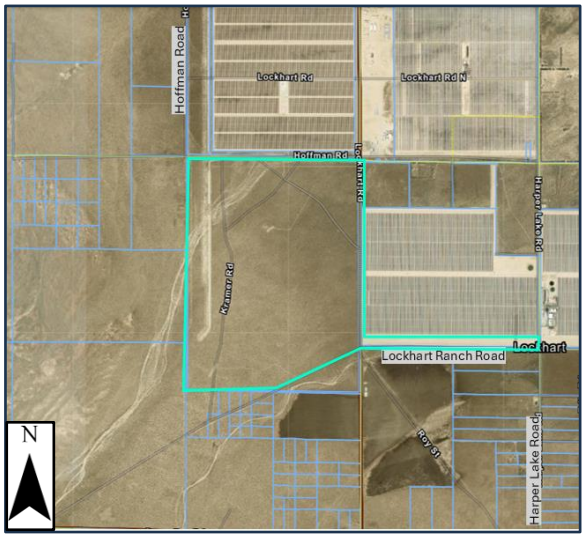
LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: May 22, 2025 **AGENDA ITEM #2**

Project Description

APN: 0490-183-65 and 0490-121-49
Applicant: Overnight Solar LLC
Community: Hinkley
Location: 41650 Lockhart Ranch Road
Project No: PROJ-2023-00087
Staff: Jon Bragington
Rep: Ravneet Singh, Atlantica North America LLC
Proposal: A Policy Plan Amendment from Rural Living (RL) to Resource Land Management (RLM) on an 822-acre parcel; Zoning Amendment from Rural Living (RL) to Resource Conservation (RC) on an 822-acre parcel and an 456-acre parcel; and a Conditional Use Permit to construct and operate a utility-scale, 150-megawatt (MW) photovoltaic (PV) solar facility, and 150-MW battery energy storage system (BESS) on approximately 596 acres of an 822-acre parcel, including a 1.1-mile-long gen-tie line located on an 456-acre parcel to connect the project to the Alpha substation.

Vicinity Map



102 Public Hearing Notices Sent on: May 9, 2025

Report Prepared By: Jon Bragington, Planner

SITE INFORMATION:

Parcel Size: Approximately 1,278 acres total
Structures: No structures are currently located on the site.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
Vacant	Rural Living (RL)	Rural Living (RL)	Single Residential 1 Acre or Less (RS-1)
Solar Facility	Resource/Land Management (RLM)	Resource Conservation (RC)	Single Residential 1 Acre or Less (RS-1)
Vacant	Rural Living (RL) and Resource/Land Management (RLM)	Rural Living (RL) and Resource Conservation (RC)	Single Residential 1 Acre or Less (RS-1)
Vacant/ Solar Facility	Rural Living (RL) and Resource/Land Management (RLM)	Rural Living (RL)	Community Industrial (IC)
Vacant	Resource/Land Management (RLM) and Open Space (OS)	Resource Conservation (RC)	Single Residential 1 Acre or Less (RS-1)

	Agency	Comment
City Sphere of Influence:	N/A	N/A
Water Service:	N/A	Utilization of Four (4) Onsite Wells
Sewer Service:	Septic	EHS Conditions of Approval Provided

STAFF RECOMMENDATION: That the Planning Commission recommend that the Board of Supervisors **CERTIFY** the EIR; **ADOPT** the CEQA Findings of Fact; **ADOPT** the Findings for approval of the Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit; **ADOPT** a Policy Plan Amendment from Rural Living to Resource Land Management on an 822-acre parcel; **ADOPT** a Zoning Amendment from Rural Living to Resource Conservation on an 822-acre parcel and 456-acre parcel; **APPROVE** the Conditional Use Permit, subject to the attached Conditions of Approval; and **DIRECT** Land Use Services Department staff to file a Notice of Determination.[1]

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission's action may be appealed to the Board of Supervisors.

FIGURE 1 – REGIONAL MAP

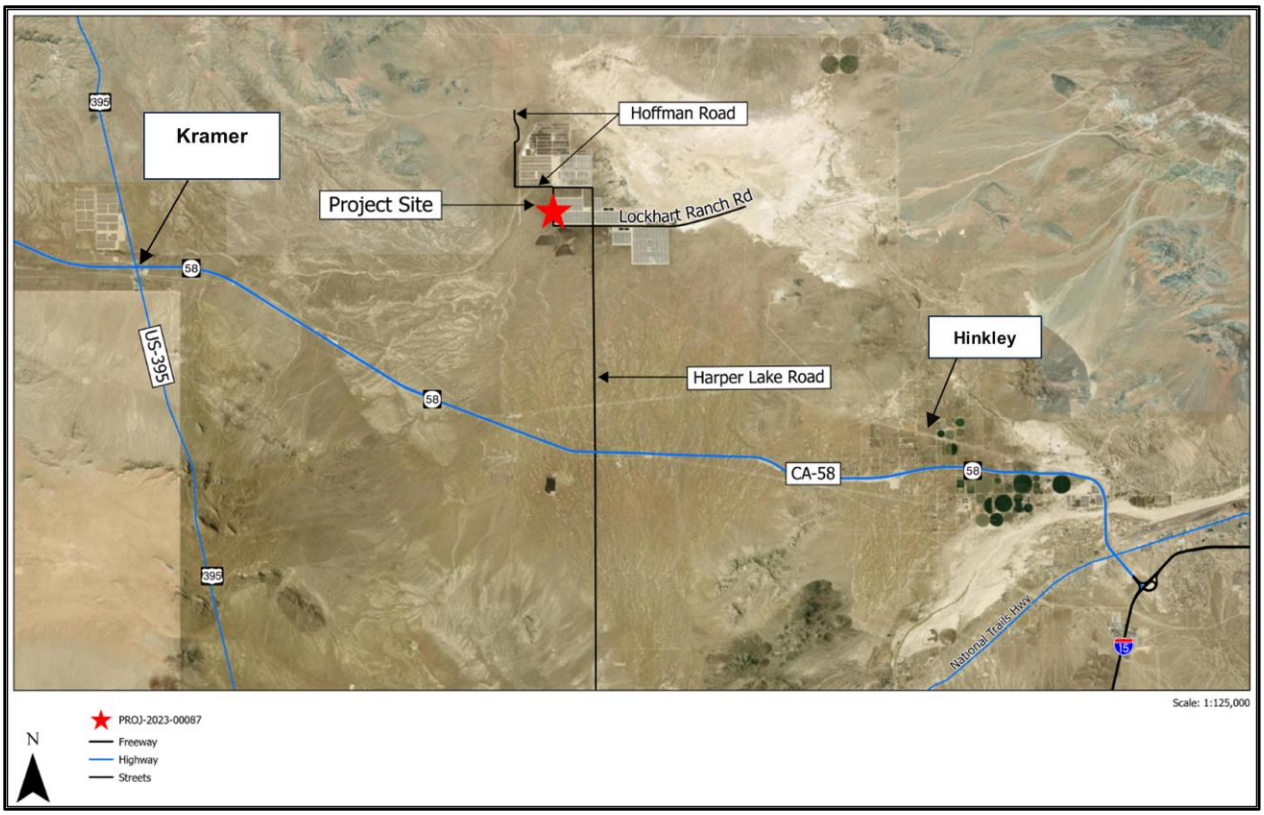


FIGURE 2 – VICINITY MAP

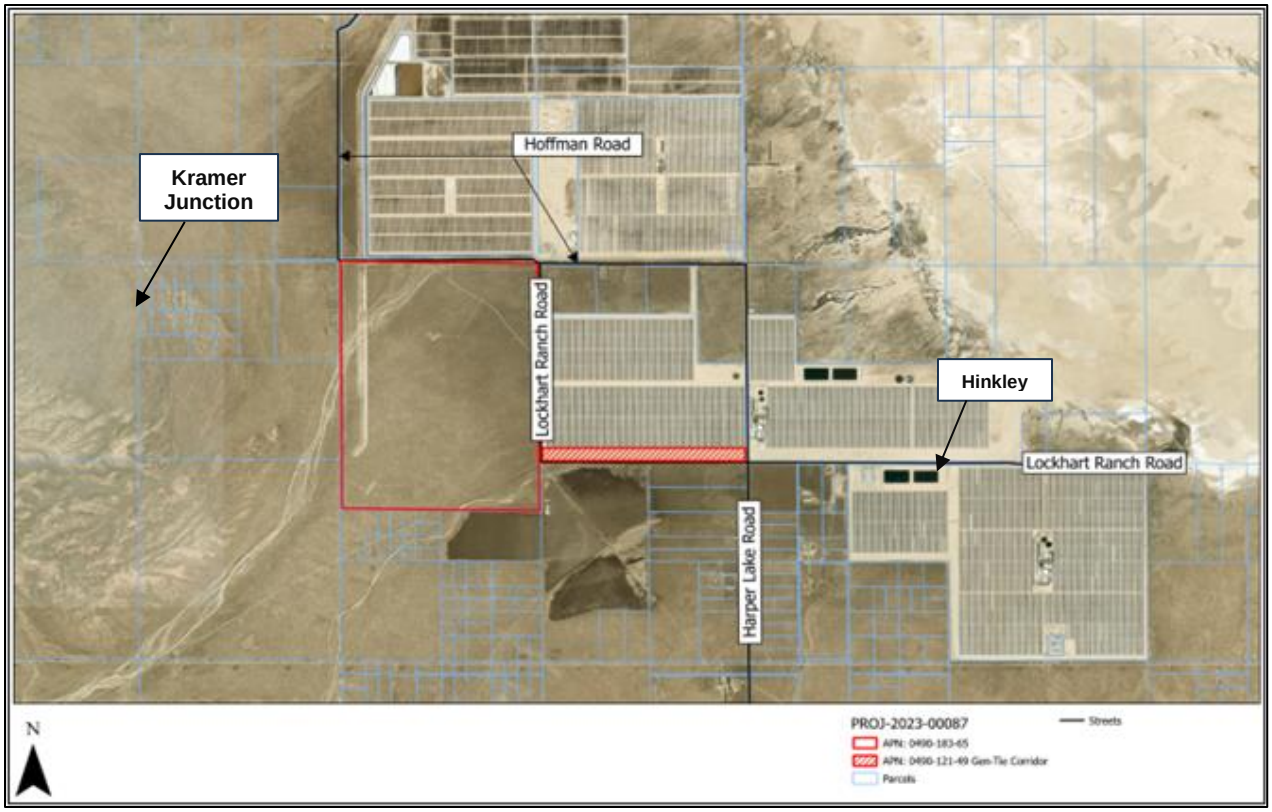


FIGURE 2 – LAND USE CATEGORY MAP: EXISTING

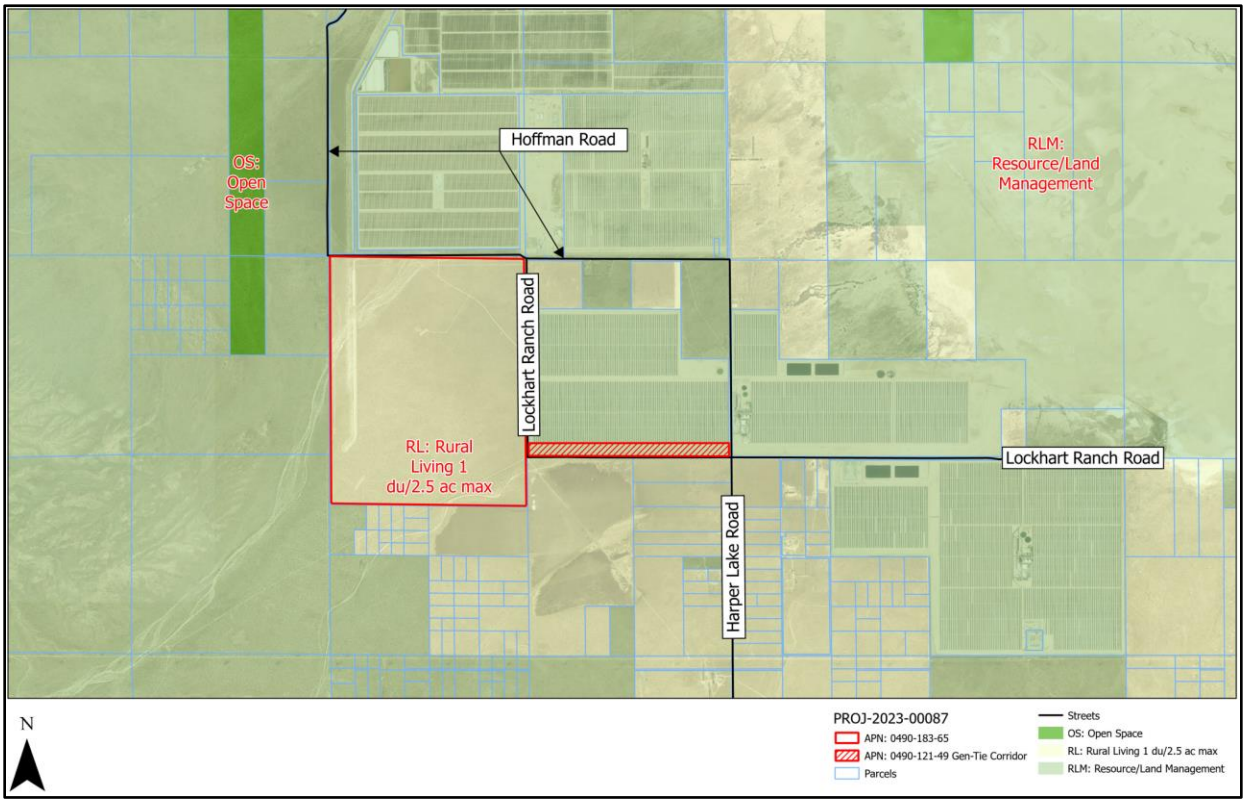


FIGURE 4 – LAND USE CATEGORY MAP: PROPOSED

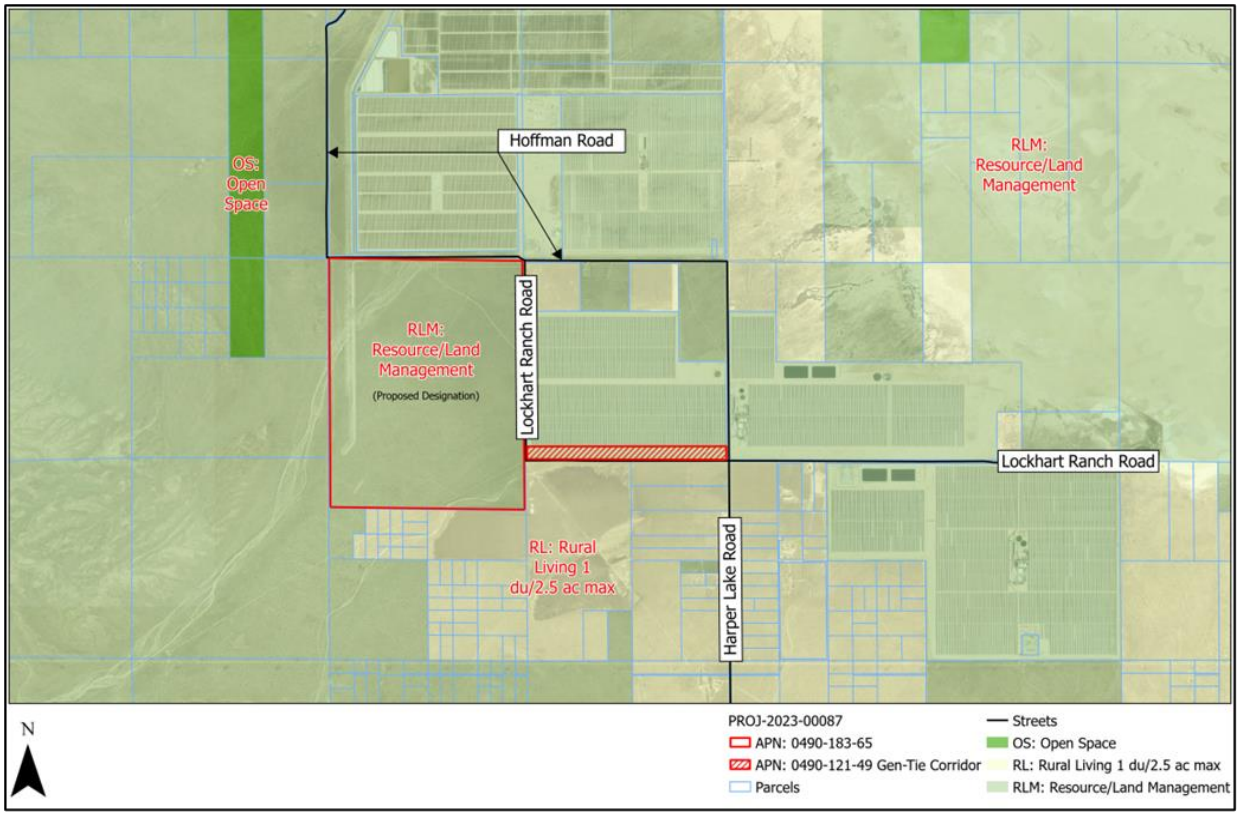


FIGURE 5 – ZONING MAP DESIGNATION: EXISTING

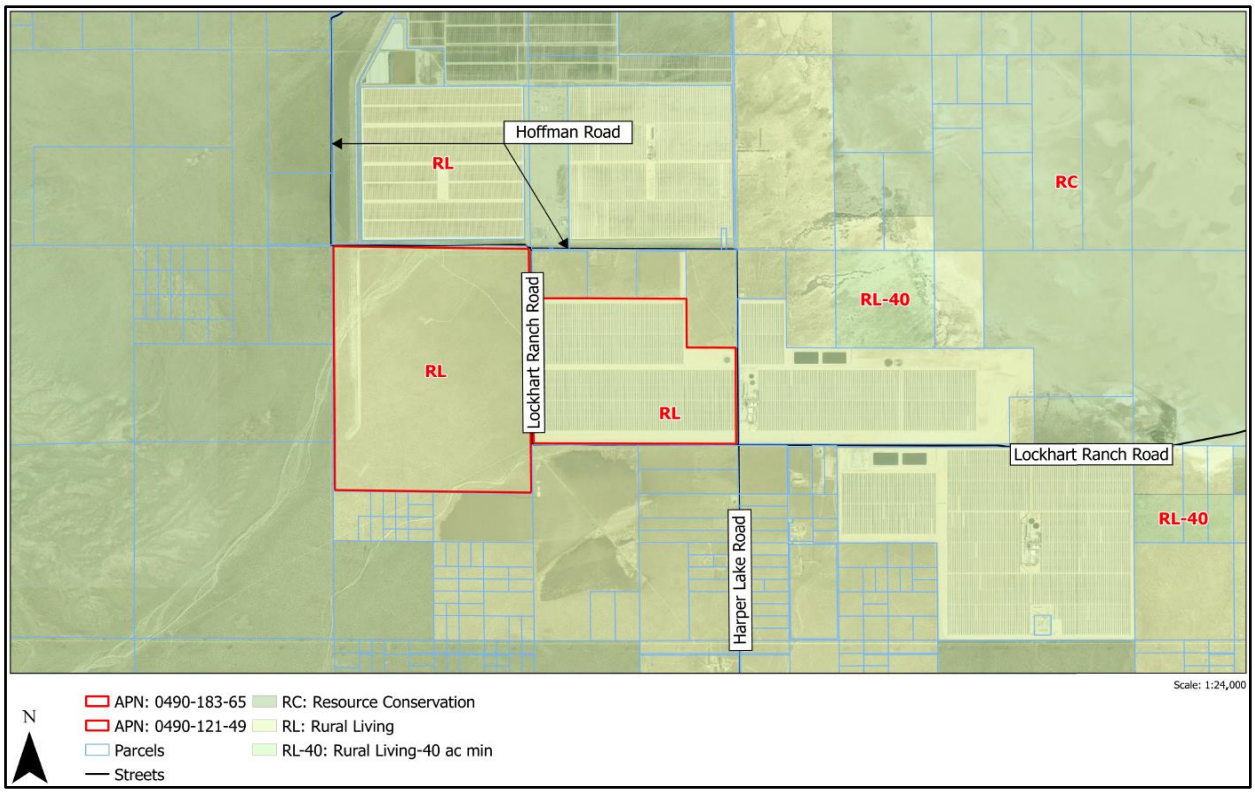


FIGURE 6 – ZONING MAP DESIGNATION: PROPOSED

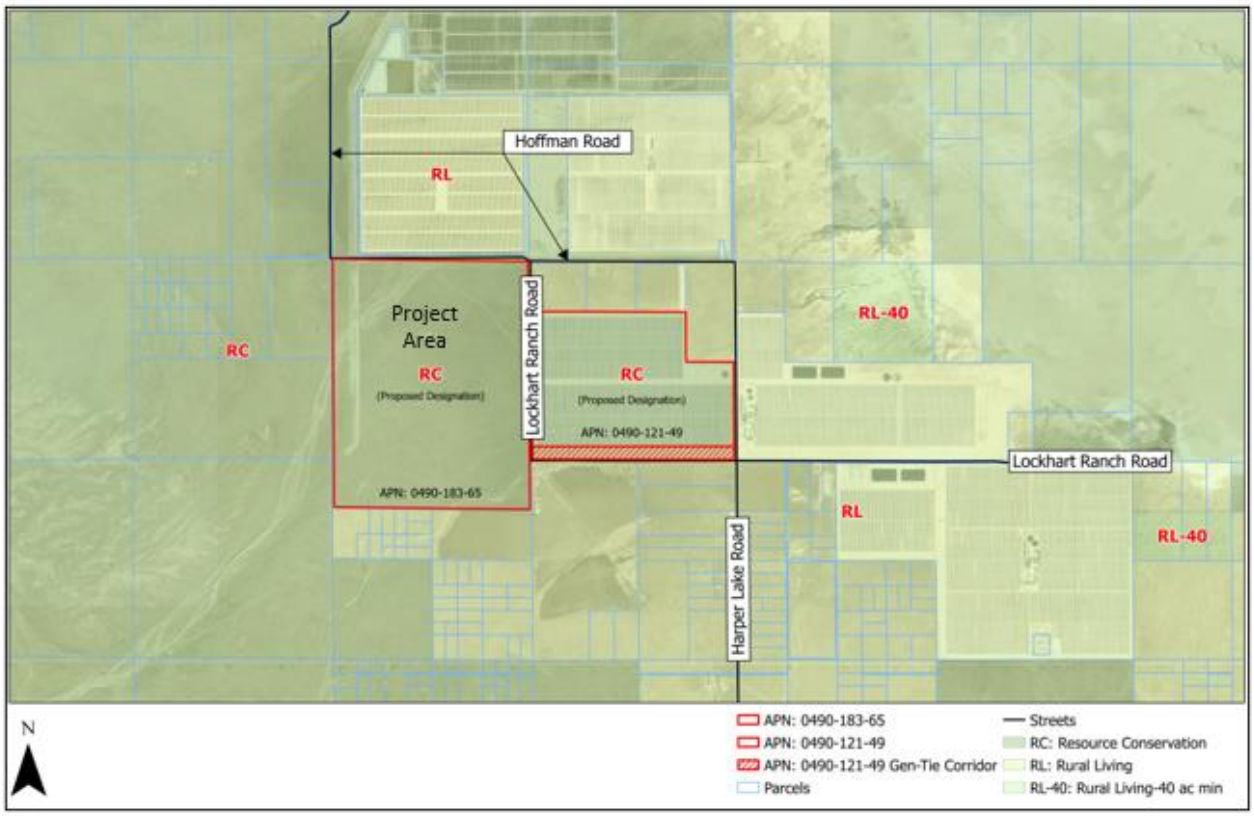
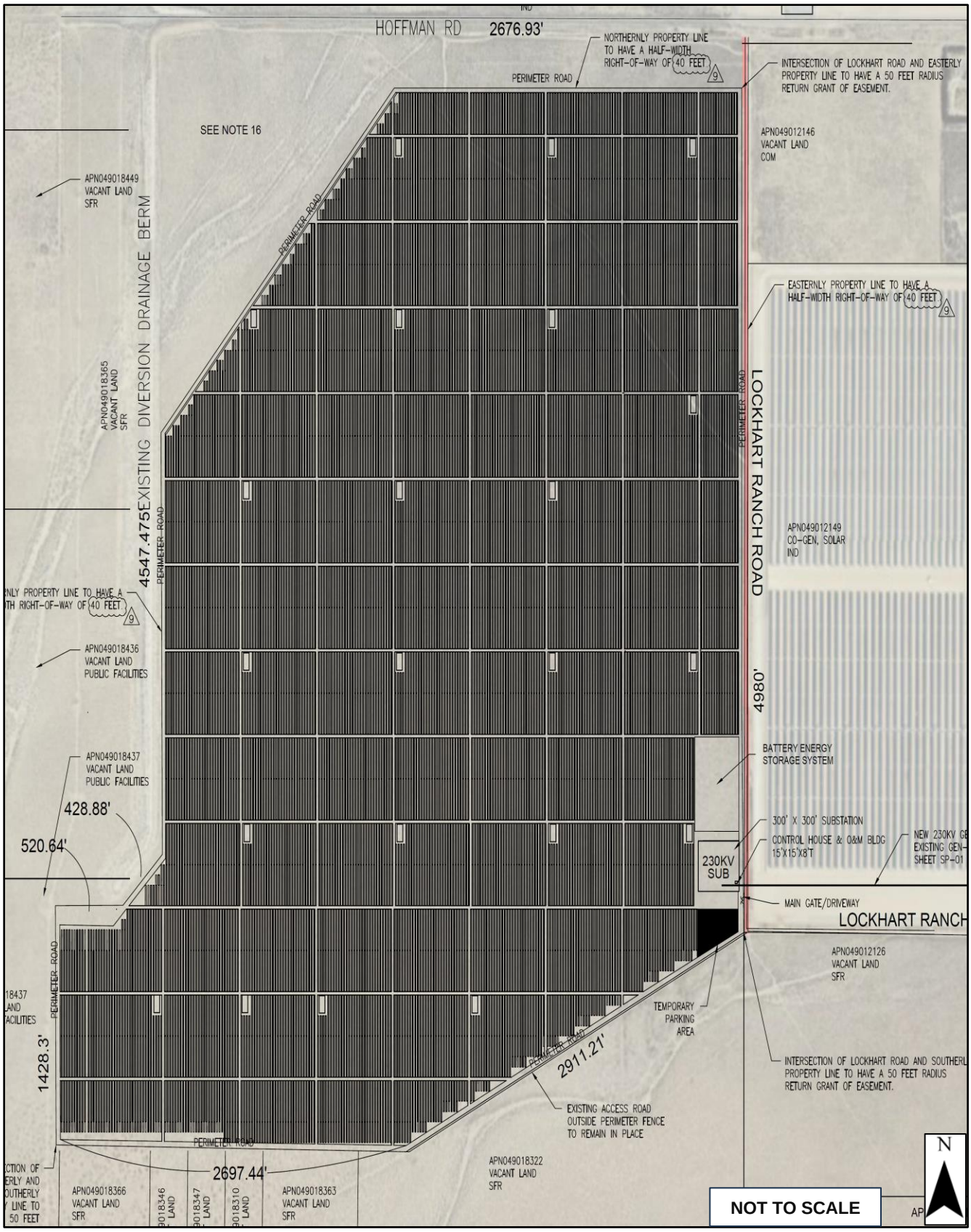


FIGURE 7-1 – LOOKING SOUTHWEST INTO PROJECT OFF OF LOCKHART RANCH ROAD

FIGURE 7-2 – LOOKING SOUTH INTO PROJECT FROM HOFFMAN

FIGURE 7-3 – LOOKING SOUTHWEST INTO PROJECT OFF OF LOCKHART RANCH ROAD

FIGURE 8 – PROPOSED SITE PLAN



PROJECT DESCRIPTION AND BACKGROUND

Proposed Project

The Applicant proposes a Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit (CUP) to establish a utility scale solar facility with a battery energy storage system (BESS) and a 1.1-mile gen-tie line to connect the existing Alpha substation (collectively Project). The Policy Plan Amendment would amend the Land Use Category designation from Rural Living (RL) to Resource Land Management (RLM) on an 822-acre parcel (APN: 0490-183-65) (Project Site). The Zoning Amendment would amend the Land Use Zoning District designation from Rural Living (RL) to Resource Conservation (RC) on the Project Site and the adjacent 456-acre parcel (APN: 0490-121-49) (Adjacent Property) (Figures 4 and 6). The CUP includes constructing and operating a utility-scale, solar photovoltaic (PV) electricity generation and BESS facility with an on-site substation, inverters, fencing, access roads, and supervisory control and data acquisition system that would produce up to 150 megawatts (MW) of power and include up to 150 MW of battery storage capacity on the Project Site. The utility-scale solar PV and BESS facility is located on approximately 596 acres of the 822-acre parcel (Figure 8). The 1.1-mile private gen-tie line will be located on the Adjacent Property, which is currently developed with a utility PV project (Figure 12).

Property History

Review of the aerial records indicate that the project area remained primarily undeveloped until 1994, when an access road was developed (now Kramer Road) and nearby solar facilities were constructed. The area surrounding the Project Site appears to have been utilized for agricultural purposes, specifically alfalfa fields. The community of Lockhart, east of the project site, was first settled in the 1920s. Due to the solar farm development in the surrounding area and the abandonment of the alfalfa fields, much of Lockhart was no longer extant by the mid-1990s. It does not appear that any buildings or isolated structures have been constructed within the project parcel.

The Project Site is located 10 miles northwest of Hinkley, 10 miles east of Kramer Junction, and 6 miles north of the State Route (SR) 58 and Harper Lake Road junction (Figure 2). The Project is within unincorporated Lockhart on primarily flat and undeveloped land. The Project is bounded by the Lockhart PV I Solar Facility and Desert Breeze Solar Facility to the north, the Mojave Solar Facility to the east, and vacant and undeveloped land to the south and west.

PROJECT ANALYSIS.

Policy Plan Amendment

The Project includes a Policy Plan Amendment to change the Land Use Category designation of the Project Site from Rural Living (RL) to Resource Land Management (RLM), which will allow for the development of a utility-scale solar facility in conjunction with the approval of a CUP. The proposed Policy Plan Amendment is consistent with the Countywide Plan/Policy Plan and the Renewable Energy and Conservation Element (RECE) adopted August 8, 2017, (amended February 28, 2019). Specifically, the intent of the RECE is to:

- Clarify the County's collective community, environmental, and economic values for renewable energy (RE) facilities development and conservation;
- Articulate what the County will strive to achieve and avoid through energy conservation, energy efficiency, and RE development;
- Establish goals and policies to manage RE development and conservation of the natural environment; and

- Set a framework for Development Code standards for RE development.

Zoning Amendment

The Project also includes a Zoning Amendment to change the Land Use Zoning District from Rural Living (RL) to Resource Conservation (RC) for the Project Site to align with the Policy Plan Amendment noted above. The Zoning Amendment also includes a change in the Land Use Zoning District from Rural Living (RL) to Resource Conservation (RC) for the Adjacent Property in order to make the zoning consistent with the existing Resource Land Management (RLM) designation that was changed as part of the 2020 general plan update. The Zoning Amendment would be consistent with the Policy Plan, including the following RECE policies:

RE Policy 4.10: Prohibit utility oriented RE project development on sites that would create adverse impacts on the quality of life or economic development opportunities in existing unincorporated communities.

- **RE 4.10.1**: Prohibit development of utility oriented RE projects in the Rural Living land use districts throughout the County.

The Zoning Amendment would ensure the utility oriented solar projects are consistent with the siting requirements of RE 4.10.1. Additionally, the Zoning Amendment would create consistency to nearby solar facilities located to the north (Lockhart II, Desert Breeze Solar) as those projects were rezoned from Rural Living (RL) to Resource Conservation (RC) by the Board of Supervisors on June 28, 2022 (Item No. 122).

Conditional Use Permit

The CUP will allow the construction and operation of a utility scale, un-staffed, solar PV electrical generation facility to produce up to 150 MW of alternate current (AC) or direct current (DC) generating capacity and to provide 8-hours of battery energy storage capacity of up to 150 MW. Configuration of the PV system includes single-axis trackers, bifacial PV modules, and central inverters on the Project Site.

The CUP also authorizes the construction of a private 1.1-mile-long gen-tie powerline corridor on the Adjacent Property to the east, which is owned by the same company. Private gen-tie power lines are not identified in the land use tables of the Development Code. The Development Code includes a land use category entitled “Pipeline, transmission lines, and control stations” that acknowledges said uses are regulated and approved by the California Public Utility Commission (CPUC) pursuant to the alternate review procedures in Section 85.02.050. However, private gen-tie powerlines are not approved by the CPUC (except at the point of change of ownership pole or “POCO”) and because they are not expressly regulated by the Development Code, the private gen-tie powerline corridor is being permitted and regulated under the similar and compatible uses requirements of Section 82.02.030(a)(3).

The private gen-tie powerlines are proposed to be 95 feet in height which would normally exceed the maximum height of structures within the Resource Conservation (RC) zone. However, because this use is being allowed and permitted under the similar and compatible provisions, height standards for “pipeline, transmission lines, and control stations” are controlling, and the CPUC (General Rule 95 and 165) for this similar use allows for utility-related structures to exceed the maximum height allowed in the underlying zoning if the height is necessary to: (1) provide for full operation capabilities of the electrical conveyance of utility facilities; and (2) protect the public. Because the height of the poles

and transmission lines are essential to the development of the solar facility and the height is necessary to protect the public, the General Order standards apply. The gen-tie line would serve as the necessary interconnection, allowing the Project's powerlines to connect to the Alpha Substation, which is owned and operated as part of the Mojave Solar Facility.

Development Code Analysis

As shown in Table 2, the Project satisfies all applicable standards of the Development Code for development in the Resource Conservation (RC) Land Use Zoning District.

Table 2 Project Code Compliance: Resource Conservation (RC)

Project Component	Development Code Standard		Project Plans
PV Solar Facility, BESS, Gen-tie line	CUP		CUP (Photovoltaic Panel, BESS Installation)
Parking	N/A		N/A[1]
Landscaping	N/A		N/A
Building Setbacks[2]	Front: Street Side Side Interior: Rear	25' 15' 15' 15'	25' 25' 15' 15'
Building Height[3]	35' Maximum		10' to 95' ft
Drive Aisles	24' (two way)		26' Perimeter Access Roads

Notes:
1. Project is an unmanned facility, no on-site parking proposed.
2. The substation building is required to comply with RC setback standards.
3. Height is regulated by CPUC authority.

Site Design

Solar Array Assembly

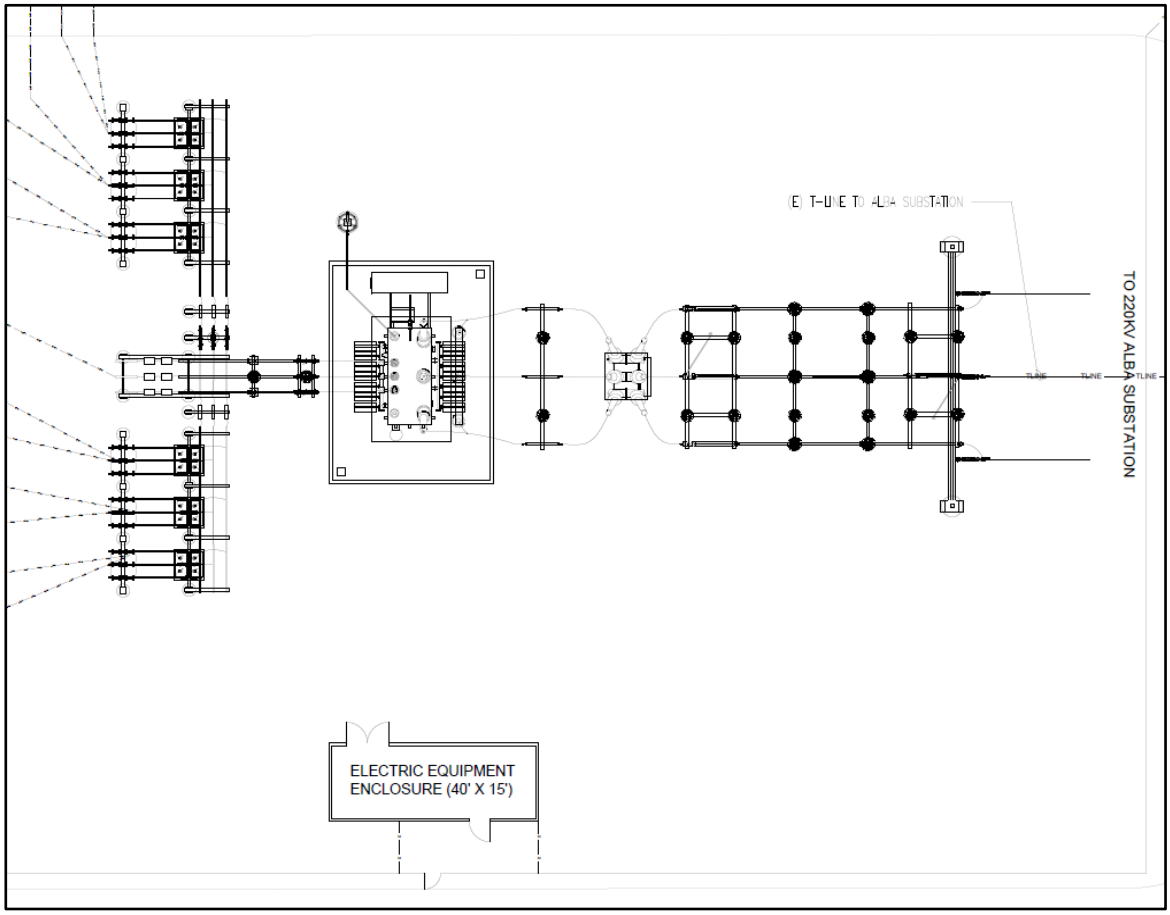
The proposed photovoltaic solar panels would be mounted on a single axis tracking racking system supported by driven piers (piles) or helical ground anchors directly embedded into the ground. The mounted panels would be 8 feet tall and would be organized in uniform rows creating a grid pattern, with each panel row separated by approximately 10 to 20 feet (Exhibit I). Panels are also proposed to be a minimum of 20 inches above ground for hydrology purposes.

Project Substation

The Project would include one on-site substation located at the southeastern corner of the Project Site within a 300-foot by 300-foot footprint (Figure 8 and 9). Electrical equipment up to 65 feet in height and an 8-foot-high single-story rectangular control building, housing the communication and Supervisory Control & Data Acquisition (SCADA) equipment would also be located within the substation footprint. The control building area would be 15 feet by 15 feet.

A seven-foot-high chain-link fence would be constructed to enclose the perimeter of the solar facility including BESS equipment and would be in compliance with National Electrical Safety Code (NESC) safety clearance requirements. The proposed gen-tie line originating at the substation would be constructed from the substation to connect the solar facility to an existing gen-tie line located approximately 1.1 miles east of the Project Site, just south of the existing Alpha Substation.

FIGURE 9 – SUBSTATION AREA LAYOUT



Structural Height - Gen Tie Lines

As previously noted regarding gen-tie line height, the CPUC, under General Orders 95 and 165, permits utility-related structures to exceed standard height limits in a zoning district when necessary to protect public safety and ensure full operational capability of electrical utility facilities. This same authority applies to the height of substation equipment in accordance with the similar and compatible permitting requirements.

Battery Storage

The 150-MW BESS facility would be located adjacent to and just west of the proposed substation on approximately 4.2 acres. The key components of the BESS are described below:

- Batteries. Batteries are composed of individual lithium-ion cells that are to be assembled either in series or parallel connection, to make up sealed battery modules. The battery modules would be installed in self-supporting racks electrically connected either in series or parallel to each other.
- BESS Enclosure and Controller. The BESS enclosure would house the batteries and the BESS controller. This is a multilevel control system that includes the battery modules, power conversion system (PCS), and medium-voltage (MV) system where the BESS would connect to the project substation and then connect to the electrical grid via the proposed gen-tie line and grid interconnection. The BESS enclosure would also house required heating, ventilation, air conditioning (HVAC) and fire protection/suppression systems.

- DC/DC (Direct Current) Converter. DC/DC converters would be installed to allow the connection of the BESS to the DC side of the PV inverter. The DC/DC converter manages the battery and PV bus inverter voltage [voltage converted from direct current (DC) output into alternating current (AC)] and provides appropriate protections for the PV inverter.
- Power Conversion System – Inverter. Installation of an inverter, protection equipment, circuit breakers, air filter equipment, equipment terminals, and cabling installed throughout the Project Site.
- MV (Medium Voltage) Transformer. Installation of a separate MV transformer or integrated into the inverter skid. The MV transformer would be a pad-mounted transformer used to increase voltage on the AC side of the inverter from low to medium-voltage.

  The battery cabinets would be installed adjacent to the substation and contained within steel enclosures similar to a shipping container approximately 10 feet in height.

The color of the metal enclosures is conditioned to be painted an earthtone color (i.e., light tan/brown) to better blend with the desert surroundings.

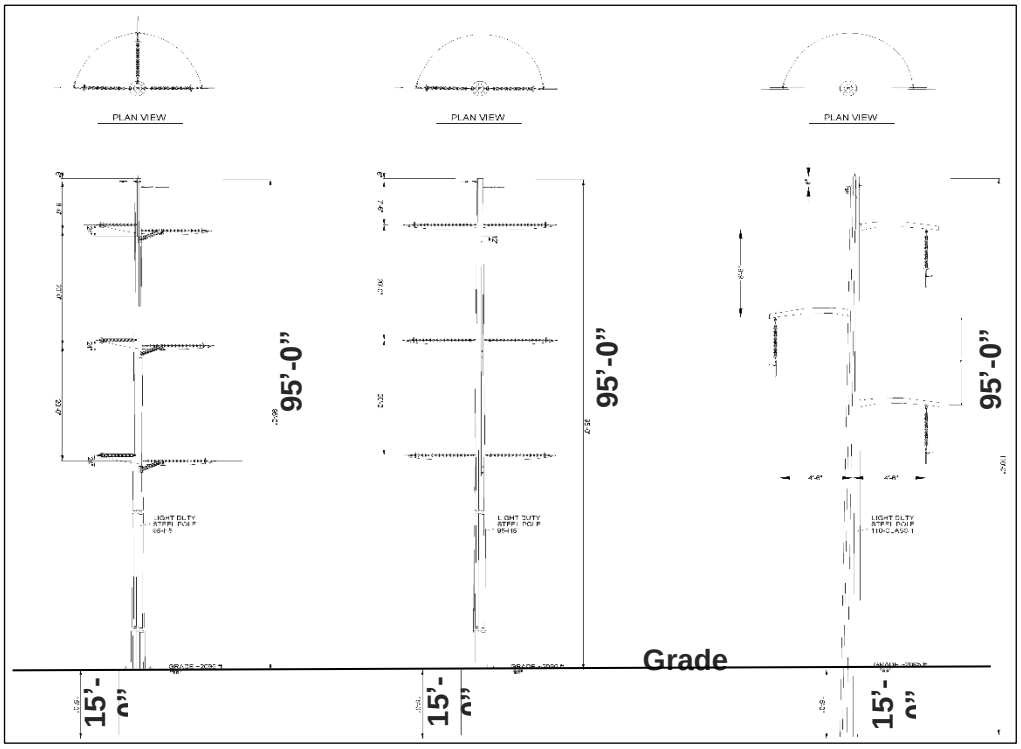
Figure 10 - BESS ENCLOSURES

Lighting and Signage

Manual, timed, and motion sensor lights would be installed at access gates, equipment pads, and at the substation for maintenance and security purposes. Lighting would be shielded and aimed downward to the ground in compliance with Section 83.07.060 (Mountain and Desert Requirements) of the Development Code. In addition, remote controlled cameras would be installed. No other lighting is proposed.

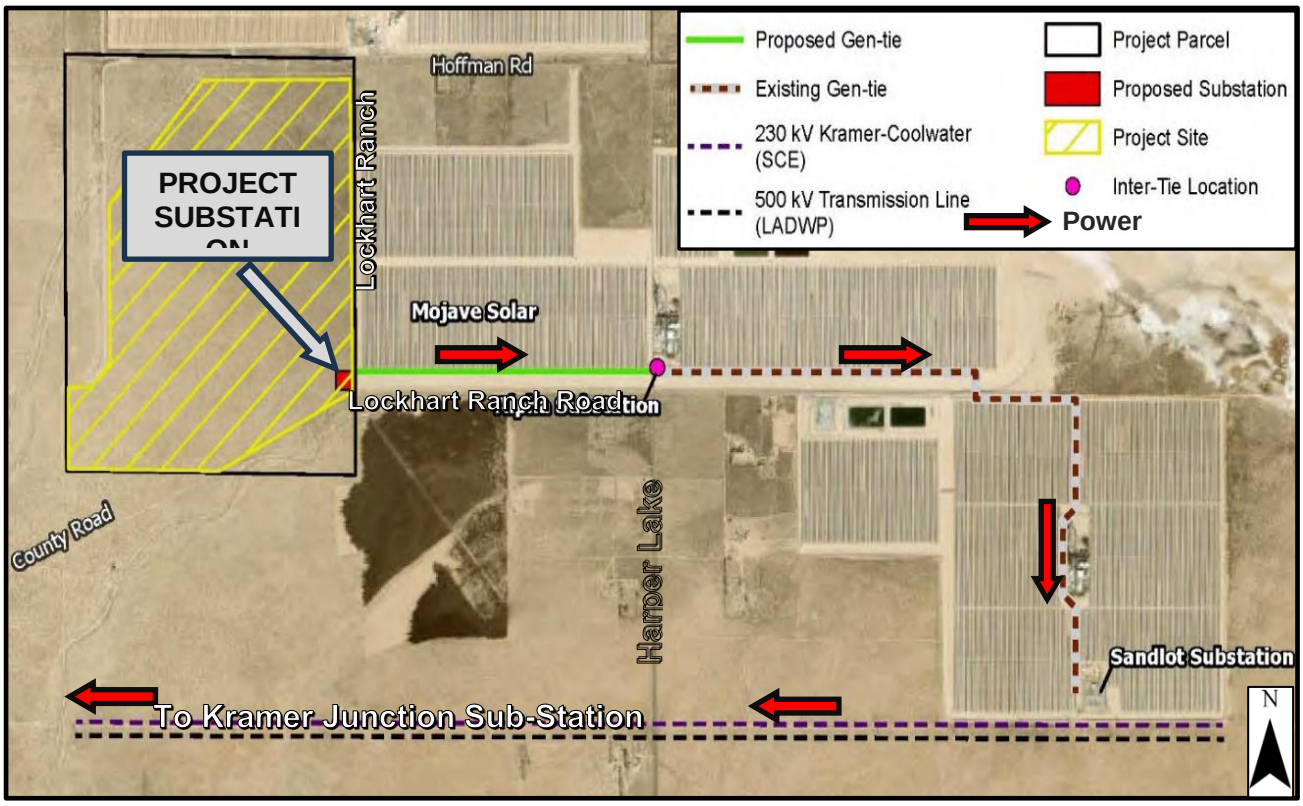
Signage is proposed at the entrance of the project site along Lockhart Ranch Road and would be installed in compliance with Chapter 83.13 (Sign Regulations) of the County Development Code under a separate permit.

FIGURE 11 – GEN-TIE POWER POLE PLANS



As shown in photo simulations, (Exhibit I), the substation would raise powerlines onto a 65-foot-high gantry take-off support that would angle powerlines to connect with a gen-tie powerline supported by 95-foot-high power poles. The gen-tie powerline would be constructed with 95-foot-high galvanized power poles to carry high voltage power lines from the project substation eastward for approximately 1.1-miles along the southern portion of the Adjacent Property (APN 0490-121-49) and would connect with the southern portion of the existing Alpha Substation (Figure 12). From this point, an intertie would connect incoming power received from the Project to the adjacent Mojave Solar Facility's existing gen-tie powerline. Power is then conveyed eastward for approximately 1.5 miles, then south for approximately 0.95-mile to the existing Southern California Edison (SCE) Sandlot Substation. From there, power is interconnected to an existing 230-kilovolt (kV) SCE Kramer-Coolwater Transmission Line, which would then convey power from the Project approximately 12 miles to a Point of Interconnection with the existing Kramer Junction Substation where power is then delivered to the SCE power grid.

FIGURE 12 - GEN-TIE LINE SITE PLAN



Construction/Start Up Process

Project construction is anticipated to occur in one phase over a 22-month period, from September 2025 until mid-year of 2027. The Project would be constructed in multiple overlapping stages including:

1. Fencing, site preparation, grading, and preparation of construction staging areas and on-site access routes;
2. Installation of the racking system, equipment pads, and foundations;
3. Installation of solar panels and other electrical components;
4. Installation of project substation equipment, the gen-tie line, and all other balance of systems equipment including the BESS system;
5. Interconnecting the project gen-tie line with the existing gen-tie at the intertie location;
6. Startup, testing, and placing the solar array facility into operation; and
7. All of the above to be constructed by a workforce local to the region.

Once the Project Site is fenced and secured, equipment would be delivered to the various construction staging areas within the Project Site. Delivery would typically be by flatbed or enclosed semi-trailer truck. The largest equipment would be the transformer that would be installed within the substation. The transformer would be installed at the end of construction.

An average of 150 workers would be on-site during each stage of construction, depending on the activities. Construction would only occur during daylight hours. The peak number of workers on the Project Site at any one time is anticipated to be 300. The workforce would consist of laborers, craftspeople, supervisory personnel, and support personnel. Portable toilet facilities would be installed for use by construction workers. Waste disposal would occur in a permitted off-site receiving facility. Domestic water for use by employees would be provided by the construction contractor through deliveries to the project site.

Site Preparation and Grading

Site preparation would consist of clearing, grubbing, scarifying, recompacting, and grading the Project Site. Though grading is expected to occur throughout the Project Site, cut and fill would balance with no importing or exporting of dirt necessary. Anticipated depths for ground disturbance are up to one foot for concrete pads and grading. Installation of gen-tie power pole pilons will be driven to a depth of 15 feet with no drilling or excavation required. During the entire construction period, the Project would use up to 200 acre-feet of water for construction activities. The Project would purchase water supplied by existing on-site wells at the adjacent Mojave Solar Facility which is also owned by the same company.

Desert Tortoise Fencing.

Prior to grading, temporary Desert Tortoise exclusionary fencing would be placed around the Project Site, to prevent Desert Tortoises from potentially migrating on to the site. The proposed gen-tie corridor is located within an area already fenced off by the existing Mojave Solar Facility with permanent Desert Tortoise exclusionary fencing. If a Desert Tortoise is encountered onsite prior to installation of fencing or construction, the Project is required to adhere to Mitigation Measure BIO-4. A Designated Biologist and/or Biological Monitor would have the authority to stop work as needed to avoid direct impacts to Desert Tortoise and conduct consultation with the USFWS and CDFW prior to relocating the Desert Tortoise.

FIGURES 13A & 13B - Desert Tortoise Exclusionary Fencing

Dust Control Plan.

In accordance with Mojave Desert Air Quality Management District (MDAQMD) requirements, the applicant would develop a dust control plan that describes all applicable dust control measures to address and suppress construction-related dust. Components of the plan would likely include water

trucks to spread water, as well as road stabilization with chemicals, gravel, or asphaltic pavement to mitigate visible fugitive dust from vehicular travel and wind erosion.

Solid and Non-Hazardous Waste

Solid waste from construction activities may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation waste. These wastes would be segregated, where practical, for recycling. Nonrecyclable wastes would be placed in covered dumpsters and removed on a regular basis by a licensed, certified waste-handling contractor for disposal at a Class III landfill. The closest Class III regional landfill is the Barstow Sanitary Landfill, located approximately 22 miles southeast of the Project Site. Vegetation waste generated by site clearing and grubbing would be chipped/mulched and spread on-site or hauled off-site to an appropriate green waste facility.

Hazardous Materials

Hazardous materials used during construction may include gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies. The Project is conditioned to submit to the County Fire Hazardous Materials Division a Hazardous Materials Business Plan (HMBP) that would include a complete list of all materials used on-site and information regarding how the materials would be safely stored and transported and in what form the materials would be used for. During project construction, material safety data sheets (MSDS) for all applicable materials would be present at the Project Site would be made readily available to on-site personnel.

Hazardous Waste

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

Project Operations Post Construction

The Project would operate 24-hours 365 days per year and would generate solar electricity during daylight hours and discharge power for sale onto the power supply grid from the BESS at various times during the day and night. A control building, within the substation footprint, would house communication and SCADA equipment. (Figure 9)

Because project operations would be monitored remotely via the SCADA system, the Project will not require the presence of full-time, on-site employees nor will it require water or sewer connections. Nonetheless, occasional operational and maintenance staff visits would occur and would also respond and arrive on-site within 15 minutes should unanticipated issues arise. Temporary operations and maintenance employees would use the existing operations and maintenance facilities at the adjacent Mojave Solar Facility for domestic water and toilet facilities.

Operational vehicles would include light-duty trucks (e.g., flatbed pickup) and other light equipment for maintenance and PV module washing. Heavy equipment would not be used during normal operation. Large or heavy equipment may be brought to the facility infrequently for equipment repair

or replacement, or for vegetation control.

Water would be required for panel washing activities, general maintenance, and fire suppression purposes. Operational water demands would total approximately 11 acre-feet per year. The frequency of panel washing would be determined based on soiling of the PV panels and expected benefit from cleaning. However, panel washing would be required at least once per year and potentially up to 4 times per year. Panel washing would require up to 12 employees with water trucks and would take approximately 20 days to complete each panel washing event. When cleaning is necessary, water will be sprayed on the PV panels to remove dust. This water would be obtained from existing on-site wells at the adjacent Mojave Solar Facility. Operational water for fire suppression would be contained within a water tank located next to one of the existing wells within the adjacent Mojave Solar Facility. San Bernardino County Fire Protection District maintains keys for all access gates at the Mojave Solar Facility.

Stormwater Facilities

Project Site drainage would be designed to follow natural drainage patterns. Long shallow strip retention basins are proposed to capture the anticipated 100-year, 24-hour increase in runoff volume resulting from clearing of vegetation, compacting of soil, and any limited impervious (paved or structural) improvements. These would be shallow swales located along each solar array.

Planned improvements to the Project's perimeter stormwater controls include maintenance of a drainage easement to the west of the existing berm; construction of small retention basins throughout the solar panel areas and project site; installation of culverts and drainage channels to facilitate the controlled conveyance of runoff across the project site; and BMPs such as vegetated swales, permeable surfaces, and infiltration trenches to reduce surface runoff. The Project's Drainage Study and SWPPP are conditioned to be reviewed and approved by the County prior to release of grading permits.

Decommissioning

At the end of the Project's 35-year operational term, the Applicant may determine that the Project should be decommissioned and deconstructed, or it may seek an extension of the CUP. The Applicant will be conditioned to work with the County to ensure decommissioning of the Project after its productive lifetime complies with all applicable local, state, and federal requirements and Best Management Practices (BMPs). The Project would include BMPs to ensure the collection and recycling of the PV modules and to avoid the potential for PV modules to be disposed of as municipal waste.

Equipment would be de-energized prior to removal, salvaged (where possible), placed in appropriate shipping containers, and secured in a truck transport trailer for shipment off site to be recycled or disposed of at an appropriately licensed disposal treatment facility. Site infrastructure would be removed, including fences and concrete pads that may support the inverters, transformers, and related equipment. The exterior fencing and gates would be removed, and materials would be recycled to the extent feasible. Project roads would be restored to their pre-construction condition to the extent feasible unless the landowner elects to retain the improved roads for access throughout the property. A collection and recycling program would be utilized to promote recycling of Project components and minimize disposal in landfills.

TABLE 3: COUNTYWIDE POLICY PLAN CONSISTENCY

Policy LU-2.2: Compatibility with Existing Uses	**Consistency**
Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.	The Project is in a rural area adjacent to existing photovoltaic solar facilities to the north and east, and it is not situated within or near any established residential neighborhoods. Given the site design features, the goals of the Renewable Energy and Conservation Element, the applicable Development Code, the proposed Policy Plan and Zoning Amendment, and the Project's proximity to other solar energy facilities, the location is appropriate and compatible with the surrounding land uses.
Policy LU-2.4: Land Use Map Consistency	**Consistency**
Land Use Map consistency. We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.	The Project is consistent with the Land Use Map upon approval of the proposed Policy Plan Amendment to change the land use designation from Rural Living (RL) to Resource Land Management (RLM) on an 822-acre parcel (APN: 0490-183-65), and a Zoning Amendment from Rural Living (RL) to Resource Conservation (RC) on the Project Site and Adjacent Property, to allow for development of the solar facility and the gen-tie line connection to the Alpha Substation.
RE Goal 5: Renewable Energy Facilities	**Consistency**

Renewable energy facilities will be located in areas that meet County standards, local values, community needs and environmental and cultural resource protection priorities.	Considering the site design features, consistency with the Renewable Energy and Conservation Element, compliance with the Development Code, and proximity to existing solar generation facilities to the north and east, the Project is appropriately sited in a location that aligns with County standards, reflects local values, supports community needs, and respects environmental and cultural resource protection priorities.

PROJECT NOTICE

In accordance with Section 84.27.070 of the Development Code, Project Notices were sent to all property owners within 1,300 hundred feet of the external boundaries of the Project boundary (Exhibit G). A total of 30 project notices were sent to surrounding property owners and interested agencies/associations on October 26, 2023. One email comment was received on October 30, 2023, from a landowner with a 5-acre parcel abutting the southern border of the Project. The landowner expressed concern regarding future usability, desirability and value of the landowner's property. Planning staff contacted the landowner via phone on April 22, 2025. The Applicant confirmed that the current access would be maintained, and this response was relayed to the landowner.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

An Environmental Impact Report (EIR) was prepared by the Applicant for review and use by the County for the proposed Project. On January 18, 2024, a Notice of Preparation (NOP) was prepared and distributed with the 30-day public review period concluding on February 19, 2024. The purpose of the NOP was to inform and advise public agencies, special districts, surrounding landowners and members of the public that an EIR for the Project was being prepared. The NOP included an online scoping meeting via webinar (Zoom) to discuss the proposed Project on January 31, 2024.

The purpose of the scoping meeting was to obtain comments from the public and agencies regarding the scope of the environmental document and the details of the proposed Project as presented by the Applicant. At the scoping meeting, a presentation was provided, including an overview of the project and the CEQA process. Following the presentation, participants were encouraged to provide oral or written comments to aid the County in refining the scope of issues to be addressed in the Draft EIR.

One individual from the public attended the scoping meeting. In addition, a total of five written comment letters were received in response to the NOP and scoping meeting. Comment letters were received from the Mojave Desert Air Quality Management District, Lahontan Regional Water Quality Control Board, Defenders of Wildlife, Desert Tortoise Council, and Mojave Ground Squirrel Conservation Council. Key issues of environmental concern expressed by individuals and/or agencies during the scoping period included:

- Impacts to Desert Tortoise,
- Impacts to Mohave Ground Squirrel,
- Impacts to Burrowing Owl,
- Impacts to air quality, dust control,
- Impacts to water resources,

- Project Alternative.

The Draft EIR (Exhibit A) was circulated to the State Clearinghouse, surrounding landowners, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period pursuant to CEQA Guidelines Sections 15084, 15087, and 15105. The review period began on October 2, 2024, and ended on November 18, 2024.

During this period, the County received five comment letters on the Draft EIR from:

Adams Broadwell Joseph & Cardozo

Mojave Water Agency

California Department of Fish and Wildlife

Morongo Band of Mission Indians

Fort Yuma Quechan Indian Tribe

All written comments received during the public review period are presented, and responses are provided in Section 2.0, Comment Letters and Responses to Comments of the Final EIR (Exhibit B).

California Energy Commission.

A late response letter to the Draft EIR was received on April 4, 2025, from the California Energy Commission (Exhibit H). The letter noted that parts of Harper Lake Road were fenced off with Desert Tortoise exclusionary fencing, however incomplete with known gaps in fencing created for utilities and at the request of private landowners and therefore creating a concern of gaps in allowing tortoises to access Harper Lake Road. The letter requested for the Final EIR to be updated to include an analysis of potential impacts to Desert Tortoise along Harper Lake Road from increased traffic volumes during construction and any proposed mitigation measures to prevent Desert Tortoise mortality along Harper Lake Road including proposed measures in any state or federal permits.

The Applicant responded by amending Mitigation Measure BIO-4 of the Mitigation Monitoring Reporting Program in adding the following best management practices for protection of Desert Tortoise:

- Require inspection of under carriage vehicles before starting up and moving and if encountered, to not move vehicles until voluntarily moved away from the vehicle and out of harm's way, or a qualified biologist has moved them.
- Limit speed limits on the Project site to 15-miles per hour .
- Posted signage prohibiting off-road travel adjacent to the project site.
- Assign a designated biologist present during all disturbance activities in the vicinity of exclusionary fencing, inspect Desert Tortoise exclusionary fencing along Harper Lake Road and record any existing damage. Any damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor approved by the CDFW.
- Perform daily inspections of the fence's perimeter, with maintenance conducted during the construction period to ensure the integrity of exclusionary fencing.
- Allow Designated Biologist and/or Biological Monitor to have the authority to stop work as needed to avoid direct impacts to Desert Tortoise and conduct further consultations with the USFWS and CDFW prior to relocating Desert Tortoise.

SB-18

An SB-18 notice was sent via email to the Native American Heritage Commission (NAHC) and to the tribes listed below on December 13, 2023, regarding the proposed Project. The NAHC responded with a letter dated February 22, 2024, and provided a list of Tribes having cultural affiliation with the project region. No email responses were received from the tribes:

- Kaibab Band of Paiute Indians
- Kern Valley Indian Community
- Las Vegas Tribe of Paiute Indians
- Kw'ts'an (Quechan) Indian Tribe
- Moapa Band of Paiute Indians
- Morongo Band of Mission Indians
- Paiute Indian Tribe of Utah
- San Fernando Band of Mission Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians
- Tubatulabal Tribe
- Twenty-Nine Palms Band of Mission Indians
- Yavapai-Apache Nation
- Yuhaaviatam San Manuel Nation

AB-52 CONSULTATION

Project notification and consultation request pursuant to AB 52 was sent via certified mail on January 17, 2024, to the Tribes listed below with ancestral interest in the subject property or who have specifically requested they be notified of new project proposals in the County:

- Colorado River Indian Tribes
- Chemehuevi Indian Tribe
- Fort Mojave Indian Tribe
- Fort Yuma Quechan Tribe
- Morongo Band of Mission Indians
- Soboba Band of Luiseño Indians
- Twenty-Nine Palms Band of Mission Indians
- Yuhaaviatam San Manuel Nation
- Kern River Indian Tribe

The Planning Department received a request for consultation from Yuhaaviatam San Manuel Nation (YSMN) and Morongo Band of Mission Indians (MBMI) with requested mitigation measures from their Tribe involving tribal monitoring participation during project grading activities, which have been

incorporated into Mitigation Measures CUL-1 and CUL-2 incorporate these requests (Exhibit D)

Tribal Government	Letter Received	Response
Yuhaaviatam San Manuel Nation	4/15/2024	Request for consultation
Morongo Band of Mission Indians	1/31/2024	Request for consultation
Kern Valley Indian Community	5/6/2024	Have cultural-affiliated Native American Tribal monitors present during grading activities.
Fort Yuma Quechan Tribe	10/17/2024	Deferred to Tribes with cultural affiliation with Project region.
Twenty-Nine Palms Band of Mission Indians	4/10/2024	Deferred to Tribes with cultural affiliation with Project region.
Colorado River Indian Tribe	5/30/2024	Deferred to Tribes with cultural affiliation with Project region.

RECOMMENDATION:

That the Planning Commission recommend that the Board of Supervisors take the following actions:

1. CERTIFY the Final Environmental Impact Report (Exhibits A and B);
2. ADOPT the California Environmental Quality Act Facts and Findings and Mitigation Monitoring Reporting Program (Exhibits C and D);
3. ADOPT the Findings for approval of the Policy Plan Amendment, Zoning Amendment, and Conditional Use Permit (Exhibit E);
4. ADOPT a Resolution amending the Land Use Category designation from Rural Living (RL) to Resource Land Management (RLM) on an 822-acre parcel (APN: 0490-183-65) (Exhibit J):
5. ADOPT an Ordinance amending the Land Use Zoning District from Rural Living (RL) to Resource Conservation (RC) on an 822-acre parcel (APN: 0490-183-65) and an 456-acre parcel (APN: 0490-121-49 (Exhibit J);
6. APPROVE a Conditional Use Permit to construct and operate a 150-megawatt photovoltaic solar facility, and 150-MW battery energy storage system on approximately 596 acres within an 822-acre parcel (APN: 0490-183-65) including a 1.1-mile-long gen-tie line on a 456-acre parcel (APN: 0490-121-49) to connect the project to the Alpha substation, subject to the Conditions of Approval (Exhibit F); and
7. DIRECT the Land Use Services Department to file a Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Draft Environmental Impact Report

https://lus.sbcounty.gov/wp-content/uploads/sites/48/Atlantica-Overnight-Solar-DEIR-Vol-1-10012024.pdf

EXHIBIT B: Final Environmental Impact Report

https://lus.sbcounty.gov/wp-content/uploads/sites/48/Overnight-Solar-FEIR.pdf

EXHIBIT C: California Environmental Quality Act Facts and Findings

EXHIBIT D: Mitigation Monitoring Reporting Program (MMRP)

EXHIBIT E: Conditional Use Permit, Policy Plan Amendment, Zone Change and Commercial Solar Facility Findings

EXHIBIT F: Conditions of Approval

EXHIBIT G: Project Notice Comment Letter and Responses

EXHIBIT H: California Energy Commission (CEC) Letter

EXHIBIT I:Solar Facility and Gen-tie Visual Simulations

EXHIBIT J: Resolution and Ordinance

EXHIBIT K: Responses to Notice of Hearing

EXHIBIT A: Draft Environmental Impact Report

https://lus.sbcounty.gov/wp-content/uploads/sites/48/Atlantica-Overnight-Solar-DEIR-Vol-1-10012024.pdf

EXHIBIT B: Final Environmental Impact Report

https://lus.sbcounty.gov/wp-content/uploads/sites/48/Overnight-Solar-FEIR.pdf

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT FACTS AND FINDINGS

FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

CEQA Guidelines Section 15091

For

Overnight Solar Project

By Overnight Solar, LLC

Final Environmental Impact Report
SCH# 2024010434

Lead Agency: San Bernardino County Land Use Services Department

FINDINGS OF FACT

SECTION 1. INTRODUCTION

Pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code [PRC] Section 21000 et seq., the potential environmental effects of the proposed Overnight Solar Project (the "project") have been analyzed in a Draft Environmental Impact Report (the "Draft EIR") (State Clearinghouse No. 2024010434). In accordance with California Code of Regulations, Title 14, Section 15121 (the "CEQA Guidelines"), the Draft EIR identifies the significant environmental effects associated with development of the project and ways to minimize the significant environmental effects through mitigation measures or reasonable alternatives to the project. A Final Environmental Impact Report (the "Final EIR," and collectively with the Draft EIR, the "EIR") has also been prepared that consists of the Draft EIR and technical appendices; a list of persons, organizations, and public agencies commenting on the Draft EIR; comments received on the Draft EIR and written responses to comments raising significant environmental issues; and clarifications and corrections to the Draft EIR.

Section 1.1 Statutory Requirements for Findings

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

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

The EIR discloses potential environmental impacts that may result from construction, operation, and decommissioning of the project, including an analysis of Project Alternatives, including the No Project Alternative. The EIR discloses that prior to mitigation, project implementation would result in potentially significant impacts to Biological Resources, Cultural and Tribal Cultural Resources, and Geology and Soils (Paleontological Resources). Mitigation measures have been developed that reduced potentially significant impacts to less than significant levels. Concurrent with adoption of the Findings, San Bernardino County (the "County"), as the Lead Agency for the project, will also adopt the Mitigation Monitoring and Reporting Program (the "MMRP"). No impacts were determined to be "significant and unavoidable" despite the implication of mitigation measures.

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

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

Section 1.2 Certification Required under CEQA Guidelines Section 15090

The Findings set forth in each section are supported by substantial evidence in the record of the approval of the project. The Planning Commission has received, reviewed, and considered the information contained in the EIR, in addition to all public testimony received on the project and the recommendations of County staff. The EIR was prepared under the direction of the San Bernardino County Land Use Services Department and reflects the County's independent judgment and analysis of the environmental impacts and comments received on the Draft EIR.

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

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the Planning Commission as the decision-making body of the County for the project and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
3. The Final EIR reflects the County's independent judgment and analysis.

Section 1.3 Project EIR and Discretionary Actions

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

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

1. Conditional Use Permits;
2. Zoning Amendment;
3. Countywide Plan/Policy Plan Amendment; and
4. Environmental Impact Report Certification.

SECTION 2. PROCEDURAL COMPLIANCE WITH CEQA

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

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

Section 2.1 Public Review and Outreach

The County has conducted an extensive review of this project which included the Draft EIR, Final EIR, and supporting technical studies, along with a public review and comment period first during the circulation of the Notice of Preparation (NOP) and then through the circulation of the Draft EIR. In addition, the County has solicited input from the public and various State, regional, County, and local government agencies and other interested parties on the project throughout the process. The following is a summary of the environmental review of this project:

1. On January 18, 2024, the County circulated a NOP that identified environmental issues that the County anticipated would be analyzed in the project's Draft EIR to the State Clearinghouse, responsible and trustee agencies; State, regional, County, and local agencies; Native American Tribes, and the public.

2. The NOP public review period ran for 30 days, from January 18, 2024, to February 19, 2024. A virtual scoping meeting was held to discuss the project on January 31, 2024, between 4:00 p.m. and 4:45 p.m. via webinar (Zoom). A presentation was provided, including an overview of the project and the CEQA process. Following the presentation, participants were encouraged to provide oral or written comments to aid the County in refining the scope of issues to be addressed in the Draft EIR. One individual from the public attended the scoping meeting. A total of five (5) written comment letters were received in response to the NOP (see Appendix A of the Draft EIR) from the Mojave Desert Air Quality Management District (MDAQMD), Lahontan Regional Water Quality Control Board, Defenders of Wildlife, Desert Tortoise Council, and Mojave Ground Squirrel Conservation Council.
3. In accordance with CEQA Guidelines Section 15085, upon completion of the Draft EIR and publication on October 2, 2024, the County, serving as the Lead Agency: (1) prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse; (2) published a Notice of Availability (NOA) of a Draft EIR, which indicated that the Draft EIR was available for public review online; (3) provided copy of the NOA to the High Desert Government Center and San Bernardino County Library Barstow Branch; (4) posted the NOA and the Draft EIR on the County's Planning Division website: https://lus.sbcounty.gov/planning-home/environmental-2/desert-region/; (5) sent a NOA to all property owners within 1,300 feet of the project site boundary; (6) sent a NOA to the last known name and address of all organizations and individuals who previously requested such notice in writing or attended public meetings about the project; and (7) filed the NOA with the County Clerk.
4. In compliance with CEQA Guidelines Section 15105(a), the Draft EIR was circulated for a 47-day public review period between October 2, 2024, and November 18, 2024.
5. The County received five comment letters on the Draft EIR through written correspondence.

Section 2.2 Final EIR and County Proceedings

Pursuant to CEQA Guidelines Section 15088, the County reviewed all comments received during the Draft EIR review period and provided a written response to each comment in the Final EIR. The Final EIR dated April 30, 2025, consists of the following documents:

- Draft EIR and Technical Appendices dated October 2, 2024.
- Final EIR dated April 30, 2025, which includes:
  - A list of persons, organizations, and public agencies that commented on the Draft EIR;
  - Comments on the Draft EIR and written responses to comments; and
  - Corrections and additions to the Draft EIR.

The Final EIR document was posted for viewing and download with the previously posted Draft EIR prior to the County's consideration of the Final EIR and project recommendations at https://lus.sbcounty.gov/planning-home/environmental-2/desert-region/. In addition, pursuant to CEQA Guidelines Section 15088(b), the County has prepared responses to the comments received

on the Draft EIR and the comments to the agency commenters on the Draft EIR at least 10 days prior to certification of the Final EIR. All commenters on the Draft EIR were notified of completion of the Final EIR.

Section 2.3 Record of Proceedings and Custody of Documents

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

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

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

SECTION 3. DESCRIPTION OF THE PROJECT

This section provides the project location, setting and history, project objectives and a description of the project characteristics. This section summarizes information contained in the Draft EIR Section 2.0, *Project Description*.

Section 3.1 Project Location

The project is located within unincorporated Lockhart, on primarily flat and undeveloped land. The project is in proximity to existing high-voltage electrical infrastructure and existing energy generation facilities and several transmission lines transect the northernmost portion of the project parcel from east to west. The project is generally bounded by the Lockhart PV I Solar Facility to the north, the Mojave Solar Facility to the east, and vacant and undeveloped land to the south and west. The project is located approximately 10 miles northwest of Hinkley, approximately 10 miles east of Kramer Junction, and approximately 6 miles north of the State Route (SR) 58 and Harper

Lake Road junction. Vehicular access to the project would be provided from Lockhart Ranch Road extending eastward to Harper Lake Road via SR-58.

The project would be located on approximately 596 acres of land (project site) within an approximately 825-acre parcel (project parcel). The project consists of two parcels: Assessor's Parcel Number (APN) 0490-183-65, which would contain the proposed solar facility, battery energy storage system (BESS), and supporting infrastructure; and APN 0490-012-149, which would contain the proposed generation interconnect (gen-tie) line.

Section 3.2 Project Objectives

CEQA Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the proposed project. The project objectives include:

1. Site solar photovoltaic (PV) power-generating facilities and energy storage near existing utility infrastructure, including existing Los Angeles Department of Water and Power (LADWP) and Southern California Edison (SCE) transmission lines, thereby achieving economies of scale to maximize shared transmission facilities with existing solar operations.
2. Establish solar PV power-generating facilities and energy storage of sufficient size and configuration to produce reliable electricity at a competitive rate.
3. Use proven and established PV and energy storage technology that is efficient and requires low maintenance.
4. Assist the State of California in achieving or exceeding its Renewables Portfolio Standard (RPS) and greenhouse gas (GHG) emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 150 megawatts (MW) of renewable electrical energy.
5. Provide a new source of energy storage that assists the State in achieving or exceeding its energy storage mandates.
6. Promote the County's Renewable Energy and Conservation Element (RECE) policies and be sited in an area identified as suitable for utility-oriented renewable energy generation projects and be consistent with County land use regulations.
7. Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

Section 3.3 Project Description

The project would construct and operate an uncrewed, utility-scale, solar PV electricity generation and BESS facility that would produce up to 150 MW of alternating current (AC) or direct current (DC) generating capacity. The project would also be coupled with the BESS and configured to allow for up to 150 MW of battery storage capacity and 8 hours of battery capacity. The configuration of the PV system would include single-axis trackers, bifacial PV modules, and central inverters.

The project would be located on approximately 596 acres of land (project site) within an approximately 825-acre parcel (project parcel), plus a gen-tie corridor approximately 1.1 miles in length, connecting the proposed on-site substation to an existing gen-tie line associated with the Mojave Solar Facility and just south of the existing Alpha Substation, which is owned by Mojave Solar, LLC. From this intertie location, the existing Mojave Solar Facility gen-tie line carries electrical power output to the existing SCE Sandlot Substation, which then interconnects to the 230-kilovolt (kV) SCE Kramer-Coolwater Transmission Line, and ultimately ties into the Kramer Junction Substation at the point of interconnection (POI) where energy is delivered to the power grid.

The project site and gen-tie corridor are currently zoned as Rural Living (RL). The project site is also designated as RL in the Countywide Plan/Policy Plan, which serves as the County's General Plan. The gen-tie corridor is designated as Resource/Land Management (RLM) in the Countywide Plan/Policy Plan. While the County's Development Code Section 82.04.040 determines that renewable energy-generating facilities are allowed on RL-zoned land with a Conditional Use Permit (CUP), the County Board of Supervisors adopted an amendment to the RECE of the Countywide Plan/Policy Plan on February 28, 2019, to include RE Policy 4.10, prohibiting utility-scale renewable energy development on lands zoned RL or on lands located within the boundary of an existing community plan. Accordingly, the project would undergo a Zoning Amendment and Countywide Plan/Policy Plan Amendment as part of the approval process so that it would not conflict with RE Policy 4.10. The project site would be rezoned from RL to Resource Conservation (RC) and redesignated from RL to RLM in the Countywide Plan/Policy Plan. The County's Development Code Section 82.03.040 determines that renewable energy generation facilities are allowed on RC-zoned land with the facilitation of a CUP. Thus, the project is also subject to approval of a CUP. The gen-tie corridor is already designated as RLM in the Countywide Plan/Policy Plan, and transmission lines are permitted within the RL zoning district. Therefore, the gen-tie corridor would not require a Zoning Amendment.

SECTION 4. FINDINGS REQUIRED UNDER CEQA

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

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

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

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

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

The County determined the project would result in no impact or less than significant impact without mitigation on the following resource areas. In accordance with CEQA Guidelines Section 15128, Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Public Services, and Recreation were not discussed in detail in the EIR (refer to Draft EIR Section 3.15, *Effects Found Not to Be Significant*, for more detail).

AGRICULTURE AND FORESTRY RESOURCES

Impact 3.15.1(a): The project would not convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to nonagricultural use. No impact would occur. (Draft EIR pgs. 3.15-1 to 3.15-2)

The California Department of Conservation's Farmland Mapping and Monitoring Program classified the project site and surrounding land as Grazing Land, and the gen-tie corridor is classified as Urban and Built-Up Land. The current project site is not used for grazing or any agricultural uses. Development of the project site as proposed would not preclude future use for agricultural purposes. Decommissioning will comply with County Development Code Section 84.29.070 once the solar generating facility reaches the end of the operational life, and project-related elements are removed and properly disposed of, the affected lands could potentially be returned to their original condition and, if irrigated, the project site could be used for agricultural purposes. Therefore, no impacts would occur.

Impact 3.15.1(b): The project would not conflict with the existing zoning for agriculture or Williamson Act contract. No impact would occur. (Draft EIR pg. 3.15-2)

The project site and gen-tie corridor are not under a Williamson Act contract. Currently, the project site and gen-tie corridor are zoned as RL, which allows for agricultural uses. Additionally, County zoning for the project site allows for the development of renewable energy generation facilities with a CUP in the zoning district currently applicable to the project.

The project would undergo a Zoning Amendment and Countywide Plan/County Policy Plan Amendment as part of the approval process so that it would not conflict with Renewable Energy Policy 4.10. The project would be rezoned from RL to RC and redesignated from RL to RLM in the Countywide Plan/County Policy Plan. Redesignating the project site from RL to RC would allow the project site to remain available for agricultural uses. Some agricultural uses may require a discretionary permit, but these uses would still be allowed on the project site. Once the project has been decommissioned, the project site would be able to revert to agricultural uses if irrigated. No impact would occur.

Impact 3.15.1(c): The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timber land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g)). No impact would occur. (Draft EIR pg. 3.15-2)

There are no lands zoned for forest or timber production on any lands that would be affected by the proposed project. Therefore, the project would not conflict with existing zoning for or cause the rezoning of forest land. No impact would occur.

Impact 3.15.1(d): The project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur. (Draft EIR pg. 3.15-2)

No forest lands are located on the project site or gen-tie corridor; therefore, no such lands would be affected by the proposed improvements. The project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

Impact 3.15.1(e): The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use. No impact would occur. (Draft EIR pg. 3.15-4)

The current land use is vacant, undisturbed alkali desert scrub. The Farmland Mapping and Monitoring Program designates the project site as Grazing Land and the gen-tie corridor as Urban and Built-Up Land, but the project site has not been used for agricultural purposes in the last 10 years. Adjacent lands are also classified as Grazing Lands but are not used for agricultural purposes. Soils found at the project site could only be used for agricultural purposes should the project site be irrigated. The project site is not irrigated. Therefore, the project site would not be able to support agricultural land uses at this time. As stated in in Impact 3.15.1(*a)* above*,* once decommissioning of the project facility occurs, the project site would be restored to its current condition.

Operation and maintenance activities associated with PV solar power plants are minimal. The project would be remotely operated but would require up to approximately 12 personnel to conduct panel washing up to four times a year. Panel washing would take approximately 20 days to complete. Operational traffic would be minimal and would be limited to the approximately 12 maintenance employees and their routine maintenance vehicles.

The PV modules would be non-reflective and convert sunlight directly into electricity; therefore, they would consume no fossil fuels and emit no pollutants during operations. Therefore, the proposed project would not include activities that would restrict or impair agricultural production due to airborne pollutants, such that the proposed project is not expected to result in the conversion of farmland on adjacent or nearby properties to non-farmland uses. No impact would occur.

MINERAL RESOURCES

Impact 3.15.2(a): The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the State. No impact would occur. (Draft EIR pg. 3.15-4)

The region in which the project is located has limited mineral resource recovery activity, with the closest locations identified as prospects, not mines. These prospects are located in areas with igneous or metamorphic bedrock, not the alluvial fan deposits of the project site and gen-tie corridor. One previously active surface quarry (Mineral Resources Data System ID# 10116457) extracted sand and gravel and was located approximately 6.3 miles south of the project site. Another nearby past-producer (Lynx Cat Mountain Quarry, about 6.2 miles southeast of the project) extracted granite. There is no granite within the project site or gen-tie corridor. As a result, the project is not expected to result in the loss of availability of mineral resources that would be of value to the region and the residents of the State. No impact would occur.

Impact 3.15.2(b): The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur. (Draft EIR pgs. 3.15-4 to 3.15-5)

No part of the project site or gen-tie corridor has been identified as a locally important mineral resource recovery site or region. The Mineral Resource Zone map available from San Bernardino County (Sheet NR-4 of the Countywide Plan/Policy Plan) does not show any resource zones that overlap the project site or gen-tie corridor. For this reason, the project is not expected to result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

POPULATION AND HOUSING

Impact 3.15.3(a): The project would not induce substantial population growth in an area, either directly or indirectly. No impact would occur. (Draft EIR pg. 3.15-5)

The project would develop a utility-scale solar PV facility, energy storage facility, and gen-tie line. No residential components would be included in the project that would cause permanent or temporary population increases. The nearest residence to the project site is located approximately 1 mile from the project site and the nearest residence to the gen-tie is located approximately 0.3 mile. No residences are included within the project site or gen-tie corridor. Since workers during the construction and operations phases are expected to come from the local communities, it is not expected substantial amounts of workers and their families would relocate. Thus, the project would not result in people in the area being displaced, nor would it require an increased need for additional housing. No impact would occur.

Impact 3.15.3(b): The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impact would occur. (Draft EIR pg. 3.15-5)

The project would not require the removal of any existing housing or residents as the affected lands are undeveloped, and no residential uses are present on-site who are not participating landowners in the project. Therefore, there would be no potential displacement of substantial numbers of people, necessitating the construction of replacement housing. No impact would occur.

PUBLIC SERVICES

Impact 3.15.4(a): The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Impacts would be less than significant. (Draft EIR pgs. 3.15-5 to 3.15-7)

The project would be designed and constructed in conformance with San Bernardino County Fire (SBC Fire) Protection District requirements (e.g., as conditions of approval). Additionally, the project applicant would be required to pay annual Public Safety Services Impact Fees in conformance with County Development Code Section 84.29.040(d) based on acreage for solar facilities and would therefore ensure the project would not adversely affect the provision of fire and police protection services in the area. The project would also not result in development which would generate new population that could potentially increase demand for fire or police protection services. The proposed solar power facility project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire or police facilities, need for new or physically altered fire or police facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for fire or police protection services. Impacts would be less than significant on fire and police services.

The project would also not result in development which would generate new population that could potentially increase demand for schools, parks, or other public facilities. Therefore, the proposed project would not result in a substantial adverse physical impact associated with the provision of new or physically altered schools, parks, or other public facilities, or need for new or physically altered schools, parks, or other public facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities. No impact to these public facilities would occur.

RECREATION

Impact 3.15.5(a): The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. No impact would occur. (Draft EIR pg. 3.15-8)

No residential uses are proposed as part of the project. Consequently, population growth is not anticipated, and an increase in the use of existing neighborhood and regional parks and or other recreational facilities is not anticipated.

During the construction phase, a temporary increase in construction workers in the area would occur; however, it is anticipated that construction workers would be sourced from surrounding communities, and therefore are not expected to relocate and would not generate a demand for local park services. Therefore, the project would not substantially increase the use of local or regional recreational parks or facilities such that substantial physical deterioration would occur or be accelerated. No impact would occur.

Impact 3.15.5(b): The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. No impact would occur. (Draft EIR pg. 3.15-8)

The project would develop a utility-scale solar PV facility, energy storage facility, and gen-tie line and would not include any type of residential development that would require recreational facilities. Workers would commute from the surrounding communities and would not be expected to relocate, which could cause a demand for local park services. Therefore, the proposed project would not result in development of recreational facilities that might have an adverse physical effect on the environment. No impact would occur.

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

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Utilities and Service Systems
- Wildfire

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

AESTHETICS

Impact 3.1-1: The project would not have an adverse effect on a scenic vista. No impact would occur. (Draft EIR pg. 3.1-11)

No designated scenic vistas are in the viewshed of the proposed project per the Countywide Plan/Policy Plan. The project site is not considered an undisturbed natural area and does not have unique or unusual features that dominate a portion of the viewshed. The surrounding landscape is characterized by roadways, solar energy–generating facilities, high-voltage transmission and electrical infrastructure, and residences. The proposed project would not impact any existing public views from scenic vistas. The project area is not a scenic vista or visible from any designated scenic vista. No impact on scenic vistas would occur.

Impact 3.1-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. Impacts would be less than significant. (Draft EIR pgs. 3.1-11 to 3.1-12)

The project site is generally flat and contains no significant geologic features or vegetation that is particularly unique for the area, nor does it contain vegetation that would be considered scenic. Development of the proposed project would not involve the removal of visually significant trees, rock outcroppings, and/or historic buildings, as these features do not occur on the project site.

SR-58 is eligible for listing as a State Scenic Highway. At the closest vantage point, views from SR-58 would be distanced approximately 5.6 miles to the southwest of the project site. Due to such viewing distances, project elements would be in the background and not be readily visible within the visual landscape and would not attract the attention of the casual observer. Where visible, the project would be consistent with and blend in with the existing solar facilities.

Additionally, as SR-58 traverses the valley floor in an east-west orientation in the vicinity of the project site, views would generally be oriented east-west, rather than north toward the project site (i.e., requiring the viewer to consciously turn their head northward to experience views to the project). As such, readily available views toward the project from SR-58 would not occur. Therefore, existing views from SR-58 to the project site would not be substantially changed with the development of the project, and impacts would be less than significant.

SR-66 is an official National Scenic Byway. Views from SR-66 would be distanced approximately 16 miles to the southwest of the project site. Interstate 15 or SR-247 are both eligible for listing as a State Scenic Highway. Views from Interstate 15 or SR-247 would be distanced approximately 20 miles to the southeast of the project site. Due to such viewing distances, project elements would be in the background and are not expected to be visible within the visual landscape and would not attract the attention of the casual observer; therefore, no impacts are expected.

Impact 3.1-3: The project would not substantially degrade the existing visual character or quality of the site and its surroundings. Impacts would be less than significant. (Draft EIR pgs. 3.1-12 to 3.1-13)

The proposed project would involve both temporary and permanent changes to the visual character of the project site. Temporary changes are associated with construction activities, including construction equipment, staging, construction fencing, and site construction. These visual impacts would be short term in nature and are therefore not considered to be significant. Post-construction, foreground views of the project would be from the adjacent local roads, Harper Lake Road to the southeast, Lockhart Ranch Road to the east, and Hoffman Road to the west/north. The project would introduce neutral colors, geometric shapes, and horizontal lines into the landscape setting. The solar arrays, gen-tie line, and substation would be dark and light shades of gray colors. The colors of the control building and the BESS enclosure have not yet been determined but are likely to be neutral ones (gray, white, or tan). While these visual elements would result in a visual contrast to the irregular, organic forms and colors of the existing desert landform and vegetation, they would be consistent with the adjacent existing solar facilities and appear as extensions to these facilities. The contrast would be moderate as the project would attract attention and co-dominate the characteristic landscape. However, viewers traveling on the local roads would be limited in number, and views experienced would be brief and intermittent due to the short distance of adjacent roadway viewing. Therefore, impacts are considered less than significant.

Impact 3.1-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Impacts would be less than significant. (Draft EIR pgs. 3.1-13 to 3.1-15)

During project construction, the use of any bright construction lighting would only occur for a short duration if nighttime work was necessary and approved by the County. Any construction lighting would be directed away from residences and toward active construction areas. The impact would be less than significant.

During project operation, manual, timed, and motion sensor lights would be installed at equipment pads and the on-site substation for maintenance and security purposes. Such lighting would be shielded and aimed downward and would comply with the County's Dark Sky Ordinance. No other lighting is proposed. Project lighting would normally be off unless activated by project personnel.

Nighttime lighting associated with the proposed project would be subject to County approval and compliance with County requirements. Compliance with pertinent County Development Code regulations, including the San Bernardino County Light Trespass Ordinance (Development Code Chapter 83.07) and Countywide Plan/Policy Plan RECE Policy RE-4.4 would ensure that impacts associated with new sources of nighttime lighting for the proposed project would be less than significant.

With regard to glare, the proposed project would be designed to ensure consistency with County Code Section 84.29.040, which requires solar energy facilities to be designed to preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way. Therefore, project impacts would be less than significant.

Cumulative Aesthetics Impacts (Impact 3.3-5): (Draft EIR pgs. 3.1-15 to 3.1-17) The geographic scope for the analysis of cumulative impacts on aesthetic resources includes both the local viewshed within a 1-mile radius of the project site and area (generally the Lockhart area). Of the eight total projects in San Bernardino County's Desert Region, five would be located within 2 miles of the project site, with three of those located within 1 mile of the project site. The three closest include Desert Breeze Solar, LLC; Lockhart Solar PV I; and Lockhart Solar PV II. The remaining three would be located 10 to 12 miles from the project site.

Local cumulative effects could occur in the immediate project viewshed if related projects, activities, and landscapes are visible in the same field of view as the proposed project and could generally be visible from the proposed project area. While details of project elements would be visually clear in the foreground and viewers could potentially distinguish individual forms, texture, and color within 1 mile, the project elements would become muted and less detailed farther out and, in a flat landscape, may not be identifiable within 2 miles. In addition, beyond 1 mile, sight lines would likely become impaired or blocked by intervening terrain and vegetation. However, regional cumulative effects could still occur if viewers perceive that the general visual quality or landscape character of a regional area is diminished by the proliferation of visible similar structures or construction, even if the changes are not in the same field of view as existing or known future structures or facilities. The result is a perceived "industrialization" or "urbanization" of the existing landscape character. The extent of regional cumulative effects is limited to the valley within which the project is located.

The proposed project and cumulative projects are not located within a scenic vista or visible from any designated scenic vistas. No cumulative impact on scenic vistas would occur.

The project and any potential cumulative projects may be visible as a distant background view to motorists traveling on segments of SR-58; however, they would not be readily visible within the visual landscape and would not attract the attention of the casual observer. Views of four of the cumulative projects (Lockhart Solar PV I, Lockhart Solar PV II, Desert Breeze Solar, and Harper Lake Solar) would likely be obscured by existing solar facilities. Views of one of the cumulative projects (Jazmin Solar) would potentially be obscured views of the existing solar facilities, the project, and other cumulative projects. Where visible, the project would be consistent with the existing solar facilities. Also, readily available views toward the project from SR-58 would not occur. Therefore, the project's potential contribution to cumulative impacts associated with scenic highways would be less than significant.

SR-66 is an official National Scenic Byway. Views from SR-66 would be distanced approximately 16 miles to the southwest of the project site. Interstate 15 or SR-247 are both eligible for listing as a State Scenic Highway. Views from Interstate 15 or SR-247 would be distanced approximately 20 miles to the southeast of the project site. Due to such viewing distances, project elements would be in the background and are not expected to be visible within the visual landscape and would not attract the attention of the casual observer; therefore, the project would not contribute to cumulative scenic impacts to these highways.

Construction and operation of any potential cumulative project and the project would modify the local and regional landscape in the project area. Depending on the potential cumulative projects in the area, there could be a moderate level of visual change to the landscape due to existing

encroachments in the viewshed. The project, as well as the existing adjacent facilities, are located in an area of the County that has been previously approved for utility-scale solar projects. Implementation of the project and potential cumulative projects in an area would result in a visual contrast to the irregular, organic forms and colors of the existing desert landform and vegetation; however, they would be consistent with the adjacent existing solar facilities and appear as extensions to these facilities. Contrast would be low to moderate, as these projects may begin to attract attention but would be expected elements, similar to existing solar facilities in the area, and would not block views of the nearby mountains. Therefore, impacts are considered less than significant.

Dark skies are characteristic of the Desert Region of San Bernardino County. All the cumulative projects would be subject to the County's Outdoor Lighting Ordinance (Section 83.07.040 of the County Development Code), which would limit the amount of lighting that would be introduced in the area and restrict the type of lighting that could be used. The cumulative impact on the night sky would be less than significant due to conformance with the County's lighting ordinance.

The proposed project and cumulative projects would not introduce new sources of glare that would be directed cumulatively onto any one area. No cumulative glare impacts would occur.

AIR QUALITY

Impact 3.2-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant. (Draft EIR pgs. 3.2-16 to 3.2-17)

A project is nonconforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures, and is consistent with the growth forecasts in the applicable plan. Zoning changes, specific plans, general plan amendments, and similar land use plan changes that do not increase dwelling unit density, do not increase vehicle trips, and do not increase vehicle miles traveled are also deemed to comply with the applicable air quality plan. The proposed project is consistent with the applicable air quality plans and MDAQMD rules and regulations. In addition, the project would not conflict with existing land uses or result in population growth, long-term increase in the number of trips or increase the overall vehicle miles traveled in the area. Worker vehicle trips, vendor trucks, and haul trucks would be generated during the proposed construction activities but would cease after construction is completed. Criteria pollutant emissions during construction and operation would be below the MDAQMD daily and annual significance threshold for construction equipment and fugitive $PM_{2.5}$. Additionally, Overnight Solar, LLC (applicant) would also submit an Air Quality Construction Management Plan to the County for review and approval prior to the issuance of grading permits, in compliance with the MDAQAMD's Fugitive Dust Control Rules (Rules 403 and 403.2).

As a renewable energy project, the project would also comply with the Countywide Plan/Policy Plan, which includes renewable energy and conservation policy goals to achieve a clean energy future that minimizes negative effects consistent with local values. The Countywide Plan/Policy Plan strives for the County to be home to diverse and innovative renewable energy systems that

provide reliable and affordable energy to the valley, mountain, and desert regions and the project supports this, helping California meet its RPS, and decrease the need for energy from fossil fuel–based power plants in the State. Therefore, the project would have less than significant impacts.

Impact 3.2-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant. (Draft EIR pgs. 3.2-17 to 3.2-20)

Construction of the project would result in the temporary addition of pollutants to the local air basin caused by on- and off-site sources. Operation of the project would generate emissions from mobile sources, including vehicle trips from employees commuting to work and maintenance vehicles. Regardless of the size of the project, the standard protocols for construction equipment and fugitive PM_{10} would be implemented at all construction sites. Additional protocols are required by MDAQMD Rule 403 for sites with 10 or more acres disturbed, and solar projects in particular. The Air Quality Construction Management Plan would be implemented for the project (derived from MDAQMD Rule 403) to minimize emissions as described in Impact 3.2-1.

Peak daily construction and annual emissions would not exceed the MDAQMD's significance thresholds. Project construction would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Since MDAQMD rules require the use of standard best management practices (BMPs) for construction equipment and fugitive PM_{10}, the project would include the implementation of an Air Quality Construction Management Plan that would be approved by the County prior to the issuance of grading permits. The plan would consist of fugitive dust control measures which would describe the steps to achieve minimal fugitive dust generated by construction activities. The project's impacts on cumulative construction emissions would be less than significant and would be further reduced with the implementation of the plan.

Unmitigated operational emissions would not exceed the MDAQMD significance thresholds. Therefore, impacts from operations would be less than significant and no mitigation measures are required. In addition, both construction and operational emissions would also be below MDAQMD significance thresholds and would have a less than significant contribution to cumulative impacts. However, per MDAQMD requirements, an Air Quality Construction Management Plan would be implemented as described in Impact 3.2-1. Therefore, impacts are considered less than significant.

Impact 3.2-3: The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant. (Draft EIR pgs. 3.2-21 to 3.2-22)

Construction activities could result in temporary increases in pollutant concentrations. These are relatively small levels of diesel particulate matter (DPM) emissions that would decline to negligible levels with distance from the sources. Based on the construction-related emissions modeling conducted for the project, maximum daily emissions of exhaust PM_{10} would be 4.83 pounds during peak construction. Construction-related toxic air contaminant (TAC) emissions would not expose sensitive receptors to an incremental increase in cancer risk greater than 10 in 1 million or a hazard index greater than 1.0 because the low exposure level reflects the 1) relatively low mass of DPM emissions that would be generated by construction activity on the project (i.e.,

less than MDAQMD significance thresholds), 2) the relatively short duration of DPM-emitting construction activity at the project site and gen-tie line (i.e., well below the 30-year exposure period used in health risk assessments), and 3) the highly dispersive properties of DPM.

Therefore, the health impacts associated with exposure to DPM from project construction are not expected to be significant.

During construction activities, the project would implement dust control measures to ensure receptors in the project vicinity would not be impacted by the project's dust emissions. As described in Impact 3.2-1, the project would implement fugitive dust control standards described in the Air Quality Construction Management Plan to comply with the requirements of MDAQMD's Rule 403 and SIPs for PM_{10} and $PM_{2.5}$. The plan would address impacts during project construction and the required protocols such as surface treatment on disturbed areas, roads, and parking areas, as well as vehicle speed limits. Exposure to *Coccidioides immitis* (CI) fungus that causes Valley Fever would also be less than significant with implementation of the Air Quality Construction Management Plan, as the potential for exposure would be limited through fugitive dust emissions control measures. Impacts from fugitive dust and Valley Fever would be less than significant and implementation of these measures would further reduce impacts related to wind-transported materials.

Operation-related TAC emissions would be negligible, and the project would be controlled remotely, with visits up to four times per year for maintenance. Emissions generated by daily maintenance activities would be below the MDAQMD thresholds. Therefore, project operations would not expose sensitive receptors to substantial pollutant concentrations.

During operation, the project would implement an operational dust control plan to ensure receptors in the project vicinity would not be impacted by the project's long-term dust emissions during operations. Control measures for fugitive dust emissions would also limit the potential for exposure to Valley Fever. Therefore, impacts related to fugitive dust and Valley Fever would be less than significant during operation.

Impact 3.2-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant. (Draft EIR pg. 3.2-23)

CARB's (2005) Air Quality and Land Use Handbook identifies the sources of the most common odor complaints received by local air districts. The project does not contain any of the land uses identified as typically associated with emissions of objectionable odors. Construction of the project could result in the emission of odors from construction equipment and vehicles (e.g., diesel exhaust). It is anticipated that these odors would be short term, limited in extent at any given time, and distributed throughout the project area during the duration of construction.

The project does not include any uses identified as being associated with odors. Beyond the scattered residences nearest to the project site (the closest being approximately 1 mile east of the proposed solar facility and 0.3 mile south of the proposed gen-tie line), there are not substantial numbers of people within the vicinity of the project. Therefore, construction and operation of the

project would not create other emissions or odors adversely affecting a substantial number of people; impacts would be less than significant.

Cumulative Air Quality Impacts (Impact 3.2-5): (Draft EIR pgs. 3.2-23 to 3.2-25) Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. The MDAQMD relies on the South Coast Air Quality Management District (SCAQMD) guidance for determining cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. The MDAQMD significance thresholds take into account the cumulative impact of a project that adds emissions to the air basin. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether the project's individual emissions would have a cumulatively significant impact on air quality.

The Mojave Desert Air Basin (MDAB) is a nonattainment area for ozone, $PM_{2.5}$, and PM_{10} under the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The poor air quality in the basin is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emissions sources. Projects that emit these pollutants or their precursors (i.e., volatile organic compounds and NO_x for ozone) potentially contribute to poor air quality. The MDAQMD significance thresholds take into account the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for some criteria pollutants. Daily project construction and operational emissions would be below the MDAQMD significance thresholds. Each cumulative project would be required to complete an individual impact analysis to determine significance with respect to the MDAQMD thresholds and implement mitigation measures if necessary. Since the project would not result in significant impacts, it would not result in a cumulatively considerable increase in emissions of nonattainment pollutants.

Additionally, as noted previously, the proposed project is consistent with the applicable air quality plans and MDAQMD rules and regulations. The project would not conflict with existing land uses or result in population growth, long-term increase in the number of trips or increase the overall vehicle miles traveled in the area. Each cumulative project would need to conform to all applicable MDAQMD plans, rules and regulations, and land uses set forth in the air quality plan. This determination is made on a project-by-project basis and a combination of impacts with other cumulative projects that could potentially lead to cumulative impacts is not expected. Therefore, the project's contribution to cumulative impacts associated with consistency with local air quality plans would be less than cumulatively considerable.

As discussed previously, the closest sensitive receptors are located approximately 1 mile (5,280 feet) from the project site and 0.3 mile (1,585 feet) from the proposed gen-tie line. Although construction of the project would result in a short-term increase of DPM, emissions would not expose sensitive receptors to an incremental increase in cancer risk greater than 10 in 1 million or a hazard index greater than 1.0. DPM emissions from project operation would primarily result from workers traveling to the site for maintenance activities. However, these impacts would be

negligible since the project would be controlled remotely and such visits would be infrequent. Moreover, the project would implement an operational Dust Control Plan and an Air Quality Construction Management Plan to ensure receptors in the project vicinity would not be impacted by the project's long-term dust emissions during operations and limit exposure to CI fungus that cause Valley Fever. Each cumulative project would be required to complete an individual impact analysis to determine significance with respect to the MDQAMD thresholds and implement mitigation measures if necessary. In order for an individual project to greatly impact the regional concentrations of pollutants, the project would likely need to exceed MDAQMD significance thresholds by a significant margin, which is unlikely with each individual project's implementation of mitigation measures, as applicable. As discussed previously, project emissions are below the established MDAQMD threshold. Therefore, it is not anticipated that cumulative impacts would be significant. The project's contribution to cumulative impacts associated with impacts to sensitive receptors would be less than cumulatively considerable.

The project would not result in a significant impact due to odors as it does not include any uses identified as being associated with odors in California Air Resources Board (CARB's) (2005) Air Quality and Land Use Handbook. Additionally, the project is not located near any uses that are sensitive to odors and no other high-odor producing use is near enough to the project to create cumulative odor impacts. Therefore, the project's odors, when considered with past, present, and reasonably foreseeable future projects, would not create a significant cumulative impact related to odor.

BIOLOGICAL RESOURCES

Impact 3.3-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No impact would occur. (Draft EIR pg. 3.3-32)

There are no wildlife corridors traversing the project site, as designated by the San Bernardino Countywide Plan/Policy Plan, or Desert Renewable Energy Conservation Plan (DRECP). Further, the project site is located immediately to the south of the existing Lockhart Solar Facility and west of the existing Mojave Solar Facility and is surrounded to the west and south by undeveloped land. Therefore, the project would not reduce areas that would be utilized for wildlife movement, and opportunities for wildlife movement outside of the immediate vicinity of the project site would remain available. Additionally, biological surveys did not identify any native wildlife nursery sites within the project site and therefore no impacts would occur. For these reasons, the project would have no impact on the movements of native resident wildlife species; similarly, it would have no impact to potential regional or local migratory wildlife corridors/linkages, nor would it impede the use of native wildlife nursery sites.

Impact 3.3-6: The project would not conflict with the provisions of an adopted habitat conservation plan, natural resource community conservation plan, or other approved local, regional, or state habitat conservation. No impact would occur. (Draft EIR pg. 3.3-34)

The proposed project would be located on private land and therefore is not subject to this plan. Additionally, the DRECP applies to the Mojave and Colorado deserts and provides binding, long-

term endangered species permit assurances and facilitates renewable energy project review and approval processes. Although the project site is identified as a Development Focus Area in the DRECP, the proposed project is not subject to the DRECP because the project site is on private land. As such, the project would not be under the jurisdiction of an adopted HCP or NCCP and is not within sensitive areas identified by other State, regional, or local plans. In addition, as evaluated above, the project would not result in the loss or adverse modification of Critical Habitat. The project would have no impact.

Cumulative Biological Resources Impacts (Impact 3.3-7): **(Draft EIR pgs. 3.3-34 to 3.3-35)** Additional cumulative biological resources impacts are discussed below under Section 4.2, *Environmental Impacts Mitigated to a Level of Less than Significant.* With regard to migratory wildlife corridors and habitat conservation plans as discussed above, no cumulative impacts would occur because the project would result in no impacts.

ENERGY

Impact 3.5-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **Impacts would be less than significant. (Draft EIR pgs. 3.5-9 to 3.5-11)**

Construction and decommissioning of the project are expected to require the use of nonrenewable resources in the form of diesel to power off-road construction equipment and on-road vehicles. Fuel consumption from construction equipment was estimated by converting the total CO_2 emissions from the construction phase to gallons using conversion factors for CO_2 to gallons of diesel. Project construction would account for approximately 0.0005 percent of the diesel consumed in the State and approximately 0.004 percent of the diesel consumed in the County. Additionally, the total amount of gasoline consumed during the project would account for less than one percent of the total amount of gasoline consumed by the State and less than one percent of the total amount of gasoline consumed by the County. As a result, the proposed project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction.

Fuel consumption from operations is expected to be low, as the facility would be unstaffed and would require limited vehicle usage for operations and maintenance activities. Fuel consumption is anticipated to come primarily from gasoline-powered vehicles. The project would consume less than one percent of the gasoline consumed in the State per year and less than one percent of the gasoline consumed by the County per year. As a result, the proposed project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project operations, and impacts would be less than significant.

Impact 3.5-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **Impacts would be less than significant. (Draft EIR pgs. 3.5-11 to 3.5-12)**

Construction equipment would comply with federal, State, and regional requirements where applicable. In addition, construction equipment and trucks are required to comply with CARB regulations regarding heavy-duty truck idling limits of 5 minutes at a location and the phase-in of off-road emission standards that result in an increase in energy savings in the form of reduced fuel consumption from more fuel-efficient engines. Although these regulations are intended to reduce criteria pollutant emissions, compliance with the anti-idling and emissions regulations would also result in the efficient use of construction-related energy.

With regard to project operation, the project would include the development of a solar facility and associated infrastructure with the capacity to generate up to 150 MW of renewable electric energy and the installation of an energy storage facility and accessories that would provide energy storage capacity of up to 150 MW for the electrical grid. Because one of the objectives of the project is to assist California in meeting its GHG emissions reduction goals by 2030 and 2045, as required by the California Global Warming Solutions Act (Assembly Bill [AB] 32) and as amended by Senate Bill [SB] 32 in 2016, the project would be compliant with the applicable recommended actions of the CARB Climate Change Scoping Plan, as well as applicable federal, State, and local policies. Specifically, the project would assist the State and regulated utility providers to generate a greater portion of energy from renewable sources consistent with the 2030 and 2045 RPS. Therefore, this impact would be less than significant.

Cumulative Energy Impacts (Impact 3.5-3): (Draft EIR pgs. 3.5-12 to 3.5-13) Cumulative impacts occur when the incremental effects of a project are significant when combined with similar impacts from other past, present, or reasonably foreseeable projects in a similar geographic area. The geographic context for the analysis of cumulative impacts on electricity is SCE's service area because the project and related projects are located within the service boundaries of SCE.

The main contribution of energy consumption from the project would be from construction equipment usage, haul truck trips, and employee trips during the construction phase and panel washing activities, maintenance trips, and employee trips during project operation of the project. The project's emissions would, therefore, contribute to the increase in emissions in the transportation sector as well as the electricity generation sector. Construction emissions, however, would be finite and temporary and would cease at the end of construction activities.

Although the project would result in a contribution to cumulative energy consumption in California, construction of the project would require the use of energy-efficient equipment during project construction. Additionally, operation of the project could offset emissions from the electricity generation sector estimated at 1,971,000 MW per hour of renewable electricity annually, which would align with the goals of the RPS.

The nature of these projects is such that, like the project, they would be consistent with the strategies of the Climate Change Scoping Plan by aiding in the reduction of GHG emissions below the 1990 levels by the year 2045. In order to meet the SB 32 GHG emissions reduction mandate, the Scoping Plan relies on achievement of the RPS target of 60 percent of California's energy coming from renewable sources by 2030 and 100 percent renewable sources by 2045. The project and other similar projects are essential to achieving the RPS. Also like the project, the related solar projects would have similar energy use that would be offset by renewable energy generation and would have minimal operational trips to and from the sites. Solar panel washing would be required

as routine maintenance of the project and would occur at least once per year and potentially up to four times per year. Panel washing may require up to 12 employees with water trucks and would take approximately 20 days to complete for each panel washing event. Therefore, it was assumed that the project would generate approximately 24 average daily trips during operations. Overall, the project would not contribute to cumulative energy consumption in California because operation of the project would provide electric power with negligible operational energy consumption over the long term when compared to traditional fossil-fueled generation technologies. Thus, the project would not have a cumulatively considerable impact on energy consumption, would not conflict with any renewable energy plans, and cumulative impacts would be less than significant.

GEOLOGY AND SOILS

Impact 3.6-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides. Impacts would be less than significant. (Draft EIR pgs. 3.6-16 to 3.6-17)

The project is not in an earthquake fault zone established by California under the Alquist-Priolo Earthquake Fault Zoning Act, and no faults are mapped by the California Geologic Survey (CGS) and U.S. Geological Survey as crossing the site. There are no historic or "active" faults nearby; the closest is 18 miles to the southeast. There are three Holocene faults within 6 miles of the project, with the closest (the Lockhart fault) only 0.4 mile to the southwest. Two lineaments noted on the site by the Geotechnical Report (Appendix F1 of the Draft EIR) were later assessed by a fault investigation (Appendix F2 of the Draft EIR) as not actually faults. Nevertheless, the area could be affected by earthquakes or seismic ground shaking. Adherence to the applicable California Building Code (CBC) requirements and local agency enforcement would ensure that the project does not directly or indirectly cause substantial adverse effects, resulting in property loss, personal injury, or death from strong seismic ground shaking. Therefore, impacts related to ground shaking during project construction, operations and maintenance, or decommissioning would be limited.

Other types of ground failure related to seismic event ground shaking, such as liquefaction and landslides, are unlikely due to conditions at the project site and within the gen-tie corridor. The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides. Impacts would be less than significant.

Impact 3.6-2: The project would not result in substantial soil erosion or the loss of topsoil. **Impacts would be less than significant. (Draft EIR pgs. 3.6-18 to 3.6-19)**

The project's construction would result in ground surface disturbance during site clearance, excavation, and grading that could create the potential for soil erosion and loss of topsoil. The project, including the gen-tie, would be designed and constructed in accordance with State and

local guidelines regarding erosion control and management. A Stormwater Pollution Prevention Plan (SWPPP), a Water Quality Management Plan (WQMP), and a Dust Control Plan all would be required as part of the project's implementation elements and the requirements of San Bernardino County Development Code, Section 85.11.030 would be followed. Therefore, erosion and loss of topsoil would be controlled as part of project implementation, resulting in less than significant impacts with no mitigation measures required.

Because no large-scale ground-disturbing activities are anticipated during project operations, the design would include establishing and maintaining stable surfaces throughout the project. Long-term wind erosion control features would be included in the project design that would be designed, constructed, and maintained to satisfy all applicable San Bernardino County regulations. In addition, the project would comply with applicable regulatory requirements for long-term stormwater and water quality control as part of project operations. As a result, impacts from project operations would be less than significant.

The amount of soil disturbance during decommissioning would be similar to project construction, and similarly could increase the risk of erosion or sediment transport by either wind or water transport. The Applicant would be required (under the Construction General Permit) to prepare and implement a SWPPP with BMPs, similar to the SWPPP that would be implemented during construction. The decommissioning SWPPP would also reduce impacts related to soil erosion during decommissioning. The implementation of the SWPPP during decommissioning would ensure that impacts from soil erosion during decommissioning would be less than significant.

Impact 3.6-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts would be less than significant. (Draft EIR pgs. 3.6-19 to 3.6-21)

The project has limited topographic relief with no hills in the immediate vicinity. There are no mapped landslides on or around the site. The Geotechnical Report (Appendix F1 of the Draft EIR) and gen-tie geotechnical investigation (Appendix F3 of the Draft EIR) both indicated a lack of recorded landslide incidence in the vicinity as well as a low susceptibility of landslide on the site itself. For these reasons, the potential for landslide hazards at the site is low.

While the project site and gen-tie corridor are subject to moderate-to-strong seismic ground shaking in the event of an earthquake in the area, the risk of liquefaction, lateral spreading, or collapse is low to moderate because the on-site soils and groundwater conditions are not susceptible to this type of soil failure.

Subsidence caused by groundwater pumping has been noted in the Harper Lake area, but it is more pronounced on the eastern side of Harper Lake. This project, over the long term (and even during construction), will not require a significant amount of groundwater, and therefore is very unlikely to cause local subsidence due to pumping.

The project owner would be required to design all proposed improvements in accordance with applicable CBC seismic design standards and any recommendations by a California-registered professional geotechnical engineer provided in a site-specific geotechnical review, as provided in

Appendix F1 and Appendix F3. The geotechnical reviews considered the potential for landslides, lateral spreading, subsidence, and liquefaction, and this would be incorporated into the design plans, consistent with CBC seismic design standards.

Compliance with CBC requirements, including implementation of recommendations provided in the geotechnical and geological fault investigation reports (Appendix F1, F2, and F3), and County enforcement would reduce or avoid impacts related to ground failure, including liquefaction. Project construction, operations and maintenance, and decommissioning would not directly or indirectly cause adverse effects related to ground failure, including liquefaction; impacts would be less than significant.

Impact 3.6-4: The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. **Impacts would be less than significant. (Draft EIR pg. 3.6-21)**

Expansive soils are clay-rich soils that swell and shrink with wetting and drying. The shrink-swell capacity of expansive soils can result in differential movement below or adjacent to a structure, resulting in distress. However, there are no clay-rich soils present on the project parcel, gen-tie corridor, or in the area. Therefore, the project is very unlikely to subject people and structures to the effects of expansive soils, resulting in damage to structures. Regardless, all structures erected as part of the project would follow County Building Code requirements, which are based on CBC standards specific to expansive soils (the Uniform Building Code is no longer applicable). Impacts would be less than significant.

Impact 3.6-5: The project does not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **Impacts would be less than significant. (Draft EIR pgs. 3.6-21 to 3.6-22)**

The project would use portable toilets on-site during the construction and decommissioning periods because the number of regular on-site personnel would vary and would not warrant permanent facilities. During operation, project personnel would use the existing facilities located at the adjacent Mojave Solar Facility. No septic tanks are proposed. Therefore, there would be a less than significant impact related to inadequate soils supporting an on-site septic system.

Cumulative Geology and Soils Impacts (Impact 3.6-7): (Draft EIR pg. 3.6-25) Impacts related to geology, soils, and seismicity tend to be site-specific and depend on the local geology and soil conditions. For these reasons, the geographic scope for potential cumulative impacts consists of the project site, gen-tie corridor, and adjacent areas. However, the project would be designed and constructed in accordance with the most current CBC and County Building Code requirements, providing limited potential for the project to exacerbate seismic hazards and a less than significant potential for impact. State and local building regulations and standards have been established to address and reduce the potential for projects to cause or exacerbate seismic hazard impacts. All projects would be required to comply with applicable provisions of these laws and regulations. Compliance with these requirements would limit the potential for impacts to a less than significant level. The purpose of the CBC (and related local ordinances) is to regulate and control the design, construction, quality of materials, use or occupancy, location, and maintenance of all buildings

and structures within its jurisdiction. Based on compliance with these requirements, the incremental impacts of the project combined with impacts of other projects in the area would not combine to cause a significant cumulative impact related to seismic hazards.

Other individual projects, and the project, are required to comply with existing codes, standards, and permitting requirements (e.g., preparation of a SWPPP) to reduce erosion impacts. Potential project-related impacts to soil erosion and loss of topsoil would be reduced through the implementation of the BMPs identified in the SWPPP, WQMP, and Dust Control Plan. Requirements in the State Construction General Permit are designed to reduce adverse cumulative effects of construction-phase erosion. Individual projects' compliance with stormwater control requirements would reduce the overall cumulative impact to a less than significant level.

GREENHOUSE GAS EMISSIONS

Impact 3.7-1: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant. (Draft EIR pgs. 3.7-13 to 3.7-16)

Project construction emissions were calculated and compared to the MDAQMD daily and annual significance thresholds. Due to the short-term nature of construction activity, the resulting emissions contribute a relatively small portion of the overall lifetime of the project GHG emissions. Therefore, construction emissions were amortized over a 30-year project lifetime, and addressed as part of the operational GHG emissions. Peak daily construction emissions and estimated annual construction emissions would not exceed the MDAQMD's thresholds. The proposed project's short-term construction activities, therefore, would not generate GHG emissions, either directly or indirectly, that may have an adverse effect on the environment.

During operation, GHG emissions would be primarily generated through motor vehicle trips to and from the project, occasional use of heavy-duty trucks, waste generation, and electricity and water use. Project emissions during operation would be below the applicable MDAQMD thresholds. Additionally, the project's annual indirect GHG emissions from the displacement of fossil fuel fired electricity generation would be significantly higher than the project's direct and indirect emissions sources; as such, the overall effect of the project would reduce GHG emissions. Therefore, impacts would be less than significant.

Impact 3.7-2: The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant. (Draft EIR pgs. 3.7-16 to 3.7-17)

The proposed project would comply with the strategies recommended by the State, U.S. Environmental Protection Agency (EPA), and the Climate Change Scoping Plan. The plan consistency analysis provided in the Draft EIR demonstrates that the project would be consistent with applicable plans, policies, regulations, and GHG reduction actions and strategies and would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. The project would therefore not result in a cumulatively considerable contribution to significant cumulative climate change impacts.

Cumulative Greenhouse Gas Emissions Impacts (Impact 3.7-3): (Draft EIR pgs 3.7-17) Climate change is an inherently cumulative category of impact. No one project would cause climate change; rather, it is the agglomeration of all global emissions that causes harm. To help address its contribution to the cumulative issue, the State has elected to reduce GHG emissions at the state level for activities under its control and has promulgated policy for local agencies to do the same. The proposed project operations and amortized construction would generate 722 short tons of CO_2e per year and the total GHG emissions would be below the MDAQMD annual threshold of 100,000 short tons. Since the listed cumulative projects would also be subject to all applicable regulatory requirements adopted to reduce GHG emissions and in effect at the time of project development, the additive effect of project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change.

Moreover, renewable energy production potentially offsets GHG emissions generated by fossil-fuel power plants. The emissions offset by the project are significantly more than the project's direct and indirect emissions.

Therefore, the proposed project's GHG emissions would not be cumulatively considerable and would be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant. (Draft EIR pgs. 3.8-15 to 3.8-19)

Construction of the project (solar facilities, energy storage, grid interconnection, and supporting infrastructure) would not involve the routine transport, use, or disposal of significant quantities of hazardous materials. Most of the hazardous materials used and hazardous waste generated by the project would occur during the temporary construction period. Hazardous materials may include small quantities of gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during construction. Hazardous materials would be transported to the project site and gen-tie corridor during construction.

A Hazardous Materials Business Plan (HMBP) would be provided to the County Environmental Health Services Division that includes a complete list of all materials used on-site and information regarding how the materials are safely stored and transported and in what form they are used. This information would be recorded to maintain safety and prevent possible environmental contamination or worker exposure. During construction of the project, Material Safety Data Sheets for all applicable hazardous materials present at the project site and/or gen-tie corridor would also be made readily available to on-site personnel and emergency responders. Furthermore, the project would require implementation of BMPs as part of a SWPPP, which is required as part of compliance with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Implementation of the SWPPP and associated BMPs would reduce the potential for stormwater pollution, including from any on-site hazardous materials during construction. Finally, workers would be trained to properly identify and handle all hazardous materials and the

project proponent would implement a site-specific Health and Safety Plan in accordance with OSHA requirements.

Any hazardous wastes produced as a result of project construction would be collected and transported away from the project in accordance with federal, State, and local regulations, as well as BMPs. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility.

Batteries would be delivered to the project site in U.S. Department of Transportation (DOT)-certified vehicles and in compliance with all applicable requirements of the DOT, California Highway Patrol (CHP), and California Department of Motor Vehicles. Lithium-ion batteries are classified as a Class 9 hazardous material, and therefore must meet DOT Hazardous Material Regulations. In addition, under UN3536 "Lithium batteries installed in cargo transport units" the batteries must be securely attached to the interior structure of the cargo unit (e.g., Conex-type shipping container), the batteries must pass UN38.3 tests that prevent overcharge and over discharge between batteries, and no additional hazardous cargo is allowed that is not directly related to the transport of the batteries. UN38.3 compliance allows certification for safe transport in air, land, or sea. According to the study "Comparative Risks of Hazardous Materials and Non-Hazardous Materials Truck Shipment Accidents/Incidents" by Battelle , the hazardous material accident/incident rate per mile (road miles only) for all Class 9 hazardous materials is 1.09 in 1 million. This statistic includes en route incidents, and encompasses all Class 9 hazardous materials, including lithium-ion batteries. This indicates the worst-case probability of an accident occurring during lithium battery transportation to the project site would be approximately 1 accident per million miles traveled. There would be a one-time transport of batteries to the project site, followed by very infrequent transport of batteries for occasional replacement throughout the lifetime of the project. Thus, the infrequent and containerized shipping, low probability of accident/incident, and multiple regulations that control the shipping of lithium-ion batteries would make impacts associated with routine transport and foreseeable upset or accidents involving the release of hazardous materials less than significant.

Overall, project construction activities would occur in accordance with all applicable local standards set forth by the County, as well as State and federal health and safety requirements that are intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code. Due to the relatively limited use and small quantities of hazardous materials, and the required compliance with applicable regulations for the transportation and handling of hazardous materials, impacts during construction would be less than significant.

Operations and maintenance activities associated with PV solar facilities are relatively minor when compared to conventional power plants or even other industrial land uses and would require very limited use of hazardous materials and generation of hazardous waste. Primary operations and maintenance activities that would occur on the project site would primarily consist of periodic panel washing but would also include occasional equipment repair or replacement and vegetation control. The project would be operated remotely and would not require any full-time, on-site employees. Due to the relatively limited use and small quantities of hazardous materials, and the required compliance with applicable regulations for the transportation and handling of hazardous materials, impacts during operation would be less than significant.

During the decommissioning and disposal process, it is anticipated that project facilities would be fully removed from the ground. Equipment would be de-energized prior to removal, salvaged (where possible), placed in appropriate shipping containers, and secured in a truck transport trailer for shipment off-site to be recycled or disposed of at an appropriately licensed disposal facility. Removal of the solar modules would include removing the racks on which the solar panels are attached and placing them in secure transport crates and a trailer for storage until transportation to another facility, a recycling, or disposal facility can take place. The project would include BMPs to ensure the collection and recycling of modules and to avoid the potential for modules to be disposed of as municipal waste.

Upon removal of the project components, the site would be restored in accordance with an approved Closure Plan for decommissioning in accordance with San Bernardino County Development Code Section 84.29.070. Compliance with County decommissioning requirements, as well as federal, State, and local health and safety laws and regulations, would minimize health risk to the public associated with the transportation, use, and disposal of hazardous materials. Therefore, impacts during decommissioning would be less than significant.

Due to the limited quantities of hazardous materials required for use in the construction, operation, and decommissioning of the proposed project, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; impacts would be less than significant.

Impact 3.8-2: The project would not create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant. (Draft EIR pgs. 3.8-19 to 3.8-22)

Potential impacts that may result from upset or accidents during construction of the project include the accidental release of materials, such as gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies. Generally, the quantities of these hazardous materials would be relatively limited and handled in accordance with manufacturer's guidelines. The project would include an HMBP that would contain a complete list of all materials used on-site and information regarding how the materials would be safely stored and transported and in what form they would be used. Material Safety Data Sheets would also be provided for all applicable hazardous materials present at the project site and gen-tie corridor. In addition, implementation of the BMPs required by the NPDES Construction General Permit would include containment and spill response measures, which would reduce the potential impact from upset and accident conditions related to hazardous materials used during project construction to a less than significant level.

Operation and maintenance of the project would use minimal hazardous materials and generate little hazardous waste. Hazardous materials stored or used on the project during operations would include diesel fuel, gasoline, and motor oil for vehicles, mineral or vegetable oil to be sealed within the transformers, and liquid materials within lithium-ion batteries. Electrical equipment used by the project, such as each enclosed transformer, would include an insulating fluid, such as vegetable or mineral oil, but upsets or accidents would be controlled via the secondary containment provided in accordance with applicable federal, State, and local laws and regulations. The project would

also include a HMBP that would contain a complete list of all materials used on-site and information regarding how the materials would be safely stored and transported and in what form they would be used. The HMBP would also include an emergency response plan to train project staff in emergency response, further minimizing hazards associated with on-site storage of hazardous materials.

The project would also use lithium-ion batteries, which contain flammable and corrosive liquid materials. However, under normal operations, energy storage facilities do not store or generate hazardous materials in quantities that would represent a risk to off-site receptors and no reportable quantities of acutely or extremely hazardous materials would be transported, stored, or used at the site. Adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would minimize and avoid the potential for reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Impacts would be less than significant during project operation.

During decommissioning, most panel materials would be recycled to the extent feasible, with minimal disposal to occur in landfills in compliance with all applicable laws. Batteries within the BESS would also be recycled to the extent feasible, with minimal landfill disposal. Ultimately, there are many options to properly manage the disposal of used lithium-ion batteries, including reclamation by battery manufacturers, and batteries would not be disposed of in municipal landfills. Therefore, potential impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials during project decommissioning would be less than significant.

Impact 3.8-3: The project would not emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. No impact would occur. (Draft EIR pg. 3.8-22)

The closest schools to the project are all located more than 15 miles from the site. Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impacts would result from the proposed project.

Impact 3.8-4: The project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. No impact would occur. (Draft EIR pgs. 3.8-22 to 3.8-23)

Neither the project site nor the gen-tie corridor are located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result, there would be no impact.

Impact 3.8-5: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur. (Draft EIR pg. 3.8-23)

The closest airport to the project is the Edwards Air Force Base, located approximately 29 miles west of the site. The project is not located within the Airport Influence Area of any nearby airport and is not included in any Airport Land Use Compatibility Plan. Overall, due to the distance between the project and nearby airports, the project would not interfere with airport operations or result in a safety hazard or excessive noise for people residing or working in the area. No impact would occur.

Impact 3.8-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan. Impacts would be less than significant. (Draft EIR pgs. 3.8-23 to 3.8-24)

The project would not impair or physically interfere with an adopted emergency response or evacuation plan. The project would not conflict with the County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP). The project would include development and implementation of a Congestion Management Plan (CMP), which would be required by the County as a Condition of Approval of the project. Implementation of the CMP would reduce the potential for construction-related traffic to interfere with emergency response or evacuation in the project area.

During project operation, primary access to all major roads would be maintained and would not interfere with emergency access into or out of the project site or gen-tie corridor. Access roads within the project site would also be constructed in accordance with SBC Fire Protection District requirements. Finally, traffic generated during project operation would be minimal and primarily associated with occasional panel washing or general facility maintenance. Activities associated with the project would not impede the free movement of emergency response vehicles. Thus, operational traffic would not interfere with emergency response or evacuation in the area. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

Impact 3.8-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Impacts would be less than significant. (Draft EIR pgs. 3.8-24 to 3.8-25)

The project is not located in or near any State Responsibility Areas (SRAs) for fire protection, or within lands classified as Very High Fire Hazard Severity Zone (FHSZ) as designated by the California Department of Forestry and Fire Protection (CAL FIRE). The project is within a Local Responsibility Area (LRA) and a majority of the project site is classified as LRA Moderate, which is the lowest classification. A small portion of the project site, and the gen-tie corridor, are in an Unzoned area of the LRA FHSZ map.

The project would be designed, operated, and maintained in compliance with federal, State, and local worker safety and fire protection codes and regulations, which would minimize the potential for the occurrence of fire. The BESS would be required to comply with Chapter 12 of the California Fire Code (CFC), which applies to stationary electric energy storage systems and addresses development standards for the design, installation, commission, operation, maintenance, and decommissioning of these systems. Specifically, the project's fire protection design would comply with CFC Section 1207, *Electrical Energy Storage Systems*, which adopts the National Fire Protection Association's Standard for the Installation of Stationary Energy Storage Systems. The

BESS enclosure would also be equipped to house required heating, ventilation, and air conditioning and fire protection/suppression systems.

The project would require preparation of a fire safety plan in accordance with CBC Section 322, which regulates the storage of lithium-ion batteries. The fire safety plan would address fire hazards of the different components of the project, including the energy storage facility, and would include BMPs to reduce the potential for fire and extinguishment techniques if a fire were to occur.

Finally, water would be used during construction for dust suppression purposes, which would secondarily reduce fire risk during construction due to the dampened soils on-site. The project would also include operational water supply for fire suppression, which would be contained within an on-site water tank in the southeast corner of the project, near the main entrance. Overnight Solar will truck water from the Mojave Solar Facility to Overnight Solar. No new permanent facilities will be constructed at the Mojave Solar Facility for the proposed water use. A temporary construction water tank will be placed next to the existing well on the Mojave Solar Facility to facilitate the delivery of water to the water trucks.

Although the closest people or structures are residences located along Harper Lake Road, approximately 1 mile east of the project site and 0.3-mile south of the gen-tie corridor, the project is not expected to expose these residences, or any other people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

Cumulative Hazards and Hazardous Materials Impacts (Impact 3.8-8): (Draft EIR pgs. 3.8-26 to 3.8-27) Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized in nature because they tend to be related to on-site existing hazardous conditions and/or hazards caused by the project's construction or operation. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes renewable energy projects in the County, as SBC Fire is the Certified Unified Program Agency (CUPA) for the entire County. Out of the eight projects considered, all are solar projects and there are five projects located within 3 miles of the proposed project: Harper Lake Solar, Desert Breeze Solar, Jazmin Solar, Lockhart PV I Solar, and Lockhart PV II Solar.

As with this proposed project, these cumulative projects would also be required to avoid and/or mitigate impacts due to hazards and hazardous materials. The proposed project and other solar projects involve the storage, use, disposal, and transport of hazardous materials to varying degrees during construction, operation, and decommissioning activities. Impacts from these activities are anticipated to be less than significant, because similar solar projects would also comply with federal, State, and local regulations and policies. Compliance with these regulation and policies would involve measures such as secondary containment of hazardous waste and proper disposal to minimize spills and leaks. Additionally, these projects would implement safety measures and precautions necessary to minimize any potential disturbance of hazardous materials and prevent the creation of additional hazards that cannot be mitigated or contained properly. Lastly, if any of these solar projects would include battery storage facilities, such facilities would also be required to comply with the same standards and regulations as the project and would be equipped with secondary containment and fire suppressant technology to lessen the impacts of potential battery fires.

A project could also result in a cumulatively considerable impact related to hazardous emissions within one-quarter mile of a school if cumulative projects would release hazardous emissions within one-quarter mile of the same school. However, neither the project nor any cumulative projects are located within 0.25 mile of a school. Thus, no cumulative impacts would occur.

Similarly, impacts with regard to safety hazards and excessive noise within an airport land use planning area could be compounded by cumulative projects. However, the project site is not located within an airport land use plan and thus no cumulative impact will occur.

Cumulative impacts with regard to a project's location on a hazardous materials site pursuant to Government Code Section 65962.5 would also not occur as the project site is not located on such a site.

Impairing implementation of or physically interfering with an adopted emergency plan could be cumulatively considerable if cumulative projects were to impact the same plan or physical alter similar areas, such as the same road network. As the project was determined to have a less than significant impact to adopted emergency plans, no cumulative impacts will occur.

Finally, cumulative impacts with regard to the exposure of people or structures to significant risk of loss, injury, or death involving wildland fires could be compounded, resulting in a cumulative impact if the same people or structures would be affected by the project and cumulative projects in a manner that would further increase the risk of wildfires beyond that of the project alone. While construction and operation of the project will introduce ignition sources on the project site and along the gen-tie corridor, the project will be designed in compliance with federal, State, and local worker safety and fire protection codes and regulations, which will minimize the potential for the occurrence of fire. However, cumulative projects will also be required to comply with SBC Fire, CFC, and CBC requirements to minimize the potential for the occurrence of fires. Upon compliance with applicable federal, State, and local fire protection regulations, the potential for the project and cumulative projects to expose people or structures to wildland fires will be reduced to the point where impacts will not be cumulatively considerable.

Therefore, in combination with other reasonably foreseeable development projects in the County's Desert Region, the project is not anticipated to result in a considerable contribution to a significant cumulative impact. Cumulative impacts would be less than significant.

HYDROLOGY AND WATER QUALITY

Impact 3.9-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant. (Draft EIR pgs. 3.9-14 to 3.9-16)

Compliance with the implementation requirements of the General Construction Permit, which include the preparation and deployment of a SWPPP; Spill Prevention, Control, and Countermeasure Plan; and associated BMPs; the impact on water quality during construction would be temporary and less than significant.

After project development, runoff from the site would increase significantly, approximately by about 25 acre-feet for the 24-hour storm event that was modeled. Therefore, the stormwater

management controls described in the Draft EIR, would be implemented during project development. These controls would remain in place after construction is completed. In addition, all stormwater discharges will be controlled under the WQMP established for the facility. Impacts on water quality during operation and maintenance would be temporary and less than significant.

Decommissioning of the site and gen-tie line would incur potential impacts similar to those described for construction. Ground-disturbing activities would require coverage under the Construction General Permit, including the preparation and implementation of a SWPPP. Stormwater management measures also would be required to effectively control erosion and sedimentation and other construction-related pollutants during decommissioning. Therefore, potential impacts on water quality from decommissioning activities would be temporary and less than significant.

Impact 3.9-2: The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant. (Draft EIR pgs. 3.9-16 to 3.9-18)

Although construction activity would disturb pervious surfaces, and slightly reduce the potential for infiltration of surface water, it would not significantly affect groundwater recharge because direct infiltration of rainfall and surface water within the Harper Valley Groundwater Basin is only a minor contributor to groundwater recharge of this basin. The primary contributor is the Mojave River (provided as groundwater inflow from the adjacent groundwater basin). Therefore, loss of pervious surfaces would not significantly reduce local groundwater recharge rates or supplies. The combined impacts to groundwater supply and recharge from this phase of the project are considered less than significant.

Upon buildout of the project, there would be about 13 percent more impervious surface area than currently exists at the site due to the installed solar panels. However, as noted earlier, this location currently provides less than optimum conditions for groundwater recharge. Therefore, loss of pervious surfaces would not significantly change the local potential for groundwater recharge. The combined effects of project water use and a slight loss of infiltration potential during operations would provide a less than significant impact.

It is anticipated that during the decommissioning process, the level of activity and required equipment would be similar to that experienced during the construction phase of the project. Decommissioning impacts would be less than significant.

Impact 3.9-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. Impacts would be less than significant. (Draft EIR pgs. 3.9-18 to 3.9-20)

The project site is generally flat, with a slight slope (1 to 2 percent) in the northeast direction, toward Harper Lake, a dry lakebed. Existing drainage courses along the western and southern sides of the project parcel provide capacity to capture and divert flows from upstream drainage areas around the project site under existing conditions. There are no Federal Emergency Management Agency (FEMA) designated floodplains on the site, although no official assessment of flooding potential has been performed to date.

As with all new development, the project would be subject to compliance with the NPDES Construction General Permit. The Construction General Permit would require the preparation and implementation of a SWPPP. The SWPPP is intended to identify pollutant sources that may be delivered off-site (in the form of runoff and associated sediment load) and affect the quality of stormwater discharge; to implement site controls and practices to reduce stormwater pollution; and to protect water quality of receiving waters. Compliance with the NPDES Construction General Permit, and associated SWPPP and BMPs, would reduce the potential for these impacts to occur.

The increase in impervious surface area within the site would be limited through the use of on-site BMPs (adding vegetated swales, retaining and enhancing existing pervious surfaces, and installing infiltration trenches) and adding stormwater retention basins. The stormwater retention basins would be designed to detain runoff during peak storm events such that proposed peak flows would be less than 90 percent of existing flows for 2-year, 10-year, 25-year, and 100-year events, thereby reducing the potential for downstream flooding and erosion. As such, the operation and maintenance of the project facilities are not expected to cause substantial erosion on or off site, increase runoff on or off site, produce excessive stormwater runoff, or change flood flows. Thus, potential impacts from altered drainage would be less than significant.

Decommissioning the project site and gen-tie would include ground-disturbing activities similar to those performed during construction, and impacts would be less than significant.

Impact 3.9-4: The project would not be in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to the project inundation. No impact would occur. (Draft EIR pg. 3.9-20)

The project site and gen-tie are not within a 100-year flood zone nor a dam inundation zone, according to the FEMA Flood Insurance Rate Map and the San Bernardino County General Plan. Additionally, the project site is in an inland drainage area with no access to the ocean and no standing bodies of water. Therefore, the project site has no potential for inundation by a tsunami or seiche nor the possibility of impact from the release of pollutants due to such inundation of the project site, and no impact would occur.

Impact 3.9-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant. (Draft EIR pgs. 3.9-20 to 3.9-21)

By adhering to the conditions stipulated by the NPDES Construction General Permit and the site-specific SWPPP for the project, water quality impacts would not result in violations to, conflicts with, or obstructions of the Basin Plan for the Lahontan Region. There would be no impacts related to this water quality control plan.

The Harper Valley Groundwater Basin (6-47) has been designated as a very low priority basin under the Sustainable Groundwater Management Act, and therefore no Groundwater Sustainability Agency has been designated, and no Groundwater Sustainability Plan is required. Nevertheless, the basin falls under the 1996 adjudication of the extended Mojave River watershed, and as such is governed by a Watermaster, which is the Mojave Water Agency (MWA). The Water Supply Assessment (WSA) prepared for the project concluded that under the requirements of the adjudications process, the MWA has made significant progress in controlling groundwater use in the Centro Subarea of the Mojave River Basin and appears to be on track to reaching management goals under the Urban Water Management Plan (UWMP). Additionally, sufficient water resources are expected to be available in the Harper Valley Groundwater Basin to supply project requirements under normal future conditions within a 30-year planning horizon.

No potential conflicts with, or obstructions to, either a WQMP or a sustainable groundwater management plan were identified. As a result, potential impacts to water quality and/or water use would be less than significant.

Cumulative Hydrology and Water Quality Impacts (Impact 3.9-6): (Draft EIR pgs. 3.9-21 to 3.9-22) The potential scope of environmental resources or attributes that could suffer cumulative effects from the current project in conjunction with other projects, includes the same five impacts discussed above, but considered in a larger area and including multiple projects. If there is potential for cumulative impact due to multiple projects and activities related to site clearance, construction, operation and maintenance, and decommissioning, these impact areas would need to be considered. The geographic focus in this document for assessing cumulative impacts on hydrology and water quality includes all known projects within a 20-mile radius of the project site.

The project has the potential to contribute runoff and discharges that, in combination with other past, present, and future development in the Basin Plan watersheds, could potentially impact water quality. In addition, these development activities would have the potential to infiltrate and affect groundwater quality in the Basin, such that the project could contribute to a potentially significant cumulative impact. However, the project and all other projects in the area would be required to comply with the current (and any future) Basin Plan, applicable NPDES Permit requirements (i.e., BMPs) and ordinances including preparation of and compliance with a SWPPP, and other water quality regulations. Therefore, compliance with these regulatory requirements would reduce the project's and cumulative projects' cumulatively considerable impacts to a less-than-cumulatively considerable level. Cumulative impacts related to degraded water quality would be less than significant.

The project, as well as other projects developed in the area, would require the use of groundwater for construction and decommissioning activities. However, the following considerations, as applied to all projects would help to ameliorate any potential impacts due to this groundwater use.

- Construction of these projects would be temporary and short term.
- Operation and maintenance activities would span longer periods of time than construction, but would require much smaller amounts of groundwater.
- Decommissioning activities for projects would take place after each project's life expectancy (i.e., 30 years in the future) and also would be temporary and short term.

Groundwater pumping would be regulated by the Watermaster, and the volume of water required for construction and decommissioning of the project is a minor percentage of the basin total of groundwater used. Because the population within the basin is decreasing, the long-term water supply needs of the basin are also decreasing. Cumulative impacts related to groundwater supplies would be less than significant.

No significant drainage alteration is planned for this project, and potential upstream runoff reaching the project site (i.e., "run-on") would remain as diverted flow. This would leave the local drainage essentially unchanged. Any increased runoff from the project site due to solar panel imperviousness would be controlled by SWPPP requirements. Similarly, all projects of this type would be addressed by site-specific evaluations and plans (each will have their own SWPPP), which will implement necessary and appropriate controls. Cumulative impacts related to drainage alterations would be less than significant.

There is no potential impact with respect to being located in a flood hazard, tsunami, or seiche zone, and this project would not cause or contribute to any potentially significant cumulative impact regarding such hazard considerations. In general, there is no potential for a tsunami or seiche to occur in this region, so similar projects would not create additional flooding hazards from such events. Cumulative hazards due to location a flood zone would be addressed at each site through similar site-specific drainage plans and appropriate management measures. Cumulative impacts related to hazard zone encroachment would be less than significant.

None of the features of the proposed facility, nor any of its construction or operations requirements, would affect a water quality control plan or sustainable groundwater management plan. Similar projects will create facilities of the same type, and will be required to follow the requirements of the Lahontan Regional Water Quality Control Board Basin Plan to maintain water quality and the UWMP of the MWA to maintain sustainable water use. Therefore, these projects would not contribute to a cumulative impact on these plans. Cumulative impacts related to conflicts with plans would be less than significant.

LAND USE AND PLANNING

Impact 3.10-1: The project would not physically divide an established community. Impacts would be less than significant. (Draft EIR pgs. 3.10-14 to 3.10-15)

The project site consists of vacant and undeveloped land and contains some unpaved roads and existing drainage features. The gen-tie corridor is located within the existing fenceline of the adjacent Mojave Solar Facility, along an existing constructed drainage canal. Residential uses in the area are limited, but some rural residences are located along Harper Lake Road, the closest being located approximately 1 mile east of proposed solar facility and 0.3 mile south of the proposed gen-tie line.

The project would maintain all existing access routes in the area. The project would not result in the construction of new access routes or the elimination of existing area roadways that could have the potential to isolate existing uses, including nearby rural residences and existing proximate solar facilities. Construction and operations crews would access the project site via existing routes and would access the gen-tie via the existing entrance to the Mojave Solar Facility at the intersection

of Lockhart Ranch Road and Harper Lake Road. Accordingly, the project would not create a division between existing local uses and would not physically divide an established community. Impacts would be less than significant.

Impact 3.10-2: The project would not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant. (Draft EIR pgs. 3.10-15 to 3.10-17)

As discussed in the Draft EIR, the project site would be rezoned from RL to RC and redesignated from RL to RLM in the Countywide Plan/Policy Plan. With the approval of the zone change of the project site from RL to RC, the Countywide Plan/County Policy Plan Amendment to change the land use designation from RL to RLM, and the CUP, the project would be consistent with the RECE of the Countywide Plan/Policy Plan and the County's Development Code. Impacts would be less than significant.

Cumulative Land Use and Planning Impacts (Impact 3.10-3): (Draft EIR pgs. 3.10-17 to 3.10-18) Cumulative land use and planning impacts may occur when project-specific impacts evaluated in an EIR are combined with the effects of other projects which, when examined individually, may not be considered to be significant. Specifically, cumulative impacts related to land use and planning could occur if multiple projects would together divide an established community. However, all cumulative projects would be required to separately undergo environmental review on a case-by-case basis in accordance with the requirements of CEQA. Each cumulative project would also be required to demonstrate consistency with all applicable planning documents and regulations, and implement mitigation for any significant environmental effects caused by a conflict with applicable land use plans, policies, and regulations.

The project would generally be located in an undeveloped and unincorporated area of the County with little residential development, and would not divide an established community. Cumulative projects have been and would be developed in similarly low-populated and relatively undeveloped areas that are suitable for utility-scale solar development, including four cumulative projects located in the immediate vicinity of the project site. Cumulative projects would be required to maintain access along public roadways, similar to the proposed project. Therefore, the project would not cumulatively result in division of an established community.

Furthermore, because the project would not have any significant impact on land use and planning, and because conflicts with land use plans, policies, or regulations are project specific, the project would not cause or contribute to any cumulative land use and planning impact. If incompatibilities or land use conflicts are identified for any of the cumulative projects, the County would require mitigation to avoid or minimize this type of land use impact. Therefore, no cumulatively considerable land use and planning impacts would occur.

NOISE

Impact 3.11-1: The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established

in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant. (Draft EIR pgs. 3.11-10 to 3.11-18)

Acoustic emission levels for activities associated with project construction were based on typical ranges of energy equivalent noise levels at construction sites, as documented by the EPA's Construction Noise Control Technology Initiatives. The EPA methodology distinguishes between type of construction and construction stage. Noise levels resulting from the construction activities would vary significantly depending on several factors such as the type and age of equipment, specific equipment manufacture and model, the operations being performed, and the overall condition of the equipment and exhaust system mufflers. Construction activities would also cause increased noise along access routes to and from the project site due to the movement of equipment and workers. Based on the noise modeling conducted for the project, some noise sensitive areas (NSAs) will be subject to increased noise levels due to construction traffic, with the greatest increase in noise level being 11 dBA at NSA IDs 7, 8, and 9 (refer to Table 3.11-10 of Section 3.11, Noise, of the Draft EIR). However, construction-related traffic would be limited to 7:00 a.m. to 7:00 p.m. in compliance with the County's Development Code Section 83.01.080 and would cease upon completion of project construction, and as such the temporary impacts would be less than significant. Moreover, to help minimize noise during construction, the project's construction management protocols would implement the following best practice noise reduction design measures:

- Maintain all construction tools and equipment in good operating order according to manufacturers' specifications;
- Limit construction activities to daytime hours (7:00 a.m. to 7:00 p.m.);
- Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks;
- For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible; and
- Utilize a Complaint Resolution Procedure to address any noise complaints received from residents.

During project operation, the primary noise sources are the inverter skids consisting of one inverter and one transformer, the 230-megavolt ampere substation transformer, and the BESS units. It is expected that all equipment would operate in a consistent manner during daytime hours; however, the inverter skids will not operate while the sun is down. The noise modeling results indicate that the project would comply with the County 55 dBA daytime and 45 dBA nighttime limits. The highest noise level associated with project operations is 34 dBA L_{eq} at NSA-2, NSA-3, and NSA-4 (refer to Table 3.11-11 of Section 3.11, Noise, of the Draft EIR). This level is below the ambient level at the closest ambient measurement location (NM-2, 55 dBA) and would not raise the ambient level above the current 55 dBA. The project would not increase the ambient noise level and would result in a less than significant impact.

Project maintenance activities would include solar panel washing as needed. These activities are expected to occur up to 4 times per year and would not generate a significant amount of traffic or

create a substantial increase of vehicular noise in the area. Any increase in traffic would be minimal and sporadic; therefore, impacts from vehicular noise would be less than significant.

Decommissioning would first involve removing the solar PV panels for sale into a secondary solar PV panel market or for recycling. Noise levels from decommissioning would be similar to those during construction. Decommissioning activities, like construction, would comply with County construction noise ordinance standards as detailed previously. Therefore, noise impacts from project decommissioning would be less than significant.

Impact 3.11-2: The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant. (Draft EIR pg. 3.11-18)

The vibration analysis evaluated the worst-case vibration source, which would be the pile driver during construction. Based on vibration propagation calculations, vibration levels at the nearest non-participating sensitive receptor would be below the minimum vibration level for human perception of 65 VdB. Therefore, impacts would be less than significant.

Impact 3.11-3: The project would not expose people residing or working in the project area to excessive noise levels within the vicinity of a private airstrip or within 2 miles of a public airport. No impact would occur. (Draft EIR pg. 3.11-18)

The project is not within 2 miles of a public airport or public use airport or in the vicinity of a private airstrip or an airport land use plan. The closest airport to the project is Edwards Air Force Base, located approximately 29 miles to the west. There would be no impact.

Cumulative Noise Impacts (Impact 3.11-4): (Draft EIR pgs. 3.11-18 to 3.11-19) The cumulative scenario for the analysis of operational noise impacts considers impacts from present or reasonably foreseeable projects. Of these projects, Lockhart PV II Solar and Desert Breeze Solar have prepared a Noise Technical Memorandum. The highest operational noise level received at a noise sensitive receptor is 22 dBA for Lockhart PV II Solar and 26 dBA for Desert Breeze Solar. The cumulative operational noise impacts from the project would not contribute to an exceedance of the County's Development Code Section 83.01.080 nighttime noise limit of 45 dBA L_{eq}. Other projects would also have to satisfy the requirements of CEQA and the County's review process, and as such must reduce cumulative noise impacts at noise sensitive receptors. Due to these circumstances, the cumulative increase in noise due to project operations would be considered a less than significant impact.

The project could contribute noise to cumulative conditions from the onset of on-site activities through decommissioning and site restoration. The highest construction noise levels at a receptor would be 63 dBA L_{eq}. This level is below the Federal Transit Administration (FTA) guidance level of 80 dBA L_{eq}. This level is low enough that it would not contribute to an exceedance of the 80 dBA L_{eq} FTA guidance level during construction activities associated with other cumulative projects. Due to these circumstances, the temporary increase in noise due to construction would be less than significant.

Cumulative projects in the project vicinity would likely be operational and contribute to the overall ambient noise conditions or be decommissioned prior to project decommissioning activities. Thus,

temporary noise impacts from decommissioning activities associated with the project would not likely combine with other cumulative projects in proximity and at the same time. As noted above, the project's construction and operational vibration levels would not exceed any applicable thresholds for groundborne noise or vibration and would result in a less than significant impact. Therefore, vibration impacts would not be cumulatively considerable, and impacts would be less than significant.

TRANSPORTATION

Impact 3.12-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant. (Draft EIR pgs. 3.12-7 to 3.12-11)

The project would be consistent with the San Bernardino County Transportation Impact Study Guidelines, would provide a CMP to the County as a standard condition of approval, and would not conflict with the Countywide Plan/County Policy Plan.

As discussed in the project-specific trip generation analysis prepared for the project, the project would generate a maximum of 725 additional round trips per day for construction workers traveling to and from the project site's access points. The average daily traffic (ADT) counts are for onsite activities that repeat daily, such as construction workers traveling to and from the project site, and repeating material deliveries. Irregular or one-time deliveries to and from the project site, such as heavy equipment, would not have ADT counts. Construction traffic generated by this project has the potential to cause temporary impacts to transportation and traffic in the area. Due to the temporary nature of construction, these impacts would be short-lived.

The project would be remotely operated. Periodic module cleaning and maintenance activities would utilize up to 12 employees over approximately 20 days for each panel washing event, up to approximately 4 times per year. Therefore, operational impacts would be less than significant.

Impact 3.12-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be less than significant. (Draft EIR pgs. 3.12-11 to 3.12-12)

As stated in the Office of Planning and Research (OPR) (2018) Technical Advisory, "'Vehicle Miles Traveled' refers to the amount of distance of automobile travel attributable to a project. Here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks." Therefore, heavy vehicles generated by the construction traffic are not included in the vehicle miles traveled (VMT) analysis. In addition, since the construction traffic would only be temporary in nature, project VMT impacts are presumed to be less than significant. VMT impacts are also anticipated to be less than significant for the project operations since the number of employee vehicle trips (24 daily trips) are substantially less than the Transportation Impact Study Guidelines (TISG) threshold of 110 daily vehicle trips. Therefore, impacts would be less than significant.

Impact 3.12-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. Impacts would be less than significant. (Draft EIR pgs. 3.12-12 to 3.12-13)

Off-site improvements would include potential paving and widening of off-site access roads and would be completed as required to the County's standards and in consultation with the County. Primary access points via SR-58 to Harper Lake Road would be used by construction activities. Those access points would remain in place during operation of the project, and access would be limited to maintenance, washing, repairs to project equipment, and other activities that would occur infrequently. The project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Therefore, impacts would be less than significant.

Impact 3.12-4: The project would not result in inadequate emergency access. Impacts would be less than significant. (Draft EIR pg. 3.12-13)

Due to the short-term nature of the construction activities, the project's construction activities would not require a new, or significantly interfere with an existing, risk management, emergency response, or evacuation plan. It is anticipated that the County would require Conditions of Approval, which would include implementation of safety measures in a CMP such as directing construction traffic with a flag person (as needed to maintain safety adjacent to existing roadways), placing temporary traffic control signage along access routes to indicate the presence of heavy vehicles and construction traffic, ensuring access for emergency vehicles to the project, and other measures.

The project would not develop new public roads or introduce new hazards to roads leading to the project site and gen-tie. Vehicular access to the project would be provided via primary and secondary access points described above. Access to the gen-tie line would be provided via the existing entrance to the Mojave Solar Facility at the intersection of Lockhart Ranch Road and Harper Lake Road. All emergency access would be provided via these two access points. All access roads interior to the project site would be constructed consistent with the SBC Fire Code. The project would not result in inadequate emergency access during operation, and impacts would be less than significant.

Cumulative Transportation Impacts (Impact 3.12-5): (Draft EIR pgs. 3.12-13 to 3.12-14) Of the cumulative projects included in the Draft EIR, five would access their sites from SR-58 and Harper Lake Road: Harper Lake Solar PV, Desert Breeze Solar, Jazmin Solar Energy, and Lockhart PV II Solar. Lockhart PV I Solar was commissioned in 2023, and therefore, would not contribute to additional construction ADT on SR-58 or Harper Lake Road. It is anticipated that the project construction schedule could at least partially overlap with Desert Breeze Solar and Lockhart PV II Solar, such that construction of these projects could each generate temporary traffic volumes associated with construction workers commuting to the project locations.

As a standard condition of approval, the project, Desert Breeze Solar, and Lockhart PV II Solar would be required to provide a CMP to the County Department of Public Works, Traffic Division prior to the issuance of grading permits. Each CMP would require scheduling construction traffic ingress/egress, including coordination with nearby projects, to minimize traffic obstructions and avoid impacts to local roadways.

Similar to the project, any cumulative project that would be subject to environmental review would be required to evaluate VMT on a project-by-project basis. If the cumulative project were

determined to have potentially significant VMT impacts, it would be required to include the appropriate mitigation measures to reduce VMT impacts to a less-than-significant level. As the project would result in a less-than-significant impact on VMT, the project would similarly result in a less-than-significant impact on VMT in cumulative conditions, and any further analysis is not necessary.

Traffic generated by the project would occur primarily as a result of construction workers traveling to and from the project while operations traffic impacts would be considered minimal given the small number of employees, approximately 300 construction employees compared to the approximately 12 operation employees. Construction vehicles would access the project from Harper Lake Road and SR-58. Regarding geometric hazards, the project would not result in a significant impact due to a design feature. Each cumulative project would be reviewed by the County to ensure compliance with applicable County requirements that would allow for safe access for vehicles, pedestrian, and bicyclists.

Furthermore, since modifications to access and circulation plans are largely confined to a project site and immediate surrounding area, a combination of impacts with other cumulative projects that could potentially lead to cumulative impacts is not anticipated. Therefore, there would neither be a significant cumulative impact regarding geometric hazards nor would the project's potential contribution to cumulative impacts associated with hazardous design conditions be significant.

With regard to emergency access, the project would not result in a significant impact. The project site and the surrounding area are developed with existing roadway networks, and with existing routes for emergency vehicles and evacuation. Similar to the project, cumulative projects would be required to implement a similar CMP to include construction traffic measures to ensure adequate emergency access is maintained in and around the cumulative project sites throughout construction activities. Coordination of these plans would ensure that construction activities of concurrent cumulative projects and any associated hauling activities are managed in collaboration with one another and with the project. Therefore, there would neither be a significant cumulative impact regarding emergency access nor would the project's potential contribution to cumulative impacts associated with emergency access be considerable.

UTILITIES AND SERVICE SYSTEMS

Impact 3.13-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant. (Draft EIR pgs. 3.13-13 to 3.13-17)

The project would require an estimated 200 acre feet (AF) of water during the approximately 26-month construction period, and approximately 330 AF of water during the approximately 30-year lifespan of the project. Water required for the project would be supplied from four existing, active groundwater wells located within the adjacent Mojave Solar Facility. The Mojave Solar Facility has secured water rights adequate to include the project's water demand during both construction and operation. Thus, impacts would be less than significant.

Construction of the project would generate a minimal volume of wastewater. During construction activity, wastewater would be contained within portable toilet facilities and disposed of at an approved disposal site. During operation, the project would be operated remotely and would not require the presence of full-time, on-site employees. Panel washing would be required at least once per year and potentially up to four times per year. Temporary operations and maintenance employees would use the existing operations and maintenance facilities at the adjacent Mojave Solar Facility for domestic water and toilet facilities. No off-site sewage or disposal connections to a municipal sewer system exist or are proposed; thus, impacts would be less than significant.

No off-site connections to a municipal stormwater facility exist or are proposed, and the project would not relocate any existing stormwater facilities. Although the project would include new stormwater management features on the project site, all improvements during construction would be made within areas of the project site, and potential impacts from this work are discussed within the respective sections of this EIR. Thus, impacts during construction would be less than significant.

During operation, all stormwater flows from the project site would be sufficiently managed through maintenance of a drainage easement to the west of the existing berm; construction of small retention basins throughout the solar panel areas and project site; installation of culverts and drainage channels to facilitate the controlled conveyance of runoff across the project site; and BMPs such as vegetated swales, permeable surfaces, and infiltration trenches to reduce surface runoff. With implementation of these on-site features, operation of the project would not require the construction or relocation of any off-site stormwater drainage features. Thus, impacts during operations and maintenance would be less than significant.

All improvements to electric power and telecommunications facilities during construction would be made within areas of the project site and gen-tie corridor, and potential impacts from this work are discussed within the respective sections of this EIR. Thus, impacts during construction would be less than significant.

Any electrical power required for operational and maintenance activities would be provided by the proposed project's electrical generation or supplied by the local power provider. SCE operates distribution circuits in the project area. The project applicant would coordinate with SCE to obtain access to a nearby distribution circuit, if needed. Operation of the proposed project would not require or result in the construction of new electrical facilities, which could cause significant environmental effects; thus, impacts during operation and maintenance would be less than significant.

Telecommunications equipment, such as fiber-optic lines, would be installed throughout the project site during construction to support project operation. Telecommunications equipment would be brought to the project from existing telecommunications infrastructure in the project vicinity. The proposed project would use local exchange carrier services for telecommunication to support remote monitoring requirements. Telecommunications would be supported by fiber optic lines either co-located on aboveground structures, such as transmission lines, or installed underground within the footprint of the proposed project to connect the supervisory control and data acquisition equipment within the project substation to local telecommunication lines within the project area. No off-site telecommunication connections are proposed during operation and

maintenance located beyond the development footprint; thus, impacts during operation and maintenance would be less than significant.

Natural gas would not be required to support construction or operation activities. No off-site natural gas connections are proposed; thus, impacts would be less than significant.

Impact 3.13-2: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Impacts would be less than significant. (Draft EIR pgs. 3.13-17 to 3.13-19)

A WSA was prepared to evaluate anticipated water supply and demand for the project's construction and operational phases. The project would require an estimated 200 AF of water during the approximately 26-month construction period. The project would require an estimated 330 AF of water during the approximately 30-year lifespan of the project, resulting in an annual water demand of 11 AF per year. The project would include operational water supply for fire suppression, which would be contained within an on-site water tank located in the southeast corner of the project, near the main entrance. Overnight Solar will truck water from the Mojave Solar Facility to Overnight Solar. No new permanent facilities will be constructed at the Mojave Solar Facility for the proposed water use. A temporary construction water tank will be placed next to the existing well on the Mojave Solar Facility to facilitate the delivery of water to the water trucks. As determined in the Draft EIR, sufficient water supplies would exist to support the project during normal year, single dry year, and multiple dry years conditions, and impacts would be less than significant.

Impact 3.13-3: The project would not result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant. (Draft EIR pgs. 3.13-19 to 3.13-20)

The project site is not currently served by public wastewater treatment service facilities and no off-site sewage or disposal connections to a municipal sewer system are proposed. During project construction, wastewater disposal needs would be provided on-site via portable toilet facilities. Disposal of such wastewater would occur at an approved disposal site. Employees conducting intermittent operations and maintenance activities associated with occasional panel washing events and maintenance work would use the existing operations and maintenance facilities at the adjacent Mojave Solar Facility for domestic water and toilet facilities. Although use of these existing facilities by employees conducting intermittent operations and maintenance activities would slightly increase the demand on the existing septic system, the increase would be negligible due to the limited operational work that is required for the project. No new public wastewater treatment services would be required. The project would not result in a determination by the wastewater treatment provider that serves the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.

Impact 3.13-4: The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant. (Draft EIR pgs. 3.13-20 to 3.13-22)

Common construction waste may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation wastes. Any hazardous waste generated during construction would be disposed of at an approved location. Nonhazardous construction refuse and solid waste would either be collected and recycled or disposed of at a local landfill. The Barstow Sanitary Landfill, located approximately 22 miles to the southeast, is the closest landfill to the project and would most likely receive solid waste generated during project construction. The Barstow Sanitary Landfill has sufficient permitted capacity remaining to accommodate solid waste generated by project construction. Therefore, construction impacts of the project related to landfill capacity are anticipated to be less than significant, and the project would not generate solid waste in excess of State or local standards or impair the attainment of solid waste reduction goals.

Due to the nature of the proposed land use, minimal solid waste would be generated during project operation as the project would be monitored remotely and there would be no permanent on-site employees. The project would also produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid waste, including the typical refuse generated by workers. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. The Barstow Sanitary Landfill would continue to operate through 2071 and is expected to continue to serve the project throughout the rest of its operation. Therefore, operational impacts of the project as related to landfill capacity are anticipated to be less than significant, and the project would not generate solid waste in excess of State or local standards or impair the attainment of solid waste reduction goals.

Decommissioning would comply with federal, State, and local standards and all regulations that exist when the project is decommissioned, including the requirements of San Bernardino County Development Code Section 84.29.070. Decommissioning activities would comply with federal, State, and local standards. Therefore, decommissioning of the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals. Impacts would be less than significant.

Impact 3.13-5: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant. (Draft EIR pg. 3.13-22)

The project would generate solid waste during construction, operation, and decommissioning. Common construction waste may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation wastes. AB 939 requires that specific waste diversion goals be achieved for all California cities and counties, including an overall reduction in solid waste produced by 50 percent by the year 2000. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the proposed design.

As previously stated, a majority of the solid waste generated during project construction, operation, and decommissioning is recyclable, and solid waste would be properly disposed of or recycled in accordance with applicable waste diversion and recycling statutes and regulations.

Minimal amounts of solid waste may be generated by construction workers and temporary operation workers from periodic panel washing and maintenance activities. All solid waste would be collected by construction and operations workers on a daily basis and transported to a licensed off-site landfill or recycling facility for disposal.

Construction, operations, and decommissioning activities for the proposed project would occur in compliance with applicable federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

Cumulative Utilities and Service Systems Impacts (Impact 3.13-6): **(Draft EIR pgs. 3.13-22 to 3.13-24)** It is not anticipated that the cumulative projects identified in the Draft EIR would result in impacts relative to utilities or service systems. All current, planned, or future discretionary projects within the County's jurisdiction would be required to demonstrate the availability of adequate water, wastewater treatment, and/or solid waste disposal services prior to the issuance of permits and/or commencement of construction activities, or to identify adequate mitigation measures to ensure that new development does not adversely affect the County's ability to provide such services.

In particular, groundwater supplies would be adequate to serve construction and operational demands of the project based on the long-term 20-year recharge rate from the Centro Subarea, which captures less frequent surplus recharge events. When considered with current and anticipated future development within the Centro Subarea, the project and cumulative projects would not adversely affect groundwater availability over the long-term either, due to existing and anticipated future groundwater supplies, and the ongoing regulation and management of the Centro Subarea by the MWA. Furthermore, solar projects by nature are not a water intensive land use, and cumulative solar development within the Centro Subarea would not result in substantial water demand as compared to overall annual outflow.

Based on the findings of the WSA, there is sufficient groundwater supply available within the Centro Subarea and within the Mojave Solar Facility's water rights allocation for the project during normal, single dry and multiple dry water years during a 20-year projection. A sufficient water supply would be available to meet the projected water demand associated with the project, in addition to existing and planned future uses within the Centro Subarea. Furthermore, the proposed project would require only a limited amount of water as compared to the overall size of the Centro Subarea, thereby having a minimal contribution to anticipated future increase on groundwater demands. Cumulative projects would also be required to secure a water source in accordance with the Adjudication, if water were secured from within the Centro Subarea. Therefore, cumulative impacts on water supply would be less than significant.

With regard to the relocation or construction of new or expanded water, wastewater, or stormwater drainage, electric power, natural gas, or telecommunications facilities, impacts are generally localized to each project and the connections necessary to support each project. The project would not relocate or require the construction of new water, wastewater, or natural gas facilities. Thus, no cumulative impacts to these types of facilities would occur.

The project would connect to existing telecommunications facilities in the project vicinity, using local exchange carrier services for telecommunication to support remote monitoring requirements.

Similar to the proposed project, cumulative projects would also likely procure local exchange carrier services and co-locate telecommunications lines on aboveground structures, such as transmission lines, or install them underground within their respective footprints. Since each project would be required to coordinate and procure local telecommunication services and undergo environmental review for environmental impacts, cumulative impacts to telecommunications would be less than significant.

The project would also include on-site stormwater drainage features as described above; however, these would be constructed to manage on-site stormwater flows and are included as part of the proposed project. The project would not require the development of new off-site stormwater facilities. Similar to the proposed project, cumulative projects may also require stormwater drainage improvements and would undergo environmental review for environmental impacts associated with the construction or relocation of stormwater drainage facilities. Therefore, cumulative impacts to stormwater drainage facilities would be less than significant.

Finally, the project would include new on-site electric power facilities associated with the proposed land use and off-site transmission infrastructure associated with the proposed gen-tie line. However, these are elements of the proposed project and potential impacts from this work are discussed within the respective sections of this EIR. Cumulative energy projects would also be required to secure transmission connection agreements with the appropriate utility company, and analyze and mitigate for any potential impacts associated with those transmission connections. Ultimately, the project would not contribute to significant cumulative impacts associated with the relocation or construction of new or expanded water, wastewater, or stormwater drainage, electric power, natural gas, or telecommunications facilities.

As with the proposed project, the cumulative projects considered would be required to conform with federal, State, and local regulations pertaining to solid waste disposal and recycling. As indicated, the Barstow Sanitary Landfill has adequate capacity well into the future to accommodate area growth and solid waste disposal needs. Furthermore, four other regional landfills are located within the County which could serve cumulative projects and other future developments. As such, the project, in combination with other cumulative projects, would not contribute to a significant cumulative impact relative to solid waste disposal.

As discussed above, all utilities and services have been determined available and adequate to serve the proposed solar PV facility. As such, the project, considered in combination with other cumulative projects identified, would result in a less than significant cumulative impact on utilities and service systems.

WILDFIRE

Impact 3.14-1: The project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant. (Draft EIR pg. 3.14-13)

The project site and gen-tie corridor are not located in or near any SRAs or lands classified as Very High FHSZs as designated by CAL FIRE. The project site and gen-tie corridor are within an LRA

and a majority of the project site is classified as LRA Moderate, which is the lowest classification. A small portion of the project site, along the eastern project site boundary, and the gen-tie corridor are in an Unzoned area of the LRA FHSZ map. Given the project site's designation as LRA Moderate and the gen-tie corridor's designation as Unzoned, the project is outside of areas identified by CAL FIRE as having substantial or very high risk. Furthermore, the project site and gen-tie corridor are not located along an identified emergency evacuation route and is not identified in any adopted emergency evacuation plan. The closest evacuation route to the project is SR 58, located approximately 6 miles to the south.

As noted in Section 3.12, Transportation and Traffic, of the Draft EIR, the project applicant would be required, as a standard condition of approval, to prepare and submit a CMP to the County Department of Public Works, Traffic Division prior to the issuance of grading permits. Implementation of the CMP would minimize the potential for project-related construction traffic to interfere with vehicular circulation and emergency access both along local roadways and to the project site, including during any times of emergency evacuation. Project operations would generate limited daily traffic traveling to and from the site for occasional panel washing and other intermittent maintenance purposes.

Therefore, the project would not conflict with the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Impact 3.14-2: The project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and would not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors. Impacts would be less than significant. (Draft EIR pgs. 3.14-13 to 3.14-14)

The project site and gen-tie corridor are not located in or near any SRAs or lands classified as Very High FHSZs as designated by CAL FIRE. Slope and wind speed can influence the spread of fires. Upslope topography eventually increases the spread rate of the fire in all fuel beds over flat conditions. As described in Section 2.0, Project Description, of the Draft EIR, the project site and gen-tie corridor are relatively flat and elevations on the project site range from approximately 2,100 feet to 2,150 feet, sloping gently upwards from northeast to southwest. The only occupants associated with the proposed project would include temporary on site employees during construction and temporary panel washing and maintenance employees during operation.

During a wildfire occurring in the area, pollutants may be released. However, it is anticipated that any employees occupying the site would be rapidly evacuated at the time of the event, and/or evacuated well in advance of an approaching wildfire, in conformance with applicable County evacuation directives put in place. Such measures would ensure that the exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire from prevailing winds would be minimized to the extent feasible.

Project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials. Construction and operational maintenance personnel would also

be trained and equipped to extinguish small fires, thus reducing the risk of fire on-site. Given the low to moderate potential for fire, the project site's flat topography, and the relatively low number of temporary on-site project workers during both construction and operation, the project is not anticipated to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to slope, prevailing winds, and other factors. Therefore, impacts would be less than significant.

Impact 3.14-3: The project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant. (Draft EIR pgs. 3.14-14 to 3.14-16)

The project site and gen-tie corridor are not located in or near any SRAs or lands classified as Very High FHSZs as designated by CAL FIRE. The project would include the construction of new infrastructure, including solar PV panels, an energy storage system, inverters and switchgear, an on-site project substation, a gen-tie line, telecommunications facilities, and access roads that could potentially exacerbate fire risk and result in temporary or ongoing impacts to the environment. These facilities would all be installed in accordance with all County and State building and fire codes.

New internal access roads would be constructed to serve as access from the existing road network to the solar array blocks. All on-site roads would be constructed to SBC Fire requirements and would consist of compacted native soil. All roads would be stabilized with soil stabilization material, if necessary. Improvements to off-site access roads, including potential paving and widening, would be completed as required according to County standards and in consultation with the SBC Fire, County Department of Public Works, and Land Development Division. These project site access roads would remain in place for ongoing operations and maintenance activities after construction is completed. All new roads would comply with development requirements for emergency access and, therefore, would not exacerbate fire risk that could result in temporary or ongoing impacts to the environment.

The energy storage system would be required to comply with Section 105.5.4A of the SBC Fire Code, which requires an operational permit, and Chapter 12 of the CFC, which applies to stationary electric energy storage systems and addresses development standards for design, installation, commission, operation, maintenance, and decommissioning of these systems. Specifically, the project's fire protection design would comply with CFC Section 1207, *Electrical Energy Storage Systems*, which adopts the National Fire Protection Association's (NFPA's) Standard for the Installation of Stationary Energy Storage Systems (NFPA 855).

Furthermore, the project would require the preparation of a fire safety plan in accordance with CBC Section 322, which regulates the storage of lithium-ion batteries. The fire safety plan would address fire hazards of the different components of the project, including the energy storage facility, and would include BMP to reduce the potential for fire and extinguishment techniques if a fire were to occur.

Given the low to moderate potential for fire and the required compliance with all County and State building and fire codes, the new infrastructure developed as part of the project would not exacerbate fire risk or result in significant temporary or ongoing impacts to the environment. Impacts would be less than significant.

Impact 3.14-4: The project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. Impacts would be less than significant. (Draft EIR pgs. 3.14-16 to 3.14-17)

The project site and gen-tie corridor are not located in or near any SRAs or lands classified as Very High FHSZs as designated by CAL FIRE. All stormwater flows from the project site would be sufficiently managed through maintenance of a drainage easement to the west of the existing berm; construction of small retention basins throughout the solar panel areas and project site; installation of culverts and drainage channels to facilitate the controlled conveyance of runoff across the project site; and BMPs such as vegetated swales, permeable surfaces, and infiltration trenches to reduce surface runoff. Implementation of these stormwater drainage features would capture the anticipated 100-year, 24-hour increase in runoff volume resulting from clearing of vegetation, compacting of soil, and any limited impervious (paved or structural) improvements. The proposed project layout is also designed to avoid two existing drainages located along the northwestern and southeastern project site boundaries to minimize changes in the existing drainage patterns of the site. Ultimately, these proposed stormwater drainage features would ensure the project would not result in significant impacts related to stormwater drainage.

The project would also require implementation of a SWPPP which would include erosion and sediment control BMPs during construction and eventual decommissioning, thereby reducing the potential of erosion and siltation and controlling potential flooding events that could occur. Although the project would include new impervious surfaces, a majority of the project site and gen-tie corridor would remain pervious and most of the drainage flows within the project site and gen-tie corridor would continue to infiltrate into the soils on-site or be sufficiently managed by the proposed stormwater drainage features discussed above.

Finally, conditions for landslides are not present at the project site or along the gen-tie corridor due to the relatively flat topography of the site. Accordingly, there is no risk of landslides as a result of post-fire instability.

Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.

Cumulative Wildfire Impacts (Impact 3.14-5): **(Draft EIR pgs. 3.14-17 to 3.14-19)** No cumulative projects would be located within High or Very High FHSZs, which are primarily located in San Bernardino National Forest to the south and the Tehachapi Mountains to the west.

With regard to impairment of an adopted emergency response plan or emergency evacuation plan, all of the related projects would be required to provide adequate emergency access in accordance

with SBC Fire Code, CFC, and CBC requirements and prior to the issuance of a building permit. Further, the project site is located within a Moderate FHSZ that is in a rural, sparsely developed area with limited population and is sparsely vegetated and lacks steep slopes. Additionally, the project would be in compliance with SBC Fire Code, CFC, and CBC requirements including fire prevention and emergency response training for site personnel. As concluded in the discussion of project impacts above, the project would have a less than significant impact related to impairment of an adopted emergency response or evacuation plan. Because cumulative projects would also be required to provide adequate emergency access and demonstrate compliance with the SBC Fire Code, CFC, and CBC, cumulative impacts would be less than significant.

With regard to cumulative impacts related to exposure of project occupants to pollutant concentrations from a wildfire, the proposed project is not within an LRA or SRA identified as having a high or very high fire risk, and all cumulative projects would also be located within LRA Moderate FHSZs. No related cumulative projects would be located within either High or Very High FHSZs, as these areas are primarily located in the San Bernardino National Forest, approximately 70 miles south of the project site, and the Tehachapi Mountains, located approximately 57 miles west of the project site. Similar to the proposed project, all related projects would be required to demonstrate compliance with the SBC Fire Code, CFC, and CBC, including implementation of project design features to reduce wildfire risk and exposure of occupants to pollutant concentrations from a wildfire. Adherence to the SBC Fire Code, CFC, and CBC requirements would minimize potential impacts related to exposure to and the uncontrolled spread of a wildfire. Furthermore, with the exception of certain topographical features located throughout the Desert Region, the region is relatively flat overall and does not contain many steep slopes, although elevations gradually increase towards the San Bernardino National Forest and the Tehachapi Mountains. Thus, cumulative projects would not exacerbate wildfire risks due to slope. Potential pollutant concentrations from a wildfire occurring at cumulative projects could expose proposed project occupants due to distance, and potential pollutant concentrations occurring at the project site could expose cumulative project occupants due to distance. However, due to the absence of highly flammable building materials at solar energy projects, the lack of significant non-utility development in the vicinity of the project site and immediate cumulative solar projects, and the sparse desert vegetation in the project vicinity, any potential fires occurring on the project site or on cumulative project sites would be localized and unlikely to spread far beyond the source of ignition. As concluded in the discussion of project impacts above, the project would have a less-than-significant impact related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Consequently, with adequate preparation through the implementation of a fire safety plan, adequate fire service response in the area, and compliance with the cumulative projects with the SBC Fire Code, CFC, and CBC, cumulative impacts would be less than significant.

Related projects may require associated infrastructure such as roads, fuel breaks, and power lines that could exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. These projects would be reviewed by the County for land use and zoning consistency and compliance with applicable requirements, and potentially analyzed for environmental impacts. The placement of infrastructure associated with cumulative projects would adhere to all fire codes to minimize the potential fire risk such as siting and design. The proposed project would include the construction of solar PV panels, an energy storage system, inverters and transformers, an on-site substation, a gen-tie line, telecommunications facilities, and access roads. While the potential

for fire is considered moderate, all related projects would also be required to demonstrate compliance with the SBC Fire Code, CFC, and CBC. Similarly, all cumulative projects would be required to mitigate any significant impacts to public services, utilities, and transportation, as does the proposed project. As described above, the project would result in a less than significant impact related to the exacerbation of fire risk associated with the installation or maintenance of project infrastructure. Because cumulative projects would also be required to demonstrate compliance with the SBC Fire Code, CFC, and CBC for installation or maintenance of associated infrastructure, cumulative impacts would be less than significant.

Some related projects could be proposed in areas that could expose people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. Based on the recent fire events in California, all projects would be required to adhere to the County's zoning and land use designations and codes, State and local fire codes, and regulations associated with drainage and site stability. These regulations, policies, and codes would reduce the potential for exposing people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. There are no landslide hazard areas within the Desert Region of San Bernardino County, and with the exception of certain topographical features, the area is relatively flat overall and does not contain many steep slopes. Thus, cumulative projects would not be located in areas where post-fire slope instability is a concern. Regarding runoff and drainage, each cumulative project would also require site-specific hydrology and drainage studies for effective drainage design, as is required for the project. Further, all cumulative projects would disturb more than an acre of ground, therefore requiring conformance with the requirements of the NPDES General Construction Permit Program through the preparation of a SWPPP, which would include erosion and sediment control BMPs during construction, thereby reducing the potential of erosion and siltation during construction and would control potential flooding events that could occur during construction. As concluded in the discussion of project impacts above, the project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes and would have a less-than-significant impact. Due to the relatively flat nature of the Desert Region of the County, the lack of landslide hazard areas, and required compliance with the SBC Fire Code, CFC, and CBC, cumulative impacts would be less than significant.

Section 4.2 Environmental Impacts Mitigated to a Level of Less than Significant

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant but can be mitigated to a less than significant level with the implementation of mitigation measures: biological resources, cultural and tribal cultural resources, and geology and soils (paleontological resources). The Planning Commission hereby finds pursuant to PRC Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by implementation of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by the Planning Commission. Specific Findings for each category of such impacts are set forth in detail below.

BIOLOGICAL RESOURCES

Impact 3.3-1: The project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status

species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. **Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.3-19 to 3.3-29)**

The proposed project has the potential to impact special-status plants and wildlife through the loss of habitat, as well as direct and indirect impacts on species.

Individual discussions for special-status species determined to have the potential for significant impacts are provided below, as well as general BMPs during project construction.

Special-Status Plant Species

The proposed project has the potential to directly impact silver cholla by removing and/or relocating species located within the project site. This potential direct impact would be mitigated to less than significant with implementation of **Mitigation Measure BIO-1**, which would reduce direct impacts to silver cholla by requiring compliance with the California Desert Native Plants Act (CDNPA). Specifically, surveyors shall mark all silver cholla individuals prior to ground-disturbing activities. All cacti and other plants protected by the CDNPA shall be transplanted outside of a disturbance area whenever feasible. Required permits shall be obtained to allow for take and other impacts to CDNPA protected species.

Direct Impacts

Mojave Desert Tortoise

Several live Mojave desert tortoises were observed on the project site during surveys. Project disturbance activities (e.g., vegetation clearing, project site grading, excavation earthwork) present a potentially significant impact to desert tortoises including habitat loss, disruption of burrows, increased mortality, increased predation, and stress and behavioral changes. Potential direct impacts would be mitigated to less than significant levels with implementation of **Mitigation Measures BIO-2** through **BIO-5**. These mitigation measures include conducting biological resources training as part of a worker environmental awareness program (WEAP) that discusses desert tortoise and other special-status species (**BIO-2**), biological monitoring (**BIO-3**), establishing limits of disturbance areas and installation of desert tortoise exclusion fencing (**BIO-4**), coordinating with agencies and purchasing compensatory mitigation (**BIO-5**). The proposed gen-tie corridor is located within an area already fenced off by the existing Mojave Solar Facility with permanent desert tortoise exclusion fencing. Thus, disturbance activities associated with the proposed gen-tie would have no impact on Mojave desert tortoise.

Mammals

American badger and desert kit fox are presumed present within the project site due to the presence of suitable habitat and potentially suitable burrows. Initial surveys for Mohave ground squirrel (MGS) did not identify the species, but additional survey efforts are required to determine presence or absence of the species.

Burrows and sign potentially belonging to American badger and one potential desert kit fox burrow were observed within the project site. MGS were not observed during the 9-day visual survey

period, nor were any other sensitive mammal species. This finding (or lack thereof) does not constitute absence of MGS, particularly since the project site is within a Core Population Area (CPA) for MGS. Additionally, one small mammal burrow was observed that fit the criteria of a potential MGS burrow. Additional surveys following the live trap sampling grid protocol designated by California Department of Fish and Wildlife (CDFW) would need to be performed to arrive at a presence/absence determination for MGS. Due to the project's location, historical database records, and presence of suitable habitat, MGS are assumed to be present within the project site, unless determined absent in subsequent survey efforts. Because the project has the potential to impact federal and State protected species, and other sensitive biological resources, consultation with U.S. Fish and Wildlife Service (USFWS) and CDFW shall be conducted on an ongoing basis to determine if the project will result in take of special-status species. Project disturbance activities (e.g., vegetation clearing, project site grading, excavation earthwork) present potentially significant impacts to American badger, desert kit fox, and MGS through habitat loss, disruption of burrows and dens, increased mortality, and stress and behavioral changes. These potential direct impacts to these three mammal species would be reduced to less than significant with implementation of **Mitigation Measures BIO-2, BIO-3**, and **BIO-5**, determining presence or absence of MGS through trapping efforts (**Mitigation Measure BIO-6**), and conducting den surveys and establishing non-disturbance buffers for American badger and desert kit fox (**Mitigation Measure BIO-12**).

Western Burrowing Owl

During March 2024, multiple conservation groups petitioned the California Fish and Game Commission to request legal protection for this species under the California Endangered Species Act (CESA). On October 10, 2024, the California Fish and Game Commission unanimously voted to protect western burrowing owls throughout California as a "Candidate Species" under the CESA. Historic and active western burrowing owl burrows were observed during project surveys within and around the project site an occupied burrowing own burrow was observed within the existing Mojave Solar Facility approximately 875 meters from the proposed gen-tie, and there is suitable burrowing owl habitat present; therefore, this species is assumed to be present on the project site and in the vicinity of the gen-tie. The project has the potential to impact burrowing owl individuals if they are present on the project site and along the gen-tie at the time of scheduled disturbance activities. **Mitigation Measure BIO-7** would reduce impacts to western burrowing owl to less than significant by requiring pre-construction burrowing owl surveys and coordination with CDFW if relocation is required.

Bell's Sparrow, Le Conte's Thrasher, Loggerhead Shrike, and Prairie Falcon

Nests belonging to Bell's sparrow and Le Conte's thrasher were observed within the project site, and suitable foraging and nesting habitat for loggerhead shrike and prairie falcon is also present. Although loggerhead shrike and prairie falcon were not observed during surveys, the presence of suitable habitat within the project site introduces potential for these species to occur. None of these species are likely to nest within developed areas; however, any of these species could use fences and utility lines associated with the existing solar facility and gen-tie connection area.

Removal of on-site vegetation communities during project disturbance activities could result in direct impacts to the sensitive bird species discussed above, as well as avian nests protected by the

Migratory Bird Treaty Act and CDFW (e.g., nest abandonment or mortality of young), if nesting birds are present on the project site at the time of construction.

Potential direct impacts to sensitive avian species and all nesting birds would be reduced to less than significant with implementation of **Mitigation Measure BIO-8**. This measure includes the implementation of pre-construction nesting bird surveys, establishment of non-disturbance buffers around active nests, and monitoring active nests.

Golden Eagle

The project site has potential foraging habitat for golden eagles. However, given the abundance of desert scrub habitat in the surrounding area, and the fact that the Mojave Solar Facility currently exists between the project site and the recorded nest occurrences, conversion of a small amount of desert scrub to solar generation uses would not constitute a significant loss of foraging land. There would continue to be sufficient remaining nesting and foraging habitat in the vicinity to support viable raptor populations on a regional scale.

In general, although the project would result in the conversion of desert scrub with the potential to be used for foraging by raptors, it would not cause individuals to be killed or otherwise significantly harmed because the birds are highly mobile, would naturally avoid the active construction site for nesting, and would be afforded adequate foraging habitat during project operation and after decommissioning. Additionally, WEAP (**Mitigation Measure BIO-2**), biological monitoring (**Mitigation Measure BIO-3**), coordinating with agencies and purchasing compensatory mitigation (**Mitigation Measure BIO-5**), and pre-construction nesting bird surveys, establishment of non-disturbance buffers around active nests, and monitoring active nests (**Mitigation Measure BIO-8**) shall be implemented to avoid and reduce impacts to golden eagle and other protected species. As such, the project would result in less than significant impacts to golden eagle foraging.

Indirect Impacts

Common Raven

The common raven is a common predator of desert tortoise. Ravens are opportunistic foragers who can be attracted to anthropogenic sources of food, water, and nesting substrates. To reduce the subsidies available to ravens, the project shall implement **Mitigation Measure BIO-9**, which will ensure that trash, debris, and other construction resources that could attract ravens are minimized and properly managed to the extent feasible.

General Best Management Practices

During project construction, indirect impacts to plants and wildlife may include increased exposure to dust and construction-related soil erosion and runoff. This could result in short-term indirect impacts on plant growth and vitality, and long-term indirect impacts on sedimentation, hydrology, and/or localized changes in topography, all of which may affect habitat quality. In addition, development of the project may result in edge effects to habitat surrounding the project site. This may include increased human presence in the surrounding areas resulting in trampling of plants

and disruption of habitat, introduction of invasive plants and wildlife, and exposure to urban pollutants.

Mitigation Measure BIO-10 would provide for the implementation of BMPs, including backfilling of trenches and covering materials to minimize the potential for wildlife entrapment, avoidance of toxic substances and other hazardous materials to the extent possible, and practices to manage runoff and erosion. These measures would help to reduce indirect impacts to special-status species to less than significant levels.

Finding

The project has the potential to impact special-status wildlife and plant species through the loss of habitat as well as direct and indirect impacts on wildlife. These impacts would be reduced to a less than significant level with the implementation of **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10**, and **BIO-12**, described below.

Level of Significance

With implementation of **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10**, and **BIO-12**, described below, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-9, BIO-10**, and **BIO-12**, described below, would reduce impacts to less than significant levels.

BIO-1: In compliance with the CDNPA, biologists familiar with silver cholla shall mark all the plants prior to ground-disturbing activities. All cacti and other plants protected by the CDNPA shall be transplanted outside of a disturbance area whenever feasible. Required permits shall be obtained to allow for take and other impacts to CDNPA protected species.

BIO-2: Prior to any construction and decommissioning activity, the Applicant, in coordination with the Designated Biologist and Biological Monitor, shall provide all workers on the project with a WEAP briefing informing them of the biological resources on site and the required measures to avoid unnecessary impact or take of these resources or their habitat. The WEAP shall place special emphasis on protected species including those listed below, and nesting birds protected under the FGC and Migratory Bird Treaty Act, and any special status plants.

- Federally Threatened and State Threatened Mojave Desert Tortoise
- State Threatened Mohave Ground Squirrel
- State Candidate Western Burrowing Owl
- California SSC/ Protected:
    - Western Burrowing Owl

    - Le Conte's Thrasher
    - Loggerhead Shrike
    - American Badger
    - Desert Kit fox
- California Fully Protected and Watch List Golden Eagle
- California Watch List:
    - Bell's Sparrow
    - Prairie Falcon
    - Golden Eagle

The program shall include the following elements:

- A presentation, developed by or in consultation with a biologist familiar with special-status species in the vicinity of the project, discusses the sensitive biological resources with potential to occur on-site. The presentation should include an explanation for resource protection and penalties incurred for non-compliance;
- Brochures or booklets containing written descriptions and photographs of protected species as well as a list of site rules pertaining to biological resources to be provided to all WEAP participants;
- Contact information for the project biological monitor and instructions to contact the monitor with any questions regarding the WEAP presentation or booklets;
- An acknowledgement form to be signed by each worker indicating that they received WEAP training and will abide by the site rules protecting biological resources; and
- Conspicuous stickers identifying the project and signifying WEAP completion to be distributed immediately following WEAP training and required on personnel hard hats.

BIO-3: The Applicant shall designate a Designated Biologist and/ or Biological Monitor(s) for all disturbance activities during construction and decommissioning of the project, outside of cleared areas or areas that are not encompassed by desert tortoise exclusionary fencing.

- Designated Biologist(s) and Biological Monitor(s) – Applicant shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the covered species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring covered activities to help minimize and fully mitigate or avoid the incidental take of individual covered species and to minimize disturbance of covered species habitat.

BIO-4: Desert tortoise exclusionary fencing shall be installed around the facility, in conjunction with the security fence, according to the specifications provided by the USFWS Desert Tortoise Field Manual (2009) and applicable permits. The installation of desert tortoise exclusionary fencing will precede any ground-disturbing construction activities associated with construction of

the solar facility. Installation of desert tortoise exclusionary fencing will be supervised by a Designated Biologist.

Once the installation is complete, Designated Biologists and Biological Monitors shall perform a clearance survey for desert tortoise within the exclusionary perimeter fencing, in accordance with Chapter 6 of the USFWS 2009 Desert Tortoise (Mojave Population) Field Manual (*Gopherus agassizii*). If the species is determined present within the project site, individual(s) will be relocated, per a translocation plan reviewed and approved by USFWS and CDFW, by a Designated Biologist that is authorized to relocate desert tortoise by USFWS and CDFW.

Disturbance activities shall be monitored, as follows:

- Environmental awareness training (see **BIO-2**) shall include education on desert tortoise and Mohave ground squirrel, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If desert tortoises or other protected species are encountered, such vehicles shall not be moved until they have voluntarily moved away from the vehicle and out of harm's way, or a qualified biologist has moved them.
- If a desert tortoise is present, a Designated Biologist shall be present during all disturbance activities in the vicinity of exclusionary fencing and shall have the authority to stop work as needed to avoid direct impacts to desert tortoises. Daily inspections of the fence's perimeter and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing. Work may proceed within the excluded area when the Designated Biologist confirms all desert tortoises have left the excluded area.
- Should desert tortoises be found during construction activities, the Designated Biologist and/or Biological Monitor shall have the authority to stop work as needed to avoid direct impacts to tortoises, and further consultations with the USFWS and CDFW shall take place prior to relocating the desert tortoises.

  Prior to grading and occupancy of the Project, a Designated Biologist shall inspect the existing Mojave desert tortoise exclusionary fencing along Harper Lake Road (from Highway 58 to Lockhart Ranch Road) and record any existing damage. Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor approved by the CDFW. Project-related repairs will be paid for by the Applicant.

  Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour.

  Off-road travels shall be prohibited in all native habitats adjacent to the Project Site during construction and operation, except when required for relocating species under the preapproved translocation plans for Mohave ground squirrel (*Xerospermophilus mohavensis*) (see **BIO-6**) and desert tortoise (*Gopherus agassizii*). Prohibited areas shall be posted with signage prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked (i.e., equipment staging area). Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs).

Employees shall not bring pets to the construction site.

BIO-5: The Applicant shall acquire offsite compensatory mitigation land to offset impacts to Mojave desert tortoise, Mohave ground squirrel and Western Burrowing Owl. The required amount of compensatory mitigation shall be determined as part of Overnight Solar's ongoing ITP application review process with CDFW. This determination shall be finalized prior to the issuance of a grading permit from San Bernardino County. The Applicant shall also follow any regulations pertaining to applicable agency permits and agency coordination, such as Incidental Take Permits (ITPs) for all three species. As applicable and as required and approved by USFWS and CDFW, offsite compensatory mitigation land shall be put into a conservation easement and managed with the goal of providing suitable habitat and ensuring long-term protection for these species. As applicable and as required and approved by USFWS and CDFW, offsite compensatory mitigation land shall be put into a conservation easement and managed with the goal of providing suitable habitat and ensuring long-term protection for these species.

BIO-6: An MGS trapping routine shall be implemented prior to project site blading and clearing, or other significant impacts to vegetation that may directly affect this species. The trapping routine shall be similar in scope and scale to what is required to determine presence/absence in accordance with the 2023 CDFW Conservation Strategy for the Mohave Ground Squirrel (*Xerospermophilus mohavensis*). Live trapped animals shall be moved offsite to a translocation area preapproved by CDFW. A Mohave Ground Squirrel Translocation Plan will provide details on the trapping and translocation of this species. A CDFW-approved Mohave Ground Squirrel Translocation Plan will be in place at least 60-days prior to the start of construction.

BIO-7: Prior to project disturbance activities, a qualified biologist(s) familiar and experienced with western burrowing owl shall perform a take avoidance pre-construction survey for burrowing owl occupation in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The surveys shall include 100 percent coverage of the project site and proposed gen-tie within the Mojave Solar Facility, plus a 500-meter buffer in adjacent habitat. A report summarizing the surveys including all requirement for survey reports shall be submitted to CDFW for review. If western burrowing owl are not detected during pre-construction surveys, and if no burrows or perch sites have active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement), then construction related activities may begin and no further action shall be required and no further mitigation under this measure is necessary. Mitigation shall be provided for burrowing owl habitat (loss of burrows and foraging habitat) through **BIO-5**.

If western burrowing owl is present on-site, a non-disturbance buffer following the buffer guidance contained in the Staff Report on Burrowing Owl Mitigation will be implemented to ensure no take and full avoidance of the species occurs. Fencing or flagging shall be installed to create a non-disturbance buffer area where no work activities may be conducted. The initial non-disturbance buffer will be a 200-meter radius from the occupied burrow during the breeding season (generally February 1st – August 31st). During the non-breeding season (generally September 1 – January 31), no ground disturbing activities shall be permitted within an initial 50-meters of an occupied burrow. A larger or smaller buffer may be established as determined by a qualified biologist with consideration of levels of disturbance caused by project activities.

If avoidance of an occupied burrow is infeasible and take of the species may occur, the project Proponent shall consult with CDFW to discuss the best path going forward which may include obtaining take authorization through a CESA incidental take permit. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFW, 2012) may be authorized through the incidental take permit as a minimization measure.

- Monitoring active burrows during construction periods to ensure Burrowing Owls are not detrimentally affected. The Applicant, in consultation with CDFW, shall respond to monitoring results and implement additional measures to avoid disturbances that could result in nest failure during the breeding season, or impacts that could result in take or injury at any time.
- Compensatory Mitigation to offset impacts by purchasing and managing off-site habitat or by purchasing mitigation credit, as approved by CDFW (see **BIO-5**).

BIO-8: To avoid construction-level impacts to nesting birds during the nesting breeding bird season (February 1st through August 31st), no earlier than 7 days prior to commencement of scheduled ground disturbance activities, a qualified biologist with prior nesting bird survey experience shall perform a nest survey within 150 meters of the disturbance footprint, as accessible. If active nests are found, project disturbance activities shall be postponed or halted within a non-disturbance buffer surrounding each active nest (to be established by a qualified biologist) that is suitable to the particular bird species and nest location(s) until the nest(s) are vacated and juveniles have fledged or failed, as determined by the qualified biologist. Any such buffer(s) shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. A qualified biologist shall monitor construction activities near all such buffer(s) to ensure no inadvertent impacts on active nest(s). If special status species are involved and a non-disturbance buffer cannot be established, CDFW and/or USFWS shall be notified immediately for consultation on how to proceed.

BIO-9: To reduce the subsidies available to Common Ravens, a qualified biologist shall ensure the following measures are taken throughout the pre-construction, construction, operations and maintenance, and decommissioning stages of the project:

- Water used for construction and operation shall not be applied in such a manner to create pools or puddles. Availability of water subsidies to Common Ravens will be minimized to the extent practical.
- Roadkill and common wildlife killed during construction shall be removed and disposed of in ways that do not encourage scavenging. Availability of food subsidies to Common Ravens will be minimized to the extent practical.
- Sensitive species killed by Common Ravens shall be collected and reported to CDFW.
- Inactive Common Raven nests shall be removed, and deterrents erected, if possible, to reduce onsite presence.
- Active Common Raven nests will be reported to the appropriate agency for management and removal.
- Trash receptacles shall be covered and secured to prevent scavenger access. WEAP training

shall inform all workers about the need to prevent scavenger access to open trash and food scraps.

- The Applicant will contribute $105/ acres of disturbance to the Regional Raven Management Program.

BIO-10: The following BMPs shall be implemented during project grading and construction and decommissioning activities to address potential indirect impacts:

- **Backfill trenches.** At the end of each workday, all potential wildlife pitfalls (e.g., trenches, bores, excavation pits) shall be backfilled, covered, or sloped to allow wildlife egress. Should wildlife become trapped, the biological monitor shall be notified by construction personnel to remove and relocate the individual(s).
- **Cover materials**. All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s).
- Soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants.
- All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area.
- The project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet NPDES regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction, both adjacent to and downstream from the project area. Typical construction BMPs specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Regional Water Quality Control Board. An NPDES permit, issued by the Regional Water Quality Control Board to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.

BIO-12: Qualified biologists shall conduct pre-construction den surveys for desert kit fox and American badger on the project site 14 to 21 days and 24 hours prior to any vegetation removal or ground disturbing construction activities. Pre-construction surveys for desert kit fox and American Badger will include disturbance areas and a 150-meter buffer to the extent allowable. The locations of American badger and desert kit fox dens will be recorded. Current status and use by American badger and desert kit fox will be determined through the use of wildlife cameras, scopes, and

tracking substrate. Inactive and unoccupied dens within the project boundary will be collapsed after their status has been determined through monitoring. Active dens will be monitored, and a qualified biologist will establish a 50-meter non-disturbance buffer during the non-breeding season and a 150-meter non-disturbance buffer during the breeding/ pupping season (generally February 1 – May 15). If the den is in the central part of the site, a strip of vegetation at least 50-meters wide shall remain intact between the buffer and perimeter fencing to provide cover for the species. The buffer size may be amended by a qualified biologist through consultation with CDFW. Active burrows shall be avoided until they are confirmed unoccupied by a qualified biologist.

Burrow occupancy will be determined using a tracking medium such as diatomaceous earth or fine clay, and infrared cameras placed at the entrance(s). If no tracks or evidence of activity is observed after 3 consecutive nights of monitoring, the burrow shall be scoped and excavated, and backfilled using nonpowered tools. If tracks or evidence of burrow occupancy is observed, CDFW will be consulted to determine the course of action pertaining to exclusion efforts and passive translocation, which may include development of a management plan for CDFW's review and approval.

To guard against the spread of distemper and other diseases, equipment and tools used for burrow occupancy monitoring and excavation will be treated with a disinfectant that's proven effective. This includes but is not limited to accelerated hydrogen peroxide, potassium peroxymonosulfate, or a 1:20 dilution of household bleach. Fieldworker clothing will be washed in hot water and dried using a dryer.

CDFW will be notified in dealing with injured, sick, or dead American badger or desert kit fox.

Impact 3.3-2: The project could have substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.3-30 to 3.3-31)

Due to proposed grading and construction requirements, it is anticipated that the project would directly impact all vegetation present within the project site. The gen-tie connection area is developed and therefore devoid of natural vegetation. The project site contains one vegetation community: alkali desert scrub, dominated by cattle saltbush. This vegetation community is commonly found adjacent to dry lake playa in low-lying areas and is not considered to be a sensitive vegetation community. It is not considered high priority by the CDFW or USFWS, nor is it identified in local or regional plans, policies, or regulations. No riparian habitats are present within the project site.

The project site also contains two distinct streams: one that crosses the northwest portion of the project site (the northern watercourse), and one that crosses the southeast portion of the project site (the southern watercourse). Because of the lack of a significant nexus to a traditional navigable water or other regulated waters, both the northern and southern waterways are considered isolated waters and are therefore not expected to be considered jurisdictional under CWA Sections 401 and 404.

Due to historical modifications and existing impoundments to the northern waterway, it is unlikely to fall under the jurisdiction of federal, State, or local agencies. The southern waterway is likely to be regulated by the CDFW under CFGC Section 1600, and by the Regional Water Quality Control Board under California's Porter-Cologne Water Quality Control Act. The project would be designed to avoid all direct impacts to both waterways.

As discussed above, there is no riparian habitat present at the project site and alkali desert scrub is not a sensitive or special-status natural vegetation community. With the implementation of **Mitigation Measures BIO-1**, **BIO-2**, and **BIO-10**, direct impacts to vegetation communities would be reduced to less than significant.

Impacts associated with decommissioning would be similar in nature to those from construction. As discussed previously, there is no riparian habitat on the project site and alkali desert scrub is not a sensitive or special-status vegetation community. Therefore, no riparian habitat or sensitive or special-status vegetation communities would be directly impacted by decommissioning activity. Off-site vegetation communities would have the potential to be indirectly impacted in the form of dust. Mitigation measures applied during construction would be similarly applicable to decommissioning activities. Implementation of **Mitigation Measures BIO-1**, **BIO-2**, and **BIO-10** would reduce such potential impacts to riparian habitats, or sensitive or other special-status natural vegetation communities to less than significant.

For these reasons, project impacts to riparian habitats, or sensitive or other special-status natural vegetation communities would be less than significant with mitigation.

Finding

The project has the potential to have substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. However, these impacts would be reduced to a less than significant level with the implementation of **Mitigation Measures BIO-1**, **BIO-2**, and **BIO-10**, described above.

Level of Significance

With implementation of **Mitigation Measures BIO-1**, **BIO-2**, and **BIO-10**, described above, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures BIO-1**, **BIO-2**, and **BIO-10**, described above, would reduce impacts to less than significant levels.

Impact 3.3-3: The project could have a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be less than significant with mitigation. (Draft EIR pg. 3.3-31)

The project site contains two aquatic features: one that crosses the northwest portion of the project site (the northern watercourse), and one that crosses the southeast portion of the project site (the southern watercourse). Due to the lack of a significant nexus to a traditional navigable water or other regulated waters, both the northern and southern waterways are considered isolated waters and are therefore not expected to be considered jurisdictional under CWA Sections 401 and 404. Further, implementation of **Mitigation Measure BIO-11** would ensure that impacts are avoided to any on-site jurisdictional waters, potentially including the northern and southern watercourse, and therefore would reduce potential impacts to federally protected wetlands to less than significant.

In addition, there are no riparian areas or wetlands associated with these aquatic features adjacent to the project site. Therefore, the project would have no impact on riparian or wetland impacts (off-site) that could otherwise be related to indirect effects from dust, construction-related soil erosion and runoff, invasive plant species, and increased human presence during both the initial construction phase and the decommissioning phase.

Finding

The project has the potential to result in a substantial adverse effect on federally protected wetlands as defined by Clean Water Act Section 404 (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. With implementation of **Mitigation Measure BIO-11**, described below, impacts would be less than significant.

Level of Significance

With implementation of **Mitigation Measure BIO-11**, described below, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measure BIO-11**, discussed below, would reduce impacts to less than significant levels.

BIO-11: The project will avoid direct and indirect impacts to jurisdictional waters by excluding them from the development area. No construction related activities shall occur within 50 feet of the areas delineated as jurisdictional waters.

Impact 3.3-5: The project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.3-32 to 3.3-34)

The project site is within the planning area of several adopted local plans, including the Countywide Plan/Policy Plan, the DRECP, and the County Development Code. However, the West Mojave Plan and the DRECP apply only to BLM-administered lands and therefore do not apply to the project. With implementation of **Mitigation Measures BIO-1** through **BIO-12**, described above, the project would not conflict with any local policies or ordinances protecting

biological resources. Therefore, the impact due to conflicts with local policies protecting biological resources would be less than significant with mitigation incorporated.

Finding

The project has the potential to conflict with any local policies or ordinances protecting biological resources. With implementation of **Mitigation Measures BIO-1** through **BIO-12**, described above, impacts would be less than significant.

Level of Significance

With implementation of **Mitigation Measures BIO-1** through **BIO-12**, described above, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures BIO-1** through **BIO-12**, discussed above, would reduce impacts to less than significant levels.

Cumulative Biological Resource Impacts (Impact 3.3-7): (Draft EIR pgs. 3.3-34 to 3.3-35) The geographic scope for considering cumulative impacts on biological resources includes other related projects in the County's Desert Planning Region. Development of cumulative projects could result in direct take to special-status plant and wildlife species; construction, operational, and decommissioning disturbances; and/or special-status habitat conversion. While most of the cumulative projects would convert undeveloped land into renewable energy facilities, over time, vegetation communities would re-establish between the panels, fencing, and utility structures, allowing wildlife (e.g., rodents, raptors, small birds, and reptiles) to continue inhabiting and foraging on the sites over the lifetime of the projects (approximately 30 years). Decommissioning plans, required for solar projects, also outline revegetation requirements for potential habitat growth. Therefore, while habitat would be temporarily disturbed or removed during the construction and decommissioning phases, operation and post-operation of such renewable energy facilities would not result in substantial permanent impacts to special-status species and habitats, and the affected lands could return to existing conditions for the foreseeable future.

Further, as with the proposed project, these cumulative projects would also be required to avoid and/or mitigate impacts to special-status species and habitats in accordance with County, CDFW, and USFWS requirements. Therefore, the project's less than significant impacts with mitigation incorporated, in combination with other reasonably foreseeable development projects in the County's Desert Planning Region, would not result in significant cumulative impacts to special-status species or habitats. Accordingly, the proposed project would not result in a considerable contribution to a significant cumulative impact.

Finding

The proposed project has the potential to result in cumulative impacts to biological resources. The implementation of **Mitigation Measures BIO-1** through **BIO-12** would reduce this impact to less than significant levels.

Level of Significance

With implementation of **Mitigation Measures BIO-1** through **BIO-12**, cumulative impacts would be less than significant.

Brief Explanation of the Rational for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures BIO-1** through **BIO-12** would reduce impacts to less than significant levels. See **Mitigation Measures BIO-1** through **BIO-12**, described above.

CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact 3.4-1: The project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.4-16 to 3.4-17)

All of the cultural resources documented during the field survey completed for the Cultural Resources Assessment (Appendix E of the Draft EIR) were recommended as not eligible for listing on the CRHR and would thereby not qualify as historical resources under CEQA. No known historical resources are located within the project site. Thus, there would be no impacts to known historical resources. However, there is potential for unidentified historical resources to be inadvertently discovered during construction.

Should buried archaeological deposits be uncovered during project implementation, and should such resources qualify as historical resources under CEQA, they could be subject to significant impacts. To reduce potential impacts to less than significant, **Mitigation Measures CUL-1** through **CUL-3** require cultural resources sensitivity training for construction workers, the preparation of a Cultural Resources Monitoring Plan, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction. The following mitigation measures described below also incorporate comments received from the Morongo Band of Mission Indians and the Yuhaaviatam San Manuel Nation (YSMN).

Finding

The proposed project has the potential to impact unidentified historical resources. However, these impacts would be reduced to a less than significant level with the implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3**.

Level of Significance

With implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3** would reduce impacts to less than significant levels.

CUL-1: The project proponent/owner shall conduct a WEAP for relevant construction personnel working on the proposed project and conducting subsurface activities. Development of the WEAP shall include consultation with an archaeologist who meets Secretary of the Interior Professional Qualifications in Archaeology (Lead Archaeologist). The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist. The consulting Tribal Monitor shall attend the WEAP training or pre-grade meeting, as outlined in their Tribal Monitoring Services Agreement (see **Mitigation Measure CUL-2**), to be in place prior to the start of construction.

CUL-2: The Lead Archaeologist shall prepare a Cultural Resources Monitoring and Treatment Plan to be implemented during ground-disturbing activities associated with project construction. The plan shall outline monitoring procedures and the process for the identification of cultural and tribal resources during project construction. The Morongo Band of Mission Indians and the YSMN shall be given the opportunity to be present and provide monitoring of ground clearing and ground disturbing activities. The project Applicant shall arrange for a Tribal Monitoring Services Agreement to be in place prior to the start of construction by contacting the Morongo Band of Mission Indians and the YSMN. After monitoring has been completed, the Lead Archaeologist shall prepare a Monitoring and Treatment Report detailing the results of monitoring, to be submitted to the Director of the San Bernardino County Planning Division and the Morongo Band of Mission Indians and the YSMN for review and comment before it is filed with the appropriate California Historical Resources Information System (CHRIS) Information Center.

CUL-3: In the event that previously unknown pre-contact or historic-period archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until the Lead Archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. The consulting Tribal Monitor shall support the Lead Archaeologist in evaluating the significance of the find and determining whether or not additional study is warranted, as applicable, and pursuant to their Tribal Monitoring Service Agreement (see **Mitigation Measure CUL-2**), to be in place prior to the start of construction. Pursuant to CEQA Guidelines Section 15126.4(b)(3), proposed project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the County, which may include testing for CRHR-eligibility, data recovery or other appropriate measures. The Monitoring and Treatment Report shall also document the evaluation and/or treatment of the resource.

Impact 3.4-2: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.4-17 to 3.4-18)

Archaeological resources identified during the cultural investigation are recommended as not eligible for listing in the CRHR. As surficial refuse scatters, they do not qualify as unique archaeological resources. According to CEQA Guidelines Section 15064.5 (c)(4), the effects of the project on these resources shall not be considered a significant effect on the environment.

However, previously unknown significant archaeological deposits may underlie the ground surface. Should buried archaeological deposits be uncovered during project implementation, they could be subject to significant impacts. To reduce potential impacts to less than significant, **Mitigation Measures CUL-1** through **CUL-3**, as described above, require cultural resources sensitivity training for construction workers, the development and implementation of a Cultural Resources Monitoring Plan, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction.

Finding

The proposed project has the potential to impact unidentified archaeological resources. However, these impacts would be reduced to a less than significant level with the implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3**.

Level of Significance

With implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures CUL-1**, **CUL-2**, and **CUL-3** would reduce impacts to less than significant levels.

Impact 3.4-3: The project could disturb human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.4-18 to 3.4-19)

There is no indication from research results, the archaeological survey, tribal outreach efforts, or the County's ongoing SB 18 and AB 52 tribal consultation process that any particular location within the project site has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be damaged or disturbed, which would be a significant impact.

If human remains are found during excavation, excavation would be halted in the vicinity of the discovery and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Implementation of **Mitigation**

Measure CUL-4 and compliance with the established regulatory framework (i.e., HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99) would ensure potential project impacts concerning human remains are less than significant.

Finding

The proposed project has the potential to impact human remains through inadvertent discovery. However, these impacts would be reduced to a less than significant level with the implementation of **Mitigation Measure CUL-4**.

Level of Significance

With implementation of **Mitigation Measure CUL-4**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measure CUL-4** would reduce impacts to less than significant levels.

CUL-4: In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The Morongo Band of Mission Indians requests no photographs are to be taken except by the coroner, with written approval by the consulting tribes. The project lead/foreman shall designate an Environmentally Sensitive Area physical demarcation/barrier 100 feet around the remains and no further excavation or disturbance of the Environmentally Sensitive Area shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the NAHC in Sacramento within 24 hours. In accordance with PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the "Most Likely Descendent" (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the Environmentally Sensitive Area. The MLD shall then determine, in consultation with the property owner, the disposition of the human remains.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California PRC Sections 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The County Coroner, parties, and Lead Agencies shall be asked to withhold public disclosure information

related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

Impact 3.4-4: The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.4-20 to 3.4-21)

The NAHC Sacred Lands File search, Cultural Resources Assessment (Appendix E of the EIR), tribal outreach efforts, and San Bernardino's consultation with interested Native American groups conducted pursuant to AB 52 and SB 18 have not resulted in the identification of any sacred sites or other tribal cultural resources within, or immediately adjacent to, the project site. To date, one Tribe has expressed that the project site is near an ancestral migration and trade/travel route; however, the location of this resource has not been disclosed. The Morongo Band of Mission Indians and the Yuhaaviatam of San Manuel Nation (YSNM) have consulted with the County and provided mitigation measures which will be included in the Tribal Monitoring Services Agreement to be in place prior to the start of construction, as required by **Mitigation Measure CUL-2**. No other tribes have consulted with the County or provided Mitigation Measures.

Previously unknown archaeological deposits may underlie the ground surface. Should buried archaeological deposits be uncovered during project implementation, and should such resources qualify as historical resources and/or tribal cultural resources under CEQA, they could be subject to significant impacts. To reduce potential impacts to less than significant, **Mitigation Measures CUL-1** through **CUL-3** require cultural resources sensitivity training for construction workers, the preparation of a Cultural Resources Monitoring Plan, archaeological and Native American monitoring during construction, and appropriate treatment of inadvertent archaeological resources during construction.

There is no indication, either from research results or the archaeological survey, that any particular location within the project site has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be damaged or disturbed, which would be a significant impact. Existing regulations identified in **Mitigation Measure CUL-4** would ensure that any human remains encountered during project implementation are properly treated, thus reducing impacts to a less-than-significant level.

Finding

The proposed project has the potential to impact tribal cultural resources. However, these impacts would be reduced to a less than significant level with the implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** as described above.

Level of Significance

With implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** would reduce impacts to less than significant levels.

Cumulative Cultural and Tribal Cultural Resources Impacts (Impact 3.4-5): (Draft EIR pg. 3.4-21) The geographic area of analysis for cultural resources includes the project site and adjacent lands within 20 miles. This geographic scope of analysis is appropriate because the archaeological, historical, and tribal cultural resources within this area are expected to be similar to those that occur on the project site. Their proximity and similarity in environments, landforms, habitation patterns, and hydrology would result in similar land-use, and thus, site types.

In addition, the defined area of analysis is large enough to encompass any effects of the project on cultural and tribal cultural resources that may combine with similar effects caused by other projects and provides a reasonable context wherein cumulative actions could affect cultural and tribal cultural resources. The project could cause impacts on cultural and tribal cultural resources during the grading and construction period or as a result of operation and maintenance, or closure and decommissioning activities.

Cumulative projects within the geographic scope of analysis include eight existing or proposed solar energy production facilities and associated infrastructure. These solar projects impact large swaths of land and, when considered in conjunction with the proposed project, have the potential of resulting in cumulative impacts to cultural and tribal cultural resources and cultural landscapes in the region. In general, ongoing development and growth in the broader region may result in a cumulatively significant impact to cultural and tribal cultural resources due to the continuing disturbance and fragmentation of undeveloped areas, which could potentially contain significant archaeological, historical, or tribal cultural resources.

Because there is always a potential to encounter unrecorded archaeological and tribal cultural resources during construction activities, no matter the location or sensitivity of a particular site, **Mitigation Measures CUL-1** through **CUL-4** would be required to protect, preserve, and maintain the integrity and significance of cultural and tribal cultural resources in the event of the unanticipated discovery of a significant resource.

As discussed above, the individual, project-level impacts were found to be less than significant with incorporation of mitigation measures, and the proposed project would be required by law to comply with all applicable federal, State, and local requirements related to historical, archaeological, and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to undergo tribal consultation processes if applicable, to be consistent with the provisions set forth by CEQA, and to implement all feasible mitigation measures should a significant project-related or cumulative impact be identified. With implementation of applicable regulatory requirements and **Mitigation Measures**

CUL-1 through **CUL-4**, the proposed project would not have a cumulatively considerable contribution to impacts to cultural and tribal cultural resources from decommissioning activities.

Finding

The proposed project has the potential to result in cumulative impacts to cultural and tribal cultural resources. The implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** would reduce this impact to less than significant levels.

Level of Significance

With implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** cumulative impacts would be less than significant.

Brief Explanation of the Rational for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** would reduce impacts to less than significant levels. See **Mitigation Measures CUL-1**, **CUL-2**, **CUL-3**, and **CUL-4** described above.

GEOLOGY AND SOILS

Impact 3.6-6: The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant with mitigation. (Draft EIR pgs. 3.6-22 to 3.6-24)

A detailed review of the potential for finding paleontological resources at the site was conducted and is presented in Appendix G of the EIR. The assessment did not find any paleontological resources during an extensive pedestrian survey, but found the general sensitivity for finding such resources at the project parcel to be high, and because the topography and geology along the gen-tie corridor is consistent with the project parcel, the general sensitivity for finding paleontological resources in the gen-tie corridor is also anticipated to be high. This result was based primarily on the expectation that older sediment (Pleistocene age) was likely to be found within 5 feet to 10 feet below the ground surface. This sediment age has produced most, if not all, of the significant paleontological resource finds documented in the area.

During construction, project-related excavation to install the supports for solar panels, foundations for battery storage units, or trenching for various underground collection and delivery lines could occur at depths of up to 7 feet below ground surface. Most construction activities would disturb only the surface sediments (to depths less than 2 feet), which are younger Holocene sediments that have not produced any paleontological resources to date, and therefore are considered to have a low potential for producing such resources. Nevertheless, it is considered prudent and conservative to implement mitigation measures related to paleontological resources. **Mitigation Measure GEO-1** would require a worker training program, **Mitigation Measure GEO-2** would establish a paleontological monitoring process, and **Mitigation Measure GEO-3** would implement a contingency protocol in the case of an inadvertent find of a paleontological resource. By using

these mitigation measures, potential impacts to paleontological resources would be reduced to less than significant during construction.

Facility operation would not require trenching or other disturbance of surface sediments to the depths noted above. As a result, no impacts to paleontological resources are anticipated during operations.

While soils up to these same depths may be disturbed during project decommissioning, it is unlikely that any of these soils would be previously undisturbed. Therefore, it is very unlikely that there would be any potential impacts to paleontological resources during decommissioning, and any impacts would be less than significant.

Finding

The project has potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. These impacts would be reduced to a less than significant level with implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3**.

Level of Significance

With **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3**, described below, would reduce impacts to less than significant levels.

GEO-1: Paleontological Resources Impact Mitigation Program: Prior to the commencement of ground-disturbing activities, the project applicant shall retain a paleontologist qualified according to industry standards (SVP 2010) (Project Paleontologist) to prepare a Paleontological Resources Impact Mitigation Program, which shall include WEAP training regarding paleontological resources, paleontological resources monitoring requirements, and requirements and contingencies in the event of an unanticipated find of paleontological resources during project construction, operation, or decommissioning.

Worker Environmental Awareness Program (WEAP) – Paleontological Resources: Before starting any ground-disturbing construction or decommissioning activities, all on-site personnel shall receive training related to paleontological resources as part of the project's WEAP. This shall include (1) background on laws and ordinances protecting fossil resources, (2) types of fossil resources that may be encountered in the project area, (3) information regarding basic recognition of fossils, (4) the role of the paleontological monitor, and (5) appropriate notification procedures in the event that fossils are discovered during project activities (an unanticipated find). This portion of the WEAP training shall stress the importance of immediate notification of the paleontological monitor of any suspected find as well as contact information for the Project Paleontologist. The paleontological resources section of the WEAP training shall be developed by the Project Paleontologist and can be delivered concurrent with other training.

GEO-2: Paleontological Monitoring: Paleontological resource monitoring shall be implemented at the start of any ground-disturbing activities (e.g., grading, excavation, etc.) more than 5 feet below ground surface. At this depth the likelihood of encountering the geologic formation (Qya) with the greatest potential for containing fossils is expected.

GEO-3: Unanticipated Find Contingency: If a paleontological resource is discovered, the paleontological monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

1. **Salvage of Fossils**. If a fossil is discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or the Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossil is assessed as potentially significant, the paleontological monitor or Project Paleontologist shall recover the fossil, following standard field procedures for collecting paleontological resources, as outlined in the Paleontological Resources Impact Mitigation Program. Typically, fossils can be safely and quickly salvaged by a single paleontologist without significant disruption to construction activity. In the case of a larger fossil assemblage (such as complete skeletons or multiple parts of large mammals) the effort shall require more extensive excavation and longer salvage periods. If such a situation occurs, the Project Paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
2. **Fossil Preparation and Curation**. Upon completion of laboratory preparation and fossil identification, all scientifically significant specimens recovered as a result of the project shall be delivered to the San Bernardino County Museum for permanent curation and storage, as outlined in the Paleontological Resources Impact Mitigation Program. The fossil specimens shall be accompanied by field notes, photographs, locality data, a signed deed of gift from the landowner, and a copy of the final technical report. The cost of delivery and curation is assessed by the repository and is the responsibility of the landowner, who shall provide confirmation to the San Bernardino County Land Use Services Department that such funding has been paid to the institution. Any non-significant fossils collected from the project area shall first be offered to the landowner, and if unwanted, be discarded or retained for educational purposes by the Project Paleontologist.
3. **Paleontological Mitigation Report**. After completing ground-disturbing activities and fossil curation, the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall specify the location, duration, and monitoring methods, as well as describe the stratigraphic sections, catalogue any recovered fossils, explain their scientific significance, and identify where fossils have been curated. The report shall be provided to the County for their records upon completion.

Cumulative Geology and Soils Impacts (Impact 3.6-7): (Draft EIR pg. 3.6-25) The geographic scope of cumulative impacts to paleontological resources includes the project site, gen-tie corridor, and immediately adjacent areas where Pleistocene-age deposits could be disturbed. If there were paleontological resources that extended across areas of ground disturbance of the proposed project

and cumulative projects, the projects could result in the loss of paleontological resources, a potentially significant impact. However, with implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3**, the proposed project's impacts on paleontological resources in the event of inadvertent discovery during construction would be reduced to less than significant and would not be cumulatively considerable.

Finding

The proposed project has the potential to result in cumulative impacts to geology and soils, and specifically on paleontological resources. The implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3** would reduce this impact to less than significant levels.

Level of Significance

With implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3**, cumulative impacts would be less than significant.

Brief Explanation of the Rational for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3** would reduce impacts to less than significant levels. See **Mitigation Measures GEO-1**, **GEO-2**, and **GEO-3** described above.

SECTION 5. OTHER CEQA CONSIDERATIONS

Growth Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establish an essential public service or provide new access to an area).
- Fosters economic expansion or growth (e.g., change revenue base, expand employment, etc.).
- Fosters population growth (e.g., construct additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).

- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss the ways a project could be growth inducing and "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." However, the CEQA Guidelines do not require that an EIR predict (or speculate), specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

Removal of a Barrier to Growth

Several types of projects can induce population growth by removing obstacles that prevent growth. An example of this type of project would be the expansion of a wastewater treatment plant, which would accommodate additional sewer connections within a service area and therefore would allow future construction and growth.

The applicant proposes to construct and operate the proposed project on approximately 596 acres and produce approximately 150 MW of renewable energy and include up to 150 MW of battery storage capacity. The project would use existing electrical transmission infrastructure in the project vicinity to deliver renewable energy to the electric grid.

Development of the project would not remove any impediments that currently inhibit growth. Obstacles to population growth in the region surrounding the project site are primarily due to the feasibility of development, demand and economic constraints, lack of utility connections in the area, General Plans, zoning, other development restrictions, and regulations promulgated by local agencies. The project would not remove direct growth constraints or add a direct stimulus to growth. Rather, the increase in energy generation from the project would support growth, as growth requires additional energy production. However, the project would not directly foster growth.

Economic Growth

The proposed project would be considered growth inducing if growth resulted from direct and indirect employment needed to construct, operate, and maintain the proposed project, and/or if growth resulted from the additional electrical power that would be generated by the proposed project. Construction would be performed by independent contractors hired by the developer for the project. In general, construction workers would be hired from the local labor pool or nearby urban areas such as Barstow and Victorville. If contract workers are employed, they would not cause growth in the area due to the short-term and temporary nature of their employment.

Once operational, the project would be monitored remotely via the supervisory control and data acquisition (SCADA) system and would not require the presence of full-time, on-site employees.

The project would include occasional operations and maintenance visits, such as for equipment repair/replacement and panel washing. Due to the limited nature of operations and maintenance activities required for the project, the project would not cause significant long-term economic growth.

Population Growth

CEQA requires the consideration of potential direct and indirect growth-inducing impacts of a proposed project. Implementation of the proposed project would not induce the construction of new homes that would result in direct residential growth.

In some cases, direct population growth can be created through the introduction of new businesses. However, direct population growth associated with the proposed project is not forecast to occur because the community has a need for employment and most of the jobs created are forecast to be filled by County residents.

In California, new energy facilities are responsive to growth due to State and federal regulations and do not in and of themselves induce growth. Therefore, the project would not substantially induce population growth.

Establishment of a Precedent-Setting Action

The applicant seeks a CUP, a Zoning Amendment, and a Countywide Plan/Policy Plan Amendment to construct a renewable energy generation facility. Approval of the CUP, Zoning Amendment, and Countywide Plan/Policy Plan Amendment would not be considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as other renewable energy facilities have received similar approvals and have operated in the immediate vicinity and within the region. Furthermore, several other similar projects are currently in the planning and environmental review stage seeking similar approvals. Therefore, approval of the project would not set a precedent.

Encroachment on Open Space

The project site totals approximately 596 acres on an 825-acre parcel. The project site is undeveloped and contains desert vegetation. Areas surrounding the project site include a patchwork of undeveloped BLM lands, other vacant lands, and other approved solar facilities.

Although the project site is undeveloped, the project site and gen-tie corridor are zoned as RL. The project site is also designated as RL in the Countywide Plan/Policy Plan, which allows for the development of rural residential uses. The gen-tie corridor is designated as RLM in the Countywide Plan/Policy Plan. The project includes a Zoning Amendment and Countywide Plan/Policy Plan Amendment to allow for the development of a solar energy facility on the project site because the project site's current zoning and land use designation conflict with RECE Policy 4.10 (refer to Section 3.10, Land Use, of the Draft EIR for additional information on land use consistency). These proposed amendments would change the RL zoning to RC and the RL land use designation to RLM within the project site. The gen-tie corridor is already designated as RLM in the Countywide Plan/Policy Plan, and transmission lines are permitted within the RL zoning district. Therefore, the gen-tie corridor would not require a zoning amendment.

The RC designation is intended to provide open space and recreational activities, single-family homes on very large parcels, and similar compatible uses including solar energy facilities. Although the designation is intended to provide open space and recreational activities, it is not considered open space, as the County Development Code also contains Open Space zoning specifically for open space and recreational uses alone. Based on a review of historical maps dating back to 1915 and aerial photographs dating back to 1959, the project site has been primarily mapped as vacant land with some unpaved roadways. Furthermore, the existing zoning and land use designation currently allow for rural residential development on the project site. Therefore, the project would not result in the loss of open space. Additionally, with the issuance of a CUP, the project would be consistent with the County's Development Code. Because the project would be consistent with the County Development Code, including Chapter 84.29, *Renewable Energy Generation Facilities*, it would also be consistent with the Countywide Plan/Policy Plan land use designation. Upon issuance of the Zoning Amendment, Countywide Plan/Policy Plan Amendment, and CUP, the project would also be consistent with the RECE of the Countywide Plan/Policy Plan.

Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(d) requires an EIR to discuss the significant irreversible environmental changes that would result from the implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point), use nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely), and/or result in irreversible damage from any potential environmental accidents associated with the project.

The proposed project would not result in an unusually high demand for nonrenewable resources. The project would be a clean, renewable energy source. It would implement many State and local goals and policies directed at moving away from a reliance on fossil fuels and encouraging renewable energy. After the usable/permitted life of the project is over, the facility would be decommissioned and restored to its pre-development condition. Pursuant to County Development Code Section 84.29.070, a Decommissioning Plan would be prepared, all aboveground structures would be removed, and most of the project materials would be recycled or sold as scrap. Shrubs and other plants would be revegetated by re-seeding following decommissioning.

SECTION 6. EVALUTAION OF ALTERNATIVES

Implementation of the project does not have the potential to have significant adverse effects on any resources; however, per the state CEQA Guidelines, this section discusses alternatives that are capable of avoiding or substantially lessening effects on resources. The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(a)(3) of the CEQA Guidelines.

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

Thus, objectives for the proposed project were considered in evaluating the alternatives. These objectives are as follows:

1. Site solar PV power-generating facilities and energy storage near existing utility infrastructure, including existing SCE transmission lines, thereby achieving economies of scale to maximize shared transmission facilities with existing solar operations.
2. Establish solar PV power-generating facilities and energy storage of sufficient size and configuration to produce reliable electricity at a competitive rate.
3. Use proven and established PV and energy storage technology that is efficient and requires low maintenance.
4. Assist the State in achieving or exceeding its RPS and GHG emissions reduction objectives by developing and constructing new California RPS-qualified solar power generation facilities producing approximately 150 MW of renewable electrical energy.
5. Provide a new source of energy storage that assists the State in achieving or exceeding its energy storage mandates.
6. Promote the County's RECE policies and be sited in an area identified as suitable for utility oriented renewable energy generation projects and be consistent with County land use regulations.
7. Develop a solar power generation facility in San Bernardino County, which would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

Section 6.1 Alternatives Considered but Rejected

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

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

Section 6.2 Alternatives Analyzed in the EIR

NO PROJECT ALTERNATIVE

The CEQA Guidelines require EIRs to include a No Project Alternative for the purpose of allowing decision makers to compare the effects of approving the proposed project versus a No Project Alternative. In the No Project Alternative, the existing environmental setting would be maintained. Changes to the setting, including changes to the landscape (e.g., visual resources, habitat, and land use/agriculture); project-related impacts, including potential ground disturbance impacts to cultural, tribal cultural, and paleontological resources, and potential impacts to wildlife habitat and special-status species and would not occur. Additionally, the environmental benefits associated with energy resources and GHG reduction related to renewable energy generation and storage would not be realized from solar and BESS development of the site.

Under the No Project Alternative, all project-related impacts would be avoided due to the lack of development of the project site. There would be no new impacts to the environment. No feasibility issues have been identified which would eliminate the No Project Alternative from consideration; however, the No Project Alternative would not meet any of the project objectives.

Finding

The No Project Alternative would result in the continuation of existing conditions on the proposed project site. This would be the environmentally superior alternative as no impacts would occur if the proposed project site were to remain undeveloped. However, the seven project objectives would not be met, and the environmental benefits associated with energy reliability and associated GHG reduction would not be realized from development of the project site as a solar and BESS facility.

ALTERNATIVE 2: REDUCED FOOTPRINT ALTERNATIVE

Alternative 2, the Reduced Footprint Alternative, would reduce the footprint of the solar energy and storage facility by increasing setbacks by 50 feet from the proposed solar array boundary. Alternative 2 would reduce the project footprint to the maximum extent possible while remaining economically feasible. Alternative 2 would reduce the intensity and duration of construction and associated construction equipment emissions and fugitive dust due to a reduction in the area of ground disturbance. Alternative 2 would further minimize impacts to desert tortoise and desert tortoise habitat in the project vicinity and would increase the distance between the solar and energy storage facility and the natural drainages along the northwest and southeast boundaries of the project site. Additionally, Alternative 2 would reduce aesthetics impacts from publicly accessible roadways in the project vicinity due the increased setbacks. Alternative 2 would also result in reduced overall water usage due to the reduction in construction activities and reduction in solar panels to be washed during project operation.

The Alternative 2 solar facility would encompass approximately 572 acres, approximately 96 percent of the 596 acres required for the proposed project. Alternative 2 would produce up to 144 MW of energy. Alternative 2 construction would occur over 25 months. An average of 150 workers would be on site during construction similar to the proposed project, depending on the activities. With the exception of water usage, operational assumptions for Alternative 2 would be the same as under the proposed project, including the frequency of panel washing and duration per occurrence.

The gen-tie line and on-site substation would remain generally the same under Alternative 2 as with the proposed project; however, the substation would be shifted 50 feet to the west and the gen-tie line would be 50 feet longer to account for this shift in placement of the substation. Accordingly, these project components are not further discussed below under the impact comparison between Alternative 2 and the proposed project as there would be no substantial difference between the two scenarios, with the exception of air quality and noise impacts as the substation would be slightly farther from existing residences.

Finding

Overall, implementation of Alternative 2 would result in reduced impacts on aesthetics, air quality, biological resources, cultural and tribal cultural resources, energy, geology and soils, GHG emissions, paleontological resources, hydrology and water quality, hazards and hazardous materials, noise, transportation and traffic, utilities and service systems, and wildfire when compared with the proposed project. Impacts related to land use and planning would be similar to the proposed project. However, Alternative 2 would also result in less beneficial impacts related to energy generation and GHG emissions because it is assumed that the production of renewable energy would offset energy and carbon dioxide emissions generated by fossil fuels, and Alternative 2 would generate less renewable energy than the proposed project.

Alternative 2 would not produce the 150 MW of the proposed project and would fall short of this project objective. Alternative 2 attains most, but not all, of the project objectives and is potentially feasible. Specifically, Alternative 2 would meet the project objectives of developing a solar power and energy storage facility near existing utility infrastructure and producing reliable electricity at a competitive rate, promoting the County's RECE policies, providing a new source of energy storage that assists the State in achieving or exceeding its energy storage mandates, and supporting the local economy through job creation and tax and fee revenue. However, Alternative 2 would only partially meet the project objective of assisting the State in achieving its RPS and GHG emissions reduction objectives because it would not produce 150 MW of renewable electrical energy.

ALTERNATIVE 3: KRAMER JUNCTION SOLAR SITE ALTERNATIVE

Alternative 3, the Kramer Junction Solar Site Alternative, would include 150 MW of electric generation capacity and 150 MW of battery energy storage capacity on APN 0498-171-01, which comprises approximately 640 acres. Although the Alternative 3 parcel is larger than the proposed project parcel, Alternative 3 would utilize a similar number of acres to the proposed project, which is the size needed to achieve the target capacity of solar PV and battery energy storage. Similar to the proposed project, Alternative 3 would involve the development of solar PV panels, battery storage, associated infrastructure, and a gen-tie line. Given the land area, Alternative 3 could have a similar generation capacity as the proposed project. The Alternative 3 site is located on BLM-administered land, approximately 0.5 mile north of SR-58 and 1.6 miles west of SR-395. The site can be accessed via Pipeline Road, an existing unpaved roadway, which connects to Boron Frontage Road North, a paved roadway. The Alternative 3 site is just northeast of the community of Boron and just northwest of the Kramer Junction. The Alternative 3 site is in an undesignated area of the DRECP. The applicant does not currently control land rights for the Alternative 3 site or the Alternative 3 gen-tie line corridor.

Alternative 3 is located wholly on BLM-administered land and would require a BLM right-of-way grant for development, in addition to a CUP from the County for development of an overhead gen-tie line. Obtaining BLM approval would increase the cost and length of time required for permitting the project; however, the Alternative 3 site is considered a feasible location for solar development because it is an allowable use under the DRECP. Although the Alterative 3 parcel covers approximately 640 acres, the actual area of development would be similar in size to the proposed project (approximately 596 acres) in order to meet the project objectives of producing 150 MW of solar PV energy and 150 MW of battery storage.

It is assumed that the gen-tie line would be approximately 5 miles in length with an associated right-of-way. The POI would be at the existing Kramer Junction Substation. Upgrades to the Kramer Substation may be required to allow for the interconnection. Depending on the final location of the gen-tie, existing rights-of-way may be required for the entirety, or a portion, of the gen-tie line.

Construction of Alternative 3 would be more intensive than for the proposed project, as the Alternative 3 site is more topographically diverse and would require more grading than the proposed project. Additionally, construction of the gen-tie line would take longer than the proposed project due to the longer distance. Overall, the anticipated construction workforce would be the same as the proposed project, but the construction timeline would increase by 3 months, to a total of 29 months. Operation of Alternative 3 would be similar to the proposed project, and would be done remotely. However, Alternative 3 would require the use of portable toilet and hand washing facilities during construction and during infrequent panel washing events. Bottled water would also be provided during construction and panel washing events. During normal remote operations, sanitary facilities at the Mojave Solar Facility would be used.

Alternative 3 would locate the proposed solar facility and gen-tie line closer to existing residences than the proposed project. The closest existing residences would be located approximately 0.6 mile west of the Alternative 3 site and 0.1 mile west of the gen-tie line. Alternative 3 would also be consistent with the existing zoning of RC and land use designation of RLM.

Finding

Implementation of Alternative 3 would not result in any reduced impacts as compared with the proposed project. Implementation of Alternative 3 would result in greater impacts on aesthetics, air quality, biological resources, cultural and Tribal cultural resources, energy, geology and soils, paleontological resources, GHG emissions, hydrology and water quality, noise, utilities and service systems, and wildfire than the proposed project. Implementation of Alternative 3 would result in similar impacts on hazards and hazardous materials, land use and planning, and transportation and traffic.

Alternative 3 is located wholly on BLM-administered land and would require a BLM right-of-way grant for development, in addition to a CUP from the County for development of an overhead gen-tie line. Obtaining BLM approval would increase the cost and length of time required for permitting the project. Alternative 3 would meet some of the project objectives and is considered potentially feasible because it is located within DRECP land use areas that are suitable for solar development. Specifically, Alternative 3 would meet the project objectives of producing reliable electricity at a

competitive rate, supporting the local economy through job creation and tax and fee revenue, providing a new source of energy storage that assists the State in achieving or exceeding its energy storage mandates, and assisting the State in achieving its RPS and GHG emissions reduction objectives by producing 150 MW of renewable electrical energy. However, Alternative 3 would not meet the project objectives of developing a solar power and energy storage facility near existing utility infrastructure and promoting the County's RECE policies.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines require the identification of an environmentally superior alternative to the project (CEQA Guidelines, Section 15126.6[e] [2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project. If the No Project Alternative is determined to be the environmentally superior alternative, a secondary alternative must be chosen (CEQA Guidelines Section 15126.6[e] [2]).

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

Finding

The No Project Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be chosen since the No Project Alternative is environmentally superior. Therefore, the County has identified the Reduced Footprint Alternative (Alternative 2) as the environmentally superior alternative because it would result in the fewest adverse environmental effects aside from the No Project Alternative. Alternative 2 would reduce impacts under all environmental resource areas except land use and planning, which would be the same as under the proposed project. Alternative 2 also attains most or all of the basic project objectives, however it would not allow for the project to achieve its key goal of producing 150 MW of renewable energy. Furthermore, Alternative 2 would also result in less beneficial impacts related to energy generation and GHG emissions because it is assumed that the production of renewable energy would offset energy and carbon dioxide emissions generated by fossil fuels, and the Alternative 2 would generate less renewable energy than the proposed project. Nonetheless, County decision-makers may weigh the relative benefits of the alternatives differently and, with additional information received in or developed during the project approval process, reasonably could reach a different decision.

SECTION 7. FINDINGS REGARDING THE FINAL EIR

Section 2.0, *Comment Letters and Responses to Comments,* of the Final EIR provides the comments received during the public review period on the Draft EIR, as well as the County's responses to these comments. The focus of the responses to comments is on the disposition of

significant environmental issues as raised in the comments, as specified by CEQA Guidelines Section 15088(c). The County provided a written proposed response to each public agency on comments made by that public agency pursuant to CEQA Guidelines Section 15088(b).

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

SECTION 8. FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

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

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

EXHIBIT D

MITIGATION MONITORING REPORTING PROGRAM (MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP), which is provided in **Table 1: Mitigation Monitoring and Reporting Program**, below, has been prepared pursuant to Public Resources Code (PRC) Section 21081.6 and CEQA Guidelines Section 15097, which requires the adoption of an MMRP for projects where the Lead Agency has adopted mitigation to avoid significant environmental effects. The County of San Bernardino (County) is the Lead Agency for the Overnight Solar Project (Project), and therefore is responsible for administering and implementing the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during Project implementation prior to final approval of the proposed Project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the EIR are implemented, thereby minimizing identified environmental effects.

Final clearance shall require all applicable verification as indicated in Table 1. The County will have primary responsibility for monitoring and reporting the implementation of the mitigation measures unless otherwise indicated. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, the party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
Section 3.3, Biological Resources				
Mitigation Measure BIO-1 In compliance with the California Desert Native Plants Act (CDNPA), biologists familiar with silver cholla shall mark all the plants prior to ground-disturbing activities. All cacti and other plants protected by the CDNPA shall be transplanted outside of a disturbance area whenever feasible. Required permits shall be obtained to allow for take and other impacts to CDNPA protected species.	Prior to construction	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure BIO-2
Prior to any construction and decommissioning activity, the Applicant, in coordination with the Designated Biologist and Biological Monitor, shall provide all workers on the project with a Worker Environmental Awareness Program (WEAP) briefing informing them of the biological resources on site and the required measures to avoid unnecessary impact or take of these resources or their habitat. The WEAP shall place special emphasis on protected species including those listed below, and nesting birds protected under the California Fish and Game Code (FGC) and Migratory Bird Treaty Act (MBTA), and any special status plants.
• Federally Threatened and State Threatened Mojave Desert Tortoise
• State Threatened Mohave Ground Squirrel
• State Candidate Western Burrowing Owl
• California SSC/ Protected:
  o Western Burrowing Owl
  o Le Conte's Thrasher
  o Loggerhead Shrike
  o American Badger
  o Desert Kit fox
• California Fully Protected and Watch List Golden Eagle
• California Watch-list:
  o Bell's Sparrow
  o Prairie Falcon
  o Golden Eagle
	Prior to construction and decommissioning	Project Applicant
		
		Designated Biologist and Biological Monitor
			San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
The program shall include the following elements: • A presentation, developed by or in consultation with a biologist familiar with special-status species in the vicinity of the project, discusses the sensitive biological resources with potential to occur on-site. The presentation should include an explanation for resource protection and penalties incurred for non-compliance; • Brochures or booklets containing written descriptions and photographs of protected species as well as a list of site rules pertaining to biological resources to be provided to all WEAP participants; • Contact information for the project biological monitor and instructions to contact the monitor with any questions regarding the WEAP presentation or booklets; • An acknowledgement form to be signed by each worker indicating that they received WEAP training and will abide by the site rules protecting biological resources; and • Conspicuous stickers identifying the project and signifying WEAP completion to be distributed immediately following WEAP training and required on personnel hard hats.				
Mitigation Measure BIO-3 The Applicant shall designate a Designated Biologist and/ or Biological Monitor(s) (see Section 5.3 of Appendix D) for all disturbance activities during construction and decommissioning of the project, outside of cleared areas or areas that are not encompassed by desert tortoise exclusionary fencing. • Designated Biologist(s) and Biological Monitor(s) – Applicant shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the covered species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring covered activities to help minimize and fully mitigate or avoid the incidental take of individual covered species and to minimize disturbance of covered species habitat.	During construction and decommissioning	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	
Mitigation Measure BIO-4 Desert tortoise exclusionary fencing shall be installed around the facility, in conjunction with the security fence, according to the specifications provided by the (United States Fish and Wildlife Service) USFWS Desert Tortoise Field Manual (2009) and applicable permits. The installation of desert tortoise exclusionary fencing will precede any ground-disturbing construction activities	Prior to construction	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
associated with construction of the solar facility. Installation of desert tortoise exclusionary fencing will be supervised by a Designated Biologist. Once the installation is complete, Designated Biologists and Biological Monitors shall perform a clearance survey for desert tortoise within the exclusionary perimeter fencing, in accordance with Chapter 6 of the USFWS 2009 Desert Tortoise (Mojave Population) Field Manual (*Gopherus agassizii*). If the species is determined present within the project site, individual(s) will be relocated, per a translocation plan reviewed and approved by USFWS and CDFW, by a Designated Biologist that is authorized to relocate desert tortoise by USFWS and California Department of Fish and Wildlife (CDFW). Disturbance activities shall be monitored, as follows: • Environmental awareness training (see **BIO-2**) shall include education on desert tortoise and Mohave ground squirrel (MGS), protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If desert tortoises or other protected species are encountered, such vehicles shall not be moved until they have voluntarily moved away from the vehicle and out of harm's way, or a qualified biologist has moved them. • If a desert tortoise is present, a Designated Biologist shall be present during all disturbance activities in the vicinity of exclusionary fencing and shall have the authority to stop work as needed to avoid direct impacts to desert tortoises. Daily inspections of the fence's perimeter and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing. Work may proceed within the excluded area when the Designated Biologist confirms all desert tortoises have left the excluded area. • Should desert tortoises be found during construction activities, the Designated Biologist and/or Biological Monitor shall have the authority to stop work as needed to avoid direct impacts to tortoises, and further consultations with the USFWS and CDFW shall take place prior to relocating the desert tortoises. Prior to grading and occupancy of the Project, a Designated Biologist shall inspect the existing Mojave desert tortoise exclusionary fencing along Harper Lake Road (from Highway 58 to Lockhart Ranch Road) and record any existing damage. Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed				

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
contractor approved by the CDFW. Project-related repairs will be paid for by the Applicant. Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour. Off-road travels shall be prohibited in all native habitats adjacent to the Project Site during construction and operation, except when required for relocating species under the preapproved translocation plans for Mohave ground squirrel (*Xerospermophilus mohavensis*) (see **BIO-6**) and desert tortoise (*Gopherus agassizii*). Prohibited areas shall be posted with signage prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked (i.e., equipment staging area). Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs). Employees shall not bring pets to the construction site.				
Mitigation Measure BIO-5 The Applicant shall acquire offsite compensatory mitigation land to offset impacts to Mojave desert tortoise, MGS, and Western Burrowing Owl. The required amount of compensatory mitigation will be determined as part of Overnight Solar's ongoing ITP application review process with CDFW. This determination shall be finalized prior to the issuance of a grading permit from San Bernardino County. The Applicant shall also follow any regulations pertaining to applicable agency permits and agency coordination, such as Incidental Take Permits (ITPs) for all three species. As applicable and as required and approved by USFWS and CDFW, offsite compensatory mitigation land shall be put into a conservation easement and managed with the goal of providing suitable habitat and ensuring long-term protection for these species.	Prior to construction	Project Applicant	San Bernardino County	
Mitigation Measure BIO-6 An MGS trapping routine shall be implemented prior to project site blading and clearing, or other significant impacts to vegetation that may directly affect this species. The trapping routine shall be similar in scope and scale to what is required to determine presence/absence in accordance with the 2023 CDFW Conservation Strategy for the Mohave Ground Squirrel (*Xerospermophilus mohavensis)*. Live trapped animals shall be moved offsite to a translocation area preapproved by CDFW. A Mohave Ground Squirrel Translocation Plan will provide details on the trapping and translocation of this species. A CDFW approved Mohave Ground Squirrel Translocation Plan will be in place at least 60-days prior to the start of construction.	60 days prior to construction	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
Mitigation Measure BIO-7 Prior to project disturbance activities, a qualified biologist(s) familiar and experienced with western burrowing owl shall perform a take avoidance pre-construction survey for burrowing owl occupation in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation. The surveys shall include 100 percent coverage of the Project site and proposed gen-tie within the Mojave Solar Facility, plus a 500-meter buffer in adjacent habitat. A report summarizing the surveys including all requirement for survey reports shall be submitted to CDFW for review. If western burrowing owl are not detected during pre-construction surveys, and if no burrows or perch sites have active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement), then construction related activities may begin and no further action shall be required and no further mitigation under this measure is necessary. Mitigation shall be provided for burrowing owl habitat (loss of burrows and foraging habitat) through **BIO-5**. If western burrowing owl is present on-site, a non-disturbance buffer following the buffer guidance in the Staff Report on Burrowing Owl Mitigation will be implemented to ensure no take and full avoidance of the species occurs. Fencing or flagging shall be installed to create a non-disturbance buffer area where no work activities may be conducted. The initial non-disturbance buffer will be a 200-meter radius from the occupied burrow during the breeding season (generally February 1st – August 31st). During the non-breeding season (generally September 1st – January 31st), no ground disturbing activities shall be permitted within an initial 50-meters of an occupied burrow. A larger or smaller buffer may be established as determined by a qualified biologist with consideration of levels of disturbance caused by Project activities. If avoidance of an occupied burrow is infeasible and take of the species may occur, the Project Proponent shall consult with CDFW to discuss the best path going forward which may include obtaining take authorization through a CESA incidental take permit. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFW, 2012) may be authorized through the incidental take permit as a minimization measure. • Monitoring active burrows during construction periods to ensure Burrowing Owls are not detrimentally affected. The Applicant, in consultation with CDFW, shall respond to monitoring results and implement additional measures to avoid disturbances that could result in nest failure during the breeding season, or impacts that could result in take or injury at any time.	Prior to construction	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
• Compensatory Mitigation to offset impacts by purchasing and managing off-site habitat or by purchasing mitigation credit, as approved by CDFW. (see **BIO-5**).				
Mitigation Measure BIO-8 To avoid construction-level impacts to nesting birds during the nesting breeding bird season (February 1st through August 31st), no earlier than 7 days prior to commencement of scheduled ground disturbance activities, a qualified biologist with prior nesting bird survey experience shall perform a nest survey within 150 meters of the disturbance footprint, as accessible. If active nests are found, project disturbance activities shall be postponed or halted within a non-disturbance buffer surrounding each active nest (to be established by a qualified biologist) that is suitable to the particular bird species and nest location(s) until the nest(s) are vacated and juveniles have fledged or failed, as determined by the qualified biologist. Any such buffer(s) shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. A qualified biologist shall monitor construction activities near all such buffer(s) to ensure no inadvertent impacts on active nest(s). If special status species are involved and a non-disturbance buffer cannot be established, CDFW and/or USFWS shall be notified immediately for consultation on how to proceed.	7 days prior to construction and during construction (February 1st through August 31st)	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	
Mitigation Measure BIO-9 To reduce the subsidies available to Common Ravens, a qualified biologist shall ensure the following measures are taken throughout the pre-construction, construction, operations and maintenance, and decommissioning stages of the project: • Water used for construction and operation shall not be applied in such a manner to create pools or puddles. Availability of water subsidies to Common Ravens will be minimized to the extent practical. • Roadkill and common wildlife killed during construction shall be removed and disposed of in ways that do not encourage scavenging. Availability of food subsidies to Common Ravens will be minimized to the extent practical. • Sensitive species killed by Common Ravens shall be collected and reported to CDFW. • Inactive Common Raven nests shall be removed, and deterrents erected, if possible, to reduce onsite presence.	Prio to and during construction; during operations and maintenance; and during decommissioning	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
• Active Common Raven nests will be reported to the appropriate agency for management and removal. • Trash receptacles shall be covered and secured to prevent scavenger access. WEAP training shall inform all workers about the need to prevent scavenger access to open trash and food scraps. • The Applicant will contribute $105/acre of disturbance to the Regional Raven Management Program.				
Mitigation Measure BIO-10 The following best management practices (BMPs) shall be implemented during project grading and construction and decommissioning activities to address potential indirect impacts: • **Backfill trenches**. At the end of each workday, all potential wildlife pitfalls (e.g., trenches, bores, excavation pits) shall be backfilled, covered, or sloped to allow wildlife egress. Should wildlife become trapped, the biological monitor shall be notified by construction personnel to remove and relocate the individual(s). • **Cover materials**. All open ends of pipes, culverts, or other hollow materials temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). • Soil binding and weighting agents used on unpaved surfaces shall be nontoxic to wildlife and plants. • All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area. • The project shall incorporate methods to control runoff, including a stormwater pollution prevention plan to meet National Pollutant Discharge Elimination System (NPDES) regulations. Implementation of stormwater regulations is expected to substantially control adverse edge effects (e.g., erosion, sedimentation, habitat	During grading, construction, and decommissioning	Project Applicant Construction Contractor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
conversion) during and following construction, both adjacent to and downstream from the project area. Typical construction BMPs specifically related to reducing impacts from dust, erosion, and runoff generated by construction activities shall be implemented. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns, which will protect sensitive vegetation from being inundated with sediment-laden runoff. Dewatering shall be conducted in accordance with standard regulations of the Regional Water Quality Control Board (RWQCB). An NPDES permit, issued by the RWQCB to discharge water from dewatering activities, shall be required prior to the start of dewatering. This permit will minimize erosion, siltation, and pollution in sensitive vegetation communities.				
Mitigation Measure BIO-11 The project will avoid direct and indirect impacts to jurisdictional waters by excluding them from the development area. No construction related activities shall occur within 50 feet of the areas delineated as jurisdictional waters.	Prior to and during construction	Project Applicant Construction Contractor Designated Biologist and Biological Monitor	San Bernardino County	
Mitigation Measure BIO-12 Qualified biologists shall conduct pre-construction den surveys for desert kit fox and American badger on the project site 14 to 21 days and 24 hours prior to any vegetation removal or ground disturbing construction activities. Pre-construction surveys for desert kit fox and American Badger will include disturbance areas and a 150-meter buffer to the extent allowable. The locations of American badger and desert kit fox dens will be recorded. Current status and use by American badger and desert Overnight Solar Biological Resources Technical Report 56 kit fox will be determined through the use of wildlife cameras, scopes, and tracking substrate. Inactive and unoccupied dens within the Project boundary will be collapsed after their status has been determined through monitoring. Active dens will be monitored, and a qualified biologist will establish a 50-meter non-disturbance buffer during the non-breeding season and a 150-meter non-disturbance buffer during the breeding/ pupping season (generally February 1 – May 15). If the den is in the central part of the site, a strip of vegetation at least 50-meters wide shall remain intact between the buffer and perimeter fencing to provide cover for the species. The buffer size may be amended by a qualified biologist through consultation with CDFW. Active burrows shall be avoided until they are confirmed unoccupied by a qualified biologist.	14 to 21 days and 24 hours prior to vegetation removal or ground disturbing construction activities	Project Applicant Designated Biologist and Biological Monitor	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
Burrow occupancy will be determined using a tracking medium such as diatomaceous earth or fine clay, and infrared cameras placed at the entrance. If no tracks or evidence of activity is observed after 3 consecutive nights of monitoring, the burrow shall be scoped and excavated, and backfilled using nonpowered tools. If tracks or evidence of burrow occupancy is observed, CDFW will be consulted to determine the course of action pertaining to exclusion efforts and passive translocation, which may include development of a management plan for CDFW's review and approval. To guard against the spread of distemper and other diseases, equipment and tools used for burrow occupancy monitoring and excavation will be treated with a disinfectant that's proven effective. This includes but is not limited to accelerated hydrogen peroxide, potassium peroxymonosulfate, or a 1:20 dilution of household bleach. Fieldworker clothing will be washed in hot water and dried using a dryer. CDFW will be notified in dealing with injured, sick, or dead American badger or desert kit fox.				
Section 3.4, Cultural Resources				
Mitigation Measure CUL-1 The project proponent/owner shall conduct a WEAP for relevant construction personnel working on the proposed project and conducting subsurface activities. Development of the WEAP shall include consultation with an archaeologist who meets Secretary of the Interior Professional Qualifications in Archaeology (Lead Archaeologist). The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist. The consulting Tribal Monitor shall attend the WEAP training or pre-grade meeting, as outlined in their Tribal Monitoring Services Agreement (see **Mitigation Measure CUL-2**), to be in place prior to the start of construction.	Prior to construction	Project Applicant Construction Contractor Lead Archaeologist Morongo Band of Mission Indians and Yuhaaviatam of San Manuel Nation Tribal Monitor(s)	San Bernardino County	
Mitigation Measure CUL-2 The Lead Archaeologist shall prepare a Cultural Resources Monitoring and Treatment Plan to be implemented during ground-disturbing activities associated with project construction. The plan shall outline monitoring procedures and the process for the identification of cultural and tribal resources during project construction. The Morongo Band of Mission Indians and the Yuhaaviatam of San Manuel Nation (YSMN) shall be given the opportunity to be present and provide monitoring of ground clearing and ground disturbing activities. The Project Applicant shall arrange for a Tribal Monitoring Services Agreement to be in place prior to the start of construction	Prior to construction	Project Applicant Lead Archaeologist Morongo Band of Mission Indians and Yuhaaviatam of San Manuel Nation Tribal Monitor(s)	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
by contacting the Morongo Band of Mission Indians and the YSMN. After monitoring has been completed, the Lead Archaeologist shall prepare a Monitoring and Treatment Report detailing the results of monitoring, to be submitted to the Director of the San Bernardino County Planning Division and the Morongo Band of Mission Indians and the YSMN for review and comment before it is filed with the appropriate California Historical Resources Information System (CHRIS) Information Center.				
Mitigation Measure CUL-3 In the event that previously unknown pre-contact or historic-period archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all work occurring within 100 feet of the find shall immediately stop until the Lead Archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted, in consultation with the County. The consulting Tribal Monitor shall support the Lead Archaeologist in evaluating the significance of the find and determining whether or not additional study is warranted, as applicable, and pursuant to their Tribal Monitoring Service Agreement (see **Mitigation Measure CUL-2**), to be in place prior to the start of construction. Pursuant to CEQA Guidelines Section 15126.4(b)(3), proposed project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures in consultation with the County, which may include testing for California Register of Historical Resources (CRHR)-eligibility, data recovery or other appropriate measures. The Monitoring and Treatment Report shall also document the evaluation and/or treatment of the resource.	During construction	Project Applicant Lead Archaeologist Morongo Band of Mission Indians and Yuhaaviatam of San Manuel Nation Tribal Monitor(s)	San Bernardino County	
Mitigation Measure CUL-4 In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. The Morongo Band of Mission Indians requests no photographs are to be taken except by the coroner, with written approval by the consulting tribes. The project lead/foreman shall designate an Environmentally Sensitive Area physical demarcation/barrier 100 feet around the remains and no further excavation or disturbance of the Environmentally Sensitive Area shall occur while the County Coroner makes his/her assessment regarding the nature of the remains. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Public Resources Code (PRC) Section 5097.98, the NAHC	During construction	Project Applicant Construction Contractor County Coroner Morongo Band of Mission Indians and Yuhaaviatam of San Manuel Nation	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
must immediately notify those persons it believes to be the "Most Likely Descendant" (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the Environmentally Sensitive Area. The MLD shall then determine, in consultation with the property owner, the disposition of the human remains. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California PRC Sections 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The County Coroner, parties, and Lead Agencies shall be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).				
Section 3.6, Geology and Soils				
Mitigation Measure GEO-1 **Paleontological Resources Impact Mitigation Program**: Prior to the commencement of ground-disturbing activities, the project applicant shall retain a paleontologist qualified according to industry standards (SVP 2010) (Project Paleontologist) to prepare a Paleontological Resources Impact Mitigation Program (PRIMP) which shall include WEAP training regarding paleontological resources, paleontological resources monitoring requirements, and requirements and contingencies in the event of an unanticipated find of paleontological resources during project construction, operation, or decommissioning. **Worker Environmental Awareness Program (WEAP) – Paleontological Resources**: Before starting any ground-disturbing construction or decommissioning activities, all on-site personnel shall receive training related to paleontological resources as part of the project's WEAP. This shall include (1) background on laws and ordinances protecting fossil resources, (2) types of fossil resources that may be encountered in the project area, (3) information regarding basic recognition of fossils, (4) the role of the	Prior to ground disturbing construction and decommissioning activities	Project Applicant Construction Contractor Project Paleontologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
paleontological monitor, and (5) appropriate notification procedures in the event that fossils are discovered during project activities (an unanticipated find). This portion of the WEAP training shall stress the importance of immediate notification of the paleontological monitor of any suspected find as well as contact information for the Project Paleontologist. The paleontological resources section of the WEAP training shall be developed by the Project Paleontologist and can be delivered concurrent with other training.				
Mitigation Measure GEO-2 **Paleontological Monitoring**: Paleontological resource monitoring shall be implemented at the start of any ground-disturbing activities (e.g., grading, excavation, etc.) more than 5 feet below ground surface (bgs). At this depth the likelihood of encountering the geologic formation (Qya) with the greatest potential for containing fossils is expected.	During ground disturbing activities > 5 feet bgs	Construction Contractor Project Paleontologist	San Bernardino County	
Mitigation Measure GEO-3 **Unanticipated Find Contingency**: If a paleontological resource is discovered, the paleontological monitor shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following: 1. **Salvage of Fossils.** If a fossil is discovered, all work in the immediate vicinity shall be halted to allow the paleontological monitor, and/or the Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossil is assessed as potentially significant, the paleontological monitor or Project Paleontologist shall recover the fossil, following standard field procedures for collecting paleontological resources, as outlined in the PRIMP. Typically, fossils can be safely and quickly salvaged by a single paleontologist without significant disruption to construction activity. In the case of a larger fossil assemblage (such as complete skeletons or multiple parts of large mammals) the effort shall require more extensive excavation and longer salvage periods. If such a situation occurs, the Project Paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. 2. **Fossil Preparation and Curation.** Upon completion of laboratory preparation and fossil identification, all scientifically significant specimens recovered as a result of the project shall be delivered to the San Bernardino County Museum for permanent curation and storage, as outlined in the PRIMP. The fossil specimens shall be accompanied by field notes, photographs, locality data, a signed deed of gift from the landowner,	During construction and decommissioning	Project Applicant Construction Contractor Project Paleontologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Implementation Responsibility	Monitoring and Reporting Responsibility	Date of Completion/ Notes
and a copy of the final technical report. The cost of delivery and curation is assessed by the repository and is the responsibility of the landowner, who shall provide confirmation to the San Bernardino County Land Use Services Department that such funding has been paid to the institution. Any non-significant fossils collected from the project area shall first be offered to the landowner, and if unwanted, be discarded or retained for educational purposes by the Project Paleontologist. 3. **Paleontological Mitigation Report.** After completing ground-disturbing activities and fossil curation, the Project Paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall specify the location, duration, and monitoring methods, as well as describe the stratigraphic sections, catalogue any recovered fossils, explain their scientific significance, and identify where fossils have been curated. The report shall be provided to the County for their records upon completion.				

FINDINGS: GENERAL PLAN AND ZONING AMENDMENT:

A POLICY PLAN AMENDMENT FROM RURAL LIVING (RL) TO RESOURCE LAND MANAGEMENT (RLM) ON AN 822-ACRE PARCEL (APN 0490-183-65) AND A ZONING AMENDMENT FROM RURAL LIVING (RL) TO RESOURCE CONSERVATION (RC) ON AN 822-ACRE PARCEL (APN 0490-183-65) AND AN 456-ACRE PARCEL (APN 0490-121-49) (COLLECTIVELY THE PROPOSED AMENDMENT) THAT IS PROPOSED WITH THE CONSTRUCTION/OPERATION OF A 150-MEGAWATT (MW) PHOTOVOLTAIC (PV) SOLAR FACILITY ON APPROXIMATELY 596 ACRES OF LAND WITHIN THE 822-ACRE PARCEL, A 150-MW BATTERY ENERGY STORAGE SYSTEM (BESS), AND A .1.1-MILE-LONG GEN-TIE LINE TO CONNECT UP WITH THE ALBA SUBSTATION (COLLECTIVELY THE PROJECT) LOCATED AT 41650 LOCKHART RANCH ROAD, UNINCORPORATED COMMUNITY OF HINKLEY, CA.; 1ST SUPERVISORIAL DISTRICT: 0490-183-65 AND 0490-121-49; PROJECT REFERENCE NUMBER PROJ-2023-00087.

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

1. **THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE RESPECTIVE PLAN, THE GENERAL PLAN OR AN APPLICABLE SPECIFIC PLAN.**

   The Proposed Amendment is internally consistent with the Policy Plan (General Plan), including the Renewable Energy Conservation Element. The Proposed Amendment will ensure consistency with RE Policy 4.10 which limits the location where utility-oriented renewable energy (RE) projects, such as the proposed Project, can be located within the unincorporated County. With the Proposed Amendment, the Project will be properly sited in accordance with RE Policy 4.10 and the Project will be supportive of the County's renewable energy goals, objectives, and policies. The Proposed Amendment is submitted in conjunction with the Project and the General Plan consistency analysis provided below, related to the Project's Conditional Use Permit, are supportive of the Proposed Amendment and incorporated by reference as evidence herein.

2. **THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY.**

   The Proposed Amendment is submitted in conjunction with a request for a Conditional Use Permit for the Project. The Project conditions of approval include measures that require the developer to comply with the performance measures outlined in the Development Code. The Project has been evaluated by County departments and as part of the environmental review process to respond to specific development needs and reduce potential environmental impacts.

3. **THE PROPOSED AMENDMENT IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED.**

   The Proposed Amendment will facilitate the proposed Project that will provide a utility-oriented facility while maintaining the goals and policies of the Countywide Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The Project will also promote economic development through construction jobs, increase property tax, infrastructure improvements, and impact fees.

4. **THE PROPOSED AMENDMENT WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA**

The site of the Proposed Amendment is located adjacent to an existing solar facility (Mojave Solar Facility) and will utilize its existing property (APN: 0490-121-49) for the placement of the gen-tie powerline. Existing roads will provide vehicular access to the Project site.

5. THE PROPOSED AMENDMENT DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE.

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

6. THE PROPOSED AMENDMENT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY.

The Project associated with the Proposed Amendment includes appropriate mitigation measures and Conditions of Approval (i.e., earth-tone color of BESS equipment) that will ensure County performance standards are met and will not have an adverse effect on the surrounding properties.

7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.

The site has been conditioned to ensure that the Project has adequate public services. The Project has been conditioned by Land Development to ensure adequate access and necessary road improvements are provided. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified Conditions of Approval. Fire protection will also be provided by the San Bernardino County Fire Protection District, which has reviewed the Project and provided Conditions of Approval.

FINDINGS: CONDITIONAL USE PERMIT

A CONDITIONAL USE PERMIT (CUP) FOR THE CONSTRUCTION/OPERATION OF A 150-MEGAWATT (MW) PHOTOVOLTAIC (PV) SOLAR FACILITY ON APPROXIMATELY 596 ACRES OF LAND WITHIN AN 822-ACRE PARCEL, A 150-MW BATTERY ENERGY STORAGE SYSTEM (BESS), AND A .1.1-MILE-LONG GEN-TIE LINE TO CONNECT UP WITH THE ALBA SUBSTATION (PROJECT) LOCATED AT 41650 LOCKHART RANCH ROAD, UNINCORPORATED COMMUNITY OF HINKLEY, CA (PROJECT SITE); 1ST SUPERVISORIAL DISTRICT: 0490-183-65 AND 0490-121-49; PROJECT REFERENCE NUMBER PROJ-2023-00087.

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

1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.

The Project Site encompasses approximately 596 acres of land within an 822-acre parcel and includes a gen-tie line along the southern boundary within a 446-acre parcel (APN 0490-121-49) (Adjacent Property) currently developed and operated by the Mojave Solar LLC. The Project and Adjacent Property is of adequate size and shape to accommodate the proposed energy generating facility and gen-tie line. Ingress and egress circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed land use and zoning designations upon adoption of the Policy Plan Amendment and Zoning Amendment as outlined in the Project Staff Report, which is incorporated herein by reference.

2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE LEGAL AND PHYSICAL ACCESS WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.

The site design for solar facility and private gen-tie line has adequate legal and physical access to both the Project Site and Adjacent Property. The Project Site is bordered to the north by Hoffman Road and to the east by Lockhart Ranch Road. Regional access to the site is provided by Harper Lake Road (1.1-mile east) a north/south paved road in connecting with State Route 58 (SR 58) approximately 6 miles to the south.

3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTIES OR THE ALLOWED USE OF THE ABUTTING PROPERTIES, WHICH MEANS THAT THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.

The proposed use is required to comply with all applicable requirements of the County Development Code, including standard applicable to renewable energy generation facilities, with respect to noise, vibration, lighting and glare and Mitigation Measures contained in the Final Environmental Impact Report (EIR), including the Mitigation Monitoring Plan (MMRP), during construction and for the operational life of the Project. The Project's gen-tie line will also be required to comply with applicable similar and compatible standards set forth by the California Public Utilities Commission for the operational life of the Project.

4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.

The proposed Conditional Use Permit, together with the provisions for its design and improvement are consistent with the Policy Plan (General Plan). The EIR prepared for the Project includes the identification of various Policy Plan goals and policies that are consistent with and implement the Policy Plan at Page 3.10-3 thru 3.10-13 that are incorporated herein by reference and, include, but are not limited to, the following Policy Plan goals and policies:

- **Policy LU-2.1 Compatibility with existing uses.**
  We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

  Consistency: *The Project is appropriate because the use is allowed subject to a Policy Plan and Zoning Amendment and land use entitlement of a Conditional Use Permit (CUP) and compatible with the size and scale with the adjacent Lockhart Solar Facility to the north and Mojave Solar Facility to the east. The height of the solar panels will be installed at a height no greater than 15 feet in height, which is consistent with existing solar panels at the Mojave Solar Plant and Lockhart Solar Facility and consistent with the height (35 feet) allowed in the Resource Conservation designation. Further, the height for the substation gantry (65 feet) and height of gen-tie power poles (95 feet) are*

permitted based on similar and compatible standards set forth per California Public Utility Commission requirements that are consistent with the existing gantry and power pole height at the Mojave Solar Facility to the east.

- **Policy LU-2.3 Compatibility with natural environment**
  We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

  Consistency: *The Project was reviewed for environmental impacts through an EIR and a biological technical resources report was submitted that identified potential species identified in the EIR that needed protection with mitigation measures incorporated to minimize impacts and protect species identified (Mojave desert tortoise, Mojave ground squirrel, and Western burrowing owl) and ensure that construction activities do not interfere with natural drainage of the property so that the project can be compatible with the surrounding natural environment and biodiversity.*

- **Policy LU-2.4 Land Use Map consistency.**
  We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

  Consistency: *The proposed Policy Plan Amendment and a Zoning Amendment will re-designate the Land Use Category and Zoning designation that allows for the proposed use and to be consistent with the same and existing Land Use Category (RLM) and Zoning designations (RC) of the existing permitted solar facilities to the north and to the east.*

- **Policy RE-2.1: Renewable Energy Systems**
  We support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan. Additionally, Policy RE 2.1.1, states that projects shall "utilize renewable energy development standards in the Development Code to minimize impacts on surrounding properties."

  Consistency: *The Project is consistent with the orientation, siting and environmental compatibility policies of the Policy Plan. The Project will deliver renewable energy by conveying electrical power 13.65-miles to the west to the Kramer Junction Substation where electrical power will be delivered out onto the power grid.*

- **Policy RE-4.5: Decommissioning Plans**
  Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable i.e. with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses.

  Consistency: *In compliance with Development Code Section 84.29.060, the Project has been conditioned for required submittal, review and approval of a Decommissioning Plan for the removal of solar site facilities when operations cease. The Decommissioning*

Plan will include the requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the project. The Project will be conditioned to submit a draft decommissioning plan to the County, which includes all required aspects, including cost estimates, work required, and removal of structures and equipment.

5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.

During construction, the primary community infrastructure utilized by the Project will be the road system. Existing roadways that serve the Project site include Harper Lake Road, and Lockhart Ranch Road. Non-potable water service will be provided via groundwater wells located at the Mojave Solar Facility with a shared water services agreement established between the Project (Overnight Solar) and the Mojave Solar Facility. The Project is not served by a public wastewater treatment service facility and will not require off-site sewage or disposal connections to a municipal sewer system. When operational, the Project has also been conditioned to contribute a Public Safety Services Impact Fee in accordance with Section 84.29.040(d) of the Development Code.

6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

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

7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The intent and purpose of the proposed Project is to construct and operate a photovoltaic solar generating facility that will contribute a significant quantity (150-MW) of renewable energy onto the power grid for public use.

FINDINGS: COMMERCIAL SOLAR FACILITY:

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

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

Consistency. *The Project Site for a 150-megawatt (MW) photovoltaic (PV) solar facility battery energy storage system (BESS) located on the west side of Lockhart Ranch Road (APN: 0490-183-65) and the gen-tie line located on the north side of Lockhart Ranch Road (APN 0490-121-49) is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The project design includes setbacks from roads as well as fencing to shield the facility from public view and conditioned to for the BESS equipment and substation structures to be painted an earthtone color to blend in with the surrounding desert topography.*

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

Consistency. *Security fencing with Desert tortoise fencing with a height of 7 feet will contain the Project Site's solar array along with existing fencing already in place to contain the and gen-tie line, which will be maintained for the life of the Project. All lighting will be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. The project design includes setbacks from roads as well as fencing to shield the facility from public view and conditioned to for the BESS equipment and substation structures to be painted an earthtone color to blend in with the surrounding desert topography.*

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

Consistency. *The Project site will not detract from the natural features, open space and visual qualities of the area as viewed from. The site is topographically located on flat terrain with little to no sloping, and adjacent to the existing Lockhart I and II Facilities with existing electric transmission lines and substations. The Project is also adjacent to additional solar facilities to immediate north and east. The facility will be compatible with the overall character of the area.*

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

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

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

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

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

Consistency. *The Project will be using water from be served by wells from the Mojave Solar Project to the east existing on-site wells. The Project's demand for water (11-acre feet annually) is not expected to exceed the water allotted to surrounding landowners.*

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

Consistency. *Minimal site grading is proposed for the majority of the site with finished topographical grades being similar to existing conditions (flat topographical terrain with little to no slope), and less than five percent grade on average.*

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

Consistency. *The Project with the proposed 1.1-mile-long gen-tie powerline is designed to connect up to existing transmission and access infrastructure to the east (Mojave Solar Project Alba substation), including transmission lines, utility corridors and roads. The Project will connect and deliver its power output to the existing Kramer Junction Substation.*

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

Consistency. *A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area and provided with the following Mitigation Measures to reduce impacts to less than significant:*

Mitigation Measure BIO-1.One (1) species (Silver cholla) as listed under the California Desert Native Plants Act (CDNPA) was encountered onsite and is provided with the following Mitigation Measure applied to the plant species in order to minimize impacts to the environment:

- *Silver cholla.*
    - *Require biologists familiar with silver cholla to mark all the plants prior to ground-disturbing activities and file with the County for a Tree Removal Permit with County pursuant to Chapter 88.01.050 (Native Tree or Plant Removal Permits) all prior to removing any CDNPA-protected cactus or plants from the Project and transplanted outside of a disturbance area whenever feasible.*

Five (5) species, Desert tortoise (Federally threatened), Burrowing owl (Candidate for listing as threatened species), Mojave ground squirrel (State threatened), American badger (Species of special concern) and Desert kit fox (Species of special concern) were encountered onsite and are provided with the following Mitigation Measures applied to each animal species in order to minimize impacts to the environment:

- *Mojave Desert tortoise.*
  - *Mitigation Measure BIO-2: Implement Worker Environmental Awareness Program (WEAP) briefing and training for construction staff*
  - *Mitigation Measure BIO-4: Implement preconstruction survey, exclusionary fencing, environmental awareness training.*
  - *Mitigation Measure BIO-5: Implement compensatory mitigation land to offset impacts to Mojave Desert tortoise).*
- *Burrowing owl.*
  - *Mitigation Measure BIO-2: Implement Worker Environmental Awareness Program (WEAP) briefing and training for construction staff*
  - *Mitigation Measure BIO-5: Compensatory mitigation land to offset impacts to Burrowing owl.*
  - *Mitigation Measure BIO-7: Implement take avoidance pre-construction survey with protect in place measures if species encountered.*
- *Mojave ground squirrel.*
  - *Mitigation Measure BIO-2: Implement Worker Environmental Awareness Program (WEAP) briefing and training for construction staff*
  - *Mitigation Measure BIO-5: Compensatory mitigation land to offset impacts to Mojave ground squirrel.*
  - *Mitigation Measure BIO-6: Trapping routine to relocate species, if encountered, offsite to a translocation area preapproved by CDFW.*
- *Desert kit fox.*
  - *Mitigation Measure BIO-2: Implement Worker Environmental Awareness Program (WEAP) briefing and training for construction staff.*
  - *Mitigation Measure BIO-12: Implement pre-construction den surveys, consult CDFW for passive translocation if tracks or evidence of burrow occupancy is observed.*
- *American badger.*
  - *Mitigation Measure BIO-2: Implement Worker Environmental Awareness Program (WEAP) briefing and training for construction staff.*
  - *Mitigation Measure BIO-12: Implement pre-construction den surveys, consult CDFW for passive translocation if tracks or evidence of burrow occupancy is observed.*

In addition, the Applicant's response to the California Energy Commission (CEC) Letter dated April 4, 2025 addresses how the Project will adhere to maintenance and repair of Desert tortoise exclusionary fencing during construction, assign a designated biologist onsite during all disturbance activities, perform inspection of under carriage vehicles for animals species prior to operating, limiting speed onsite at 15 miles per hour, and to update the Incidental Take Permit (ITP) to include the project gen-tie for Burrowing owl, Mojave ground squirrel, and Desert Tortoise will further minimize the project's impact to the environment.

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

Consistency. *The Project includes a condition to minimize the growth of invasive weeds during and following construction and operational life of the project.*

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

Consistency. *The procedure and protocol on how to address any cultural resources discovered during grading for the Project are addressed in the final conditions of approval for the project. As part of Native American Consultation pursuant to AB-52, the Yuhaaviatam of San Manuel Nation (YSMN) and Morongo Band of Mission Indians (MBMI) provided Mitigation Measures to reflect both tribal concerns associated with Project construction.*

In response, Mitigation Measure CUL-2 incorporates recommended YSMN and MBMI Mitigation Measures to address for a required Cultural Resources Monitoring and Treatment Plan (CRMTP) and for a required Tribal Monitoring Services Agreement between both tribes to be in place prior to the start of construction as contained in Mitigation Monitoring Reporting Plan (MMRP) to which the Project is conditioned to comply with at prior to grading/disturbance and during project grading and construction milestones.

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

Consistency. *The Project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. Furthermore, Grading and Erosion control plans, a Preliminary Drainage Study and a Stormwater Prevention Pollution Plan (SWPPP) shall be submitted for review and approval and obtained all prior to grading.*

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

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

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

Consistency. *Based on the National Flood Hazard Map, the entire Project Site is within Zone D, which indicates flooding hazards for the site have not been determined. The Project is conditioned to submit Grading and Erosion control plans, a Preliminary Drainage Study and a Stormwater Prevention Pollution Plan (SWPPP) to be submitted for review and approval to County all prior to grading to minimize impacts.*

Finding (c)(15) For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of

existing channels migrating into the proposed development footprint, resulting in erosion impacts.

> ***Consistency.*** *The Project site is located approximately 2 miles west of Harper Dry Lake and sited to avoid potential channel migration zones and associated erosion impacts.*

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

> ***Consistency.*** *The proposed Project will be located adjacent to an existing solar site (Mojave Solar Plant the east and Lockhart 1 and Lockhart 2 Solar Projects to the north). The existing undeveloped project site for the solar array (APN: 0490-183-65) and for the gen-tie site (APN: 0490-121-49) does not contain agricultural land and would not have an adverse effect on the agricultural viability of surrounding lands.*

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

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

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

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

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

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

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

> ***Consistency.*** *The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust and conditioned to be submitted for review and approval prior to release of the grading permit.*

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

Consistency. *The Project will apply dust control measures in compliance with permit conditions, MDAQMD regulations and adhere to protocol for dust control identified in the project specific Dust Control Plan.*

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

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

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

Consistency. *The applicant is conditioned to prepare a Dust Control Plan for review and approval by the County and MDAQMD. Included in the plan will be treatments and measures (i.e., watering access dirt road and onsite roads with water truck twice daily) and designed to the specific conditions of the project site so as to provide effective dust control for the project region.*

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

Consistency. *The applicant is conditioned to post signage and enforce a speed limit of 15 miles per hour for on-site vehicles.*

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

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

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

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

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

Consistent. *The Project Site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 55 miles to the northeast.*

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

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

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

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

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

Consistency. *The Project Site is not located within the Sphere of Influence of a city. The City of Barstow Sphere of Influence is located approximately 16 miles southeast of the Project site.*

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

Consistency. *The Project is conditioned to submit a Decommissioning Plan to be reviewed and approved by the County. Decommissioning of the site will occur in compliance with Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the project.*

EXHIBIT F

CONDITIONS OF APPROVAL

Conditions of Approval

Record:	PROJ-2023-00087	**System Date:**	05/16/2025
Record Type:	Project Application	**Primary APN:**	0490183650000
Record Status:	In Process	**Application Name:**	CF- CUP AND ZA AND POLICY PLAN AMENDMENT
Effective Date:		**Expiration Date:**	

Description: A POLICY PLAN AMENDMENT FROM RURAL LIVING (RL) TO RESOURCE LAND MANAGEMENT (RLM), AND ZONING AMENDMENT FROM RURAL LIVING TO RESOURCE CONSERVATION (RC) AND A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A 150-MEGAWATT (MW) PHOTOVOLTAIC (PV) SOLAR FACILITY WITH A 150-MW BATTERY ENERGY STORAGE SYSTEM (BESS) ON A 825-ACRE PARCEL APPROXIMATELY ELEVEN (11) MILES NORTHWEST OF HINKLEY ON ROUTE 395. APN: 0490-183-65; PROJ-2023-00087. PROJECT INCLUDES A 1.1 MILE GEN-TIE LINE WITH 95-FOOT-TALL POWER POLE INSTALLATION TO CONNECT TO EXISTING GEN-TIE LINE TO THE EAST TO CONNECT WITH THE ALPHA SUBSTATION.

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

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

2 **Expiration** - Status: Outstanding
This project permit approval shall expire and become void if it is not "exercised" within 36 months of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

3 **Continous Effect/Revocation** - Status: Outstanding
All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

4 **Extension of Time** - Status: Outstanding
Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

5 **Project Account** - Status: Outstanding
The Project account number is PROJ-2023-00087. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $3,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

6 **Development Impact Fees** - Status: Outstanding
Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

7 **Condition Compliance** - Status: Outstanding
Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following: • Grading Permits: a copy of the signed CCRF for grading/land disturbance. • Building Permits: a copy of the signed CCRF for building permits. • Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

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

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

10 **Continous Maintenance** - Status: Outstanding
The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking" designations and “Fire Lane” designations.

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

12 **Lighting** - Status: Outstanding
Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

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

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

15 **Construction Noise** - Status: Outstanding
The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

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

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

18 **On-going Condition** - Status: Outstanding
Human Remains. If in the event human remains are encountered during grading and trenching, the Project Applicant shall comply with the requirements for treatment of Native American human remains contained in California HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99. HSC Sections 7050.5-7055 describe the general provisions for treatment of human remains. Specifically, HSC Section 7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during excavation of a site. HSC Section 7050.5 also requires that all activities cease immediately, and a qualified archaeologist and Native American monitor be contacted immediately. As required by State law, the procedures set forth in PRC Section 5097.98 would be implemented, including evaluation by the County Coroner and notification of the NAHC. The NAHC would then designate the "Most Likely Descendent" of unearthed human remains. If human remains are found during excavation, excavation shall be halted in the vicinity of the discovery and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. Compliance with the established regulatory framework (i.e., HSC Sections 7050.5-7055 and PRC Sections 5097.98 and 5097.99). It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed by the Applicant and the Lead Agency and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, Parties, Applicant and Lead Agency shall withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254 (r).

19 **On-going Condition** - Status: Outstanding
Invasive Weeds. For fire preventative measures, during construction and operational life of the Project, the Project shall maintain in the removal and accumulation of invasive weeds and plants (live and dead) that are not native to the Project region.

20 **On-going Condition** - Status: Outstanding
A Special Use Permit shall be applied with fees paid to the Land Use Services Division on an annual basis for the purpose of inspections to be conducted by the Code Enforcement Department.

Public Health– Environmental Health Services

21 **Noise Levels** - Status: Outstanding
Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

22 **OWTS Maintenance** - Status: Outstanding
The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

23 **Refuse Storage and Disposal** - Status: Outstanding
All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

Public Works - Traffic

24 **Back Out Into Public Roadways** - Status: Outstanding
Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL

Land Use Services - Planning

25 **Subdivisions - Indemnification** - Status: Outstanding
In compliance with SBCC §81.01.070, the "developer" shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the "developer" of any claim, action, or proceeding and that the County cooperates fully in the defense. The "developer" shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the "developer" of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

26 **Informational Condition** - Status: Outstanding
Project Approval Description. A Policy Plan Amendment from Rural Living (RL) to Resource Land Management (RLM) and Zoning Amendment from Rural Living (RL) to Resource Conservation (RC), a Conditional Use Permit (CUP) for the construction and operation of a 150-megawatt (MW) photovoltaic (PV) solar facility with a 150-MW battery energy storage system (BESS) on an 825-acre parcel, and a Major Variance (PVAR-2024-00005) for a proposed 1.1-mile long gen-tie line to connect from the substation to the existing Alba Mojave substation.

27 **Informational Condition** - Status: Outstanding
Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

28 **Informational Condition** - Status: Outstanding
Project Location. Project site is located at 41650 Lockhart Ranch Road situated on approximately 596 acres of land within an approximate 825-acre parcel (APN 0490-183-65) in an unincorporated area of San Bernardino County in the community of Hinkley. The Project includes a major variance (PVAR-2024-00005) for a 1.1-mile-long gen-tie powerline corridor on a separate adjacent parcel to the east (APN 0490-121-49) as owned by Mojave Solar LLC. The Project site is a total of approximately 923-acres, located at 43450 Harper Lake Road in an unincorporated area of San Bernardino County in the community of Hinkley. (APNs: 0490-223-40, 0490-101-57, 0490-101- 60 and 0490-223-42).

County Fire - Community Safety

29 **F01 Jurisdiction** - Status: Outstanding
The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

30 **F04 Fire Permit Expiration** - Status: Outstanding
Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

31 **F08 Fire Safety Overlay** - Status: Outstanding
The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

32 **F60 Solar Plans** - Status: Outstanding
Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

33 **F61 Solar Surface** - Status: Outstanding
Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

34 **F62 Solar Access** - Status: Outstanding
The development shall have a minimum of ___two_____ points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels.

35 **F62 Solar Access** - Status: Outstanding
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36 **F70 Additional Requirements** - Status: Outstanding
In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1.Separate submittals will be required for the Fire Alarms in the containers, Solar System, BESS System and possibly the generator back

37 **F71 Proposal Changes** - Status: Outstanding
Any changes to this proposal shall require new Fire Department condition letter.

Land Use Services - Land Development

38 **Additional Drainage Requirements** - Status: Outstanding
In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

39 **Erosion Control Installation** - Status: Outstanding
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

40 **Joshua Trees** - Status: Outstanding
Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf

41 **Natural Drainage** - Status: Outstanding
The natural drainage courses traversing the site shall not be occupied or obstructed.

42 **Project Specific Conditions** - Status: Outstanding
Endangered Desert Plants. Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application. Provide a plant protection plan or removal plan prepared by a licensed biologist to be approved by the County LUS. Per the County General Plan Environmental Impact Report, provide a biological report and associated plan (uploaded as a separate attachment in the EZOP record) that shows any protected species including plant species with stems two inches or greater in diameter or six feet or greater in height including but not limited to those listed in: § 88.01.060 Desert Native Plant Protection. See related links: https://countywideplan.com/resources/document-download/ https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf?x23421 https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-175924

43 **Tributary Drainage** - Status: Outstanding
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

44 **Grading/Land Disturbance Condition** - Status: Outstanding
AQ Dust Control Plan. The developer shall prepare, submit for review and obtain approval from MDAQMD and County Planning of a Dust Control Plan (DCP) consistent with MDAQMD guidelines and a signed letter agreeing to include in any construction contracts/subcontracts a requirement that project contractors adhere to the requirements of the DCP. The DCP shall include the following requirements: a) Exposed soil shall be kept continually moist to reduce fugitive dust during all grading and construction activities, through application of water sprayed a minimum of two times each day. b) During high wind conditions (i.e., wind speeds exceeding 20 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall cease until wind speeds no longer exceed 20 mph. c) Storage/stockpiles that are to be left in place for more than three working days shall be sprayed with a non-toxic soil binder, covered with plastic or revegetated. d) Storm water control systems shall be installed to prevent off-site mud deposition. e) All trucks hauling dirt away from the site shall be covered. f) Construction vehicle tires shall be washed, prior to leaving the project site. g) Rumble steel plates shall be installed at the entrance to Lockhart Ranch Road at the intersection with Harper Lake Road and shall be cleaned on a daily basis to remove excess accumulation of dirt, rock and mud. h) The paved access roadway known as Harper Lake Road at the intersection of Lockhart Ranch Road (dirt road) shall be washed and swept daily when there are visible signs of dirt track-out from Lockhart Ranch Road appear onto Harper Lake Road. i) Street sweeping shall be conducted daily when visible soil accumulations occur along site access roadways to remove dirt dropped or tracked-out by construction vehicles. Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday and after street sweeping.

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

46 **Grading/Land Disturbance Condition** - Status: Outstanding
Prior to grading of the Project, a Designated Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and the Desert Tortoise Council (DTC) for the inspection of existing Mojave desert tortoise exclusionary fencing along Harper Lake Road and record any existing damage. Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor as approved by the CDFW and the DTC. Project-related repairs will be paid for by the Applicant.

47 **Grading/Land Disturbance Condition** - Status: Outstanding
CEQA Mitigation. Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

48 **Air Quality** - Status: Outstanding
Although the Project does not exceed MDAQMD District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality District (MDAQMD) is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 20 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

49 **Diesel Regulations** - Status: Outstanding
The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality District (MDAQMD) District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality District (MDAQMD) District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

50 **GHG - Construction Standards** - Status: Outstanding
The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

Land Use Services - Building and Safety

51 **Geotechnical Report** - Status: Outstanding
A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

Land Use Services - Land Development

52 **FEMA Flood Zone** - Status: Outstanding
The project is located within Flood Zone D according to FEMA Panel Number 06071C3250H dated 8/28/2008. Flood hazards are undetermined in this area, but they are still possible. However, the site is located within a flood hazard area for the 100-year floodplain shown on the Awareness Maps prepared by the California Department of Water Resources (DWR). Awareness floodplains identify the 100-year flood hazard areas using approximate assessment procedures. These floodplains will be shown simply as flood prone areas without specific depths and other flood hazard data. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

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

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

55 **Drainage Easements** - Status: Outstanding
Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities, and/or concentration of runoff from the site. The hydrologic/hydraulic calculations supporting the size of the easement(s) shall be submitted for review/approval by the Land Development Division prior to recording the easement. Proof of recordation shall be provided to the Land Development Division.

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

57 **Grading Plans** - Status: Outstanding
Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: https://lus.sbcounty.gov/land-https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

58 **On-site Drainage Easement** - Status: Outstanding
On-site flows shall be directed within a drainage easement.

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

60 **Streambed Alteration Agreement** - Status: Outstanding
California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at: https://www.wildlife.ca.gov/Conservation/LSA.

Public Health– Environmental Health Services

61 **Vector Control Requirement** - Status: Outstanding
The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

62 **Issuance/Building Permit Condition** - Status: Outstanding
Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

63 **Issuance/Building Permit Condition** - Status: Outstanding
Mitigation Monitoring and Reporting Program. The Project shall adhere to all Mitigation Measures codified in the Mitigation Monitoring and Reporting Program (MMRP) during all stages of development and for the operational life of the Project.

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

65 **Issuance/Building Permit Condition** - Status: Outstanding
Decommissioning Requirements. In accordance with SBCC 84.29.060, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements: a. Closure Plan. Following the operational life of the project, the project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds, or through the purchase of plant seeds native to the region (from a native plant seed provider) and shall be re-seeded following decommissioning. b. Closure Compliance. Following the operational life of the project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans shall include the following as applicable: • Water Quality Management Plan • Erosion and Sediment Control Plan • Drainage Report • Notice of Intent and Stormwater Pollution Prevention Plan • Air Quality Permits • Biological Resources Report • Incidental Take Permit, Section 2081 of the Fish and Game Code • Cultural Records Report • The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

County Fire - Community Safety

66 **F02 Fire Fee** - Status: Outstanding
The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

67 **F09 Building Plans** - Status: Outstanding
Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

68 **F19 Surface** - Status: Outstanding
Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

69 **F69 Haz-Mat Approval** - Status: Outstanding
The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

Land Use Services - Building and Safety

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

71 **Temporary Use Permit** - Status: Outstanding
A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

Land Use Services - Land Development

72 **Construction Permits** - Status: Outstanding
Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

73 **Paved Access Road** - Status: Outstanding
Paved Access Road to All Access Points. This project is required to have a minimum 26-foot-wide paved access road within a minimum 40-foot of right-of-way from the intersection of Lockhart Ranch Road and Harper Lake Road to the project entrance and designed to Modified County Standard 114b.

74 **Road Dedication/Improvements** - Status: Outstanding
The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Lockhart Road/ Easterly Property Line (Sectional Line – Modified 80 feet) • Road Dedication. A 50-foot radius return grant of easement is required at the intersection of Lockhart Road/ Easterly Property Line and Hoffman Road/ Northerly Property Line. • Driveway Approach. Design driveway approach per County Standard 129a and located per County Standard 130. Hoffman Road/ Northerly Property Line (Sectional Line – Modified 80 feet) • Road Dedication. A 50-foot radius return grant of easement is required at the intersection of Lockhart Road/ Easterly Property Line and Southerly Property Line. Westerly Property Line (Sectional Line – Modified 80 feet) • Road Dedication. A 50-foot radius return grant of easement is required at the intersection of Westerly Property Line / Easterly Property Line and Southerly Property Line.

75 **Road Standards and Design** - Status: Outstanding
All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

76 **Slope Easements** - Status: Outstanding
Slope rights shall be dedicated where necessary.

77 **Slope Tests** - Status: Outstanding
Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

78 **Soils Testing** - Status: Outstanding
Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

79 **Street Gradients** - Status: Outstanding
Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

80 **Transitional Improvements II** - Status: Outstanding
Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary and shown on the approved grading plan.

81 **Utilities.** - Status: Outstanding
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

82 **Existing OWTS** - Status: Outstanding
Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

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

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

PRIOR TO OCCUPANCY

Land Use Services - Planning

85 **Occupancy Condition** - Status: Outstanding
[FIRE HAZMAT] Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) or apply for exemption from permitting requirements.

86 **Occupancy Condition** - Status: Outstanding
[FIRE HAZMAT] Prior to occupancy, an application for one or more of these permits shall be obtained by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at http://cers.calepa.ca.gov/

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

88 **Occupancy Condition** - Status: Outstanding
Prior to occupancy of the Project, a Designated Biologist shall coordinate with the California Department of Fish and Wildlife (CDFW) and the Desert Tortoise Council (DTC) for the inspection of existing Mojave desert tortoise exclusionary fencing along Harper Lake Road and record any existing damage. Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor as approved by the CDFW and the DTC. Project-related repairs will be paid for by the Applicant.

89 **Fees Paid** - Status: Outstanding
Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2023-00087.

90 **Installation of Improvements** - Status: Outstanding
All required on-site improvements shall be installed per approved plans.

91 **Mitigation Measures** - Status: Outstanding
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

92 **Shield Lights** - Status: Outstanding
Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

93 **Condition Compliance** - Status: Outstanding
Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

County Fire - Community Safety

94 **F06 Inspection by Fire Department** - Status: Outstanding
Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

County Fire - Hazardous Materials

95 **Permit Required** - Status: Outstanding
Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at http://cers.calepa.ca.gov/ or apply for exemption from permitting requirements. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit https://sbcfire.org/hazmatcupa/ for more information.

Land Use Services - Building and Safety

96 **Condition Compliance Release Form Sign-off** - Status: Outstanding
Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

97 **Drainage Improvements** - Status: Outstanding
All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

98 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.

99 **Private Roads/Improvements** - Status: Outstanding
Prior to occupancy, all required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

100 **Road Improvements** - Status: Outstanding
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

101 **Structural Section Testing** - Status: Outstanding
A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Land Use Services - Planning

102 **Occupancy Condition** - Status: Outstanding
Public Safety Services Impact Fees. Upon completion and final construction of the Project, the developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule: Parcel Size Fee Per Acre 0-4.99 acres $580 5-14.99 acres $280 15 acres or greater $157 Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee for the CUP (Photovoltaic Project Site) on a per acre basis based on a project-specific study of the project's public safety services impacts, which study shall be paid at the developer's expense, using a consultant approved by the County. Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

103 **F11 Combustible Vegetation** - Status: Outstanding
Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586

104 **F41 Fire Alarm** - Status: Outstanding
A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a licensed fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

105 **F48 Material Identification Placards** - Status: Outstanding
The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

106 **F51 Commercial Addressing** - Status: Outstanding
Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter (¾) inch stroke.

107 **F55 Key Box** - Status: Outstanding
An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Lock (Knox ®).

APN: 0490183650000 Effective Date:

PROJ-2023-00087 Expiration Date:

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	**Office/Division**	**Phone Number**
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://ehs.sbcounty.gov	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
External Agencies (Caltrans, U.S. Army, etc.)		*See condition text for contact information...*

EXHIBIT G

PROJECT NOTICE
COMMENT LETTER AND RESPONSES

Project Notice

An application has been filed with County Planning

PROJECT NUMBER: PROJ-2023-00087

ASSESSOR PARCEL NO (APN): 0490-183-65

APPLICANT: Overnight Solar, LLC

LOCATION: **41650 Lockhart Rd.**

COMMUNITY: Hinkley

LUC/ ZONING: Rural Living (RL)/(Rural Living (RL)

Proposed Project Site

Project Proposal

A POLICY PLAN AMENDMENT FROM RURAL LIVING (RL) TO RESOURCE LAND MANAGEMENT (RLM), AND ZONING AMENDMENT FROM RURAL LIVING TO RESOURCE CONSERVATION (RC) FOR THE CONSTRUCTION AND OPERATION OF A 150-MEGAWATT (MW) PHOTOVOLTAIC (PV) SOLAR FACILITY WITH A 150-MW BATTERY ENERGY STORAGE SYSTEM (BESS) ON 825-ACRES

Anthony DeLuca, Senior Planner
Phone: 909.387.4738
E-mail: anthony.deluca@lus.sbcounty.gov
Fax: 909.387.3223

We'd love to hear from you….

Please submit comments by **November 8, 2023,** to be sure that they get considered in the review process. **However, comments will be taken up to the time of the project decision.** Please refer to this project by the Project Number and the Assessor Parcel Number (APN). If you have no comment, a reply is not necessary.

Name:

E-mail Address:

Mailing Address:

Project Decision

If you would like to be notified of the decision rendered for this project, please provide your contact information in the section below and mail this notice back to one of the addresses listed below.

Braginton, Jon

From: Jim Sugden <jimsugden@gmail.com>
Sent: Monday, October 30, 2023 1:44 PM
To: Warrick, Chris - LUS
Subject: Inquiry re Project Notice for Project No.: PROJ-2023-00087

Dear Mr. Warrick:

I am in receipt of the Project Notice re Project No. PROJ-2023-00087 from your office.

I am the owner of Assessor Parcel Number 0490-183-10, a 5 acre parcel that is immediately adjacent to the south border of the Project Site (PROJ-2023-00087; APN: 0490-183-65).

I would like to establish communication with your office to gather information on the proposed Policy Plan Amendment and Zoning Amendment so I can better understand the potential future impact of these proposed amendments along with the impact of the proposed project development on my property.

Upon first review, it is apparent that should this project be developed, it will cut off the primary access to my property from the east via the County Road that connects to the west end of Lockhart Road.

Additionally, if the Policy Plan and Zoning is amended for this adjacent property and a massive solar project is allowed to be built, it will surely have a negative impact on the value of my property which is zoned Rural Living. Would you want to live next to a massive solar installation?

Please accept this as my formal request to be copied, in a timely manner, on any Staff Reports pertaining to this Project.

Sincerely,

James B. Sugden
Phn: (714) 209-2000

From: Jim Sugden
To: Erica Rippe; Braginton, Jon
Subject: Re: Response to Inquiry re Project Notice for Project No.: PROJ-2023-00087
Date: Wednesday, January 3, 2024 5:42:40 PM
Attachments: image001.png

Dear Jon,

I own a five (5) acre parcel (APN: 0490-183-10-0000) that is immediately adjacent to the south border of the project ("PROJ-2023-00087") and I am requesting to be notified on any public notices, Board of Supervisors or Planning Commission hearings, and/or documents in connection with this project and the proposed Policy Plan and Zoning amendment from Rural Living (RL) to Resource/Land Management (RLM), including any CEQA documents and/or hearings.

I am very concerned about how the proximity of this project and the proposed Policy Plan and Zoning changes will affect the future usability, desirability and value of my adjacent property.

Sincerely,

Jim Sugden

On Wed, Nov 15, 2023 at 3:24 PM Erica Rippe <Erica.Rippe@swca.com> wrote:

> Hi Jon,
>
> I understand the County has received a public inquiry on 10-30-2023 from Jim Sugden. Per your request, SWCA has cc'd the landowner and prepared the below summary and response to the inquiry:
>
> The Landowner expressed concern that they will not be able to access their property land via County Road to the east to Harper Lake Road if the Project is developed. The landowner also noted concern with the Policy Plan Amendment and property value.

See the attached a figure, which shows the development footprint (hashed yellow), and the project parcel (red line). The project proposes fencing along the northwest side of the County Road, and no easement would be required. While the County Road passes through the project parcel, property owners would continue to have access to their properties.

The project development footprint is on the northwest side of the County Road to avoid the drainage and not impede local access.

The project is proposing a Policy Plan and Zoning amendment from Rural Living (RL) to Resource/Land Management (RLM) to allow for this land use change. This decision would be made at the Board of Supervisors or Planning Commission hearing for the CEQA document, which is being currently being scoped. Public notices (a CEQA Notice of Preparation) will be circulated for this project in the coming weeks. San Bernadino County encourages public comment on the scope and content of the CEQA document.

Further questions can be directed to San Bernadino County Planner: Jon Braginton at Jon.Braginton@lus.sbcounty.gov.

Erica Rippe | She/her

Project Environmental Planner

SWCA Environmental Consultants
95 3rd Street, Second Floor

San Francisco, California, 94103

Visit Our New Website!

From:	Braginton, Jon
To:	Jim Sugden
Cc:	Shamey, Anna; Erica Rippe; Warrick, Chris - LUS
Subject:	RE: Response to Inquiry re Project Notice for Project No.: PROJ-2023-00087
Date:	Friday, January 26, 2024 5:29:00 PM
Attachments:	Overnight Solar NOP_01172024.pdf image001.png image002.png

Hi Jim,

Please see the attached Notice of Preparation for the Proposed Project. There will be a Public Scoping Meeting held on Wednesday, January 31, 2024, at 4:00 pm PST via a virtual/online via Microsoft Teams (dial-in and online access capable). Instructions for dialing-in or connecting the Microsoft Teams Scoping Meeting can be found at the last page of the NOP.
We welcome your attendance and to provide your input, questions and any concerns that you have.

Thank You,

Jon Braginton

Jon Braginton
Planner
Land Use Services Department
Phone: 909-387-4110 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0187

Our job is to create a county in which those who reside and invest can prosper and achieve well-being.
www.SBCounty.gov

From: Jim Sugden <jimsugden@gmail.com>
Sent: Wednesday, January 3, 2024 5:42 PM
To: Erica Rippe <Erica.Rippe@swca.com>; Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>
Subject: Re: Response to Inquiry re Project Notice for Project No.: PROJ-2023-00087

Dear Jon,

I own a five (5) acre parcel (APN: 0490-183-10-0000) that is immediately adjacent to the south border of the project ("PROJ-2023-00087") and I am requesting to be notified on any public notices, Board of Supervisors or Planning Commission hearings, and/or documents in connection with this project and the proposed Policy Plan and Zoning amendment from Rural Living (RL) to Resource/Land Management (RLM), including any CEQA documents and/or hearings.

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>
> Further questions can be directed to San Bernadino County Planner: Jon Braginton at

Jon.Braginton@lus.sbcounty.gov.

Erica Rippe | She/her
Project Environmental Planner

SWCA Environmental Consultants
95 3rd Street, Second Floor
San Francisco, California, 94103

Visit Our New Website!

From: Braginton, Jon
To: "Jim Sugden"
Cc: Griffith, Rosie - LUS; Bustamonte, Thomas
Subject: RE: PROJ-2023-00087: Overnight Solar Project: Private Landowner Accessibility
Date: Wednesday, April 23, 2025 11:36:00 AM
Attachments: image001.png
image002.png

Hi Jim,

Forgot to add in conclusion that the southwesterly trending dirt road exiting off of the corner of Lockhart Ranch Road will continue to remain open for accessibility to your property and to the other adjacent property owners.

Jon

Jon Braginton
Planner
Land Use Services Department
Phone: 909-387-4110 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0187

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www.SBCounty.gov

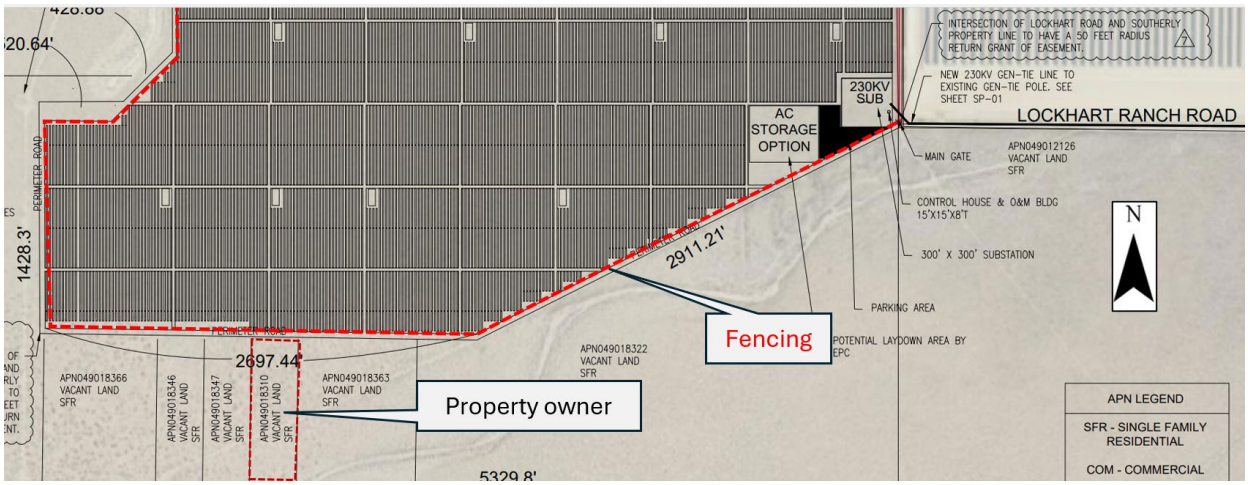
From: Braginton, Jon
Sent: Wednesday, April 23, 2025 9:44 AM
To: Jim Sugden <jimsugden@gmail.com>
Cc: Griffith, Rosie - LUS <Rosie.Griffith@lus.sbcounty.gov>; Bustamonte, Thomas <Thomas.Bustamonte@lus.sbcounty.gov>
Subject: RE: PROJ-2023-00087: Overnight Solar Project: Private Landowner Accessibility

Hi Jim,

Per our phone discussion yesterday, I spoke with the Applicant. I was informed the Project will not fence-off or block off access to the dirt road that leads to your property. As shown below in red-hashed, fencing will be constructed on the perimeter of the solar farm abutting the Perimeter Road (not the outer portion of the Perimeter Road), whereas the Perimeter Road will remain open for accessibility from off of Lockhart Ranch Road and will provide accessibility for private property owners adjacent to the project (including your property) to access their properties. Please let me know if you have any questions.

Thank You,

Jon



Jon Braginton
Planner
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San Bernardino, CA 92415-0187

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County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender

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From: Braginton, Jon
Sent: Tuesday, April 22, 2025 11:05 AM
To: Jim Sugden <jimsugden@gmail.com>
Cc: Griffith, Rosie - LUS <Rosie.Griffith@lus.sbcounty.gov>
Subject: PROJ-2023-00087: Overnight Solar Project

Hi Jim,

Please see that attached link to see the Project Draft EIR with Technical Studies. The Project is anticipated to go before the Planning Commission on May 22, 2025, and a Notice of Hearing is anticipated to be mailed out in two weeks to Agencies, Tribes, Surrounding Landowners and those who have inquired about the project. Will reach out to you shortly and am available to discuss with you the components of the Project. Please let me know if you have any questions.

Thank You,

Jon

https://lus.sbcounty.gov/planning-home/environmental/desert-region/

Jon Braginton
Planner
Land Use Services Department
Phone: 909-387-4110 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0187

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EXHIBIT H

CALIFORNIA ENERGY COMMISSION (CEC) LETTER

April 4, 2025

Jon Braginton, Planner
Land Use Services Department
385 N. Arrowhead Avenue
San Bernardino, CA 92415

OVERNIGHT SOLAR PROJECT AND MOJAVE SOLAR PROJECT SHARED FACILITIES -SCH No. 2024010434

Dear Jon Braginton,

The public comment period for the Overnight Solar Project (OSP) Draft Environmental Impact Report (DEIR), prepared by San Bernardino County under the California Environmental Quality Act (CEQA), began on October 2, 2024, and ended on November 18, 2024. All comment letters received after the expiration of the public review and comment period on November 18, 2024, are considered late comments.

A lead agency is required to consider comments on the DEIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).)

The California Energy Commission (CEC) appreciates San Bernardino County planning staff for their willingness to review and consider the CEC's comments on the DEIR for the OSP.

On December 20, 2024, Mojave Solar, LLC, the project owner of the Mojave Solar Project (MSP), filed a Post-Certification Petition for Changes in Project Design, Operation or Performance and Amendments to the Commission Decision (Petition) (TN# 260764) with the CEC pursuant to California Code of Regulations, title 20, section 1769.

The MSP is a 250-megawatt (MW)[1] solar electric generating facility that was certified by the CEC in September 2010 and began commercial operation in December 2014. The facility is located at 42134 Harper Lake Road in Hinkley, San Bernardino County.

MSP requested approval to share access to transmission line infrastructure and groundwater with the OSP, which is proposed by Overnight Solar, LLC; a wholly owned subsidiary of Atlantica and affiliate of the MSP project owner, and would be located adjacent to the MSP site.

In its Petition to Amend (PTA), MSP proposes to construct a 1.1-mile long 230 kilovolt (kV) generation interconnect (gen-tie) line on the MSP site. The 230 kV gen-tie would run east, across the southern portion of Alpha block, and connect to the existing gen-tie line located south of the Alpha substation, utilizing a t-tap into MSP's existing transmission facility to provide a power interconnection for OSP. Additionally, MSP would provide OSP with groundwater for fugitive dust suppression during the construction phase and for solar panel maintenance activities and fire suppression purposes, once operational. Approval of the MSP and OSP shared facilities petition would eliminate the need to establish new transmission and water infrastructure.

For additional information, the CEC's project webpage, https://www.energy.ca.gov/powerplant/solar-thermal/mojave-solar-project-abengoa has a link to the petition accessible through the webpage. Locate the box labeled "Compliance Proceeding" and select l the "Docket Log" option.

Based on the contents of the PTA and the OSP DEIR, CEC staff determined additional information is needed in the technical area of biological resources to address potential impacts to sensitive and candidate species.

Biological Resources

CEC biological resources staff is submitting this comment on the DEIR for the Overnight Solar Project with specific concerns regarding potential impacts to the desert tortoise from increased project-related traffic on Harper Lake Road. The DEIR does not directly evaluate or disclose potential traffic-related impacts to the desert tortoise along Harper Lake Road, despite identifying this roadway as the main access route during both construction and operation. 1

This is a significant omission given that:

[1] 25 MW increase 2015 LGIA Amendment (TN 259278)

- Harper Lake Road runs adjacent to lands that are designated as critical habitat for the desert tortoise and located within the Desert Wildlife Management Area (DWMA);

- Although parts of Harper Lake Road are fenced with desert tortoise exclusion fencing, the fencing is incomplete, with known gaps created for utilities and at the request of private landowners;

- These gaps could allow tortoises to access the roadway, and increased traffic volumes during construction (up to 325 daily trips) could substantially increase the risk of wildlife-vehicle collisions, including impacts to this state endangered and federally threatened species.

The Final EIR should include an analysis of potential impacts to the species along Harper Lake Road from increased traffic volumes during construction and any proposed mitigation measures to prevent desert tortoise mortality along this route including proposed measures in any state or federal permits.

In addition, the Final EIR should address potential project-related damage to the desert tortoise exclusion fence along Harper Lake Road. The fence has been impacted in the past by vehicle damage from other nearby projects, including those licensed by the CEC such as the SEGS IX (89-AFC-01C) and the MSP project. For the SEGS IX decommissioning, the CEC required that any project-related damage to the tortoise fence or culvert be repaired by a licensed contractor approved by the CEC's Compliance Project Manager, in coordination with the Desert Tortoise Preserve Committee (DTPC) (see *SEGS IX Decommissioning and License Termination Staff Analysis*, CEC Docket 89-AFC-01C, TN 248659, page 15). Similar requirements should be adopted in this Final EIR to ensure the fence is assessed pre and post construction and any damage caused by the OSP project is repaired at the cost of the project owner. Payments should be made solely to the DTPC, the entity responsible for maintenance of the fence.

The DEIR acknowledges the potential presence of western burrowing owl within the OSP project site, based on indirect evidence such as pellets, scat, and burrows observed during biological surveys. However, the DEIR assumes no new impacts from the gen-tie on the MSP site, stating that this component is located within a previously developed and fenced area associated with the MSP project site, and therefore, "are not considered to have the potential to impact biological resources." (DEIR, page 3.3-1). CEC staff notes that there is a confirmed 2024 sighting of western burrowing owl documented by the MSP Designated Biologist within approximately 2,000 feet of the gen-tie alignment, and other sightings within the MSP fence line that are documented in the Annual Compliance Reports for the MSP, indicating that suitable and actively used habitat remains in close proximity (TN 261683). The gen-tie may involve ground

2

disturbance, maintenance vehicle access, or construction staging, all of which can pose direct or indirect risks to burrowing owls.

The Final EIR should include an updated analysis of potential burrowing owl presence along the gen-tie corridor on the MSP site—particularly in consideration of the 2024 sighting—and apply Mitigation Measure BIO-7, as impacts are reasonably foreseeable.

The CEC, Siting, Transmission and Environmental Protection Division appreciates the opportunity to provide comments on the Overnight Solar Project DEIR. If you have any questions, please contact Compliance Project Manager, Ashley Gutierrez, Compliance Monitoring and Enforcement Unit, Safety and Reliability Branch, at (916) 839-0400 or Ashley.Gutierrez@energy.ca.gov. We look forward to working cooperatively with the County of San Bernardino.

Sincerely,

Hurshbir Shahi

Hurshbir Shahi, Supervisor
Compliance Monitoring and Enforcement Unit
Safety and Reliability Branch
Siting, Transmission, and Environmental Protection Division

Hurshbir Shahi, Supervisor
California Energy Commission
Compliance Monitoring and Enforcement Unit
715 P Street, MS-2000
Sacramento, CA 95814

Received on April 4, 2025

CALIFORNIA ENERGY COMMISSION COMMENT LETTER RESPONSE

Response to Comment 1

The California Energy Commission (CEC) stated concerns that the Project would result in potential impacts to the desert tortoise from increased traffic along Harper Lake Road and that these potential impacts were not analyzed in the Draft EIR. While Harper Lake Road would be utilized as a route for construction and operation workers, as well as equipment and materials deliveries, no modifications or upgrades to Harper Lake Road are proposed as part of the Project. A detailed description of the Project was provided in Section 2, Project Description, of the Draft EIR. A complete traffic analysis was also completed and included in Section 3.12 Transportation, of the Draft EIR, and found that construction traffic generated by the Project has the potential to cause temporary impacts to transportation and traffic in the area, however, due to the temporary nature of the construction, the impacts would be short lived. All transportation-related potential impacts were found to be less than significant and no mitigation measures were required.

The Mojave desert tortoise (*Gopherus agassizii*) is a federally and State listed threatened species under the jurisdiction of the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). The Applicant submitted an application for authorized take of the Mojave desert tortoise through the issuance of a California Endangered Species Act (CESA) Incidental Take Permit (ITP) on August 30, 2024. The Applicant's consultation with CDFW has been ongoing with bi-weekly meetings since November 2023. Additionally, the Applicant has been working with the USFWS and CDFW to include mitigation measures in the EIR such as the installation of exclusionary fencing, clearance surveys, monitoring, and compensatory mitigation, which are included as amended in the Final EIR (see Mitigation Measures BIO-4 and BIO-5). Should take of a Mojave desert tortoise occur as on any part of the Project, the Applicant would coordinate with the USFWS and CDFW, per their ITP. The Applicant will continue to consult with the USFWS and CDFW regarding potential impacts to the Mojave desert tortoise.

Additionally, out of an abundance of caution, as part of the Project's Worker Environmental Awareness Program (WEAP) training, workers will conduct vehicle inspections underneath and around vehicles prior to moving them. The Applicant will also conduct pre- and post-construction surveys of the existing Mojave desert tortoise exclusionary fencing along Harper Lake Road and agrees to repair any damage to the fence that was a result of Project-related construction activities. Repairs will be completed by a licensed contractor approved by the CDFW. Existing fence gaps and/or repairs for damages already existing would be completed by others and coordinated

directly between landowners and the CEC. These changes have been included in Mitigation Measure BIO-4 of the Final EIR, as follows:

BIO-4 Desert tortoise exclusionary fencing shall be installed around the facility, in conjunction with the security fence, according to the specifications provided by the USFWS Desert Tortoise Field Manual (2009) and applicable permits. The installation of desert tortoise exclusionary fencing will precede any ground-disturbing construction activities associated with construction of the solar facility. Installation of desert tortoise exclusionary fencing will be supervised by a Designated Biologist ~~or Biological Monitor~~.

Once the installation is complete, Designated Biologists and Biological Monitors shall perform a clearance survey for desert tortoise within the exclusionary perimeter fencing, in accordance with ~~the~~ Chapter 6 of the USFWS 2009 Desert Tortoise (Mojave Population) Field Manual (*Gopherus agassizii*) ~~2019 USFWS Clearance Survey Protocol for the Mojave Desert Tortoise~~. If the species is determined present within the project site, individual(s) ~~shall be allowed to leave the site on their own or~~ will be relocated, per a translocation plan reviewed and approved by USFWS and CDFW, by a Designated B~~b~~iologist that is authorized to relocate desert tortoise by USFWS and CDFW.

Disturbance activities shall be monitored, as follows:

- Environmental awareness training (see **BIO-2**) shall include education on desert tortoise and Mohave ground squirrel, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. If desert tortoises or other protected species are encountered, such vehicles shall not be moved until they have voluntarily moved away from the vehicle and out of harm's way, or a qualified biologist has moved them.
- If a desert tortoise is present, a Designated Biologist ~~Biological Monitor~~ shall be present during all disturbance activities in the vicinity of exclusionary fencing ~~(if required)~~ and shall have the authority to stop work as needed to avoid direct impacts to desert tortoises. ~~Periodic biological~~ Daily inspections of the fence's perimeter and maintenance shall be conducted during the construction period to ensure the integrity of exclusionary fencing ~~(if required)~~. Work may proceed within the excluded area when the Designated Biologist ~~Biological Monitor~~ confirms all desert tortoises have left the excluded area.
- Should desert tortoises be found during construction activities, the Designated Biologist and/or Biological Monitor shall have the authority to stop work as needed to avoid direct impacts to tortoises, and further consultations with the USFWS and CDFW shall take place prior to relocating the desert tortoises.

Prior to grading and occupancy of the Project, a Designated Biologist shall inspect the existing Mojave desert tortoise exclusionary fencing along Harper Lake Road (from Highway 58 to Lockhart Ranch Road) and record any existing damage. Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor approved by the CDFW. Project-related repairs will be paid for by the Applicant.

Speed limits on the Project Site shall be posted and will be limited to 15 miles per hour.

> Off-road travels shall be prohibited in all native habitats adjacent to the Project Site during construction and operation, except when required for relocating species under the preapproved translocation plans for Mohave ground squirrel (*Xerospermophilus mohavensis*) (see **BIO-6**) and desert tortoise (*Gopherus agassizii*). Prohibited areas shall be posted with signage prior to initiation of construction. Parking areas for the construction crews shall be designated and clearly marked (i.e., equipment staging area).
>
> Trash and food items shall be contained in closed containers and removed daily to reduce attractiveness to opportunistic predators of desert tortoise (e.g., ravens, coyotes, feral dogs).
>
> Employees shall not bring pets to the construction site.

No speed limit changes have been proposed for Harper Lake Road due to previous safety issues during construction of the Mojave Solar Facility. The CEC's Certification initially included a reduced speed measure along Harper Lake Road from 55 miles per hour down to 25 miles per hour, however, due to several accidents involving area residents crossing over into oncoming traffic to pass the slower construction vehicles, a Petition to Amend and remove the speed limit reduction on Harper Lake Road was submitted. CEC approved this amendment on August 17, 2012 and is attached to this response letter.

Response to Comment 2

The CEC stated concerns that the Draft EIR did not include an analysis of potential impacts to western burrowing owl (*Athene cunicularia*) along the generation tie (gen-tie) line corridor, within the existing Mojave Solar Facility. In March of this year, the Applicant conducted an additional survey for western burrowing owls, including the gen-tie corridor. No signs of western burrowing owl were found within the gen-tie corridor. Additionally, out of an abundance of caution, Mitigation Measure BIO-7 has been updated to include the gen-tie corridor, and the Applicant's ITP has been updated to include the gen-tie corridor for all three species, including western burrowing owl. These survey results and changes have been included in Section 3, Minor Revisions to the Draft EIR, of the Final EIR.

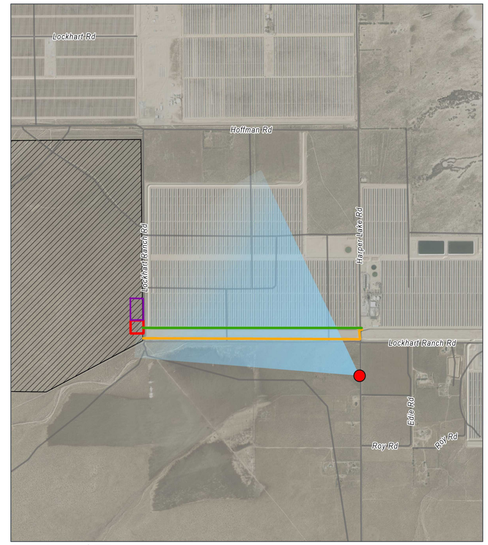
EXHIBIT I

VISUAL SIMULATIONS

Existing Condition KOP 1: View from Harper Lake Road looking northwest

Simulated Condition KOP 1: View of Route Option A from Harper Lake Road looking northwest

Viewing Location



Typical Structures

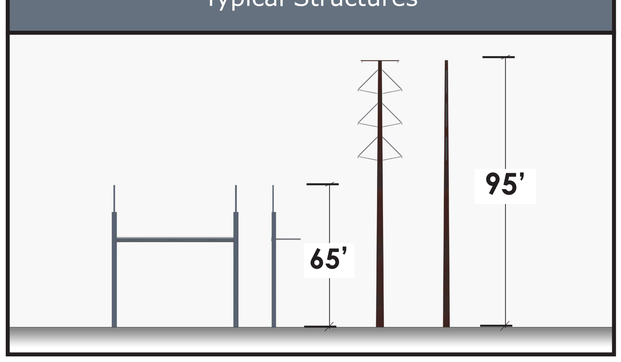


Photo Date and Time: December 11, 2023, 12:59 pm

View Location: Approximate distance to nearest monopole from photo location is 1200 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

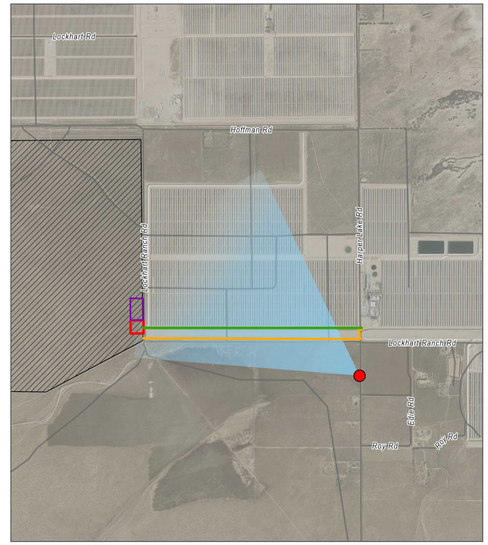
Simulation from KOP 1: View from Harper Lake Road

SWCA® ENVIRONMENTAL CONSULTANTS

Existing Condition KOP 1: View from Harper Lake Road looking northwest

Simulated Condition KOP 1: View of Route Option B from Harper Lake Road looking northwest

Viewing Location



OVERNIGHT SOLAR

KOP 1

Project Area
KOP Point
Photography Angle
Route A (North of Canal)
Route B (South of Canal)
Switchyard
BESS

Note: Field of view shading does not represent visibility.

0 1,000 2,000 Feet

N

Typical Structures

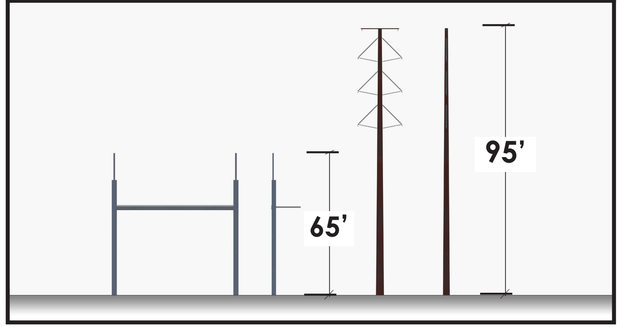


Photo Date and Time: December 11, 2023, 12:59 pm

View Location: Approximate distance to nearest monopole from photo location is 920 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

Simulation from KOP 1: View from Harper Lake Road

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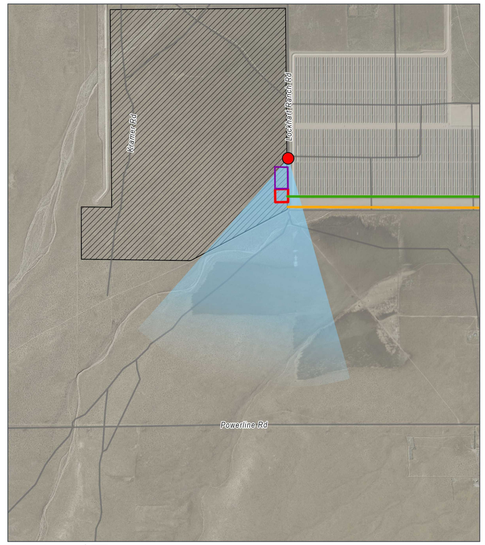
Existing Condition KOP 2: View from Lockhart Ranch Road looking southwest

Simulated Condition KOP 2: View of Route Option A from Lockhart Ranch Road looking southwest

Viewing Location



Typical Structures

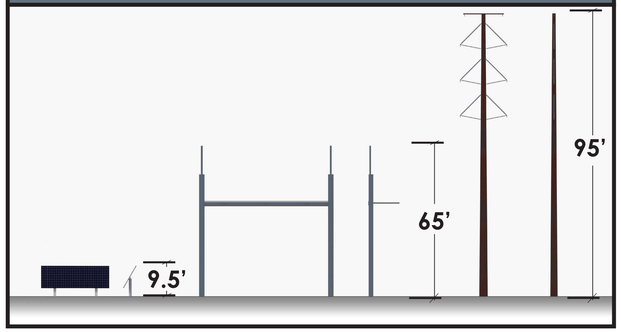


Photo Date and Time: June 6, 2024, 2:16 pm

View Location: Approximate distance to nearest solar panel from photo location is 150 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

Simulation from KOP 2: View from Lockhart Ranch Road

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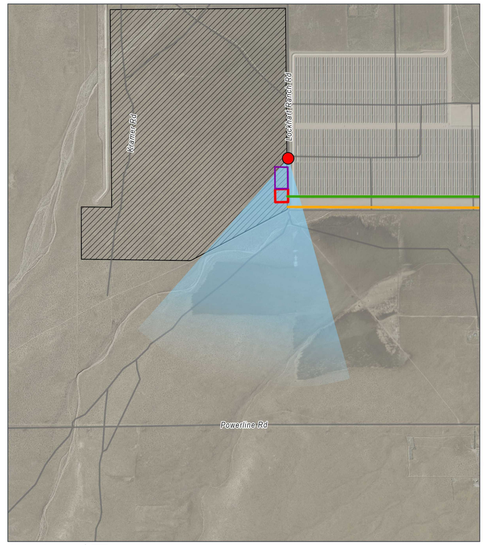
Existing Condition KOP 2: View from Lockhart Ranch Road looking southwest

Simulated Condition KOP 2: View of Route Option B from Lockhart Ranch Road looking southwest

Viewing Location



Typical Structures

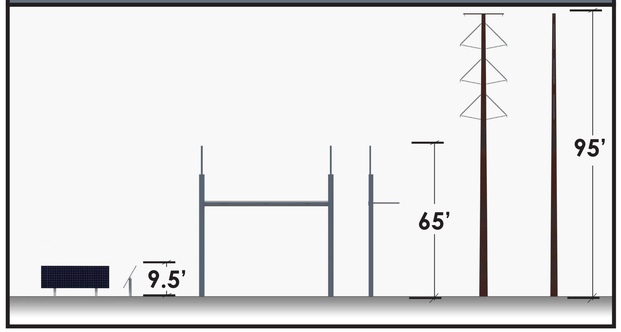


Photo Date and Time: June 6, 2024, 2:16 pm

View Location: Approximate distance to nearest solar panel from photo location is 150 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

Simulation from KOP 2: View from Lockhart Ranch Road

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Existing Condition KOP 3: View from the intersection of Lockhart Ranch Road and Hoffman Road looking southwest

Simulated Condition KOP 3: View of Route Option A from the intersection of Lockhart Ranch Road and Hoffman Road looking southwest

Viewing Location

Typical Structures

Photo Date and Time: May 1, 2025, 1:47 pm

View Location: Approximate distance to nearest solar panel from photo location is 275 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

Simulation from KOP 3: View from the intersection of Lockhart Ranch Road and Hoffman Road

SWCA® ENVIRONMENTAL CONSULTANTS

Existing Condition KOP 3: View from the intersection of Lockhart Ranch Road and Hoffman Road looking southwest

Simulated Condition KOP 3: View of Route Option B from the intersection of Lockhart Ranch Road and Hoffman Road looking southwest

Viewing Location

Typical Structures

Photo Date and Time: May 1, 2025, 1:47 pm

View Location: Approximate distance to nearest solar panel from photo location is 275 feet.

Simulations were prepared using information provided by Atlantica. Structure locations, colors, and heights may be different based on final engineering and design.

Overnight Solar Transmission Project | May 2025

Simulation from KOP 3: View from the intersection of Lockhart Ranch Road and Hoffman Road

SWCA® ENVIRONMENTAL CONSULTANTS

EXHIBIT J

RESOLUTION AND ORDINANCE

RESOLUTION NO. 2025-__
A RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, REGARDING THE [INSERT] CYCLE 2025 POLICY PLAN LAND USE ELEMENT AMENDMENT

On Tuesday, [date], 2025, on motion by _____, duly seconded by _____, and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the Policy Plan serves as the general plan for San Bernardino County; and

WHEREAS, Section 65358 of the Government Code requires that any mandatory element of a general plan shall be amended no more than four times during any calendar year; and

WHEREAS, the Policy Plan amendment contained in this resolution constitutes the [insert cycle number] amendment to the Policy Plan Land Use Element during the 2025 calendar year; and

WHEREAS, properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors ("Board") of San Bernardino County, State of California, pursuant to the Planning and Zoning Law (Government Code sections 65000 *et seq*.) and the San Bernardino County Development Code (San Bernardino County Code sections 81.01.010 *et seq*.) for the Policy Plan amendment set forth within this resolution; and

WHEREAS, the Policy Plan amendment set forth within this resolution has been determined by the Board to be consistent with the Policy Plan and is adopted pursuant to Government Code section 65356 and San Bernardino County Code section 86.12.060; and

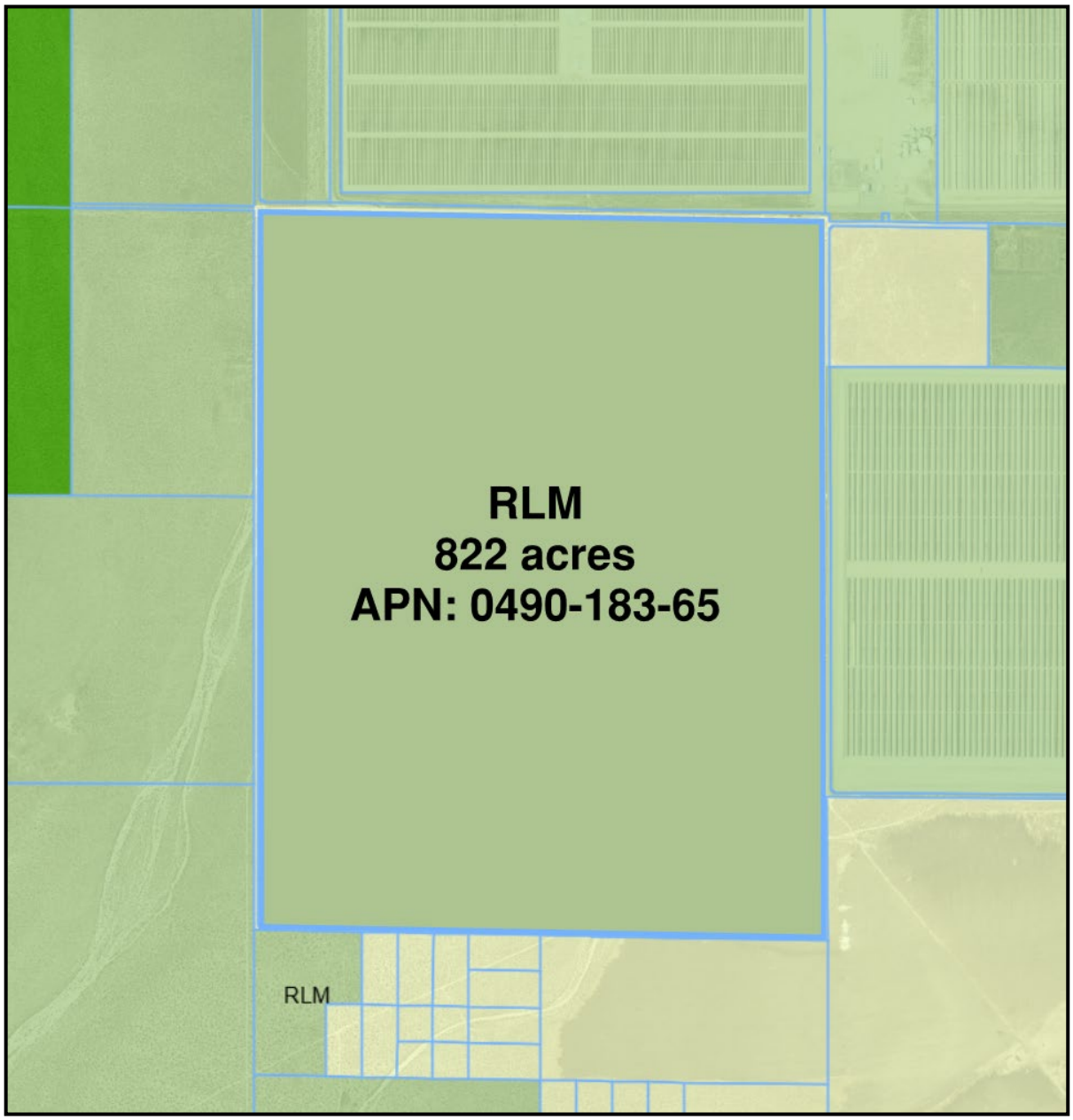
WHEREAS, the findings set forth in the Report/Recommendation to the Board and Record of Action adopted by the Board on [insert date of Board hearing] concerning the Policy Plan amendment set forth within this resolution are incorporated herein by reference and are hereby adopted by the Board.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby amends Policy Plan Land Use Element, LU-1 Land Use Map as follows:

SECTION 1. The above recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. The Policy Plan Land Use Element, LU-1 Land Use Map is amended as shown in Figure 1 on the attached map from Rural Living (RL) Land Use Category designation to Resource Land Management (RLM) Land Use Category designation on one (1) parcel totaling 822 acres located at 41650 Lockhart Road, Hinkley, CA 92347.

Figure 1



SECTION 3. The Policy Plan amendment shall become effective 30 days after the adoption of this resolution. This resolution was passed and adopted by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL,** Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of _____.

LYNNA MONELL
Clerk of the Board of Supervisors

By_____
Deputy

Approved as to Legal Form
TOM BUNTON
County Counsel

By:_____
JASON M. SEARLES
Supervising Deputy County Counsel

Date:_____

ORDINANCE NO. ____
LAND USE ZONING DISTRICT MAP AMENDMENT

AN ORDINANCE OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, TO AMEND SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT MAP CHDH A

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

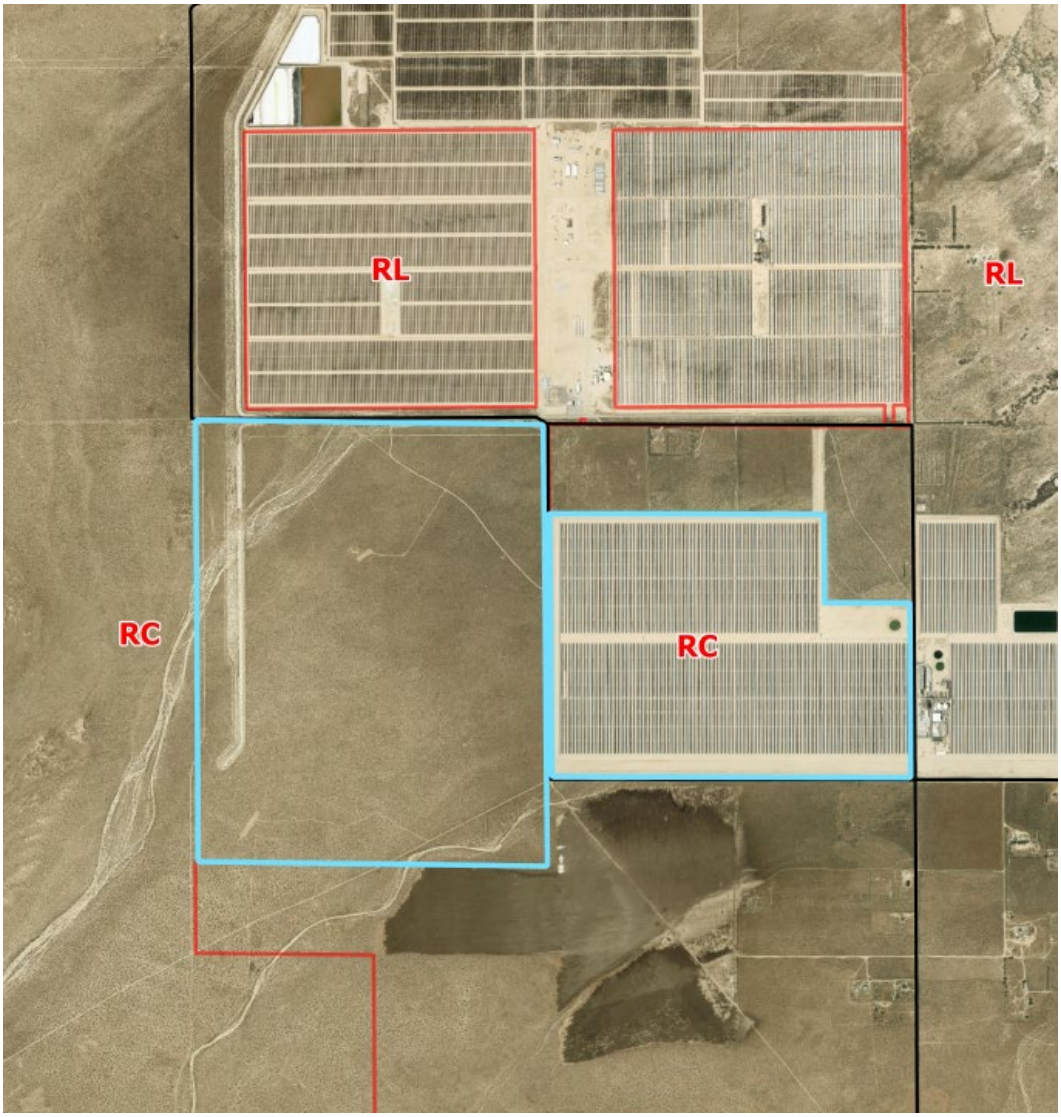
(a) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors ("Board") of San Bernardino County, State of California, pursuant to the Planning and Zoning Law (Government Code sections 65000 *et seq*.) and the San Bernardino County Development Code (San Bernardino County Code sections 81.01.010 *et seq*.) for the land use zoning district map amendment set forth within this ordinance.

(b) The land use zoning district map amendment set forth within this ordinance has been determined by the Board to be consistent with the San Bernardino County Policy Plan, including any and all applicable specific plan, and is adopted pursuant to Government Code section 65857 and San Bernardino County Code section 86.12.060.

(c) The findings set forth in the Report/Recommendation to the Board and Record of Action, adopted by the Board on [insert date of Board hearing] concerning the land use zoning district map amendment set forth within this ordinance are incorporated herein by reference and are hereby adopted by the Board.

SECTION 2. San Bernardino County Land Use Zoning District Map DH30 is amended as shown in Figure 1 on the attached map from Rural Living (RL) Land Use Zoning District to Resource Conservation (RC) Land Use Zoning District on two (2) parcels totaling 1,278 acres located at 41650 Lockhart Ranch Road, Hinkley, CA 92347 (APN 0490-183-65) and 42134 Harper Lake Road, Hinkley, CA 92347 (APN 0490-121-49).

Figure 1



SECTION 3. San Bernardino County Land Use Zoning District Map CHDH A amendment shall become effective 30 days after the adoption of this ordinance.

_____
DAWN ROWE, Chair
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIR OF THE BOARD

LYNNA MONELL,
Clerk of the Board of Supervisors
of San Bernardino County

_____

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the _____ of _____, 2025, at which meeting were present Supervisors:__ _____, and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this _____ of _____, 2025.

Approved as to Form
TOM BUNTON
County Counsel

By:_____
JOLENA E. GRIDER
Deputy County Counsel

Date:_____

LYNNA MONELL,
Clerk of the Board of Supervisors

By:_____
Deputy

EXHIBIT K

NOTICE OF HEARING RESPONSES

From:	Gutierrez, Ashley@Energy
To:	Braginton, Jon
Cc:	Mahnaz Ghamati; Ravneet Singh; Crisp, Ann@Energy
Subject:	RE: OSP FEIR Publishing Date
Date:	Thursday, May 15, 2025 10:52:54 AM
Attachments:	image001.png image002.png

Hi Jon,

Thank you for sending the FEIR over. I couldn't locate it on CEQAnet, only the DEIR was listed, FYI. Additionally, we reviewed the OSP FEIR and found on page 2 it states, "Damage to the exclusionary fencing determined to be a result of Project construction activities will be repaired by a licensed contractor approved by the CDFW." Please note the Desert Tortoise Preserve Committee (DTPC) is the entity responsible for maintenance of the fence and they will need to be included in the repair planning process. Please ensure DTPC is included in planning/repair discussions of the exclusionary fencing.

DTPC Contact:

Jun Y. Lee
TEL (213) 300-5220
junylee@gmail.com

Thank you.

Best Regards,
Ashley Gutierrez | Compliance Project Manager
California Energy Commission
Siting, Transmission, and Environmental Protection Division (STEP)
Safety and Reliability Branch
Compliance Monitoring and Enforcement Unit
715 P Street, MS-2000, Sacramento, CA 95814
Work/Cell: (916) 839-0400
Email: ashley.gutierrez@energy.ca.gov

From: Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>

Sent: Tuesday, May 13, 2025 7:36 PM
To: Gutierrez, Ashley@Energy <Ashley.Gutierrez@energy.ca.gov>
Cc: Mahnaz Ghamati <mahnaz.ghamati@atlantica.com>; Ravneet Singh <ravneet.singh@atlantica.com>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: RE: OSP FEIR Publishing Date

Hi Ashley,

The FEIR was posted online on May 9, 2025. Please refer to the following link:

https://lus.sbcounty.gov/wp-content/uploads/sites/48/Overnight-Solar-FEIR.pdf

Jon Braginton
Planner
Land Use Services Department
Phone: 909-387-4110 / 760-776-6144
Fax: 909-387-3223
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0187

Our job is to create a county in which those who reside and invest can prosper and achieve well-being.
www.SBCounty.gov

From: Gutierrez, Ashley@Energy <Ashley.Gutierrez@energy.ca.gov>
Sent: Tuesday, May 13, 2025 12:52 PM
To: Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>
Cc: Mahnaz Ghamati <mahnaz.ghamati@atlantica.com>; Ravneet Singh <ravneet.singh@atlantica.com>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: OSP FEIR Publishing Date

Hello Jon,

What is the projected publish date for the OSP FEIR? We are exploring possible publish dates for their PTA and want to file *after* the FEIR is released.

Best Regards,
Ashley Gutierrez | Compliance Project Manager
California Energy Commission
Siting, Transmission, and Environmental Protection Division (STEP)
Safety and Reliability Branch
Compliance Monitoring and Enforcement Unit
715 P Street, MS-2000, Sacramento, CA 95814
Work/Cell: (916) 839-0400
Email: ashley.gutierrez@energy.ca.gov

From:	Ed Larue
To:	Macias, Ivonne; Braginton, Jon; Judy Hohman
Cc:	Griffith, Rosie - LUS
Subject:	Re: Notice of Hearing for PROJ-2023-00087
Date:	Monday, May 12, 2025 12:18:06 PM
Attachments:	image001.png image002.png

Thanks, Jon,

Good luck!

Ed LaRue

On Monday, May 12, 2025 at 11:33:39 AM PDT, Braginton, Jon <jon.braginton@lus.sbcounty.gov> wrote:

> Hi Ed,
>
> Confirmed. Also, for your availability, below is the link to the FEIR.
>
> Jon
>
> https://lus.sbcounty.gov/wp-content/uploads/sites/48/Overnight-Solar-FEIR.pdf
>
> **Jon Braginton**
>
> Planner
> ***Land Use Services Department***
> Phone: 909-387-4110 / 760-776-6144
> Fax: 909-387-3223
> 385 N. Arrowhead Ave.
>
> San Bernardino, CA 92415-0187
>
> 
>

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From: Ed Larue <ed.larue@verizon.net>
Sent: Saturday, May 10, 2025 10:23 AM
To: Macias, Ivonne <Ivonne.Macias@lus.sbcounty.gov>; Braginton, Jon <Jon.Braginton@lus.sbcounty.gov>
Subject: Re: Notice of Hearing for PROJ-2023-00087

Dear San Bernardino County,

As I understand it, this is a notice for a final EIR, and unless we are filing a formal protest, there is no need to comment as the County is not obligated to further modify the EIR. PLease confirm, thanks!

Ed LaRue

Desert Tortoise Council

On Wednesday, May 7, 2025 at 02:52:31 PM PDT, Macias, Ivonne <ivonne.macias@lus.sbcounty.gov> wrote:

> We are writing to inform you of an upcoming hearing regarding PROJ-2023-00087.
>
> Attached to this email is the official Notice of Public Hearing that was distributed Today.
>
> If you wish to provide public comment, you may do so by: emailing your comment to planningcommissioncomments@lus.sbcounty.gov, or by submitting a speaker's slip in person on the day of the hearing, May 22, 2025 at 9:00AM.

Thank you for your attention to this notice.

Kind Regards,

Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov