible to completely exclude ravens from using project infrastructure (e.g., buildings, fences, solar structures, transmission lines and towers, etc.) as nesting, perching, and roosting substrates (during breeding as well as non-breeding seasons), a regional raven management plan was developed. Contributions to and implementation of the regional plan are intended to address the indirect and cumulative impacts associated with development projects and other land uses in the desert that facilitate the expansion of raven populations into desert tortoise habitats.

Offsetting Indirect and Cumulative Impacts from Development Projects:

To address the impacts from ravens on desert tortoises and their habitats, the USFWS together with several cooperating agencies, including the BLM, National Park Service, Department of Defense, and the Department of Agriculture completed an environmental assessment for the implementation of a regional plan to reduce predation by the common raven on the federally threatened desert tortoise in the California desert (Raven EA; USFWS *et al.* 2008). This document was prepared because the raven is a known predator of the desert tortoise and the Desert Tortoise (Mojave population) Recovery Plan identifies reducing predation on the species as an important recovery task.

The Raven EA outlines a large scale, adaptively managed program that is expected to be implemented in a phased approach in collaboration with the cooperating agencies and local partners. The plan includes five primary actions:

- 1) Reduction of human provided subsidies (i.e., food, water, sheltering and nesting sites, etc.)
- 2) Education and outreach
- 3) Raven nest removal
- 4) Raven removal
- 5) Evaluation of effectiveness and adaptive management

The latter three activities are accomplished first through the identification of offending ravens by surveyors (whom also can remove nests) and then reporting those birds to the Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (WS) who are contracted to remove the offending individuals. Offending ravens are birds that are known to prey on desert tortoises as determined by survey results. Effectiveness monitoring is incorporated into subsequent years of the survey effort; therefore, the survey effort should remain consistent or increase but should not decrease. After the first 3 years of implementation, removal may increase to include additional (i.e., non-breeding) ravens depending on the results of monitoring.

The Raven EA identifies three levels of effort pertaining to lethal removal of ravens, which can be increased or decreased following the third and sixth year of implementation based on monitoring results. Thus, the level of effort for this component will/could change every 3 years and reach a maximum level at year 6 (these are represented by levels 1-3 below). In addition, there is an understanding among agencies (e.g., BLM, CDFG, and USFWS) that every component of the plan may not be implemented each year. For example, an education and outreach program from one year may not need to be repeated annually.

To assess the potential cost to implement the regional raven management plan, the USFWS evaluated three primary aspects of the plan identified in the Raven EA [removal (conducted by WS), outreach and education, and monitoring surveys]. The following outlines the assumptions and cost estimates used to develop the budget outline:

- **Removal:** In 2010, a single year-round WS employee costs approximately \$92,000. For the first 3 years of the plan, if seasonal workers were utilized only during raven breeding season, this cost would be reduced. In 2009, \$30,000 covered one WS staff for approximately 2.5 months, including training. We anticipate that survey and removal efforts would be divided amongst the three desert tortoise recovery units in the California Desert. Assuming that the optimum use of a WS employee would be one per recovery unit, a minimum of three people is needed at the lowest level of effort (approximately \$40,000/WS personnel during the breeding season). After 3 years, removal efforts would no longer be limited to raven breeding season, necessitating year-round personnel. We estimated that maximum effort would require no more than two WS staff per recovery unit.

- Outreach and education position: Outreach and education is an important component of the plan. Currently, the assumption is that two people can effectively implement the education and outreach program for the Raven EA. A base annual salary for a GS-11 position within the region is approximately \$64,000. Education and outreach would also benefit from media support including pamphlets and radio and television broadcasts, which would increase the costs to administer this component of the plan.
- Monitoring survey team: The effort, and therefore cost, of the monitoring survey team is dependent on the level of implementation of the plan. Effectiveness monitoring is essential in determining the success of the plan, and whether additional efforts will be needed. The three levels of survey effort considered below are compatible with the three increasing levels of raven removal effort.

The table below estimates the annual cost of these activities at each of the three levels of implementation described in the Raven EA, beginning with level 1.

Table 1. Annual budget estimates for implementation of the Raven EA.

Primary Activities in the Raven EA	Level 1	Level 2	Level 3
Removal staff	120,000	276,000	552,000
Outreach	128,000	128,000	128,000
Monitoring survey team	820,000	1,000,000	4,381,745
TOTAL	\$1,068,000	\$1,404,000	\$5,061,754

In addition, there is a multitude of additional activities identified in the Raven EA that could be conducted in the desert to facilitate the reduction of raven subsidies. These include: identification and cleanup of illegal dump sites, surveys of communities to identify business that do not adequately control their waste, and surveys of landfills and transfer stations. Depending on the required level of implementation necessary for effectiveness, funds to conduct these other activities may be available.

Calculating Project-Specific Contributions to the Regional Raven Management Plan:

As stated above, implementation of the regional raven management plan is necessary to address the indirect and cumulative impacts of development projects. Given the potential for ravens to use a variety of human-provided structures and sites for foraging, nesting, and shelter and because it is not possible to completely exclude ravens from using project infrastructure, which can extend across thousands of acres for each project; it is appropriate to calculate the contribution of each project to the regional raven management plan based on the total area required for the development of the facility and associated components. These funds would be used to carry out the primary actions described above.

With the assistance of the National Fish and Wildlife Foundation (NFWF), who will be holding and managing the funds to implement the regional raven management plan, the USFWS and CDFG calculated the equitable contribution for development projects that are expected to increase raven presence and predation on the desert tortoise. This was accomplished by utilizing modeling tools to determine a per acre contribution for projects with permit terms of 20 or 30 years.

First, we estimated the developable (contributing) acreage within the implementation area of the Raven EA by reviewing state, federal, and county planning documents. Lands allocated for conservation or with otherwise “protected status”, such as Department of Defense installations, congressionally designated Wilderness Areas, National Park Service units, State Parks, and lands

managed by CDFG were excluded from developable acreage. For determining developable acreage on BLM lands, we included all of the current right-of-way applications for solar and wind projects, and assumed that no more than 1% of the Desert Wildlife Management Areas (DWMAs) would be developed pursuant to the CDCA plan and associated amendments (Table 2).

Table 2. Total estimated acres of potential development within the range of the desert tortoise in California.

Land Use Category	Acreage
Potentially developable acres in CDCA (desert tortoise habitat modeled .2-1, Nussear 2009)	2,453,600
1% of DWMAs	42,232
Solar project applications	450,000
Wind project applications	569,000
TOTAL	3,514,832

Since not all of these acres will actually be developed, we assumed that 35% of the total acreage in Table 2, or 1,230,191 acres, would be developed over the next 30 years. Then, based on the figures in Table 1, NFWF performed the following calculations:

- Calculated the year-by-year costs of raven removal, outreach, and survey activities;
- inflated those costs over the 20- or 30-year period for inflation, which was assumed at 3%;
- discounted the inflated cost stream to a “net present value” using an expected rate of return net of administrative/financial fees and expenses (analyzed discount rates of 2%, 3%, 4%, and 5%); and
- divided the net present value by the developable/contributing acreage of 1,230,191.

The resulting “per acre” charge is what a developer would pay up-front in a single lump sum for its contribution to the regional raven management plan, with this charge being multiplied by the number of acres used or impacted by a project to arrive at the total payment amount for that project.

The various discount rates (2%, 3%, 4%, and 5%) are intended to reflect what net investment return might be earned on the mitigation funds as they await disbursement. The term “net” here refers to investment return after assessing the NFWF’s administrative fees and financial institution investment advisory fees (likely to be roughly 3% in the aggregate). The USFWS, in consultation with the CDFG, determined a 3% discount rate would be appropriate for this type of program, based on an estimated 20 to 30 year implementation period. Table 3 below provides the resulting cost per acre contribution for development projects with a permit terms of 20 and 30 years. If approvals are granted to extend the term of a project past the initial permit term (i.e., 20 or 30 years), the applicable state and/or federal agencies will re-evaluate the level of implementation of the regional raven management plan and assess whether the project is responsible for contributing additional funds to the account.

Table 3. Per acre contribution for the implementation of the regional raven management plan.

Permitted Duration of Project	Per Acre Contribution
20 years	\$64.00
30 years	\$105.00

For energy-related projects that require transmission lines (including associated towers and

substations) that are expected to remain in place in perpetuity to support the project, the contribution to the regional raven management plan will be \$105 per acre impacted. The total contribution for a transmission line and its associated components will be determined according to the following acreages and formula:

Total contribution for transmission line and components = $(1 + 2) \times \$105.00$

1= # acres impacted by all associated substations

2= # acres impacted by the transmission line (determined by multiplying the width of the widest tower pad (acres) by the length of the transmission line)

Projects within and near currently occupied desert tortoise habitat or suitable desert tortoise habitat would contribute to the implementation of the regional raven management plan at the amounts specified above. Based on the methodology used for calculating the contribution, the total amount would be paid in full as part of the overall mitigation for the project. However, for projects that will be built in phases, the per-acre contribution may be paid as each phase is approved for construction pending agency agreement. For projects being mitigated through the NFWF program, the schedule of payments would be dictated by the terms of that program.

The total contributions for development projects within the California deserts will facilitate the ability for the resource and land management agencies to fully implement the actions identified in the regional raven management plan. Managing raven populations will play an important role in furthering the recovery of the desert tortoise.

Literature Cited

U.S. Fish and Wildlife Service, U.S. Department of Agriculture, U.S. Department of Defense, Bureau of Land Management. 2008. Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise. Ventura Fish and Wildlife Office. Ventura, California.

Nussear, K.E., T.C. Esque, R.D. Inman, L. Gass, K.A. Thomas, C.S.A. Wallace, J.B. Blainey, D.M. Miller, and R.H. Webb. 2009. Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona. U.S. Geological Survey Open-File Report 2009-1102.

Appendix A

Common Raven (*Corvus corax*) Management Plan Template

(for all development projects within the range of the Mojave population of the desert tortoise)

Introduction

The purpose of the project-specific management plan is to address direct impacts to desert tortoises by eliminating and minimizing subsidies to the maximum extent practicable that are known to attract and be exploited by common ravens (ravens) during project construction, operation and maintenance, and decommissioning (i.e., removal of project facilities and infrastructure, reclamation of access roads, restoration of native vegetation). To address the indirect and cumulative effects of the project, the proponent would participate in the regional raven management plan either through monetary or in-kind contributions coordinated by the Raven Management Work Group, and working group formed by the Desert Managers Group.

The project-specific management plan should be implemented throughout the life of the project and include management strategies to control and limit raven abundance in and around the project area. In situations where subsidies such as structures for perching cannot be eliminated (i.e., power lines and towers) the proponent will implement best management practices (BMPs) such as, reduction of available subsidies, raven monitoring, and raven nest removal. The project-specific plan is designed to avoid and minimize direct impacts resulting from the proposed project.

Potential subsidies to be considered for each project include but are not limited to:

- Availability of water from dust abatement activities, equipment cleaning and maintenance, evaporation and retention ponds, drainage areas or landscaping;
- Potential perching, roosting, or nesting sites;
- Food sources from soil disturbance and road kill (e.g., small mammals, insects, etc.); and
- Food sources and attractants from human and animal food and waste.

Plan Development

The project-specific raven management plan should address each of the following elements for each phase of project implementation:

- Identification of project design features and other measures to manage potential introduction of subsidies that may attract ravens to the area, including repellent devices to discourage nesting, perching, and roosting on project facilities such as transmission poles and towers; a refuse management system; a monitoring program; and a list of adaptive management options that would be applied if necessary, including the removal of all raven nests;
- Documentation of the effectiveness of project design features and BMPs;
- Identification of triggers that will prompt implementation of adaptive management procedures; and
- Regular reporting to document raven management measures that have been implemented and results of raven abundance and effectiveness monitoring throughout the life of the project.

The following are examples of elements that should be addressed at each stage of project implementation. This should not be considered a complete list, as there may be other elements that should be considered depending on the project.

Construction

- Surface disturbance unearthing food sources
- Ponding water
- Human and animal food and waste management
- Temporary nesting, perching, and roosting sites
- Revegetation

Operation and Maintenance

- Surface disturbance unearthing food sources
- Ponding water
- Human and animal food and waste management
- Temporary and permanent nesting, perching, and roosting sites
- Evaporation ponds
- Landscaping

Decommissioning

- Surface disturbance unearthing food sources
- Ponding water
- Human and animal food and waste management
- Temporary and permanent nesting, perching, and roosting sites
- Landscaping
- Restoration, revegetation, and/or reclamation activities

Plan Implementation/Monitoring

Implementation and effectiveness monitoring of on-site efforts are critical to the understanding of the success and value of raven management activities. At a minimum, the plan should identify, address, and implement the following activities:

Construction

The project site should be monitored to ensure BMP compliance and document any raven use. The monitoring protocol should be rigorous enough to detect raven use. If a component of construction is identified as providing subsidies or attracting ravens, immediate steps should be taken to address the subsidies through an adaptive management program.

Operation

Raven nest removal should be conducted on all property structures for the life of the project. In the event that a nest is located with eggs, the nest will be removed following the completion of the nesting cycle unless, current implementation standards of the regional raven management plan allow for immediate removal. A raven abundance monitoring plan should be developed to verify the effectiveness of the BMPs and evaluate the need for adaptive management. The frequency and intensity of the monitoring plan will be related to the number of potential subsidies and the size of the proposed project. Monitoring stations will in most cases be associated with structures or elements where BMPs have been utilized or potential raven attractants are expected.

Decommissioning

The project site should be monitored to ensure BMP compliance and document any raven use. The monitoring protocol should be rigorous enough to detect raven use. If

a component of decommissioning is identified as providing subsidies or attracting ravens, immediate steps should be taken to address the subsidies through an adaptive management program.

Adaptive Management

The project proponent should identify and describe adaptive management practices as they will be used to ensure effectiveness of accomplishing the purpose of the raven management plan. Project specific triggers will be established through coordination with the agencies. Lethal removal of ravens will only be utilized under special circumstance and will be commensurate with the level of implementation of the regional raven management plan.

Education

This component should outline worker education, at all phases of development, as it pertains to avoiding and reducing subsidies for ravens and to promoting desert tortoise awareness. It should address continued education for long-term employees and users of the site (i.e., customers, etc.).



SAN BERNARDINO COUNTY
LAND USE SERVICES
PLANNING PROJECT NOTICE

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

2014 FEB 10 PM 3:39

Referral Date:
January 02, 2014

ATTENTION PROPERTY OWNERS

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than January 16, 2014 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, CHRIS CONNER at (909) 387-4425, by email at cconner@lud.sbcountry.gov, or mail your comments to the address above. If you wish, you may also FAX your comments to (909) 387-3223.

ASSESSOR PARCEL NUMBER: 0438-212-01 (See map below for more information)

PROJECT NUMBER: P201300557/CF * Multiple Parcel Associations *

APPLICANT: CF SBC OWNER ONE LLC 408 338-0813

LAND USE DISTRICT (ZONING): RL Sunnyvale

IN THE COMMUNITY OF: APPLE VALLEY/1ST/ SUPERVISORIAL DISTRICT

LOCATED AT: CENTRAL ROAD AND TUSSING RANCH ROAD, SOUTHEAST CORNER

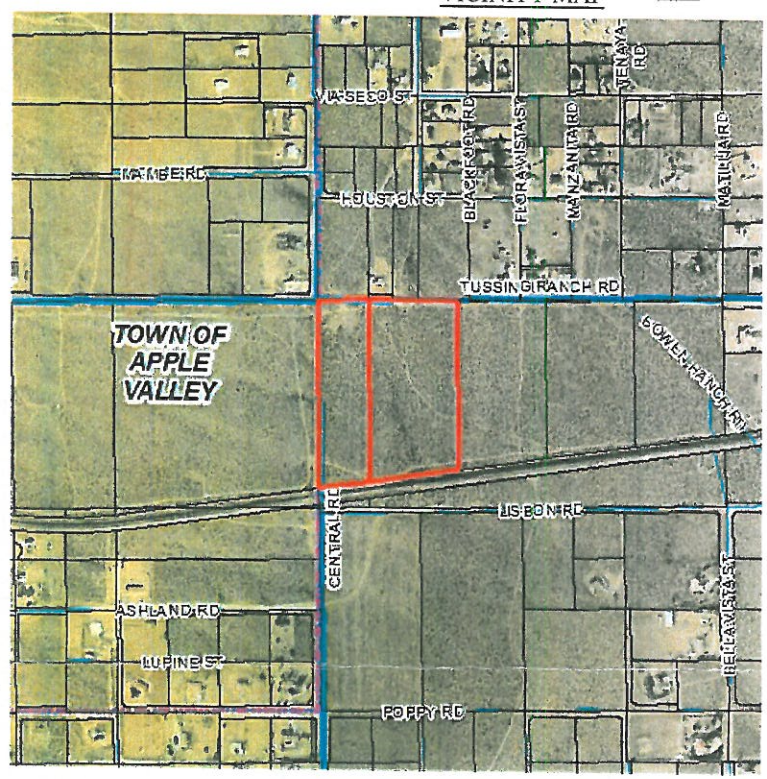
PROPOSAL: CONDITIONAL USE PERMIT TO ESTABLISH A 3 MW COMMERCIAL PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY ON 24 ACRES AND A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS TOTALING 24 ACRES

? If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken. Will attend Public meeting upon notification.

Comments (If you need additional space, please attach additional pages):

Please
See
Attached

VICINITY MAP



G. M. Riley 1-21-2014

SIGNATURE DATE AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Nothing Attached;
No return address
or envelope

Creason, Tracy - LUS

From: Tom Ireson <thal9@hotmail.com>
Sent: Saturday, January 11, 2014 7:07 AM
To: Conner, Christopher - LUS
Subject: Project # P201300557/CF

Follow Up Flag: Follow up
Flag Status: Flagged

Re: Applicant CF SBC Owner ONE LLC
Parcel # 0438-212-01

I would like to expressed my opinion AGAINST the proposed project. Having grown up in the area, I believe it would destroy the rural atmosphere of the area and decrease property values. Please add my name to those objecting to the solar facility at the proposed location.

Thomas Ireson thal9@hotmail.com
3540 N. Pantano Rd.
Tucson, Az 85750

I am the owner of several parcels in the area including #308016139

Creason, Tracy - LUS

From: Mike Byrd <mkebyrd@verizon.net>
Sent: Wednesday, January 08, 2014 3:02 PM
To: Conner, Christopher - LUS
Subject: RE: Proposed Solar Energy Generating Facility (Apple Valley) - Parcel #0438-212-01

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Conner,

It was a pleasure speaking with you on January 7th regarding a development proposal notice (Parcel #0438-212-01) for the proposed solar energy generating facility located near the intersection of Central and Tussing Ranch Roads in Apple Valley.

After living at any adjacent property for over fifteen years, I must voice my concerns/opposition regarding such development/installation based on the following:

- 1) The western most portion of the proposed development parcel does not have any natural wind breaks, and as such, prevailing winds produce excessive dirt / dust even with the current existing natural vegetation. This will be multiplied upon vegetation removal and grading.
- 2) It is a known fact that the reflective surface of solar panels generate heat and transmit light (glare) at certain periods of the day. These factors will have a direct impact on our adjacent property which I am unwilling to accept.
- 3) Although the referenced parcel currently remains undeveloped, a solar facility will definitely not increase the value of our property. In fact, I am not sure what future potential buyer (including myself) would want to look at 24 acres of solar panels and deal with excessive dust during dry conditions or street flooding / runoff during rainy/winter periods. So much for our desert/mountain views.
- 4) The environmental impact (during grading) could potentially force the natural inhabitants to migrate to adjacent properties thereby endangering domestic animals (pets) and/or children.

While I understand that the proposed project is in it's early stages, I hope that further (detailed) information (i.e., transmission line data/points, fencing/screening details, etc.) will be provided to all property owners in the immediate area for review/comment.

I look forward to your response.

Regards,

Mr. and Mrs. Byrd



SAN BERNARDINO COUNTY
LAND USE SERVICES
PLANNING PROJECT NOTICE

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

Referral Date:
January 02, 2014

2014 FEB 11 AM 11:24

ATTENTION PROPERTY OWNERS

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than January 16, 2014 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, CHRIS CONNER at (909) 387-4425, by email at cconner@lud.sbcountry.gov, or mail your comments to the address above. If you wish, you may also FAX your comments to (909) 387-3223.

ASSESSOR PARCEL NUMBER: 0438-212-01 (See map below for more information)

PROJECT NUMBER: P201300557/CF * Multiple Parcel Associations *

APPLICANT: CF SBC OWNER ONE LLC

LAND USE DISTRICT (ZONING): RL

IN THE COMMUNITY OF: APPLE VALLEY/1ST/ SUPERVISORIAL DISTRICT

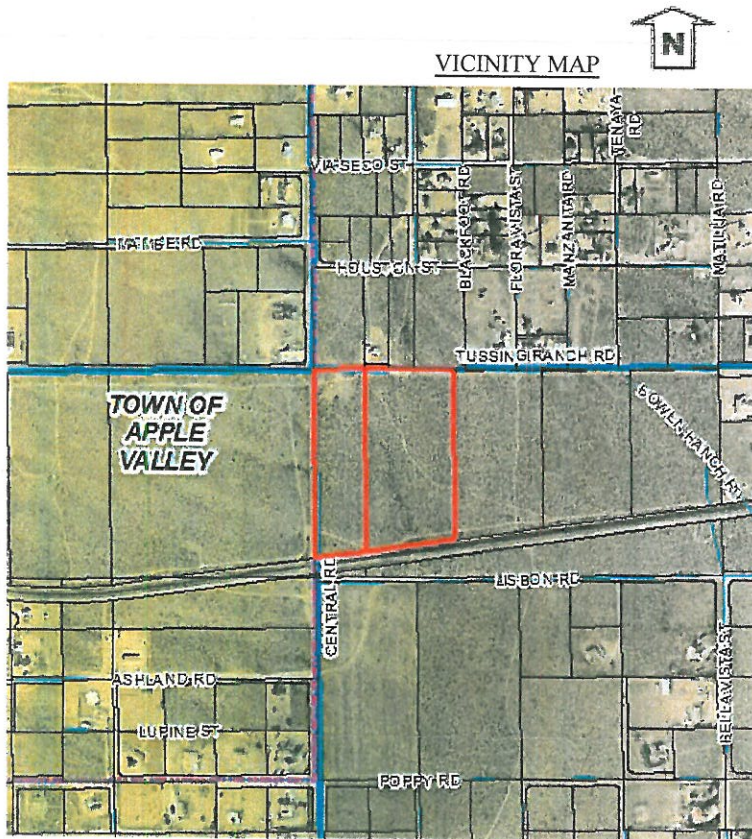
LOCATED AT: CENTRAL ROAD AND TUSSING RANCH ROAD, SOUTHEAST CORNER

PROPOSAL: CONDITIONAL USE PERMIT TO ESTABLISH A 3 MW COMMERCIAL PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY ON 24 ACRES AND A LOT LINE ADJUSTMENT BETWEEN TWO PARCELS TOTALING 24 ACRES

If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

I think this proposal is not in a good Area. It's too close to our kids. Also property values will go down. I think it should be proposal in a Area where it's more rural.



Rosendo B.

2-10-14

SIGNATURE

DATE

AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Rosendo B.
10628 Central Rd.
Apple Valley, CA 92303

Creason, Tracy - LUS

From: Mike Byrd <mkebyrd@verizon.net>
Sent: Friday, May 23, 2014 6:44 PM
To: Jeremy Krout
Subject: Re: RE: Responses to 04-28-14 Community Meeting Minutes

Mr. Krout,

Thank you for responding to our concerns/questions. However, I still remain of the opinion that the majority of the provided responses are generic in nature and not specific to the proposed installation location/site.

Question 1 - Based on the verbal response received during the community meeting, natural vegetation below the panel installation would remain. Perhaps I misunderstood this, but in any event, glass/plastic can AND/WILL fail/burn during a fire, thereby exposing the internal silicon based cells. As an additional point of interest, solar panels exposed to sunlight (during daytime operation) continue to generate voltage with no way to turn them off. Although their output (DC-AC) may seem minimal, the shock hazard to fire fighting personnel should be of concern.

Question 2 - While a site investigation/survey may have been conducted, it appears (based on personal observation) that it was performed over a short period of time. Although this may satisfy county requirements, as of this correspondence, wild life is now active and flourishing. In my opinion, biological surveys should have be conducted over a minimum period of 1 year.

Question 3 / 4 - Once again, the response is based upon other installations and not specific to the proposed location. Unless a site specific analysis/calculation (as indicated in my prior e-mail) is performed, the response is inconclusive.

Question 5 - So as I understand, only residents within 1,000 (One Thousand Feet) were notified of the proposed installation. While we may be North of the glare source, am I to assume that those South (Over 1,000 feet) have no clue of this project! I suggest a published site specific analysis be developed and sent to ALL residents within visual view of the project.

In closing, I must continue to express our opposition to this project. As long time residents and homeowners, we are very concerned how this proposed project will impact our neighborhood and property values.

Regards,

Mr. & Mrs. Byrd

On Friday, May 16, 2014 4:32 PM, Jeremy Krout <jeremy@epdsolutionsinc.com> wrote:

I appreciate your patience while we put these responses together. Please see the attached document with responses to your comments. Feel free to contact any of us if you have further questions. I will follow up with you on Monday to confirm you received this email.
Have a great weekend.

Thank you,

Jeremy Krout
E|P|D Solutions, Inc.

jeremy@epdsolutionsinc.com
949.794.1181 direct
949.751.8993 cell

EPD has moved! Effective April 1, our new address is 2030 Main St., Ste. 1200, Irvine, CA 92614.

From: Mike Byrd [mailto:mkebyrd@verizon.net]
Sent: Monday, May 12, 2014 11:31 AM
To: Jeremy Krout
Subject: Re: responses to comments from 4-28-14 community meeting

Mr. Krout,

Thank you for responding to the major items discussed during the community meeting conducted on April 28th. However, not all presented issues were clarified in writing as I originally thought would occur. I would still like to see a reply regarding the following:

- (1) Fire related danger to fire fighting personnel/residents and/or potential panel toxic emissions in the event of a wild fire.
- (2) Impact to the resident wild life.
- (3) Noise relative to wind passing over the panel assemblies.

With respect to the written responses provided, I still have concerns that require further input on your part. These are as follows:

Item 1 (Noise Level) - Please provide a site specific evaluation with published findings regarding emitted sound from the inverters being redirected by refraction (wind).

Item 2 (Graffiti) - OK.

Item 3 (Glare) - Although you indicate that glare should not be an issue, it

is still disturbing that your written response mentions that "Veiling Reflection" will occur under certain conditions. If I accurately understand the term "Veiling Reflection", also known as Reflected Glare, this is still a form of Glare that partially or totally obscures details to be seen by reducing contrast. And since the human eye adjusts to the highest level of a glare source, I am not convinced that there will be no impact to those South of the panel installations. While this may not directly impact residents to the North, I must ask if the home owners South of the proposed installation have been advised and/or notified of this?

I look forward to your reply.

On Wednesday, May 7, 2014 5:57 PM, Jeremy Krout <jeremy@epdsolutionsinc.com> wrote:

Ms. Byrd,

It was a pleasure to meet you at the 4/28/14 community meeting regarding the Clean Focus Apple Valley Solar Project. We took notes of your comments/questions made during the meeting and attempted to respond/answer them in the attached document. I'll call you as well, but please do not hesitate to call me or Matt if you have any questions.

Thank you,

Jeremy Krout
E|P|D Solutions, Inc.

jeremy@epdsolutionsinc.com

949.794.1181 direct

949.751.8993 cell