

Staff Report 42

APPLICANT:

59TC 8me LLC, a Delaware Limited Liability Company

50LW 8me LLC, a Delaware Limited Liability Company

26SB 8me LLC, a Delaware Limited Liability Company

51LV 8me LLC, a Delaware Limited Liability Company

PROPOSED ACTION:

Consider application for a General Lease – Right-of-Way Use of indemnity school lands for a 230 kV overhead electrical transmission line on up to 8 steel poles, a communication line, together with appurtenant facilities.

AREA, LAND TYPE, AND LOCATION:

A strip of land 100 feet in width containing approximately 6.49 acres located in a portion of Section 18, Township 11 North, Range 12 West, SBM, west of Mojave, Kern County.

AUTHORIZED USE:

Construction, operation, and maintenance of a 230 kV overhead electrical transmission line on up to 8 steel poles, a communication line, together with appurtenant facilities.

TERM:

40 years; beginning February 25, 2022.

CONSIDERATION:

\$2,336 per year; with an annual Consumer Price Index adjustment as specified in Paragraph 1 of Section 2 - Special Provisions. Lessee may pay the rent in full at any time during the term of the lease by paying an amount equal to the then current

Adjusted Annual in effect on the date of such payment multiplied by the number of years remaining in the Term.

SPECIFIC LEASE PROVISIONS:

- Lessee will take all reasonable and necessary actions to prevent, suppress, and control fires on the Lease Premises.
- Insurance: Liability insurance in an amount no less than \$5,000,000 per occurrence.
- Surety Bond or Other Security: \$50,000.
- Decommissioning Bond: \$225,000.
- Lessee will prepare and submit a decommissioning plan on or before the 30th anniversary of the lease for Commission staff approval for environmental review of the removal of the improvements and restoration of the Lease Premises.
- Lessor reserves the right to increase the Decommissioning Bond upon review and approval of the decommissioning plan.

PROJECT DESCRIPTION:

The Applicant has applied to the Commission for a General Lease – Right-of-Way Use on indemnity school lands on the north side of Oak Creek Road west of Mojave in Kern County (County). The proposed project would construct an overhead 230 kV electrical transmission line and communication line on up to 8 steel poles in a 100-foot-wide and approximately 2,951-foot-long right-of-way. There will be a designated area of impact of approximately 100 square feet, centered on each pole. The area will be slightly graded to a 25-foot by 25-foot area around each pole for worker safety and equipment stability. A drill rig and crane will be mobilized to drill and set the poles. The crane used to erect the structures will be mounted on rubber wheels.

The Bellefield Solar Project is a proposed photovoltaic solar facility and energy storage system capable of producing up to 1,500-megawatt (MW) alternating current utility-scale solar power with an up to 1,500 MW-hour (MWh) energy storage capacity on approximately 8,371 acres of privately-owned land east of Mojave in Kern County. The proposed photovoltaic solar facility and energy storage system would be connected to the Southern California Edison (SCE) Windhub Substation west of Mojave by way of a 230 kilovolt (kV) overhead electrical transmission line which crosses State-owned indemnity school lands at this location.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6217.5, 6301, 6501.1, 6503, 6503.5, and 8701; California Code of Regulations, title 2, sections 2000 and 2003.

STATE'S BEST INTERESTS:

The proposed Project would help facilitate development of solar energy in California. Renewable energy projects, such as solar energy facilities, will help reduce the State's dependence on fossil-fuel sources and achieve its clean energy goals. A lease term of 40 years would coincide with the life expectancy of the improvements. The proposed lease does not alienate the State's fee simple interest and does not grant the lessee exclusive rights to the lease premises. The lease requires the Applicant to insure and indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises and to maintain the improvements at its sole expense. The lease also requires the payment of rent, which generates revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.

CLIMATE CHANGE:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The lease area is open lands with moderate to low vegetation fuels, and are vulnerable to the above events, including dust storms and flash flooding from thunderstorms, and to a lesser extent, wildland fires. The leased lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the leased lands for transmission and communication lines.

TRIBAL COORDINATION AND CONSULTATION:

On September 26, 2019, the County submitted a Sacred Lands File search request to the Native American Heritage Commission (NAHC). The NAHC responded via an email dated October 2, 2019, stating that no Native American cultural resources are known to exist within the project site or the immediate vicinity. The NAHC also provided a list of Native American Tribal representatives affiliated with the project site to be contacted for additional information regarding tribal cultural resources. On June 17, 2020, notification letters were sent to the Native American groups indicated by the NAHC. The letters included a description of the proposed project,

the project location, and a notification of the type of consultation that the County was initiating. Additionally, on June 17, 2020, the County also sent consultation notification letters via certified mail to Native American tribes on the County's master list pursuant to the requirements of AB 52 pertaining to government-to-government consultation.

One response was received. In an email dated September 13, 2020, Kern Valley Indian Community requested additional coordination with the County and indicated preference for a Native American monitor during ground-disturbing activities. The Tribe's request is addressed in the Project's mitigation measure 4.5-1KC.

ENVIRONMENTAL JUSTICE:

As part of its review of the application, staff reviewed environmental justice data that indicated high pollution burdens to the surrounding communities. These burdens may result in impacts to health such as asthma and cardiovascular disease. In addition, the same data showed high burdens to drinking water and groundwater threats. Furthermore, the data revealed that the neighboring communities are disadvantaged. As part of an environmental justice outreach and engagement effort, staff sent letters and emails in December 2021 to environmental justice organizations in Kern County. No responses were received from any of the organizations that were contacted.

CONCLUSION:

For the reasons stated above, staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of State-owned school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the application, the Applicant would have no right to a lease. Upon expiration or prior termination of the lease, the lessee would have no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the Commission's 2021- 2025 Strategic Plan "Leading Climate Activism" Strategic Focus Area with an emphasis to facilitate carbon neutral, renewable energy revenue-generation activities.

3. Kern County analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2021010168), for the Bellefield Solar Project and, on December 15, 2021, certified the EIR and adopted a Mitigation Measure Monitoring Program (MMMP), Findings, and a Statement of Overriding Considerations. Commission staff reviewed these documents prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, § 21081.6) and adopted by the lead agency, and prepared an independent Mitigation Monitoring Program (attached, Exhibit C) incorporating the Kern County's document, and recommends its adoption by the Commission.

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15091) are contained in the attached Exhibit D.

A Statement of Overriding Considerations made pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093) is contained in the attached Exhibit D.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL OBTAINED:

Kern County

APPROVALS REQUIRED:

California Department of Fish and Wildlife

Lahontan Regional Quality Control Board

U.S. Fish and Wildlife Service

U.S. Bureau of Land Management

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Statement of Findings and Statement of Overriding Considerations

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Final EIR State Clearinghouse No. 2021010168 was prepared for this Project by Kern County and certified on December 15, 2021; and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit D.

Adopt the Statement of Overriding Considerations made in conformance with California Code of Regulations, title 14, section 15093, as contained in the attached Exhibit D.

STATE'S BEST INTERESTS:

Find that the proposed lease is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning February 25, 2022, for a term of 40 years, for the construction, operation, and maintenance of a 230 kV overhead electrical transmission line on up to 8 steel poles, a communication line, together with appurtenant facilities, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; compensation in the amount of \$2,336 per year, with an annual Consumer Price Index adjustment as specified in the lease; liability insurance in an amount no less than \$5,000,000 per occurrence; and a surety bond or other security in the amount of \$50,000 and a Decommissioning Bond in the amount of \$225,000 due before Lessee initiates construction of any Lessee Improvements.

EXHIBIT A

A 3242

LAND DESCRIPTION

A one-hundred (100) foot wide strip of Indemnity land being a portion of Lots 1 and 2 of the Northwest quarter of Section 18, Township 11 North, Range 12 West, SBM, as shown on the Official Township Plat, approved on September 19, 1856, County of Kern, State of California, and more particularly described as follows:

Bounded on the southeast by the northerly line of the 60 foot wide right-of-way of Oak Creek Road, a public road, dedicated by Instrument entitled "Road No. 648" dated January 8, 1917, recorded in D.B. 197, Page 462 in Official Records of said County and declared a public highway on November 30, 1925;

Bounded on the northwest by the line lying 100 feet northwesterly of and parallel with the northerly line of said right-of-way of Oak Creek Road;

Bounded on the west by the west line of said Northwest quarter of Section 18, Township 11 North, Range 12 West, SBM;

Bounded on the north and east by the north and east lines of said Northwest quarter of Section 18, Township 11 North, Range 12 West, SBM.

END OF DESCRIPTION

This description is based on Applicant provided project plan found in the Application for Lease of State Lands for a proposed construction of the transmission lines, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

Prepared 11/16/2021 by the California
State Lands Commission Boundary Unit.



NO SCALE

SITE

APN
427-080-01

(COUNTY ROAD 648)

OAK CREEK ROAD

LEASE
PARCEL

NW $\frac{1}{4}$ OF
SECTION 18

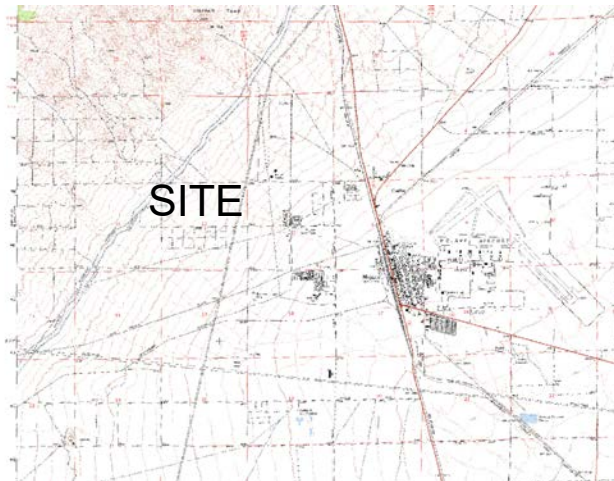
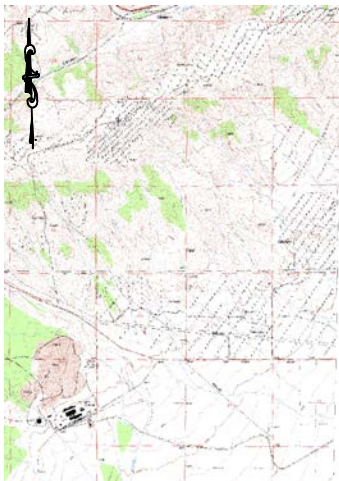
APN
427-080-01

SEC. 18
T.11N., R.12W., S.B.M.

NW $\frac{1}{4}$ OF SECTION 18, T.11N., R.12W., S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

Exhibit B

A 3242

59TC 8me LLC, 50LW 8me LLC,
26SB 8me LLC & 51LV 8me LLC

APN 427-080-01

GENERAL LEASE -
RIGHT-OF-WAY USE
KERN COUNTY



TS 11/16/2021

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

BELLEFIELD SOLAR PROJECT
(A3242 State Clearinghouse No. 2021010168)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Bellefield Solar Project (Project). The CEQA lead agency for the Project is Kern County.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State school lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency certified an EIR, State Clearinghouse No. 2021010168, adopted a Mitigation Measure Monitoring Program (MMMP) for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMMP prepared by the CEQA lead agency and provided in Attachment C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)²	Difference Between CSLC MMP and Lead Agency MMMP
Impact 4.3-1	MMs 4.3-1KC through 4.3-4KC	None
Impact 4.3-2	MM 4.1-4KC and MMs 4.3-1KC through 4.3-7KC	None
4.3 Cumulative	MMs 4.3-1KC through 4.3-7KC	None
Impact 4.4-1	MM 4.1-5KC and MMs 4.4-1KC through 4.4-21KC	None
Impact 4.4-5	MMs 4.4-1KC through 4.4-8KC and MMs 4.4-10KC through 4.4-14KC	None
4.4 Cumulative	MMs 4.4-1KC through 4.4-23KC	None
Impact 4.5-2	MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-12KC	See below for MM 4.5-2KC
Impact 4.5-3	MM 4.5-13KC	None
4.5 Cumulative	MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC	None
Impact 4.6-1	MM 4.3-1KC	None
4.6 Cumulative	MM 4.3-1KC	None
Impact 4.7-2	MM 4.7-1KC	None
Impact 4.7-5	MMs 4.7-1KC, 4.10-1KC, and 4.10-2KC	None
Impact 4.7-6	MM 4.7-1KC	None
Impact 4.7-7	MM 4.7-1KC	None
Impact 4.7-9	MMs 4.7-3KC through 4.7-5KC.	See below for MM 4.7-4KC
4.7 Cumulative	MMs 4.7-1KC, MMs 4.7-3KC through 4.7-5KC, and MM 4.10-2KC	None
Impact 4.9-1	MMs 4.9-1KC and 4.16-1KC	
Impact 4.9-2	MMs 4.9-1KC, 4.9-2KC, and 4.16-1KC	None
Impact 4.9-5	MM 4.13-1KC	None
4.9 Cumulative	MMs 4.9-1KC, 4.9-2KC, and 4.16-1KC	None
Impact 4.10-1	MMs 4.9-1KC, 4.10-1KC, and 4.10-2KC	None
Impact 4.10-3	MMs 4.10-1KC and 4.10-2KC	None
Impact 4.10-8	MMs 4.10-1KC and 4.10-2KC	None

² See Attachment C-1 for the full text of each MM taken from the MMMP prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMMP
4.10 Cumulative	MMs 4.9-1KC, 4.10-1KC, and 4.10-2KC	None
Impact 4.12-1	MMs 4.12-1KC through 4.12-3KC	None
4.12 Cumulative	MMs 4.12-1KC through 4.12-3KC	None
Impact 4.13-1	MM 4.13-1KC	None
4.13 Cumulative	MMs 4.13-1KC through 4.13-5KC	None
Impact 4.14-1	MM 4.14-1KC	None
Impact 4.14-3	MM 4.14-1KC	None
Impact 4.14-4	MM 4.14-1KC	None
4.14 Cumulative	MMs 4.13-1KC through 4.13-5KC	None
Impact 4.15a	MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC	None
Impact 4.15b	MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC	None
4.15 Cumulative	MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC	None
Impact 4.16-4	MM 4.16-1KC	None
4.16 Cumulative	MM 4.16-1KC	None
Impact 4.17-2	MM 4.13-1KC	None
Impact 4.17-3	MM 4.13-1KC	None
4.17 Cumulative	MM 4.13-1KC	None

Addition to MM 4.5-2KC:

Title to all archaeological sites and historic or cultural resources on lands of California is vested in the State and under the jurisdiction of the Commission. Commission staff shall be notified of any cultural resources discovered on lands under the jurisdiction of the Commission. The final disposition of archaeological and historic resources from such lands must be approved by the Commission.

Addition to MM 4.7-4KC:

Title to all paleontological resources on lands of California is vested in the State and under the jurisdiction of the Commission. Commission staff shall be notified of any paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of paleontological specimens from such lands must be approved by the Commission.

ATTACHMENT C-1

**Mitigation Measure Monitoring Program Adopted by
Kern County**

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.				
1.	MM 4.1-1KC: Prior to issuance of a grading or building permit, a Maintenance, Trash Abatement, and Pest Management Program shall be submitted for review and approval to the Kern County Planning and Natural Resources Department. The program shall include, but not be limited to the following: <ul style="list-style-type: none"> a) The project proponent/operator shall clear debris from the project area at least four times per year; this can be done in conjunction with regular panel washing and site maintenance activities. b) The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department. c) The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during construction and operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans. d) Trash and food items shall be contained in closed secured containers at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs. Steps to Compliance: <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. Recycle construction waste to the extent feasible. C. Provide Kern County Planning and Natural Resources Department and Kern County Public Works Department/Operations & Maintenance Division with copies of hauling receipts. 	Prior to issuance of grading or building permits, and during construction and operation	Kern County Planning and Natural Resources Department; Kern County Public Works – Operations & Maintenance Division; Recycling Coordinator		
2.	MM 4.1-2KC: The project proponent shall install metal fence slats or similar view-screening materials, as approved by the Kern County Planning and Natural Resources Department, in all on-site perimeter fencing for any portion of the solar site that is adjacent to parcels zoned for residential use, including E (Estate Residential), R-1 (Low-Density Residential), R-2 (Medium-Density Residential), R-3 (High-Density Residential), or PL (Platted Lands) zoning unless the adjacent property is owned by the project proponent (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project proponent sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale. Steps to Compliance: <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. 	Prior to the issuance of building and grading permits	Kern County Planning and Natural Resources Department; Kern County Department of Public Works; California Department of Fish and Wildlife		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>B. The project proponent shall submit materials showing the final design plans for the installation of metal fence slats or similar view-screening materials in all applicable on-site perimeter fencing.</p> <p>C. Kern County Planning and Natural Resources Department will verify compliance.</p>				
3.	<p>MM 4.1-3KC: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Planning and Natural Resources Department, that will ensure all project facilities including operations and maintenance buildings, gen-tie poles, array facilities, etc. blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit a proposed color scheme and treatment plan as outlined in mitigation to the Kern County Planning and Natural Resources Department.</p> <p>C. Kern County Planning and Natural Resources Department will verify compliance.</p>	Prior to the issuance of building and grading permits	Kern County Planning and Natural Resources Department		
4.	<p>MM 4.1-4KC: Wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All natural vegetation adjacent to the proposed project boundary shall remain in place as permitted by Fire Code. Prior to the commencement of project operations and decommissioning, the project proponent/operator shall submit a Landscape Revegetation and Restoration Plan for the project site to the Kern County Planning and Natural Resources Department for review and approval. The plan shall include the measures detailed below.</p> <p>a) In areas temporarily disturbed during construction and decommissioning (including grading or removal of root balls resulting in loose soil), the ground surface shall be revegetated with a native seed mix or native plants (including Mohave creosote scrub habitat) or allowed to revegetate with the existing native seed bank in the topsoil reestablish vegetation. Areas that contain permanent features such as perimeter roads, maintenance roads or under arrays do not require revegetation.</p> <p>b) The plan must include but is not limited to: (1) the approved California native seed mix that will be used on-site; (2) a timeline for seeding the site; (3) the details of which areas are to be revegetated; (4) a list of the consultation efforts completed; (5) the methods and schedule for installation of fencing that complies with wildlife agency regulations; and (6) a clear prohibition of the use of toxic rodenticides.</p> <p>c) During decommissioning and site restoration, ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place, as needed to establish revegetation. The seed mix or native plants shall be determined through consultation with professionals such as landscape architect(s), horticulturist(s), botanist(s), etc. with local knowledge as shown on submitted resume and shall be approved by the Kern County Planning and Natural Resources Department prior to planting. Phased seeding may be used if a phased construction approach is used (i.e., the entire site need not be seeded all at the same time).</p> <p>d) Vegetation/ground cover shall be continuously maintained on the site by the project operator.</p> <p>e) The revegetation and restoration of the site shall be monitored annually for a three-year period following restoration activities that occur post-construction and post-decommissioning. Based on annual monitoring</p>	Prior to the commencement of project operations and decommissioning	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>visits during the three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for each of the three years. Should efforts to revegetate with the existing native seed bank in the top soil prove in the second year to not be successful, reevaluation of revegetation methods shall be made in consultation with the Kern County Planning and Natural Resources Department and an additional year shall be added to the monitoring program to ensure coverage is achieved. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, establishes perennials, and is consistent with conditions prior to implementation of the proposed project, where feasible.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit a Landscape Revegetation and Restoration Plan to the Planning and Natural Resources Department for review and approval. C. The project proponent shall submit an annual evaluation report to the Kern County Planning and Natural Resources Department for review and approval for each year during the three-year monitoring period. D. The Kern County Planning and Natural Resources Department shall verify compliance in the field. 				
5.	<p>MM 4.1-5KC: Prior to final activation of the solar facility, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff that the project site complies with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not be exposed or extend below the shields.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall ensure all outdoor lighting meet the minimum requirements for safety and security standards as well as provide the minimum illumination needed to achieve safety and security objectives as outlined in the mitigation. C. The Kern County Public Works Department and/or the Kern County Planning and Natural Resources Department shall verify compliance. 	Prior to the final activation of the solar facility	Kern County Public Works Department and Kern County Planning and Natural Resources Department		
6.	<p>MM 4.1-6KC: Prior to the issuance of building permits, the project proponent shall demonstrate the solar panels and hardware are designed to minimize glare and spectral highlighting. Emerging technologies shall be used, such as diffusion coatings and nanotechnological innovations, to effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient with respect to converting incident sunlight into electrical power while also reducing the amount of glare generated by the panels. Specifications of such designs shall be submitted to the Kern County Planning and Natural Resources Department for review and final approval.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. 	Prior to final activation of the solar facility	Kern County Planning and Natural Resources Department; Kern County Public Works Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>B. The project proponent shall demonstrate that all on-site buildings utilize non-reflective materials, as approved by the Kern County Planning and Natural Resources Department.</p> <p>C. The Kern County Public Works Department and/or the Kern County Planning and Natural Resources Department shall verify compliance.</p>				
7.	<p>MM 4.1-7KC: Prior to final activation of the solar facility, the project operator shall demonstrate that the O&M building, energy storage facilities, gen-tie facilities, and collector facilities utilize materials that minimize glare, as approved by the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall demonstrate the solar panels and hardware are designed to minimize glare and spectral highlighting as outlined in the mitigation.</p> <p>C. The Kern County Public Works Department and/or the Kern County Planning and Natural Resources Department shall verify compliance.</p>	Prior to the issuance of building permits	Kern County Public Works Department and Kern County Planning and Natural Resources Department		
4.3	<p>Air Quality</p> <p>Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
8.	<p>MM 4.3-1KC: The project operator shall ensure that construction, operation, and decommissioning of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. The project operator shall develop a fugitive dust control plan (Plan) for the project. The Plan shall address short-term construction and long-term operational activities. The Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to the start of any earthmoving activity. The project operator shall also develop a decommissioning fugitive dust control plan (Decommissioning Plan) for the project if a decision is made to decommission and remove the solar facilities in the future. The Decommissioning Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to any decommissioning activities.</p> <p>Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:</p> <p>a) The following dust control measures shall be implemented during land preparation, excavation, and/or demolition:</p> <p>1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.</p> <p>2. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.</p>	Prior to issuance of grading permits and during construction and operation	Kern County Planning and Natural Resources Department; Kern County Public Works Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<div>3. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.</div> <div>4. All clearing, grading, earth moving, and excavation activities shall cease during periods 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, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.</div> <div>5. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.</div> <div>6. Areas disturbed by clearing, earth-moving, or excavation activities shall be minimized at all times.</div> <div>7. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.</div> <div>8. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</div> <div>9. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.</div> <div>10. Where acceptable to the Kern County Fire Department and California City Fire Department, weed control shall be accomplished by mowing instead of disking, thereby, leaving the ground undisturbed and with a mulch covering.</div> <div>b) After clearing, grading, earth-moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented during site construction:<div>1. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.</div><div>2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.</div><div>3. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.</div></div> <div>c) During all phases of construction, the following vehicular control measures shall be implemented:<div>1. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.</div><div>2. Visible speed limit signs shall be posted at the project site entrance(s).</div><div>3. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.</div><div>4. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</div></div>				

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>5. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.</p> <p>6. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit Site Specific Dust Control Plan to the Kern County Public Works Department.</p> <p>C. The Kern County Public Works Department shall verify compliance of vehicular control measures in the field during the construction and decommissioning phases of the project.</p> <p>D. The notice shall be mailed to all parcels within 1,000 feet of the project site and one sign shall be posted at the construction site, no sooner than 15 days prior to construction.</p> <p>E. Documentation shall be sent to the Kern County Planning and Natural Resources Department.</p> <p>F. The Kern County Public Works Department shall verify in the field during the construction phase of the project.</p>				
9.	<p>MM 4.3-2KC: The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:</p> <p>a) All equipment shall be maintained in accordance with the manufacturer's specifications.</p> <p>b) Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.</p> <p>c) No individual piece of construction equipment shall operate longer than eight cumulative hours per day.</p> <p>d) Electric equipment shall be used whenever feasible in lieu of diesel or gasoline-powered equipment.</p> <p>e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.</p> <p>f) On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit evidence of implementation of compliance with practices as outlined in mitigation.</p> <p>C. The Kern County Public Works Department shall verify in the field during the construction phase of the project.</p>	During construction	Kern County Public Works Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
10.	<p>MM 4.3-3KC: The project operator shall continuously comply with the following measures during construction and operation to control NOx emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:</p> <ul style="list-style-type: none"> a) 2006 engines or pre-2006 engines with California Air Resources Board-certified Level 3 diesel emission controls will be used to the extent possible. b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board-certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards to the greatest extent possible. This does not apply to worker personal vehicles. c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer's specifications. <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit evidence of implementation of compliance with practices as outlined in mitigation. C. C. The Kern County Public Works Department shall verify compliance. 	During construction and operation	Kern County Public Works Department		
11.	<p>MM 4.3-4KC: The project operator shall continuously comply with the following measures during operation to control fugitive dust emissions:</p> <ul style="list-style-type: none"> a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes. c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex. <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The Kern County Public Works Department shall verify compliance of vehicular control measures in the field during the construction and decommissioning phases of the project. C. Documentation shall be sent to the Kern County Planning and Natural Resources Department. D. The Kern County Department of Public Works shall verify compliance. 	Prior to the issuance of building and grading permits	Kern County Planning and Natural Resources Department; Kern County Department of Public Works		
12.	<p>MM 4.3-5KC: At the time of project implementation, a COVID-19 Health and Safety Plan should be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A</p>	Prior to the issuance of grading permits and for the duration	Kern County Public Health Services Department; Kern		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department for review and approval.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall prepare and submit a COVID-19 Health and Safety Plan to the Kern County Planning and Natural Resources Department for review and approval prior to commencement of project operations. 	of construction, operations and maintenance, and decommissioning	County Planning and Natural Resources Department		
13.	<p>MM 4.3-6KC: To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction:</p> <ul style="list-style-type: none"> a) Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations. b) Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. c) The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. d) In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying. e) To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEP-filtered air system. f) Workers shall receive training in procedures to minimize activities that may result in the release of airborne <i>Coccidioides immitis</i> spores, to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session. g) A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department. h) On-site personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to on-site personnel, upon request. When exposure to dust is unavoidable, provide appropriate respiratory protection, approved by the National Institute for Occupational Safety and Health (OSHA), to affected workers. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with California’s Division of Occupational Safety and Health’s Respiratory Protection standard (8 CCR 5144). <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. 	Prior to and during project construction	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>B. All Valley Fever materials shall be provided to all construction personnel prior to construction activities.</p> <p>C. The project proponent shall minimize personnel and public exposure to potential Valley Fever–containing dust on and off site through the implementation of the control measures outlined in this measure.</p> <p>D. The Kern County Planning and Natural Resources Department shall verify compliance.</p>				
14.	<p>MM 4.3-7KC: Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall pay a one-time fee shall to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.</p>	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department, Kern County Public Health Services Department		
4.4	<p>Biological Resources Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
15.	<p>MM 4.4-1KC: Prior to the issuance of grading or building permits, the project operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by California Department of Fish and Wildlife to oversee compliance with protection measures for all listed and other special-status species. The project Lead Biologist shall be on-site during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the special-status species protection measures described herein. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk. The project Lead Biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted on-site.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by the United States Fish and Wildlife Service.</p> <p>C. The project proponent shall submit contact information for the Lead biologist to the Kern County Planning and Natural Resources Department for approval prior to issuance of building and grading permits.</p>	Prior to issuance of grading or building permits	Kern County Planning and Natural Resources Department		
16.	<p>MM 4.4-2KC: Prior to the issuance of grading or building permits, and for the duration of construction activities, all new construction workers at the project site shall attend a Worker Environmental Awareness Program, developed and presented by the project Lead Biologist. As part of the Worker Environmental Awareness Program training, the project Lead Biologist shall perform the following training-related tasks:</p> <p>a) Provide the training materials for Worker Environmental Awareness Program training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations), and applicable fire protection measures. Worker Environmental Awareness Program training shall also include driver training to avoid and minimize collision</p>	Prior to the issuance of grading or building permits, and for the duration of construction activities	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.</p> <p>b) Send a copy of all Worker Environmental Awareness Program training materials to the Kern County Planning and Natural Resources Department.</p> <p>c) Maintain a list on-site of all employees who have undergone Worker Environmental Awareness Program training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department as necessary.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; any employee responsible for the operation and maintenance of the completed facilities shall also receive this training</p> <p>C. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record.</p> <p>D. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department upon the County's request.</p>				
17.	<p>MM 4.4-3KC: The Worker Environmental Awareness Program shall be presented by the Lead Biologist and shall include information on the life history of each federal and state-listed species, as well as other special-status wildlife, natural communities, and plant species that may be encountered during construction activities, their legal protections, the definition of “take” under the federal and State Endangered Species Acts, measures the project operator is implementing to protect special-status species, reporting requirements, specific measures that each worker shall employ to avoid take of special-status wildlife species, and penalties for violation of the acts. Training shall be documented as follows:</p> <p>a) An acknowledgement form signed by each worker indicating that environmental training has been completed.</p> <p>b) A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker.</p> <p>c) A copy of the training transcript/training video and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgements forms shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; any employee responsible for the operation and maintenance (O&M) of the completed facilities shall also receive this training.</p>	Prior to issuance of grading or building permits and during construction	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>C. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record.</p> <p>D. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department upon the County's request.</p>				
18.	<p>MM 4.4-4KC: During construction and decommissioning the anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided. The construction crews and contractor(s) shall be held responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. Staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible as outlined in this measure.</p> <p>C. The Kern County Public Works Department and/or the Kern County Planning and Natural Resources Department shall verify compliance.</p>	During construction and decommissioning of the project	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Lead Biologist		
19.	<p>MM 4.4-5KC: New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, a biological resources survey shall be conducted by the Lead Biologist or by biological monitor(s) under the Lead Biologist's supervision to determine if listed or special-status species would be impacted. Impacts shall be avoided to the maximum extent practicable or shall be fully mitigated for. Construction shall not begin until the route is cleared for biological resources. The route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction and use.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. A qualified biologist shall conduct surveys of the project site for special-status plant species as specified in the mitigation measure.</p> <p>C. If any surveys determine special-status and/or protected plant species are present, the project proponent/operator shall submit written documentation to the Kern County Planning and Natural Resources Department confirming implementation of the measures described in the mitigation measure.</p>	During construction and decommissioning of the project	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife; U.S. Fish and Wildlife Service		
20.	<p>MM 4.4-6KC: Spoils shall be stockpiled in disturbed areas. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best management practices shall be employed to prevent loss of habitat due to erosion caused by project-related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.</p>	During construction and decommissioning of the project	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall stockpile and mark spoils as outlined in this measure. C. The Kern County Planning and Natural Resources Department shall verify compliance.				
21.	MM 4.4-7KC: All ground disturbance construction and decommissioning activities shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist's supervision to ensure compliance with avoidance and minimization measures. Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. A qualified biologist shall monitor all ground disturbance construction and decommissioning activities as outlined in this measure. C. The Kern County Public Works Department and/or the Kern County Natural Resources Department shall verify compliance.	During construction and decommissioning of the project	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
22.	MM 4.4-8KC: The project operator and/or contractor shall implement the following during project decommissioning: a) All applicable construction phase general protection measures shall be implemented during decommissioning. b) A 15-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas. c) If any special-status wildlife is detected in the work area during decommissioning activities, no work shall be conducted until the individual moves on its own outside of the work area. d) Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The Kern County Public Works Department and/or the Kern County Natural Resources Department shall verify compliance.	During decommissioning of the project	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
23.	MM 4.4-9KC: During construction and decommissioning the project operator and/or contractor shall implement the following general avoidance and protective measures: a) Prior to issuance of grading or building permits but after consulting with the United States Fish and Wildlife Service and California Department of Fish and Wildlife, the solar facility project site shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoises and Mohave ground squirrels that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The project proponent shall submit a fencing plan that outlines the location, type of fence, and construction methods to United States Fish and Wildlife Service and California Department of Fish and Wildlife for review. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points, unless otherwise approved by United States Fish and Wildlife Service and California Department of Fish and Wildlife. Workers installing the exclusion fencing shall	Prior to the issuance of grading or building	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service; and California Department of Fish and Wildlife; Kern County Public Works		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>have undergone the worker training program mandated in Mitigation Measure MM 4.4-2KC and a biological monitor under the authority of the project Lead Biologist shall be present during exclusion fencing installation.</p> <p>b) The fencing shall be routinely inspected with inspections after precipitation events of more than one inch at each ephemeral drainage crossing. Any damage to the fencing shall be repaired immediately or no later than 2 days following the observation.</p> <p>c) Following the construction of exclusion fencing around the solar facility perimeters, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises, Mohave ground squirrels, or other listed wildlife species are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. The clearance surveys shall be conducted no more than 30 days prior to ground disturbing activities associated with construction, Operations & Maintenance, or decommissioning. Clearance surveys shall adhere to the current United States Fish and Wildlife Service clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall coincide with heightened desert tortoise activity from late March through May and September through October or as outlined in the Project’s Habitat Conservation Plan or Incidental Take Permit. The Designated Biologist(s) shall perform pre activity surveys for desert tortoise and shall remain on-site daily until the construction period ends or exclusion fencing has been installed to preclude desert tortoises from entering a given work area (work area is completely enclosed with exclusionary fence). The Designated Biologist will remain available even after the fence is installed and be called to the site if a tortoise or Mohave ground squirrel is found inside the fence, emphasizing in the tortoise awareness program that only agency-authorized biologists, not construction workers, are allowed to handle tortoises. The Designated Biologist shall monitor the exclusionary fence on a weekly basis after its installation to ensure its integrity and function are maintained until the end of construction. United States Fish and Wildlife Service and California Department of Fish and Wildlife may impose modified or additional fencing requirements in the project’s final 2081 Permit and/or Habitat Conservation Plan, if required.</p> <p>d) If a desert tortoise or Mohave ground squirrel is found on the site during project construction, operation, or decommissioning, activity shall cease in the vicinity of the animal and the desert tortoise and/or Mohave ground squirrel shall be passively restricted to the area encompassing its observed position on the construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise and/or Mohave ground squirrel is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise and/or Mohave ground squirrel within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise and/or Mohave ground squirrel once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Natural Resources Department. If passive relocation is not possible, desert tortoise and/or Mohave ground squirrel may also be translocated in accordance with a United States Fish and Wildlife Service and/or California Department of Fish and Wildlife approved Translocation Plan.</p>		Department; Lead Biologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>e) Outside permanently fenced desert tortoise exclusion areas where desert tortoise may be present, the project operator shall limit the areas of disturbance in desert tortoise and Mohave ground squirrel habitat. Parking areas, new roads, pulling sites, and locations for staging, storage, excavation, and disposal shall be confined to the smallest areas possible. These areas shall be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.</p> <p>f) The Lead Biologist or biological monitor shall monitor any ground-disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours where desert tortoise are determined to be present.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. Following the construction of exclusion fencing around the solar facility perimeters, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises, Mohave ground squirrel, or other wildlife are trapped within the fenced area.</p> <p>C. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise or Mohave ground squirrel within the site; all fence construction, modification, and repair efforts; and movements of the animal once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Natural Resources Department.</p> <p>D. Documentation shall be sent to the Kern County Planning and Natural Resources Department.</p>				
24.	<p>MM 4.4-10KC: During construction the project operator and/or contractor shall implement the following general avoidance and protective measures:</p> <p>a) The Lead Biologist or biological monitor shall monitor all ground-disturbance activities. Work shall only occur during daylight hours as practicable. Specialized testing activities, work on the project gen-tie line, and/or continuous operations (i.e., well drilling) may be conducted at night when necessary. Prior to conducting vegetation removal or grading activities inside the fenced area, a Lead Biologist or biological monitor under the supervision of a Lead Biologist shall survey the area immediately prior to conducting these activities to ensure that no listed or special-status animals or plants are present. The project Lead Biologist shall have the right to halt all activities that are in violation of the special species protection measures. Work shall proceed only after hazards to special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted on-site.</p> <p>b) At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and other excavations outside the permanently fenced area in suitable habitat for desert tortoise have been inspected for the presence of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these excavations shall be modified to ensure that they cannot potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence). All construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods and with a diameter of four inches or greater shall be thoroughly inspected for listed and special-status wildlife before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a special-status animal is discovered inside a pipe that</p>	During construction, operations and maintenance, and decommissioning the project	Kern County Public Works Department; Kern County Planning and Natural Resources Department; United States Fish and Wildlife Service; California Department of Fish and Wildlife; Authorized Lead Biologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>section of pipe shall not be moved until the animal has moved off on its own. If the animal does not move in a timely manner, then the appropriate resource agency shall be consulted.</p> <p>c) Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.</p> <p>d) Water used for dust abatement shall be minimized, as allowed by Kern County Engineering, Surveying, and Permit Services Department, or managed in such a manner as to prevent the formation of puddles that could attract common ravens, predators, and other wildlife species to or near the site.</p> <p>e) No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.</p> <p>f) Vehicular traffic to and from the project site shall use existing routes of travel. Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat.</p> <p>g) All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills immediately and hazardous spills shall be cleaned up as soon as practical and the contaminated soil shall be properly disposed of at a licensed facility.</p> <p>h) A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.</p> <p>i) Workers shall be prohibited from bringing pets and firearms to the project and from feeding wildlife.</p> <p>j) Intentional killing or collection of either plant or wildlife species, including both listed species and not listed species, in the project site and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Natural Resources Department shall be notified of any such occurrences within 24 hours.</p> <p>k) Construction monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist’s supervision. The biological monitors shall have experience in monitoring for special-status wildlife.</p> <p>l) During construction, daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall biological resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed special-status species, including injuries and fatalities.</p> <p>Steps to Compliance:</p>				

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. A qualified biologist shall monitor all initial ground-disturbance activities as outlined in the mitigation.</p> <p>C. The project proponent shall submit monitoring reports of all initial construction and decommissioning ground-disturbance activities, prepared by the monitoring biologist(s), to the Kern County Planning and Natural Resources Department.</p> <p>D. In consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, the project proponent shall implement construction and operational monitoring in accordance with the specifications of the mitigation measure.</p> <p>E. The project proponent shall submit a Maintenance, Trash Abatement, and Pest Management Program to the Kern County Planning and Natural Resources Department for approval.</p> <p>F. The Kern County Public Works Department shall verify in the field during construction.</p>				
25.	<p>MM 4.4-11KC: The introduction of exotic plant species shall be avoided and controlled wherever possible and may be achieved through physical or chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Trackclean or other method of vehicle cleaning for vehicles coming and going from the site. Earthmoving equipment shall be cleaned prior to transport to the project site. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall avoid the introduction of invasive plant species to the site through adherence to requirements outlined in this measure.</p> <p>C. Correspondence and copies of reports shall be submitted to the Kern County Planning and Natural Resources Department</p>	During construction and decommissioning activities	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife; United States Fish and Wildlife Service		
26.	<p>MM 4.4-12KC: In the event ground disturbance does not commence within two years of the last rare plant surveys, the project operator and/or contractor shall conduct preconstruction special-status plant survey(s) during the appropriate blooming period in accordance with the guidelines established by California Department of Fish and Wildlife. Copies of these preconstruction surveys shall be provided to the appropriate wildlife agency and to the Kern County Planning and Natural Resources Department.</p> <p>If any botanical species with a California Native Plant Society rank of 1.B-2 or higher is found during the preconstruction surveys, the project operator and/or contractor shall delay ground disturbance activities and contact California Department of Fish and Wildlife for consultation. If required, in consultation with California Department of Fish and Wildlife, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following:</p> <p>a) Wherever feasible, if special-status plant species are observed within the proposed project footprint, the proposed project shall be designed by the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented on-site, a Habitat Mitigation Plan shall be developed to ensure adequate management and conservation of</p>	Prior to construction, in the event ground disturbance does not commence within two (2) years of the last rare plant surveys	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If the project would eliminate more than 10 percent of a local special-status plant population, the Habitat Mitigation Plan would also include the following:</p> <ol style="list-style-type: none"> 1. A figure illustrating the area of the population to be preserved, and the area of the population to be removed; 2. Identification of on-site or off-site preservation, restoration, or enhancement location(s); 3. Methods for preservation, restoration, enhancement, and/or population translocation; 4. A replacement ratio and success standard of 1:1 for occupied habitat lost unless a lower mitigation ratio and/or alternative mitigation is agreed to in coordination with California Department of Fish and Wildlife; 5. A five-year monitoring program to ensure mitigation success; 6. Adaptive management and remedial measures in the event that performance standards are not achieved; and 7. Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity. <p>Steps to Compliance:</p> <ol style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project applicant shall conduct preconstruction special-status plant survey(s) during the appropriate blooming period in accordance with the guidelines established by California Department of Fish and Wildlife (2009) if construction does not commence within two (2) years of the last rare plant surveys. C. Prior to the commencement of ground disturbance activities, a final set of focused botanical surveys for special-status plant species, including species protected by the California Desert Native Plants Act shall be conducted. D. The surveys shall be conducted within potentially suitable habitat within the sites and along the utility rights-of-way that would be directly affected, permanently or temporarily, by the proposed project. Copies of all surveys and communications with the appropriate agencies shall be submitted to the Kern County Planning and Natural Resources Department. 				
27.	<p>MM 4.4-13KC: Prior to the issuance of grading or building permits, the project operator shall:</p> <ol style="list-style-type: none"> a) Provide evidence to the Kern County Planning and Natural Resources Department that consultation with the Kern County Agricultural Commissioner has taken place regarding removal of plants protected under the California Desert Native Plant Act; b) If the Agricultural Commissioner determines that a permit is not required, the project operator shall provide a letter describing the consultation process and Commissioner's determinations, indicating that such authorization is not required. The letter shall also identify the Commissioner's points of contact and contact information; c) If required by the Agricultural Commissioner, the project operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant Act removal permit has been obtained. 	Prior to the issuance of grading or building permits	Kern County Planning and Natural Resources Department; Kern County Agricultural Commission		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall consult with the Kern County Agricultural Commission regarding the potential removal of plants protected under the California Desert Native Plants Act as outlined in this measure.</p> <p>C. The Kern County Planning and Natural Resources Department shall verify compliance.</p>				
28.	<p>MM 4.4-14KC: The following measures shall be implemented to reduce direct impacts to Sensitive Natural Communities, with the exception of western Joshua tree, for which the project has an approved 2084 permit. To the extent feasible, the following avoidance and minimization measures shall be implemented:</p> <p>a) Where feasible, the project shall be designed to avoid disturbance of spinescale scrub (<i>Atriplex spinifera</i> Shrubland Alliance) and winter fat scrubland (<i>Krascheninnikovia lanata</i> Shrubland Alliance)</p> <p>b) Where it is not feasible to avoid direct impacts to the spinescale scrub (<i>Atriplex spinifera</i> Shrubland Alliance) and winter fat scrubland (<i>Krascheninnikovia lanata</i> Shrubland Alliance) identified within the project site the project operator shall implement the following measures:</p> <ol style="list-style-type: none"> 1. Compensatory mitigation for impacts to Sensitive Natural Communities shall occur either on-site or off-site and would occur at a ratio no less than 1:1 for each Sensitive Natural Community impacted. A Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the California Department of Fish and Wildlife. 2. If on-site mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics for restoration or enhancement of sensitive habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the vicinity of the development site. If mitigation is implemented off-site, compensatory lands shall contain similar or more well-developed habitat and preferably be located in the vicinity of the site or watershed. Off-site land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the compensatory land. <p>c) Where direct impacts to western Joshua trees are unavoidable, if western Joshua tree is listed as a ‘candidate,’ ‘threatened,’ or ‘endangered’ species under the California Endangered Species Act at the time of issuance of a building or grading permit in areas that would involve the removal of western Joshua trees, the project proponent may pursue one of the following mitigation options:</p> <ol style="list-style-type: none"> 1. The project operator shall provide evidence to the Kern County Planning and Natural Resources Department demonstrating that that impacts to western Joshua tree have been mitigated in accordance with Section 2084 of the California Fish and Game Code; or 2. The project operator shall mitigate for permanent impacts to western Joshua tree, should an Incidental Take Permit be required from California Department of Fish and Wildlife, through an approved mitigation bank, in-lieu fee program, or other California Department of Fish and Wildlife -approved process. Compensatory mitigation for permanent impacts to western Joshua tree shall be determined and acquired in consultation with the wildlife or resource agency. Verification of compliance shall be submitted to the 	Prior to initiating ground- or vegetation-disturbing activities, during construction and decommissioning activities	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>Kern County Planning and Natural Resources prior to project construction in areas that would involve removal of western Joshua trees.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. This mitigation measure shall be implemented to reduce direct impacts to Sensitive Natural Communities as outlined in this measure.</p> <p>C. Compensatory mitigation for impacts to Sensitive Natural Communities shall occur either on-site or off-site and would occur at a ratio no less than 1:1 for each Sensitive Natural Community impacted. A Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the California Department of Fish and Wildlife.</p> <p>D. The project operator shall provide evidence to the Kern County Planning and Natural Resources Department demonstrating that impacts to western Joshua tree have been mitigated in accordance with Section 2084 of the California Fish and Game Code.</p> <p>E. The Kern County Planning and Natural Resources Department shall verify compliance.</p>				
29.	<p>MM 4.4.15KC: The measures listed below shall be implemented prior to and during construction, operations, and decommissioning at the project site.</p> <p>a) The project operator has filed for an Incidental Take Permit for Mohave ground squirrel and desert tortoise with California Department of Fish and Wildlife, and a Habitat Conservation Plan with the United States Fish and Wildlife Service for desert tortoise. The project proponent shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, through an approved mitigation bank, in-lieu fee program, or other mechanism accepted by California Department of Fish and Wildlife and/or United States Fish and Wildlife Service, as outlined in each agency’s respective permit. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency and may be mitigated alongside impact on covered species. Compensatory mitigation would provide habitat for desert tortoise, Mohave ground squirrel, and/or burrowing owl, as well as rare plants, State Waters (only if impacted by the project), and features covered under the Project’s Lake and Streambed Alteration Agreement. The Final Interim Take Permit and approved Habitat Conservation Plan shall be submitted to Kern County prior to the onset of activities that have the potential to impact covered species.</p> <p>b) Prepare a Habitat Mitigation and Monitoring Plan (if required, should an incidental take permit be required for the project) or provide a copy of the project’s incidental take permit that outlines all project compensatory mitigation for desert tortoise, Mohave ground squirrel, and burrowing owl, in coordination with the California Department of Fish and Wildlife and the Regional Water Quality Control Board.</p> <p>1. Compensatory mitigation shall provide ecological benefits to covered species that are similar to or better than the projects impacts on covered species. Mitigation sites in the vicinity of the project (eastern Kern County or western San Bernardino County) are preferable.</p> <p>2. Mitigation shall meet California Department of Fish and Wildlife’s durability requirements.</p>	Prior to and during construction, operations, and decommissioning	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife; Regional Water Quality Control Board		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>3. The plan, or Interim Take Permit, shall identify conservation actions, where applicable, to demonstrate that the compensatory lands are managed to provide durable environmental benefits to the covered species.</p> <p>4. The plan or Interim Take Permit shall identify an approach for funding assurance for the long-term management of the conserved land.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project operator shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, should an incidental take permit be required from California Department of Fish and Wildlife, as outlined in this measure.</p> <p>C. The project operator shall Prepare a Habitat Mitigation and Monitoring Plan (if required, should an incidental take permit be required for the project) that outlines all project compensatory mitigation for desert tortoise, western burrowing owl, and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife and the Regional Water Quality Control Board.</p> <p>D. The plan shall identify an approach for funding assurance for the long-term management of the conserved land.</p> <p>E. Kern County Planning and Natural Resources Department shall be included in all consultants and be kept apprised of consultations and the subsequent results.</p>				
30.	<p>MM 4.4-16KC: The following measures shall be implemented during project construction and decommissioning activities with respect to burrowing owls.</p> <p>a) A project Lead Biologist shall be on-site during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows not more than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with other pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.</p> <p>b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the Staff Report from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with the table provided in Mitigation Measure MM 4.4-16KCc), below, and occupied burrows</p>	During project construction, operations/ maintenance, and decommissioning activities	Kern County Planning and Natural Resources Department; Kern County Public Health Services Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials																							
	<p>shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15) or as outlined in the Project's Habitat Conservation Plan or Incidental Take Permit.</p> <p>c) During the nonbreeding (winter) season (October 16 to March 31), consistent with the table below (<i>Western Burrowing Owl Burrow Buffers</i>), all ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012).</p> <p style="text-align: center;">Western Burrowing Owl Burrow Buffers</p> <table><tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance (in feet)</th></tr><tr><th>Low</th><th>Medium</th><th>High</th></tr><tr><td>Nesting Sites</td><td>April 1 - Aug 15</td><td>656</td><td>1,640</td><td>1,640</td></tr><tr><td>Nesting Sites</td><td>Aug 16 - Oct 15</td><td>656</td><td>656</td><td>1,640</td></tr><tr><td>Any occupied burrow</td><td>Oct 16 - Mar 31</td><td>164</td><td>328</td><td>1,640</td></tr></table> <p>Source: CDFG 2012</p> <p>d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:</p> <ol style="list-style-type: none">1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;2. Type of scope to be used and appropriate timing of scoping to avoid impacts;3. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).4. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);5. Removal of other potential owl burrow surrogates or refugia on-site;6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;	Location	Time of Year	Level of Disturbance (in feet)			Low	Medium	High	Nesting Sites	April 1 - Aug 15	656	1,640	1,640	Nesting Sites	Aug 16 - Oct 15	656	656	1,640	Any occupied burrow	Oct 16 - Mar 31	164	328	1,640				
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Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>8. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.</p> <p>9. Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.</p> <p>10. Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).</p> <p>e) In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or heavy material shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.</p> <p>f) During construction and decommissioning activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. A Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities.</p> <p>C. If nests or burrowing owls are found, contract a qualified biologist to prepare site-specific recommendations..</p> <p>D. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.</p> <p>E. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in consultation with the California Department of Fish and Wildlife, as appropriate.</p> <p>F. During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the project.</p>				
31.	<p>MM 4.4-17KC: The following measures shall be implemented during project construction, operations/maintenance, and decommissioning activities with respect to burrowing owls.</p> <p>a) Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented off-site in accordance with the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012) and in consultation with California Department of Fish and Wildlife. At a minimum, the following recommendations shall be implemented:</p>	Prior to the issuance of grading permits and during project construction, operations/ maintenance, and decommissioning activities	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<div>1. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetating.</div> <div>2. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows or burrowing owl impacted are replaced based on a site-specific analysis and shall include: Permanent conservation or enhancement of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.</div> <div>3. Permanently protect or enhance mitigation land through coordination with California Department of Fish and Wildlife. If the project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.</div> <div>b) Develop and implement a mitigation land management plan in accordance with the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012) guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.</div> <div>1. Fund the maintenance, management, or enhancement of mitigation land.</div> <div>2. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.</div> <div>3. Mitigation lands or California Department of Fish and Wildlife-approved habitat enhancement projects should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.</div> <div>4. Consult with the California Department of Fish and Wildlife when determining off-site mitigation.</div> <div>Steps to Compliance:</div> <div>A. This mitigation measure shall be incorporated as a condition of approval.</div> <div>B. A qualified biologist shall conduct a pre-construction survey of the project site for Burrowing Owls as specified in the mitigation measure.</div> <div>C. A qualified biologist shall conduct pre-construction nest surveys during the appropriate breeding seasons.</div> <div>D. The project proponent shall submit the findings of the pre-construction survey to the California Department of Fish and Wildlife, and the Kern County Planning and Natural Resources Department.</div> <div>E. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in consultation with the California Department of Fish and Wildlife, as appropriate.</div> <div>F. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department.</div>				

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	G. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits.				
32.	<p>MM 4.4-18KC: Prior to the issuance of grading or building permit the following shall be implemented:</p> <p>a) Preconstruction surveys shall be conducted by a qualified biologist for the presence of desert kit fox and American badger dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.</p> <p>b) The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats. Surveys shall not be conducted for all areas of suitable habitat at one time; they shall be phased so that surveys occur within two weeks prior to disturbance of that portion of the site. If no potential American badger or desert kit fox dens are present, no further mitigation is required.</p> <p>c) If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox:</p> <p>1. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from reuse during construction. Den excavation shall be prohibited during the pupping season to avoid possible pup mortality resulting from a lack of available refugia.</p> <p>2. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Wildlife. A biologist shall remain on-call throughout construction in the event that badger or desert kit fox are present on the site.</p> <p>3. Construction activities shall not occur within 50 feet of active badger dens. The project operator shall contact California Department of Fish and Wildlife immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.</p> <p>4. Construction activities shall not occur within 100 feet of active kit fox dens. The project operator shall contact California Department of Fish and Wildlife immediately if pupping kit fox dens are detected to determine suitable buffers and other measures to avoid take.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. A qualified biologist shall conduct a pre-construction sweep of the project site for Burrowing Owls as specified in the mitigation measure.</p> <p>C. A qualified biologist shall conduct pre-construction nest surveys during the appropriate breeding seasons.</p>	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>D. The project proponent shall submit the findings of the pre-construction survey to the California Department of Fish and Wildlife, and the Kern County Planning and Natural Resources Department.</p> <p>E. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in consultation with the California Department of Fish and Wildlife, as appropriate.</p> <p>F. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department.</p> <p>G. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits.</p>				
33.	<p>MM 4.4-19KC: Not more than 14 days prior to site clearing and/or ground disturbance in a given area, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. The surveys shall be conducted as follows:</p> <p>a) Surveys shall not be conducted for an entire project site at one time; they shall be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 300 feet of the project site—this includes ground nesting species (e.g., western burrowing owl).</p> <p>b) If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys for birds or additional measures are required.</p> <p>c) If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.</p> <p>d) If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Wildlife) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by relocating the project component(s) to avoid the area.</p> <p>e) All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. During the avian nesting season (February 1 – August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 14 days prior to initial vegetation clearing.</p> <p>C. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance.</p>	No more than 14 days prior to construction activities	California Department of Fish and Wildlife; Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>D. If active nests are found, a suitable buffer shall be established in consultation with the California Department of Fish and Wildlife around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active.</p> <p>E. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.</p>				
34.	<p>MM 4.4-20KC: Prior to issuance of a grading or building permit, the project operator shall Submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are designed in accordance with Avian Power Line Interaction Committee Guidelines. The project operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. After construction, submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to the 2006 Avian Power Line Interaction Committee Guidelines.</p> <p>C. Kern County Public Works Department shall approve building permits and will verify in the field during construction.</p>	Prior to the issuance of grading and building permits and during and after construction activities	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
35.	<p>MM 4.4-21KC: The project operator shall develop a site-specific Common Raven Management Plan in accordance with United States Fish and Wildlife Service guidelines and shall implement management measures for ravens in the project area. These measures may include but are not limited to designing structures to eliminate perches, waste management, road kill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic solar facility site and along the transmission line.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. A Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.</p> <p>C. Reports shall be submitted to U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the Kern County Planning and Natural Resources Department.</p>	Within 14 days prior to the commencement of any ground-disturbing activities and during construction	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service; and California Department of Fish and Wildlife		
36.	<p>MM 4.4-22KC: Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided to the extent practicable and shall be continually complied with during the life of the project. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board and the Kern County Planning and Natural Resources Department. The report shall include information as shown below as a plan as necessary and shall outline compliance to the following:</p> <p>a) Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided to the extent practicable. This may be shown in plan form.</p>	Prior to the issuance of grading and building permits and during and after construction activities	Kern County Planning and Natural Resources Department; Lahontan Regional Water Quality Control Board; California		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>b) Any material/spoils from project activities should be located away from jurisdictional areas. Jurisdictional areas shall be protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and/or straw bale barriers, as appropriate. Protection measures shall follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan and in the Hazardous Materials Business Plan.</p> <p>c) Prior to the start of construction activities, the project proponent/operator shall provide evidence that all fueling, hazardous materials storage areas, and operations and maintenance activities shall be sited at least 100 feet away from onsite drainages and other water features, as identified in the project-specific delineation of wetlands and waters.</p> <p>d) Any spillage of hazardous material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent/operator shall submit a final Jurisdictional Delineation Report to the Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife, and Kern County Planning and Natural Resources Department.</p>		Department of Fish and Wildlife		
37.	<p>MM 4.4-23KC: If it is determined during final siting that jurisdictional ephemeral drainages cannot be avoided, the project proponent shall notify the California Department of Fish and Wildlife of potentially jurisdictional features and, if necessary, obtain a Lake and Streambed Alteration Agreement. If waters of the State are impacted, the owner/operator shall notify the Lahontan Regional Water Quality Control Board, and obtain a Water Quality Certification pursuant to Section 401 of the Clean Water Act, if required.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. If deemed necessary, obtain appropriate permits from the Lahontan Regional Water Quality Control Board and the California Department of Fish and Wildlife.</p> <p>C. Correspondence and copies of reports shall be submitted to the Kern County Planning and Natural Resources Department.</p>	Prior to the issuance of grading and building permits and during and after construction activities	Kern County Planning and Natural Resources Department; Lahontan Regional Water Quality Control Board; California Department of Fish and Wildlife		
4.5	<p>Cultural Resources Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
38.	<p>MM 4.5-1KC: Prior to issuance of building or grading permits, the project proponent/operator shall:</p> <p>a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all Mitigation Measures related to archaeological and historical resources.</p>	Prior to issuance of building or grading permits for the project site and gentle route	Kern County Planning and Natural Resources Department; Qualified Archaeologist and		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.</p> <p>c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall retain a County-approved archeologist that meets the Secretary of the Interior’s Standards for professional archaeology (U.S. Department of the Interior, 2011), as well as a Native American monitor, as appropriate.</p> <p>C. The qualified archaeologist, archaeological monitor, and Native American monitor shall provide all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc.</p>		Native American monitor		
39.	<p>MM 4.5-2KC: Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American monitor. The training may be in video format. The qualified archaeologist shall be available to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:</p> <p>a) A discussion of applicable cultural resources statues, regulations and related enforcement provisions;</p> <p>b) An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;</p> <p>c) A summary of the effects of the proposed project on cultural resources;</p> <p>d) Samples or visuals of artifacts that might be found in the project area;</p> <p>e) A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;</p> <p>f) A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;</p> <p>g) Instruction that in the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term</p>	Prior to issuance of building or grading permits for the project site and gen-tie route and during construction	Kern County Planning and Natural Resources Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;</p> <p>h) An informational guide that identifies the reporting procedures in the event of a discovery;</p> <p>i) Other information as deemed necessary by the qualified archaeologist or Native American Monitor;</p> <p>j) An acknowledgement form signed by each worker indicating that environmental/ cultural training has been completed.</p> <p>k) A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/ cultural training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;</p> <p>l) A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The qualified archaeologist, with participation of the Native American monitor, shall conduct a Construction Worker Environmental and Cultural Awareness Training Program to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes.</p> <p>C. Evidence of Construction Worker Environmental and Cultural Awareness training shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>D. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>E. The Kern County Planning and Natural Resources Department shall verify compliance.</p>				
40.	<p>MM 4.5-3KC: Following issuance of the CUP, but prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site P-15-010500. If avoidance is feasible, the area within 100 feet of Site P-15-010500 shall be designated as an Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site P-15-010500 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance within 100 feet of Site P-15-010500 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site P-15-010500 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
41.	<p>MM 4.5-4KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site P-15-010501. If avoidance is feasible, the area within 100 feet of Site P-15-010501 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site P-15-010501 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance of 100 feet of Site P-15-010501 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site P-15-010501 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
42.	<p>MM 4.5-5KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site P-15-013568. If avoidance is feasible, the area within 100 feet of Site P-15-013568 shall be designated an Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site P-15-013568 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance within 100 feet of Site P-15-013568 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site P-15-013568 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
43.	<p>MM 4.5-6KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site P-15-013622. If avoidance is feasible, the area within 100 feet of Site P-15-013622 shall be designated an Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site P-15-013622 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance within 100 feet of Site P-15-013622 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	Steps to Compliance: <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project applicant shall establish a 100-foot buffer established to avoid Site P-15-013622 as outlined in this measure. C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure. D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure. E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department. 				
44.	<p>MM 4.5-7KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site BEL-S-013. If avoidance is feasible, the area within 100 feet of Site BEL-S-013 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <ul style="list-style-type: none"> a) If avoidance of Site BEL-S-013 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department. b) If avoidance of 100 feet of Site BEL-S-013 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project. c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. d) If project phasing allows, multiple resources can be included in a single treatment plan document. <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project applicant shall establish a 100-foot buffer established to avoid Site BEL-S-013 as outlined in this measure. 	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
45.	<p>MM 4.5-8KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site BEL-S-107. If avoidance is feasible, the area within 100 feet of Site BEL-S-107 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site BEL-S-107 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance of 100 feet of Site BEL-S-107 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site BEL-S-107 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.				
46.	<p>MM 4.5-9KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site BEL-S-108. If avoidance is feasible, the area within 100 feet of Site BEL-S-108 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site BEL-S-108 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance of 100 feet of Site BEL-S-108 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site BEL-S-108 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
47.	<p>MM 4.5-10KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid Site BEL-S-113. If avoidance is feasible, the area within 100 feet of Site BEL-S-113 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>a) If avoidance of Site BEL-S-113 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) If avoidance of 100 feet of Site BEL-S-113 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>c) Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>d) If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project applicant shall establish a 100-foot buffer established to avoid Site BEL-S-113 as outlined in this measure.</p> <p>C. The project applicant will develop a long-term cultural resources management plan as outlined in this measure.</p> <p>D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.</p> <p>E. E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist		
48.	<p>MM 4.5-11KC: In the event archaeological materials are encountered during the course of grading or construction for any project components, the project contractor shall cease any ground disturbing activities within 100 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 100-foot radius from the location of discovery. Signs shall be posted that establish it as an</p>	During grading or construction activities	Kern County Planning and Natural Resources Department;		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>Environmentally Sensitive Area and all entrances to the area shall be avoided until the discovery is assessed by the qualified archaeologist, as well as the Native American monitor if the discovery involves resources of interest to Native American tribes, including but not limited to prehistoric archaeological sites or tribal cultural resources. The qualified archaeologist in consultation with the Native American monitor, if appropriate, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed.</p> <p>Per California Environmental Quality Act Guidelines (CEQA) Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with CEQA Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist in consultation with the Native American monitor shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curation facility. The qualified archaeologist, in consultation with a designated Native American monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified archaeologist to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess finds and recommended procedures. C. The Native American monitor shall keep daily logs and the qualified archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department. D. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist. E. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period. 		Qualified Archaeologist and Native American monitor		
49.	<p>MM 4.5-12KC: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the segment of the Twenty Mule Team Road impacted by the project shall be documented. Documentation shall consist of the development of a historical narrative following the National Park Service (NPS) guidance for Historic American Landscapes Survey Level II documentation supported by archival research using primary and secondary sources. This may include, but not be limited to, historical maps, aerial photographs, written histories, newspapers, existing cultural resource reports, and historic photographs. Detailed maps of the road shall be made, and large-format black and white, archival quality photographs shall be taken following the NPS guidelines for Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey photography. The documentation report and photographs shall be printed on archival quality paper, saved onto an archival quality CD, and housed in an archival storage box. Copies shall be donated to local repositories.</p>	Prior to issuance of grading permits for the project site and gen-tie route	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>After documentation of the segment of the Twenty Mule Team Road potentially impacted by the project is completed, the project developer in coordination with the qualified archaeologist shall determine if the construction zone can be narrowed or otherwise altered to avoid Site P-15-003927. If avoidance is feasible, the area within 100 feet of Site P-15-003927 shall be designated an Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</p> <p>If avoidance of Site P-15-003927 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>If avoidance within 100 feet of Site P-15-003927 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</p> <p>Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; and surface artifact collection, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</p> <p>If project phasing allows, multiple resources can be included in a single treatment plan document.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none">A. This mitigation measure shall be incorporated as a condition of approval.B. Documentation of the segment of the Twenty Mule Team Road impacted by the project shall be prepared as outlined in this measure.C. The project applicant shall establish a 100-foot buffer established to avoid Site P-15-003927 as outlined in this measure.D. If avoidance is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented as outlined in this measure.E. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Natural Resources Department.				
50.	MM 4.5-13KC: If human remains are uncovered during project construction, the project contractor shall immediately halt work and an Environmentally Sensitive Area physical demarcation/barrier shall be constructed. The Kern County Planning and Natural Resources Department shall also be notified of the	During grading or construction activities	Kern County Planning and Natural Resources		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>discovery. The County and the project proponent shall then immediately contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the California Environmental Quality Act Guidelines. If the County Coroner determines that the remains are Native American, the project operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). Per Public Resources Code Section 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (Public Resources Code Section 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et seq.) directing identification of the next-of-kin will apply.</p> <p>The Most Likely Descendant, identified by the Native American Heritage Commission, shall be allowed, under California Public Resources Code §5097.98(a), to: 1) inspect the site of the discovery; and 2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The Most Likely Descendant, County, and project proponent shall agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The Most Likely Descendant shall complete its inspection and make recommendations within 48 hours of the site visit, as required by California Public Resources Code §5097.98.</p> <p>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 Public Resources Code §5097.98 (a) and (b). The Most Likely Descendant in consultation with the project proponent, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties shall be aware that the Most Likely Descendant 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 project proponent shall accommodate on-site reburial in a location mutually agreed upon by the parties.</p> <p>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, project proponent, and County shall be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code §6254(r).</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. If human remains are discovered, the project proponent shall immediately halt all work and contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines.</p>		Department; Qualified Archaeologist and Native American monitor		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	C. If the remains are determined to be Native American, the County Coroner shall contact the Native American Heritage Commission to assess the find. D. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation.				
4.7	Geology and Soils Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.				
51.	MM 4.7-1KC: Prior to the issuance of building or grading permits for the proposed project, the project proponent/operator shall conduct a final geotechnical study to confirm the findings of the preliminary geotechnical engineering report regarding soil conditions and geologic hazards on the project site. a) The final geotechnical study must be signed by a California-registered and licensed professional engineer and must include, but not limited to the following: 1. Location of fault traces and potential for surface rupture and ground-shaking potential; 2. Maximum considered earthquake and associated ground acceleration; 3. Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows; 4. Stability of any existing or proposed cut-and-fill slopes; 5. Collapsible or expansive soils; 6. Foundation material type; 7. Potential for wind erosion, water erosion, sedimentation, and flooding; 8. Location and description of unprotected drainage that could be impacted by the proposed development; and, 9. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground and any seismic hazards. b) The project proponent/operator shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent/operator shall not locate project facilities on or immediately adjacent to a fault trace. All structures shall be offset at least 100 feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, alternate setback distances may be proposed. c) The final geotechnical study shall be submitted for review and approval by the Kern County Public Works Department. The Kern County Public Works Department shall evaluate final facility siting design prior to the issuance of any building or grading permits to verify that geological constraints have been avoided. Final design requirements shall also be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department. Steps to Compliance:	Prior to issuance of grading or building permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent/operator shall conduct a final geotechnical study to confirm the findings of the preliminary geotechnical engineering report regarding soil conditions and geologic hazards on the project site.</p> <p>C. The final geotechnical study shall be submitted to the Kern County Public Works Department for review and approval.</p> <p>D. A copy of the final geotechnical study, which has been approved by the Kern County Public Works Department, shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
52.	<p>MM 4.7-2KC: Prior to the issuance of any building permit for the operation and maintenance facility, the project operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system(s) and leach field(s). A copy of the final permit shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent/operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division for the design and sitting of septic system and leach fields as outlined in this measure.</p>	Prior to issuance of building for the operation and maintenance facility	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Kern County Environmental Health Services Division		
53.	<p>MM 4.7-3KC: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards to carry out all mitigation measures related to paleontological resources.</p> <p>a) Prior to the start of any ground-disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form.</p> <p>b) The Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements.</p> <p>c) The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources.</p> <p>d) The Paleontological Resources Awareness Training Guides shall be kept on-site and available for all personnel to review and be familiar with as necessary.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p>	Prior to the start of any ground disturbing activities and during construction	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>B. A qualified paleontological monitor shall be retained by the project proponent to conduct training.</p> <p>C. A qualified paleontologist shall prepare a Paleontological Resources Awareness Training program.</p> <p>D. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel.</p> <p>E. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>F. The project operator shall ensure all new on-site construction personnel participate in the Paleontological Resources Awareness Trainings.</p>				
54.	<p>MM 4.7-4KC: A qualified paleontologist or designated monitor shall be on-site initially to spot-check excavations below a depth of 1 foot below the ground surface in a given area. If it is determined that sediments consist of older alluvium, then full-time paleontological monitoring shall ensue. If sediments are determined to consist of Holocene Quaternary alluvium, paleontological monitoring shall be suspended until an excavation depth of 5 feet below the ground surface is reached in the area.</p> <p>a) The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Natural Resources Department and shall be based on a review of geologic maps and grading plans.</p> <p>1. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the paleontologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted.</p> <p>b) Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if deemed necessary.</p> <p>c) Following the completion of construction, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall retain a qualified paleontologist to assess finds and recommended procedures.</p> <p>C. Following the completion of construction, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources onsite, and submit a copy to the Kern County Planning and Natural Resources Department.</p>	During construction activities and when construction has been completed.	Kern County Planning and Natural Resources Department; Qualified Paleontologist		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>D. If necessary, additional avoidance, testing, and evaluation or data recovery excavations shall occur by a qualified paleontologist.</p> <p>E. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence.</p>				
55.	<p>MM 4.7-5KC: If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert the construction equipment within 50 feet of the find until it is assessed for scientific significance and collected. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammals) require more extensive excavation and longer salvage periods. In this case, the paleontologist should 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.</p> <p>Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County) along with all pertinent field notes, photos, data, and maps. The cost of curation is assessed by the repository and is the responsibility of the project owner.</p> <p>At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The final report shall be submitted to the Kern County Planning and Natural Resources Department. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. If a paleontological resource is found, the qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.</p>	During construction activities	Kern County Planning and Natural Resources Department; Qualified Paleontologist		
4.9	<p>Hazards and Hazardous Materials</p> <p>Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
56.	<p>MM 4.9-1KC: During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan, as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System at http://cers.calepa.ca.gov/ for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section.</p> <p>a) The Hazardous Materials Business Plan shall:</p> <ol style="list-style-type: none"> 1. Delineate hazardous material and hazardous waste storage areas; 2. Describe proper handling, storage, transport, and disposal techniques, including which routes will be used to transport hazardous materials; 	Prior to issuing building permits	Kern County Planning and Natural Resources Department; California Environmental Protection Agency; Kern County Public Health Services Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>3. Describe methods to be used to avoid spills and minimize impacts in the event of a spill;</p> <p>4. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction;</p> <p>5. Establish public and agency notification procedures for spills and other emergencies including fires; and</p> <p>6. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site.</p> <p>b) The project proponent/operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.</p> <p>c) A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit a Hazardous Materials Business Plan to the California Environmental Protection Agency (which administers the California Environmental Reporting Program) for review and approval.</p> <p>C. The project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.</p> <p>D. A copy of the approved hazardous materials business plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>E. Submit final hazardous material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.</p>				
57.	<p>MM 4.9-2KC: During project construction and operation, the project proponent/operator shall continuously comply with the following:</p> <p>a) The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.</p> <p>b) Herbicides shall be mixed and applied in conformance with the manufacturer's directions.</p> <p>c) The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife.</p> <p>d) Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water.</p> <p>e) Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.</p>	During construction and operation	Kern County Planning and Natural Resources Department; Kern County Public Health Services Department/ Environmental Health Services Division		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>f) A written record of all herbicide applications on the site, including dates and amounts shall be furnished to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall use herbicides as described in mitigation during construction and operations.</p> <p>C. The Kern County Public Health Services Department/Environmental Health Services Division shall verify compliance and licenses.</p> <p>D. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>E. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.</p>				
58.	<p>MM 4.9-3KC: Prior to commencement of any on-site ground disturbing activities within 1,000 feet of the historical Munitions Response Site MRS-01 site (former Mojave Gunnery Range located in the northeastern portion of the solar facility site), the following measures shall be implemented:</p> <p>a) The project proponent shall implement all measures identified in the Construction Safety Plan prepared for the project (ECM Consultants 2020), including Unexploded Ordnance Awareness Training for site workers and construction support in any ground disturbing activities occurring within 1,000 feet of the historical MRS-01. The Unexploded Ordnance Awareness Training shall inform site workers of the potential munitions at the site and how to respond if such items are encountered.</p> <p>b) Where ground disturbance work is involved, a supervisor shall be Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response-trained in accordance with Standard 29 Code of Federal Regulations 1910.120 and hold a current certification;</p> <p>c) Where ground disturbance work is involved, contractors shall be trained in identifying Unexploded Ordnance/ Munitions and Explosives of Concern.</p> <p>d) If suspected munitions are encountered on-site at any time by an individual, the “3R’s of Explosives Safety” shall be followed. The “3R’s” include:</p> <p>1. Recognize: when something may be a munition and the dangers involved;</p> <p>2. Retreat: do not touch the potential munition and carefully leave the area; and,</p> <p>3. Report: immediately report the finding to local law enforcement.</p> <p>e) The project proponent shall submit proof of compliance with this measure to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall prepare and implement a Construction Support Plan to address future ground disturbance on or near the historical Munitions Response Site MRS-01 site (former Mojave Gunnery Range located in the northeastern portion of the solar facility site) as outlined in this measure.</p> <p>C. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation.</p>	Prior to the issuance of grading permits or commencement of any ground disturbance activities	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
59.	<p>MM 4.9-4KC: During project construction, the project proponent/operator shall be required to abandon, in accordance with all applicable local, State, and federal regulations and protocols, including those implemented by the Kern County Public Health Department, any known and/or unknown (i.e., discovered during project ground disturbance activities) water wells located on-site, unless such wells are proposed for continued operation as part of the development.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall abandon known and/or unknown water wells located on-site, as outlined in this measure. C. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation. 	During project construction	Kern County Planning and Natural Resources Department		
60.	<p>MM 4.9-5KC: Prior to issuance of a grading or building permit, the project proponent/operator shall undertake evaluation of on-site soils for areas where the gen-tie corridor would be undergrounded to cross existing railroad tracks. If subsurface work is required for installation of gen-tie lines or poles in areas located within 20 feet of existing railroad tracks, soil sampling shall occur to determine whether metals concentrations in affected soils exceed California hazardous waste levels or regulatory thresholds that may pose a risk to future on-site construction workers.</p> <p>If it is determined that California hazardous waste levels or regulatory thresholds are exceeded, the project proponent/operator shall be required to undertake measures in conformance with applicable local, State, and federal regulations and requirements, as appropriate, for the proper removal and off-site disposal of such soils in an approved facility and submit documentation of the removal and disposal to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall prepare an evaluation of on-site soils as outlined in this measure. C. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation. 	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department		
61.	<p>MM 4.9-6KC: Prior to issuance of building and grading permits for portions of the project that meet the Federal Aviation Administration’s noticing requirements, the project proponent/operator shall comply with the following:</p> <ul style="list-style-type: none"> a) Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17. b) Obtain a Federal Aviation Administration issued “Determination of No Hazard to Air Navigation” or make the Federal Aviation Administration’s recommended changes to the project. c) Provide documentation to the Kern County Planning and Natural Resources Department demonstrating the project would comply with the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impact and a copy of the site plan has been provided to the appropriate military authority responsible for operations in the flight area. d) Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plan has been provided to the operators of the Mojave Air and Space Port. 	Prior to the issuance of building and grading permits	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit and obtain all necessary information to the FAA as outlined in this measure.</p> <p>C. The project proponent shall provide all documentation concerning compliance with the Kern County Zoning Ordinance Figure 19.08.160.</p> <p>D. The project proponent shall provide documentation demonstrating submission of the final site plan to the Mojave Air and Space Port to the Kern County Planning and Natural Resources Department.</p> <p>E. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation.</p>				
4.10	<p>Hydrology and Water Quality Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
62.	<p>MM 4.10-1KC: Prior to issuance of a grading permit, and prior to engagement of decommissioning activities, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan for review and approval by the Regional Water Quality Control Board—Lahontan Region. The Stormwater Pollution Prevention Plan shall be designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving off-site and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices to be incorporated in the Stormwater Pollution Prevention Plan may include the following:</p> <p>a) Minimization of vegetation removal.</p> <p>b) Implementing sediment controls, including silt fences as necessary.</p> <p>c) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas.</p> <p>d) Properly containing and disposing of hazardous materials used for construction on-site.</p> <p>e) Properly covering stockpiled soils to prevent wind erosion.</p> <p>f) Proper protections and containment for fueling and maintenance of equipment and vehicles.</p> <p>g) Appropriate disposal of demolition debris, concrete and soil, and aggressively controlling litter.</p> <p>h) Cleanup of silt and mud on adjacent street due to construction activity.</p> <p>i) Checking all lined and unlined ditches after each rainfall.</p> <p>j) Restoring all erosion control devices to working order to the satisfaction of the Lahontan Regional Water Quality Control Board after each rainfall runoff.</p> <p>k) Installing additional erosion control measures as may be required due to uncompleted grading operations or unforeseen circumstances which may arise.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p>	Prior to issuance of a grading and building permits	Kern County Public Works Department; Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>B. The project proponent shall submit an approved copy of the Stormwater Pollution Prevention Plan from the Kern County Public Works Department to the Kern County Planning and Natural Resources Department.</p> <p>C. The Kern County Public Works Department will verify compliance in the field during construction.</p>				
63.	<p>MM 4.10-2KC: Prior to the issuance of a grading permit, the project proponent/operator shall submit a final hydrologic study and drainage plan for review and approval by the Kern County Public Works Department. The final hydrologic study and drainage plan shall be designed to evaluate and minimize potential increases in runoff from the project site. The final hydrologic study and drainage plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> a) Numerical stormwater model for the project site, which would evaluate existing and proposed (with project) drainage conditions during storm events ranging up to the 100- year event. b) Consideration of the potential for erosion and sedimentation in light of modeled changes in stormwater flow across the project area that would result from project implementation. c) Engineering recommendations to be incorporated into the project and applied within the site boundary. Engineering recommendations will include measures to offset increases in stormwater runoff that would result from the project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding on-site or off-site. d) The final design of the solar arrays shall include 1 foot of freeboard clearance above the calculated maximum flood depths for the solar arrays or the finished floor of any permanent structures. Solar module sites located within a 100-year floodplain shall be graded to direct potential floodwaters without increasing the water surface elevations more than 1 foot or as required by Kern County’s Floodplain Ordinance. e) The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Development Standards, Kern County Hydrology Manual and Kern County Floodplain Ordinance, and approved by the Kern County Public Works Department prior to the issuance of grading permits. <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall complete a final hydrologic study and drainage plan designed to evaluate and minimize potential increases in runoff from the project site. C. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards, and approved by the Kern County Public Works Department prior to the issuance of grading permits. 	Prior to the issuance of a grading permit	Kern County Public Works Department/ Floodplain Management Section		
64.	<p>MM 4.10-3KC: Prior to issuance of a building permit for any on-site water treatment facilities, the project proponent/project operator shall provide evidence of compliance with any applicable Waste Discharge Requirements established by the Lahontan Regional Water Quality Control Board to the Kern County Public Works Department – Building and Development.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. 	Prior to the issuance of a building permit for on-site water treatment facilities	Kern County Public Works Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	B. The project proponent shall provide evidence of compliance with applicable Waste Discharge Requirements as outlined in this measure.				
4.11	Land Use and Planning Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.				
65.	<p>MM 4.11-1KC: Prior to the issuance of any building permit, the project proponent/operator shall provide the Kern County Planning and Natural Resources Department with a Decommissioning Plan for review and approval. The plan shall be carried out by the proposed operator or a County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator.</p> <p>a) The Decommissioning Plan shall include, but is not limited to, the following:</p> <ol style="list-style-type: none">Factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from the removal of support structures (including all underground equipment), and control of fugitive dust on the remaining undeveloped land.Salvage value for the solar panels and support structures shall be included in the financial assurance calculations.The assumption, when preparing the estimate, is that the project proponent/operator is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work. <p>b) In addition to submittal of a Decommissioning Plan, the project proponent/operator shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommissioning Plan should at any point in time the project proponent/operator determine it is not in their best interest to operate the facility. The financial assurances required prior to issuance of any building permit shall be established using one of the following:</p> <ol style="list-style-type: none">An irrevocable letter of credit;A surety bond;A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommissioning plan; orOther financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department. <p>c) The financial assurances documents shall include the following verbiage, including any required verbiage through Kern County Planning and Natural Resources Department's consultation and review with Kern County Counsel:</p> <ol style="list-style-type: none">Financial institution or surety company shall give the County a minimum of 120 days' notice of intent to terminate the letter of credit or bond.Financial assurances shall be reviewed annually by the respective counties or County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator to substantiate that those	Prior to the issuance of building permits	Kern County Engineering, Surveying, and Permit Services Department; Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommissioning Plan.</p> <p>3. Should the project proponent/operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance.</p> <p>4. Financial institution or surety company shall be licensed to conduct business in the state of California.</p> <p>d) Once deconstruction has occurred, financial assurances for that portion of the site will no longer be required and any financial assurance posted will be adjusted or returned accordingly. Any funds not utilized through decommissioning of the site by the County shall be returned to the project proponent/operator.</p> <p>e) Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months, that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project proponent/operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project proponent/operator may provide the County a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Department Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance.</p> <p>f) In no case shall a solar field which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall prepare and provide a Decommissioning Plan to the Kern County Planning and Natural Resources Department and submit the appropriate financial assurances to the Kern County Engineering, Surveying, and Permit Services Department.</p>				
66.	<p>MM 4.11-2KC: Prior to the operation of the solar facility, the operator shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project operator shall consult with the U.S. Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</p>	Prior to operation of solar facility	U.S. Department of Defense; Kern County Planning and Natural Resources Department		
4.12	<p>Noise</p> <p>Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
67.	<p>MM 4.12-1KC: To reduce temporary construction-related noise impacts, the following shall be implemented by the project proponent/operator:</p>	During construction and	Kern County Planning and Natural		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>a) Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible.</p> <p>b) Construction equipment shall be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.</p> <p>c) During all construction or decommissioning phases of the proposed project located within the limits of unincorporated Kern County, the construction contractor shall limit all on-site noise-producing activities to the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday, and to the hours of 8:00 a.m. and 9:00 p.m. on Saturdays and Sunday or as required through the Kern County Noise Ordinance (Kern County Code of Ordinances, Title 8, Chapter 8.36.020).</p> <p>d) If construction-related activities must occur outside of permitted hours per Section 8.36.020 of the Kern County Code, the project proponent/operator shall obtain approval from the development services agency director or designated representative for project construction activities occurring between the hours of 9:00 p.m. and 6:00 a.m. on weekdays and 9:00 p.m. and 8:00 a.m. on weekends, within 1,000 feet of an occupied residential building, if audible to a person with average hearing ability at a distance of 150 feet from a construction site. As a condition of approval for exempting construction activity outside of permitted hours, the project proponent/operator shall implement a noise control plan including appropriate noise-reduction measures to the satisfaction of the development services agency director or designated representative, which may include the measures listed above. In addition, the noise control plan may include a requirement to restrict the duration of construction activities outside of permitted hours within 1,000 feet of an occupied residential building.</p> <p>e) Haul trucks shall not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).</p> <p>f) On-site vehicle speeds shall be limited to 15 miles per hour, or less (except in cases of emergency).</p> <p>g) Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health’s safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles.</p>	decommissioning activities	Resources Department; Kern County Public Works Department; Noise Disturbance Coordinator		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>C. Contact information for the Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.</p> <p>D. The project proponent shall comply with the Kern County Noise Ordinance.</p> <p>E. The Kern County Public Works Department will verify compliance in the field during inspection.</p>				
68.	<p>MM 4.12-2KC: The construction contractor shall establish a Noise Disturbance Coordinator for the proposed project during construction. The Noise Disturbance Coordinator shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the complaint and shall be required to implement reasonable measures to resolve the complaint. Contact information for the Noise Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction.</p> <p>C. The Noise Disturbance Coordinator shall respond to any local complaints about construction noise.</p> <p>D. Contact information for the Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to the commencement of any ground disturbing activities.</p> <p>E. The disturbance coordinator shall determine the cause of the noise complaint and shall be required to implement reasonable measures such that the complaint is resolved.</p>	Prior to the issuance of grading permits, and during construction and decommissioning activities	Kern County Planning and Natural Resources Department; Kern County Public Works Department; Noise Disturbance Coordinator		
69.	<p>MM 4.12-3KC: Prior to commencement of any on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include:</p> <p>a) The mailing notice shall be to all residences within 1,000 feet of the project site, no sooner than 15 days prior to construction activities. The notices shall include: the construction schedule, telephone number and email address where complaints and questions can be registered with the Noise Disturbance Coordinator.</p> <p>b) A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site or adjacent to the nearest public access to the main construction entrance throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the Noise Disturbance Coordinator.</p> <p>c) Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit evidence to the Kern County Planning and Natural Resources Department of written notice distribution, prior to issuance of a grading permit.</p>	Prior to the issuance of grading permits	Kern County Public Works Department; Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>C. The project proponent shall submit evidence to the Kern County Planning and Natural Resources Department, prior to issuance of a grading permit, that a minimum of one sign, legible at a distance of 50 feet, has been posted at the construction site or adjacent to the nearest public access to the main construction entrance throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the Noise Disturbance Coordinator.</p> <p>D. The Kern County Public Works Department shall verify compliance in the field during inspection.</p>				
4.13	Public Services Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.				
70.	<p>MM 4.13-1KC: Prior to the issuance of grading or building permits the project proponent/operator shall develop and implement a fire safety plan for use during construction, operation and decommissioning.</p> <p>The project proponent/operator shall submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. A copy of the approved Fire Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department. The Fire Safety Plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:</p> <ul style="list-style-type: none">a) All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.b) Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. These vehicle types shall maintain their factory-installed (type) mufflers in good condition.c) Fire rules shall be posted on the project bulletin board at the contractor's field office and in areas visible to employees.d) Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.e) Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.f) The project proponent/operator shall restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.g) Building plans shall be included for the energy storage system to verify adherence to County and California Building Code standards. <p>Steps to Compliance:</p> <ul style="list-style-type: none">A. This mitigation measure shall be incorporated as a condition of approval.B. The project proponent/operator shall submit the Fire Safety Plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval.	Prior to issuance of building and grading permits, and during construction and operation	Kern County Fire Department; Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	C. The project proponent shall provide Kern County Planning and Natural Resources Department a copy of the approved Fire Safety Plan.				
71.	<p>MM 4.13-2KC: The following Cumulative Impact Charge (CIC) shall be implemented as payment on approved Conditional Use Permit acreage.</p> <p>a) Submittal of Building Permit and Phasing</p> <ol style="list-style-type: none">Any building permit submitted shall be accompanied by a map and legal description showing a defined phase for which permits are being requested. All phases shall be numbered sequentially for identification.The map for either the total project or a phase shall calculate the Cumulative Impact Charge (CIC) net acreage as follows:<ol style="list-style-type: none">Total gross acreage (Phase)Total acres for Operations and Maintenance building permanent accessory improvementsTotal acres for Energy Storage structure and permanent accessory improvementsTotal acres of recorded easementsFormula: Net Acreage = (2)A minus the sum of [(2)B + (2)C + (2)D].Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under (2)B or (2)C, above.All areas of buildings, accessory improvements and easement used in the calculations shall be shown on the submitted Phase Map.Any property included in the approved Conditional Use Permit that is not included in a phase must be included in the last phase or a formal modification processed to remove it from the Conditional Use Permit. <p>b) Calculation and Payment of Cumulative Impact Charge (CIC)</p> <ol style="list-style-type: none">A payment of \$620 per net acre for the map shown with the building permit submittal shall be paid upon issuance of the first building permit. If it is not paid within 30 days after the issuance of the first building permit for the phase regardless of the total number of building permits or type of building permit issued, all such permits shall be suspended until the fee is paid in full.Payments shall be made to the Planning and Natural Resources Department for transfer directly to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) with the project name and phase number.Any acres denoted for an operation and maintenance building or energy storage that are not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC). <p>Steps to Compliance:</p> <ol style="list-style-type: none">This mitigation measure shall be incorporated as a condition of approval.The project proponent shall formulate the Cumulative Impact Charge as outlined in mitigation.Payments shall be made to the County Planning and Natural Resources Department for direct transfer to the County Administrative Office Fiscal Division.	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department; Kern County Administrative Office Fiscal Division		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	D. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department.				
72.	<p>MM 4.13-3KC: Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes that total less than \$3,000 per megawatt per year, then that entity shall pay the taxes plus the amount necessary to equal the equivalent of \$3,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. This mitigation measure shall be incorporated as a condition of approval. B. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. 	Prior to issuance of grading and construction permits, and prior to April 15 of each calendar year	Kern County Planning and Natural Resources Department		
73.	<p>MM 4.13-4KC: The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.</p> <p>Steps to Compliance:</p> <ul style="list-style-type: none"> A. The project proponent shall submit payment of development impact fees for public services as deemed necessary by the Kern County Board of Supervisors. B. Evidence of payment, if applicable, shall be submitted to the Kern County Planning and Natural Resources Department. C. The project proponent shall submit verification to the Kern County Planning and Natural Resources Department that a street name address has been obtained, within the unincorporated portion of Kern County, and that such address has been registered with the State Board of Equalization; unless the project proponent/operator makes arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid). 	Prior to commencement of construction activities	Kern County Planning and Natural Resources Department		
74.	<p>MM 4.13-5KC: Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.</p>	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval B. Prior to the issuance of any building permits on the property, the project proponent shall submit a letter to the Kern County Planning and Natural Resources Department detailing the hiring efforts prior to commencement of construction.				
4.14	Transportation Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.				
75.	MM 4.14-1KC: Prior to the issuance of construction or building permits, the project proponent/operator shall: a) Obtain all necessary encroachment permits for work within the road right-of-way or use of oversized/overweight vehicles that will utilize County-maintained roads which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department Development Review, prior to the commencement of construction or decommissioning activities. b) Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County. c) Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department- Development Review and the California Department of Transportation offices for District 9, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues: 1. Timing of deliveries of heavy equipment and building materials; 2. Directing construction traffic with a flag person; 3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic; 4. Ensuring access for emergency vehicles to the project site; 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; 6. Maintaining access to adjacent property; and, 7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. d) Institute construction work hours as necessary, such that the arrival and/or departure times of workers would be staggered as necessary.	Prior to issuance of building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department/ Building and Development Division; California Department of Transportation		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>e) Identifying vehicle safety procedures for entering and exiting site access roads.</p> <p>f) Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department Development Review and the Kern County Planning and Natural Resources Department.</p> <p>g) Within 30 days of completion of construction, the project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in DVD format. The County, in consultation with the project proponent/operator's engineer, shall determine the extent of remediation required, if any.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit a Traffic Control Plan to the Kern County Planning and Natural Resources Department, Kern County Public Works Department, and the California Department of Transportation, as appropriate, for review and approval.</p> <p>C. The project proponent shall obtain necessary encroachment permits from Kern County Public Works Department and California Department of Transportation, if necessary.</p> <p>D. The project proponent shall provide the Kern County Planning and Natural Resources Department with a copy of an approved Traffic Control Plan, encroachment permits and executed secured agreements, which includes identification of roads to be used during construction.</p> <p>E. The project proponent shall submit preconstruction and post-construction videos documenting repairs to roads used during construction, as outlined in mitigation.</p> <p>F. The Kern County Planning and Natural Resources Department shall review videos and documentation and verify compliance.</p>				
4.16	<p>Utilities and Service Systems Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</p>				
76.	<p>MM 4.16-1KC: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible.</p> <p>a) An on-site Recycling Coordinator shall be designated by the project proponent/operator to facilitate recycling as part of the Maintenance, Trash Abatement, and Pest Management Program.</p> <p>b) The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.</p> <p>c) The on-site Recycling Coordinator shall also be responsible for ensuring waste requiring special disposal are handled according to state local regulations that are in effect at the time of disposal.</p>	Prior to issuing building permits; During grading, construction, operations, and decommissioning	Kern County Planning and Natural Resources Department; Kern County Public Works Department – Operations and Maintenance Division		

Mitigation Measure Monitoring Program – Bellefield Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	<p>d) Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.</p> <p>e) The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction, operations, and decommissioning. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.</p> <p>Steps to Compliance:</p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. Prior to issuance of building permits, designate onsite-recycling coordinator, provide name, and phone number to the Kern County Public Works Department/Operations & Maintenance Division and the Kern County Planning and Natural Resources Department.</p> <p>C. Recycle construction waste to the extent feasible.</p> <p>D. Provide Kern County Planning and Natural Resources Department and Kern County Public Works Department/Operations & Maintenance Division with a site plan showing the recycling storage area prior to the issuance of grading or building permits for the site.</p> <p>E. Provide Kern County Planning and Natural Resources Department and Kern County Public Works Department/Operations & Maintenance Division with copies of hauling receipts.</p> <p>F. Kern County Public Works Department will verify in the field during the construction period.</p>				

EXHIBIT D – BELLEFIELD SOLAR PROJECT

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize issuance of a Right-of-Way Lease, to 50LW 8ME LLC (8-Minute Energy), for use of school land associated with the proposed Bellefield Solar Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines¹, § 15381.) In 1853, the United States Congress granted to California nearly 5.5 million acres of land for the specific purpose of supporting public schools. In 1984, the State Legislature passed the School Land Bank Act (Act), which established the School Land Bank Fund (SLBF) and appointed the Commission as its trustee (Pub. Resources Code, § 8700 et seq.). The Act directed the Commission to develop school lands into a permanent and productive resource base for revenue generating purposes. The Commission manages approximately 462,830 +/- acres of school lands still held in fee ownership by the State and the reserved mineral interests on an additional 790,000± acres where the surfaces estates have been sold. Revenue from school lands is deposited in the State Treasury for the benefit of the Teachers' Retirement Fund (Pub. Resources Code, § 6217.5).

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward, and because Kern County (County), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The County analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2021010168, <https://kernplanning.com/environmental-doc/bellefield-solar-project/>) and, in December

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

2021, certified the EIR and adopted a Mitigation Measure Monitoring Program (MMMP) and Findings, and a Statement of Overriding Considerations.

The Project involves the construction and operation of a photovoltaic (PV) solar facility and associated infrastructure necessary to generate up to 1,500 megawatts (MW) of renewable energy with associated infrastructure necessary to generate up to 1,500 MW hours of energy storage. The total Project area is both in unincorporated Kern County and the City of California City. The portion of the Project specifically within unincorporated Kern County includes 82 parcels totaling approximately 6,269 gross acres.

Work on State lands would include the installation of seven poles to act as overhead structures. The poles would be directly embedded into the ground and would not require a concrete pier foundation. There will be a designated area of “drive and crush” impact that is a 100-foot square, centered on each overhead structure. The area would be slightly graded to a 25-foot by 25-foot area directly centered on pole location for worker safety and equipment stability using wheeled skip loaders. A drill rig and crane would be mobilized to drill and set the poles. The crane used to erect the poles would be approximately 130 tons on rubber wheels. All the poles would be set in the area within 2 to 4 weeks. The crews would return to the area and use bucket trucks or a 50-ton crane with man basket to install conductors and string wire.

The County determined that the overall Project could have significant environmental effects on the following environmental resources:

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

Of the 17 resources areas noted above, Project components within the Commission’s jurisdiction (i.e., installation of utility poles) could have significant environmental effects on 12 of the resource areas, as follows:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

In certifying the Final EIR and approving the Project, the County imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures. However, even with the integration of all feasible mitigation, the County concluded in the EIR that some of the identified impacts would remain significant. As a result, the County adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The County determined that, after mitigation, the Project may still have significant impacts on Aesthetics, Air Quality, Biological Resources, Hazards and Hazardous Materials, and Wildfire. Because some of these significant impacts may occur on lands under the jurisdiction of the Commission, the Commission also adopts the Statement of Overriding Considerations set forth in this exhibit as part of its approval.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a Project. In doing so, the Commission may require changes in a Project to lessen or avoid the effects, either direct or indirect, of that part of the Project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission's Division of Environmental Planning and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a Project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the County for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a Right-of-Way lease for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a Right-of-Way lease, which would allow the installation of seven utility poles, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a Project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that 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 Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Wherever Finding (3) is made, the Commission has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological, or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the Final EIR, discussed in the Responses to Comments, and explained below. Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the Commission finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

A. SUMMARY OF FINDINGS

Based on public scoping, the proposed Project will have No Impact on the following environmental issue areas:

- Mineral Resources
- Population and Housing
- Recreation

The EIR subsequently identified the following impact that was considered Less Than Significant.

- Energy

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts identified in Table 1 were determined to occur on State school lands, and in the Final EIR were found to be potentially significant absent mitigation. After application of mitigation, however, several impacts were determined to be less than significant with mitigation (LTSM). For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

However, even with the integration of all feasible mitigation, the County concluded in the EIR that the other identified potentially significant impacts will remain significant. Table 1 identifies those impacts that the County determined would be, after mitigation, significant and unavoidable (SU).

Table 1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos.	
	LTSM	SU
Air Quality	4.3-1	4.3-2, 4.3-4-C
Biological Resources	4.4-1, 4.4-5, 4.4-C	
Cultural Resources	4.5-2, 4.5-3, 4.5-C	
Geology and Soils	4.7-2, 4.7-5, 4.7-6, 4.7-7, 4.7-9, 4.7-C	
Hazards and Hazardous Materials	4.9-1, 4.9-2, 4.9-C	
Hydrology and Water Quality	4.10-1, 4.10-3, 4.10-8, 4.10-C	
Noise	4.12-1, 4.12-C	
Public Services	4.13-C	
Transportation and Traffic	4.14-4, 4.14-C	
Tribal Cultural Resources	4.15-1a, 4.15-1b, 4.15-C	
Utilities and Service Systems	4.16-4	
Wildfire	4.17-2, 4.17-3	4.17-C

As a result, the Commission adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impacts.

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant.

1. AIR QUALITY

CEQA FINDING NO. 4.3-1

Impact: **Impact 4.3-1. The Project would conflict with or obstruct implementation of the applicable air quality plan.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Implementation of the Project would generate both temporary (construction) and long-term (operational) emissions, which could conflict with or obstruct Eastern Kern Air Pollution Control District (EKAPCD) rules and regulations. Project impacts would be potentially significant before mitigation.

MMs would be required to reduce fugitive dust emissions by implementing a Fugitive Dust Control Plan, which would reduce temporary PM₁₀ construction emissions to below significance thresholds, and implementing exhaust reduction measures. With the implementation of MMs 4.3-1KC through 4.3-4KC, impacts would be reduced to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. BIOLOGICAL RESOURCES

CEQA FINDING NO. 4.4-1

Impact: **Impact 4.4-1. The Project would 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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The 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, such as mortality of individuals or interference with reproductive success.

MMs will be implemented as part of the Project that would include monitoring, education awareness training, preconstruction clearance surveys, and general biological resources avoidance measures. Impacts would be mitigated to a level of less than significant through the implementation of MM 4.1-5KC and MMs 4.4-1KC through 4.4-21KC.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.4-5

Impact: **Impact 4.4-5. The Project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The site is located within a Development Focus Area of the Desert Renewable Energy Conservation Plan (DRECP) planning area. The portion of the Project implemented on State land would be subject to the DRECP. In addition, the Project is located within the Mojave Specific Plan area, which encourages the preservation of Joshua trees, Joshua tree woodlands, wildflower displays, or other biologically sensitive flora. Kern County administers the permit program for the California Desert Native Plants Act. The Project has the potential to result in impacts to western Joshua trees and other native desert

plants both directly, through construction and decommissioning activities, and indirectly, through dust, soil compaction, and habitat degradation.

MMs will be implemented as part of the Project that would require oversight of the protection measures for special-status species, a Worker Environmental Awareness Program, and avoidance measures. Implementation of MMs 4.4-1KC through 4.4-8KC and MMs 4.4-10KC through 4.4-14KC would reduce Project impacts to less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.4-C (CUMULATIVE)

Impact: **Impact 4.4-C. The Project would have a cumulative environmental impact on biological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Impacts associated with construction of the gen-tie line is expected to encompass a relatively small development footprint and would therefore result in minimal ground disturbance. Gen-tie line infrastructure would not create barriers to wildlife movement and would be within disturbed and developed surrounding property. Therefore, the gen-tie line would not contribute to a significant impact to biological resources on a cumulative level due to the minimal ground disturbance, similarity of improvements to the existing transmission infrastructure in the region, the short construction/decommissioning timeframe, and the limited vehicle and equipment use required for construction, operation, and maintenance, and/or decommissioning of the gen-tie line. Additionally, no impacts are expected to occur to adjacent areas during the operational phase of the gen-tie line.

Because of the temporary nature of the construction and decommissioning phases and the small gen-tie line development footprint (especially within State lands), impacts to wildlife and the vegetation communities and habitats surrounding the gen-tie line would be minimal and would be reduced to less than significant with the implementation of MMs 4.4-1KC through 4.4-23KC, which provide oversight of the protection measures for special-status species, a Worker Environmental Awareness Program, and avoidance measures.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. CULTURAL RESOURCES

CEQA FINDING NO. 4.5-2

Impact: **Impact 4.5-2. The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Given the number of resources identified within the Project site and gen-tie route alternatives, there is a potential to unearth previously unknown cultural resources.

With implementation of MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-12KC, which require cultural resources sensitivity training for construction workers, avoidance of archaeological sites, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.5-3

Impact: **Impact 4.5-3. The Project could disturb human remains, including those interred outside of formal cemeteries.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

There is no indication, either from the archival research results or the archaeological survey, that any particular location along the gen-tie corridor has been used for human burial purposes in the recent or distant past. However, given the sensitivity for buried archaeological resources, the Project could inadvertently uncover, or damage human remains, which would be a significant impact.

Implementation of MM 4.5-13KC would ensure that any human remains encountered are appropriately addressed, thus reducing impacts to less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.5-C (CUMULATIVE)

Impact: **Impact 4.5-C. The Project could have a cumulative environmental impact on cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Development of the proposed Project on State lands, in combination with other Projects in the area, has the potential to contribute to a cumulatively significant cultural resources impact due to the potential loss of archaeological resources unique to the region. However, specific federal, State, and local laws are designed to protect such resources. Additionally, MMs are included in the EIR to reduce potentially significant Project impacts to cultural resources during construction of the proposed Project, which would reduce the Project's incremental contribution to cumulative impacts.

Mitigation measures include avoidance or preparation of a long-term management plan for significant resources, monitoring of ground-disturbing activities by a qualified archaeologist and Native American monitor, and employee environmental/cultural training. Implementation of MMs 4.5-1KC, 4.5-2KC, and 4.5-11KC would reduce impacts to cultural resources to less than significant. With regard to human remains, although Project construction has the potential to disturb human remains, the implementation of MM 4.5-13KC would ensure that appropriate protocol is followed with regard to identifying and handling remains. With the implementation of these measures the proposed Project's contribution to a significant cumulative impact on cultural resources is considered less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. GEOLOGY AND SOILS

CEQA FINDING NO. 4.7-2

Impact: **Impact 4.7-2. The Project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project is located in a highly seismic region within the influence of several fault systems, including the San Andreas and Garlock Fault systems, which are capable of generating strong ground motions that could affect the Project area.

MM 4.7-1KC would be implemented to require that a geotechnical study to evaluate on-site soil conditions and geologic hazards be prepared by a qualified geotechnical engineer and would ensure that the Project facilities are able to withstand seismic hazards resulting from strong seismic ground shaking. With the implementation of MM 4.7-1KC the impact would be reduced to less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.7-5

Impact: **Impact 4.7-5. The Project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving substantial soil erosion or the loss of topsoil.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction of the Project would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Although the Project site consists of relatively flat topography and would not involve substantial cut and fill operations, earthmoving and construction activities could loosen soil, and the removal of existing minimal vegetation could contribute to soil loss and erosion.

Per MM 4.7-1KC, the grading plans would be accompanied by a soils engineering report, engineering geology report, and drainage calculations pursuant to the Kern County Grading Code (Section 17.28.070) to the Kern County Public Works Department to obtain required grading permits. In addition, MM 4.10-1KC would require a Storm Water Pollution Protection Plan (SWPPP) for the Project per Kern County National Pollutant Discharge Elimination System (NPDES) Program requirements that would retain all stormwater runoff on-site. The SWPPP would include various types of best management practices to prevent erosion and sedimentation from occurring during construction. Furthermore, implementation of MM 4.10-2KC would require the preparation of a hydrologic study and final drainage plan. The implementation of MMs 4.7-1KC, 4.10-1KC, and 4.10-2KC would reduce impacts to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.7-6

Impact: **Impact 4.7-6. The Project could 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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The geotechnical report prepared for the EIR concluded that the liquefaction potential on the Project sites is low, largely based on the groundwater depth in the area, which is reportedly greater than 100 feet below ground surface. As a result, combined with the relatively flat topography, the low liquefaction potential indicates a low potential for lateral spreading and collapse. Due to the groundwater level in the site vicinity and recent evaluations of land subsidence by the US Geological Survey, the Project site is not within an area that has sustained measurable subsidence due to groundwater drawdown. The potential for impacts due to subsidence is also considered low.

A final geotechnical study would be performed for the Project sites as part of MM 4.7-1KC to evaluate soil conditions and potential for geologic hazards and provide recommendations to address any unstable soils, including the potential for lateral spreading, seismic settlement, and collapse. The implementation of MM 4.7-1KC would reduce impacts to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.7-7

Impact: **Impact 4.7-7. The Project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Based on recent geotechnical investigations, near-surface soils at the Project sites are mostly sandy soils whose expansion potential is considered low.

A final geotechnical study would be prepared for the Project as part of MM 4.7-1KC to confirm the findings of the conceptual geotechnical study regarding soil conditions and

their ability to support the proposed improvements over the long term. The study would include recommendations to address any unstable soils including the potential for expansive soils and their potential to create risks to life or property. The implementation of MM 4.7-1KC would reduce impacts to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.7-9

Impact: **Impact 4.7-9. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The surficial geology of the Project area has a low paleontological sensitivity that increases with depth. Pleistocene sediments may underlie the Holocene sediments at unknown depths within the Project sites but are assumed to be approximately 5 feet below ground surface or deeper based on the distance to the surrounding hills and basin margins. Construction of the proposed gen-tie lines on State lands (utility pole installation) may involve excavation of dirt deeper than 5 feet; therefore, potential impacts to paleontological resources could occur. Impacts would be significant if construction activities result in the destruction, damage, or loss of scientifically important paleontological resources and associated stratigraphic and paleontological data.

With implementation of MMs 4.7-3KC through 4.7-5KC, which would require Paleontological Resources Awareness Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of accidentally uncovered paleontological resources, potential impacts to paleontological resources would be reduced to less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.7-C (CUMULATIVE)

Impact: **Impact 4.7-C. The Project could have a cumulative environmental impact on geology, soils, or paleontological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Cumulative Projects would be subject to relatively similar seismic hazards as that of the proposed Project. However, the effects of these Projects would not cause cumulatively significant effects from geologic impacts on soils because such impacts are site specific and would only have the potential to combine with impacts of the Project if they occurred in the same location as the Project. In addition, although construction activities have the potential to result in erosion on the Project sites, adherence to the recommendations in the geotechnical report (and other grading and building requirements) would mitigate erosion impacts to a less than significant level. Other cumulative Projects would also be required to adhere to similar requirements, thereby minimizing cumulative scenario erosion impacts. Specifically, all planned Projects in the vicinity of the proposed Project are subject to environmental review and would be required to conform to the Kern County General Plan and Building Code.

With implementation of MMs 4.7-1KC and 4.10-2KC the proposed Project would not contribute to significant cumulative impacts for geologic, seismic hazards, or erosion events because the proposed Project and other cumulative Projects in the area would be required to demonstrate compliance with local, State, and federal building and safety standards prior to County issuance of grading and/or building permits.

Development of the gen-tie line on State lands, in combination with other Projects in the area, has the potential to contribute to a cumulatively significant paleontological resources impact due to the potential loss of paleontological resources unique to the region. However, mitigation measures are included in EIR to reduce potentially significant Project impacts to paleontological resources during construction. Implementation of MM 4.7-3KC through 4.7-5KC would require Paleontological Resources Awareness Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of accidentally uncovered paleontological resources. With implementation of MM 4.7-3KC through 4.7-5KC, as described above, the Project would not result in significant impacts to paleontological resources. Given this minimal impact and the requirement for similar mitigation for other Projects in the Fremont Valley, cumulative impacts to paleontological resources would be less than significant.

With the implementation of MMs 4.7-1KC, MMs 4.7-3KC through 4.7-5KC, and MM 4.10-2KC, cumulative impacts associated with geology, soils, and paleontological resources would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

5. HAZARDS AND HAZARDOUS MATERIALS

CEQA FINDING NO. 4.9-1

Impact: **Impact 4.9-1. The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction of the Project would not involve the routine transport, use, or disposal of significant quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act, but some debris produced during construction and decommissioning would require disposal. Most of the hazardous waste generated by the Project would occur during the temporary construction period and would consist of liquid waste, including cleaning fluids, dust palliative, herbicides, and solvents.

Implementation of MM 4.9-1KC would require preparation of a Hazardous Materials Business Plan that would describe proper handling, storage, transport, and disposal techniques and methods to be used to avoid spills and minimize impacts in the event of a spill. In addition, MM 4.16-1KC would require debris and waste generated to be recycled to the extent feasible during construction, operation, and decommissioning and the designation of a Recycling Coordinator to facilitate recycling of all waste, to the extent feasible, through coordination with the on-site contractors, local waste haulers, and other facilities that recycle construction/demolition wastes. In addition, with the implementation of MMs 4.9-1KC and 4.16-1KC, impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.9-2

Impact: **Impact 4.9-2. The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Potential impacts that may result from construction of the Project include the accidental release of materials, such as cleaning fluids and petroleum products including lubricants, fuels, and solvents.

MM 4.9-1KC would require preparation of a Hazardous Materials Business Plan, which would include methods to be used to avoid spills and minimize impacts in the event of a spill by providing procedures for handling and disposing of hazardous materials as well as public and agency notification procedures for spills and other emergencies including fires would be implemented and would reduce such potential impacts on sensitive receptors. MM 4.16-1KC would require that an on-site recycling coordinator be designated by the project proponent to facilitate recycling of all waste through coordination with the on-site contractors, local waste haulers, and/or other facilities that recycle construction/demolition waste. With implementation of MM 4.9-1KC and MM 4.16-1KC, impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.9-C (CUMULATIVE)

Impact: **Impact 4.9-C. The Project could have a cumulative environmental impact related to hazards and hazardous materials, except concerning implementation of, or physically interfere with, an adopted response plan or emergency evacuation plan.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Multiple Projects, including several utility-scale solar energy facilities, are proposed throughout Kern County. Similar to the proposed Project, many of these Projects are located in the Fremont Valley and Mojave Desert. Approximately 29 solar energy and non-solar Projects are proposed within a 6-mile radius of the Project site. However, impacts regarding the handling, use, and/or storage of hazardous materials would be Project specific and would not cumulatively contribute to impacts. An accident involving a hazardous material release during Project construction or operation through upset or accident conditions including site grading or excavation, or the use and transport of petroleum-based lubricants, solvents, fuels, batteries, herbicides, and pesticides to and from the Project site, would be location specific.

The implementation of MMs 4.9-1KC, 4.9-2KC, and 4.16-1KC would further reduce the Project's potential to contribute to a significant cumulative impact. In addition, implementation of appropriate safety measures during Project construction, as well as other cumulative Projects, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, Project-level impacts would not be cumulatively significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. HYDROLOGY AND WATER QUALITY

CEQA FINDING NO. 4.10-1

Impact: **Impact 4.10-1. The Project could violate water quality standards or waste discharge requirements, or otherwise degrade surface or groundwater quality.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Stormwater-related impacts resulting from the proposed gen-tie lines would be less than those associated with the proposed solar facility, however, scrapers, excavators, dozers, haul vehicles, and graders may all be used in site preparation, which could result in dust generation and erosion. Further, any construction activity that results in the accidental release of pollutants or hazardous or potentially hazardous materials could degrade stormwater quality.

MM 4.9-1KC would require the implementation of a Hazardous Materials Business Plan, which would ensure safe handling of construction-related hazardous materials on-site and would provide the means for prompt cleanup in the event of an accidental hazardous material release. MM 4.10-1KC would implement a SWPPP that would include erosion control and sediment control best management practices designed to prevent soil erosion from occurring during rain events. MM 4.10-2KC would reduce proposed Project-generated stormwater runoff to pre-Project conditions, such that no off-site stormwater control measures would be necessary. Implementation of MMs 4.9-1KC, 4.10-1KC, and 4.10-2KC would reduce impacts to a level less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.10-3

Impact: **Impact 4.10-3. The Project could substantially alter the existing drainage patterns of the site or area through the addition of impervious surfaces, in a manner that would result in substantial erosion and/or sedimentation on-site or off-site.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Ground disturbance (via activities such as grading and excavation) within drainage areas as well as in non-drainage areas may alter drainage patterns of a site. These changes could concentrate flows from storms and construction water usage, and could result in increased erosion of existing soils on-site and sedimentation of water. Ground disturbance in drainage areas has a higher likelihood of resulting in erosion and sedimentation since water flow is more concentrated in these areas and has a higher erosive power. Construction and installation, as well as possible future decommissioning and removal of the gen-tie lines, would temporarily disturb surface soil conditions.

MM 4.10-1KC would implement a SWPPP that would include erosion control and sediment control best management practices designed to prevent soil erosion from occurring during rain events. MM 4.10-2KC would reduce proposed Project-generated

stormwater runoff to pre-Project conditions, such that no off-site stormwater control measures would be necessary. Implementation of MMs 4.10-1KC and 4.10-2KC would reduce impacts to a level less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.10-8

Impact: **Impact 4.10-8. The Project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project site is located within the Lahontan Regional Water Quality Control Board and is subject to the applicable requirements of the Basin Plan. The Basin Plan sets the water quality standards for the basin, identifies water quality problems and control measures, and identifies monitoring activities for waste discharge requirements. Water used during Project construction and operation, and future decommissioning, is anticipated to be primarily obtained from on-site or off-site groundwater wells, with some water delivered to the Project via truck by off-site commercial vendors.

MM 4.10-1KC would implement a SWPPP that would include erosion control and sediment control best management practices designed to prevent soil erosion from occurring during rain events. MM 4.10-2KC would reduce proposed Project-generated stormwater runoff to pre-Project conditions, such that no off-site stormwater control measures would be necessary. Implementation of MMs 4.10-1KC and 4.10-2KC would reduce impacts to a level less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.10-C (CUMULATIVE)

Impact: **Impact 4.10-C. The Project would have a cumulative environmental effect on hydrology and water quality.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Groundwater use for the construction of the gen-tie lines would be minimal and is not required for ongoing operations or maintenance. Due to the small amount of water required, water use would not result in a considerable contribution toward a significant cumulative impact. Because of the minimal impacts associated with construction and operation of the gen-tie lines, they would also not result in a considerable contribution toward a significant cumulative impact with respect to water quality degradation, groundwater resources, erosion, drainage, or flooding.

Based on the conclusions above, and continued implementation of County construction and design standards, the Project's contribution to cumulative impacts relating to hydrology and water quality would be less than cumulatively considerable, and overall, cumulative impacts would be less than significant. With implementation of MMs 4.9-1KC, MM 4.10-1KC and 4.10-2KC, cumulative impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

7. NOISE

CEQA FINDING NO. 4.12-1

Impact: **Impact 4.12-1. The Project would result in generation of a substantial temporary or permanent increase in the 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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The gen-tie transmission line(s) would generate noise from the corona affect, which is a phenomenon associated with the electrical ionization of the air that occurs near the surface of the energized conductor and suspension hardware due to very high electric field strength. This audible power line noise is generated from electric corona discharge,

and usually sounds like a random crackling or hissing sound. The general low operational noise of the gen-tie transmission line would not exceed the County's and the Mojave Specific Plan's standard of 65 dBA Ldn at the nearest residences, and impacts would be less than significant.

Some residences in the community of Mojave would be exposed to construction noise from gen-tie construction on State lands. Due to the proximity of these residences to the construction, combined construction noise would have a potentially significant temporary impact. However, implementation of MMs 4.12-1KC through 4.12-3KC, which would include locations of staging areas, noise reduction features, and other limits, would reduce impacts on residents in Kern County to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.12-C (CUMULATIVE)

Impact: **Impact 4.12-C. The Project would contribute to a cumulative environmental impact on noise.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Heavy equipment use during gen-tie line construction would generate a noise level of up to 90 dBA Leq when within 25 feet of single-family residences/mobile homes in Kern County. None of the other projects, identified as cumulative projects, are within a mile of the Project site. Because sensitive receptors in the community of Mojave are closer than 1,000 feet away from gen-tie line construction, County approval and implementation of a noise control plan would be required unless nighttime construction noise is determined to be inaudible to a person with average hearing ability at a distance greater than 150 feet. In addition, daytime construction noise levels in excess of 70 dBA Leq could disturb nearby residents. Therefore, gen-tie line construction noise would have a potentially significant temporary impact.

Implementation of MMs 4.12-1KC through 4.12-3KC, which would include locations of staging areas, noise reduction features, and other limits would reduce impacts to a less than significant level. During operation, the gen-tie line would not generate noise beyond the existing baseline environment and the impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

8. PUBLIC SERVICES

CEQA FINDING NO. 4.13-C (CUMULATIVE)

Impact: **Impact 4.13-C. The Project would have a cumulative environmental impact on public services.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The cumulative impact analysis area for public services includes the service areas for each of the fire, police, and other governmental offices/facilities serving the Project sites. Due to the Project, these services could decline in unincorporated communities and result in physical impacts on neighborhoods. Such cumulative impacts include increase in vandalism on public spaces such as parks, lack of road and park facilities maintenance, abandoned vehicles and buildings, trash abandonment on private property, and lack of funding for code enforcement of regulations for public health and safety, lack of services for homelessness prevention programs, as well as lack of services and facilities for elder, adolescent, and child health and safety services and general mental health facilities.

MM 4.13-1KC would require the implementation of a Fire Safety Plan. MM 4.13-2KC requires the Project proponent to pay cumulative impact charges to reduce significant impacts to all public services, including fire and law enforcement services in Kern County and California City. MMs 4.13-3KC through 4.13-5KC require the applicant to work with the County in regard to property ownership, taxes, and hiring practices. With implementation of MMs 4.13-1KC through 4.13-5KC, impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

9. TRANSPORTATION AND TRAFFIC

CEQA FINDING NO. 4.14-4

Impact: **Impact 4.14-4. The Project would result in inadequate emergency access.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The gen-tie line would be located in a rural area with the primary access roads allowing adequate egress/ingress in the event of an emergency. Sufficient access exists within the gen-tie line easement(s) to allow for emergency access. As noted above, the proposed Project is not expected to require the closure of public roads in the area which could inhibit access by emergency vehicles, with exception of potential partial or full closure of Oak Creek Road during Project construction. Additionally, heavy construction-related traffic could also interfere with emergency response to the gen-tie site or emergency evacuation procedures in the event of an emergency such as a wildfire.

MM 4.14-1KC (preparation of a Construction Traffic Control Plan) would be implemented to ensure that vehicles associated with construction of the gen-tie line do not interfere with emergency access along affected roadways. Therefore, impacts related to adequate emergency access would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.14-C (CUMULATIVE)

Impact: **Impact 4.14-C. The Project would have a cumulative environmental impact on transportation and traffic.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The cumulative impact analysis area for public services includes the service areas for each of the fire, police, and other governmental offices/facilities serving the project site. For both the Kern County Sheriff's Office and the Kern County Fire Department, service areas comprise unincorporated areas of Kern County. As discussed above, police and fire service impacts related to the proposed Project would be less than significant. MM 4.13-1KC requires implementation of a fire safety plan during project construction, operation, and decommissioning that would include notification procedures and emergency fire precautions to help reduce fire risks and the consequential need for fire protection services on-site. MM 4.13-2KC requires the Project proponent to pay cumulative impact fees to reduce significant impacts to all public services, including fire and law enforcement services in Kern County and California City. Implementation of MMs 4.13-2KC through 4.13-5KC would also prevent the decline of services in unincorporated communities that result in physical impacts on neighborhoods. Such cumulative impacts include increase in vandalism on public spaces such as parks, lack of road and park facilities maintenance, abandoned vehicles and buildings, trash abandonment on private property, and lack of funding for code enforcement of regulations for public health and safety, lack of services for homelessness prevention

programs, as well as lack of services and facilities for elder, adolescent and child health and safety services and general mental health facilities.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

10. TRIBAL CULTURAL RESOURCES

CEQA FINDING NO. 4.15-1a

Impact: **Impact 4.15-1a. The Project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Section 5020.1(k).**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource. The Native American Heritage Commission (NAHC) was contacted to request a search of the Sacred Lands File in September 2019. The NAHC emailed a response on October 2, 2019, stating that the search was returned with negative results. However, the absence of specific site information does not necessarily indicate the absence of cultural resources in the Project area, as unknown cultural resources may be present. In response to the SB 18 notification efforts, the Kern Valley Indian Community requested ongoing notification with regard to the Bellefield Solar Project and, due to this area of Kern County potentially harboring items and features of cultural significance, that a tribal representative be on-site during all ground-disturbing activities.

Implementation of MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC, which require resources sensitivity training for construction workers; avoidance of tribal cultural sites; archaeological and Native American monitoring during construction; and appropriate treatment of unearthed resources during construction, would reduce the tribal cultural resource impacts of the proposed Project to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.15-1b

Impact: **Impact 4.15-1b. The Project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Kern Valley Indian Community identified a potential tribal cultural resource within the Project site as part of the AB 52 and SB 18 consultation process. Given that tribal cultural resources were not identified within or immediately adjacent to the Project site, the Project is not anticipated to cause a substantial direct or indirect adverse change in the significance of a known tribal cultural resource. However, as noted under Impact 4.15-1a, the Project would have the potential to result in impacts to unknown tribal cultural resources.

The Project has the potential to contribute to cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC, which require resources sensitivity training for construction workers; avoidance of tribal cultural sites; archaeological and Native American monitoring during construction; and appropriate treatment of unearthen resources during construction, would reduce the tribal cultural resource impacts of the proposed Project to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.15-1C (CUMULATIVE)

Impact: **Impact 4.15-1C. The Project would have a cumulative environmental impact on tribal cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Although no known Tribal cultural resources of significance or human remains have been documented on the Project site, including within the gen-tie alignment, Project implementation could contribute to potential cumulative impacts on unknown Tribal

cultural resources, as well as buried human remains. Past, present, and foreseeable Projects have affected, or would have the potential to affect, Tribal cultural resources throughout the region over time.

The Project would implement MMs 4.5-1KC, 4.5-2KC, 4.5-11KC, and 4.5-13KC, which address the discovery and recovery of unknown cultural resources and human remains through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a discovery. Similarly, with conformance to applicable federal, state, and local regulations, combined with the implementation of mitigation, it is anticipated that impacts resulting with implementation of other cumulative development Projects would be adequately addressed and impacts on Tribal cultural resources would be reduced to less than significant, or to the extent feasible.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

11. UTILITIES AND SERVICE SYSTEMS

CEQA FINDING NO. 4.16-4

Impact: **Impact 4.16-4. The Project would not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction of the gen-tie line on State lands is expected to generate minimal amounts of waste. Non-hazardous construction waste would be recycled or disposed of at a local landfill and any hazardous waste generated would be disposed of at an approved location. The operation of the gen-tie line would not require full-time personnel or cleaning and would therefore not generate solid waste during operation. During decommissioning, a collection and recycling program would be implemented to recycle Project components and minimize disposal of Project components in landfills.

The proposed gen-tie line would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste. Implementation of MM 4.16-1KC would ensure compliance with waste diversion and recycling requirements by requiring recycling during construction and decommissioning of the gen-tie line. With implementation of MM 4.16-1KC, impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

12. WILDFIRE

CEQA FINDING NO. 4.17-2

Impact: **Impact 4.17-2. The Project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The gen-tie route would be located in an area subject to blowing winds, with prevailing winds originating from the west and southwest. Lands to the west/southwest of the proposed gen-tie route (aboveground) are generally undeveloped. Therefore, the potential for wildfire risk along the gen-tie line is not considered to be high.

Given the moderate potential for wildfire occurrence, the generally flat topography of the gen-tie route, and with implementation MM 4.13-1KC, 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. With implementation of MM 4.13-1KC, impacts would be less than significant.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. 4.17-3

Impact: **Impact 4.17-3. The Project would require the installation or maintenance of associated infrastructure (such as power lines) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

From the proposed Project's substation(s), power would be transmitted to the Southern California Edison Windhub Substation via a 230 kV overhead and/or underground gen-tie line. The gen-tie line could potentially exacerbate fire risk and result in temporary or ongoing impacts to the environment.

The use of maintenance vehicles during Project construction or operation may increase fire risk due to the driving of heated mufflers or scraping of loose metal pieces over

vegetated areas, which could cause a spark. Such conditions may result in a slight increase in the risk of wildfire ignition.

The Project has the potential to exacerbate fire risk due to the installation or maintenance of associated Project infrastructure. However, these impacts would be reduced to a less than significant level with the implementation of MM 4.13-1KC, which would require the implementation of a Fire Safety Plan.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

D. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following impacts were determined in the Final EIR to be significant and unavoidable. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

1. AIR QUALITY

CEQA FINDING NO. 4.3-2

Impact: **Impact 4.3-2. The Project would expose sensitive receptors to substantial pollutant concentrations.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

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

FACTS SUPPORTING THE FINDING(S)

Emissions from Project implementation and dust-generating construction activities could potentially contribute to the transmission of respiratory diseases like COVID-19. In addition, the Project has the potential to generate fugitive dust that could suspend Valley Fever spores that could then reach nearby sensitive receptors.

MM 4.3-1KC requires the Project to have comprehensive site construction controls in place to proactively control the generation of fugitive dust as required and regulated by the EKAPCD Rule 402. This rule also requires the site to have a designated dust monitor, as well as visible signage for nearby residents with the phone number for the site construction management and the EKAPCD for nearby residents use if they see

blowing dust. MM 4.3-2KC and MM 4.3-3KC would implement exhaust reduction measures.

MM 4.3-4KC requires the main access road to the Project site to be either paved or effectively stabilized, other unpaved roads to be stabilized using water or soil stabilizers, and for traffic speeds to be limited onsite. MM 4.3-5KC requires the implementation of a COVID-19 Health and Safety Plan. MM 4.3-6KC requires the Project to provide training to construction workers on measures they must take to proactively control and reduce fugitive dust and the potential for the release of CI spores during their ground-disturbing activities, training on specific worker/task safety procedures, and general information regarding symptoms testing and treatment options for Valley Fever. All workers are trained in and are expected to use their “stop work” authority if their activities are deemed to be causing the release of fugitive dust. This MM also requires the Project to develop an educational Valley Fever Training Handout for distribution to on-site workers and nearby residents. This handout contains 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. MM 4.3-7KC provides for funding a Valley Fever public awareness program. The implementation of MMs would ensure that all readily available and feasible air quality control measures would be implemented to reduce emissions associated with construction; however, even with the implementation of MMs 4.3-1KC through MM 4.3-7KC and MM 4.1-4KC, impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be significant and unavoidable.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

CEQA FINDING NO. 4.3-C (CUMULATIVE AIR QUALITY)

Impact: **Impact 4.3-C. The Project would 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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

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

FACTS SUPPORTING THE FINDING(S)

Under a worst-case scenario, the construction schedules for all cumulative Projects would overlap with each other and with the proposed Project. The Project in combination with other Projects would result in temporary significant and unavoidable

cumulative impact during construction and decommissioning. Construction and operation of the Project would result in a net increase of criteria pollutant for which the Projects' region is nonattainment under applicable federal or State ambient air quality standards.

MM 4.3-1KC requires the Project to have comprehensive site construction controls in place to proactively control the generation of fugitive dust as required and regulated by the EKAPCD Rule 402. This rule also requires the site to have a designated dust monitor, as well as visible signage for nearby residents with the phone number for the site construction management and the EKAPCD for nearby residents use if they see blowing dust. MM 4.3-2KC and MM 4.3-3KC would implement exhaust reduction measures.

MM 4.3-4KC requires the main access road to the Project site to be either paved or effectively stabilized, other unpaved roads to be stabilized using water or soil stabilizers, and for traffic speeds to be limited onsite. MM 4.3-5KC requires the implementation of a COVID-19 Health and Safety Plan. MM 4.3-6KC requires the Project to provide training to construction workers on measures they must take to proactively control and reduce fugitive dust and the potential for the release of *Coccidioides immitis* (CI) spores during their ground-disturbing activities, training on specific worker/task safety procedures, and general information regarding symptoms testing and treatment options for Valley Fever. All workers are trained in and are expected to use their "stop work" authority if their activities are deemed to be causing the release of fugitive dust. This mitigation measure also requires the Project to develop an educational Valley Fever Training Handout for distribution to on-site workers and nearby residents. This handout contains 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. MM 4.3-7KC provides for funding a Valley Fever public awareness program. The implementation of MMs would ensure that all readily available and feasible air quality control measures would be implemented to reduce emissions associated with construction; however, even with implementation of MMs 4.3-1KC through 4.3-7KC, cumulative impacts would be significant and unavoidable.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

2. WILDFIRE

CEQA FINDING NO. 4.17-C (CUMULATIVE)

Impact: **Impact 4.17-C The Project would result in a cumulative environmental impact to wildfire.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant environmental effect as identified in the EIR.

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

FACTS SUPPORTING THE FINDING(S)

The gen-tie line could potentially exacerbate fire risk and result in temporary or ongoing impacts to the environment through the use of maintenance vehicles during Project construction or operation. These vehicles may increase fire risk due to the driving of heated mufflers or scraping of loose metal pieces over vegetated areas and could cause a spark. Such conditions may result in a slight increase in the risk of wildfire ignition. The Project and related Projects would have the potential to result in a cumulative impact related to infrastructure improvements that may increase fire risk or result in significant environmental impacts.

Similar to the proposed Project, all related Projects would be required to implement a Fire Safety Plan similar to the one required by MM 4.13-1KC and would be required to implement building and landscape design features in accordance with current California Fire Code and local fire and building code requirements to reduce potential wildfire risk and exposure of occupants to pollutant concentrations from a wildfire. As concluded in the discussion above, the gen-tie line 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. Nevertheless, given the location of the Project and other related Projects in a rural area with limited infrastructure, the gen-tie line and related Projects would have the potential to result in a cumulative impact related to the exposure of Project occupants to pollutant concentrations from a wildfire, and thus, impacts are considered to be significant and unavoidable. even with implementation of MM 4.13-1KC, cumulative impacts would remain significant and unavoidable.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

E. FINDINGS ON ALTERNATIVES

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000:

When it comes time to decide on Project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible.... At this final stage of Project approval, the agency considers whether '[s]pecific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].

The four alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project. These alternatives include:

- Alternative 1: No Project Alternative
- Alternative 2: General Plan, Specific Plan, and Zoning Build-Out Alternative
- Alternative 3: Reduced Acreage Alternative
- Alternative 4: No Ground Mounted Utility-Solar Development Alternative

As presented in the EIR, the alternatives were described and compared with each other and with the proposed Project. Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

The environmentally superior alternative is considered to be Alternative 4. Alternative 4 would avoid significant and unavoidable impacts to Aesthetics, Air Quality, Biological Resources, and Noise. Offsets of GHG emissions generated at fossil fuel-based electrical generating facilities would be reduced under this alternative due to the lower efficiency of the distributed systems, which would not include solar tracking technology or up to 1,500 MW of energy storage. However, this alternative would result in less impact to Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire Hazards. Thus, this alternative would result in fewer environmental impacts, both short-term and long-term, when compared to the Project. However, it is considered to be impracticable and infeasible to construct Alternative 4 within the same time frame or with the same efficiency as the Project because the Project proponent would lack control and access to the sites required to develop 1,500 MW of distributed solar generated electricity on building rooftops and the required land to support up to 1,500 MW of energy storage. In addition, this alternative would not achieve the Project objective of assisting California load-serving entities in meeting their obligations under California's Renewables Portfolio Standard (RPS) Program.

The County independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the County's independent

judgment as to alternatives. The County found that the Project provides the best balance between the Project goals and objectives and the Project's benefits. The four CEQA alternatives proposed and evaluated in the EIR were rejected as being infeasible for the following reasons provided in the County's Findings Regarding Alternatives (incorporated herein by reference).

Alternative 1: No Project Alternative

The No Project Alternative would avoid creating nearly all of the significant and unavoidable impacts associated with the proposed Project. This alternative would result in less impact to all remaining environmental issue areas with the exception of GHGs; since this alternative would not offset greenhouse gases (GHGs) through the operation of a solar energy facility, impacts to GHGs would be greater under this alternative.

The No Project Alternative would not achieve any of the Project objectives listed above, including assisting California in reducing GHG emissions. Although this alternative would create fewer environmental impacts overall, the objectives that shape the Project would not be realized under this alternative.

Alternative 2: General Plan, Specific Plan, and Zoning Build-Out Alternative

The General Plan, Specific Plan and Zoning Build-Out Alternative would result in less impact to aesthetics, agriculture and forestry resources, and land use and planning. This alternative would result in greater impacts in all remaining environmental issue areas. Greater impacts on air quality would result from emissions from the proposed residential, industrial, and agricultural uses on-site, such as livestock emissions, as well as higher vehicle exhausts from higher traffic volumes. As mitigation measures would not be implemented to avoid impacts on candidate, sensitive, or a special-status species and sensitive natural communities, impacts to biological resources would be greater. Given the ground disturbance required and no implementation of mitigation, greater impacts would occur to potentially undiscovered cultural and tribal resources. This alternative would result in greater energy impacts as the Project site would not generate renewable energy as compared to the Project, and would therefore, not assist the state in meeting its renewable energy generation goals. Greater impacts to geology and soils related to paleontological resources would result from greater initial soil disturbance during construction and no implementation of mitigation. This alternative would result in greater GHG emission impacts than the Project because the potential offset or displacement of GHG emissions from operation of the solar power generating facility, compared with traditional gas- or coal-fired power plants, would not be realized. Greater impacts to hydrology and water quality would result from a higher level of impervious surfaces and groundwater use and ground disturbance from activities such as grazing and plowing and the application of herbicides or pesticides from the proposed agricultural uses. The increase in human population on-site during operation would also be responsible for greater impacts to noise, public services, utilities and service systems, and transportation. This alternative would not

avoid significant cumulative impacts on aesthetics, would not eliminate significant and unavoidable impacts associated with air quality (Project and cumulative), biological resources (cumulative only), hazards and hazardous materials (cumulative only), and wildfire (cumulative only). This alternative would also create additional significant and unavoidable impacts related to biological resources (Project), cultural resources (Project), geology and soils – paleontological resources (Project), hydrology and water quality (Project), and tribal cultural resources (Project).

The General Plan, Specific Plan and Zoning Build-Out Alternative would not achieve any of the Project objectives listed in Section 6.2, Project Objectives, of the EIR, including the Project objective related to assisting California in meeting its GHG emissions reduction goals.

Alternative 3: Reduced Acreage Alternative

The Reduced Acreage Alternative footprint would reduce the proposed Project footprint by approximately 30 percent, and thus reduce impacts of the proposed Project roughly proportionally associated with ground disturbance, traffic, noise, water use, waste generation, and emissions. The overall duration of construction and the workforce needed during construction and operation of the Project would be similar to the proposed Project but are ultimately expected to be less due to fewer facilities being installed and maintained. The generation capacity would also change roughly proportionally from approximately 1,500 MW to 1,050 MW, and the storage capacity would change from approximately 1,500 MW to 1,050 MW, based on the footprint reduction. Similar to the Project, this alternative would require plan amendments and permits upon Project approval for construction and operation of a commercial solar electrical generating facility. Due to the reduced footprint, the Reduced Acreage Alternative would result in less or similar impacts for the majority of environmental issue areas, depending on the physical location of environmental resources and the selected footprint of the Reduced Acreage Alternative. However, this alternative would offset fewer GHG emissions from fossil fuel-based electrical generating facilities, given the reduced solar energy output, and the need for other Projects in the region to meet demand. In addition, the Reduced Acreage Alternative would not eliminate significant and unavoidable impacts associated with aesthetics (Project and cumulative), air quality (Project and cumulative), biological resources (cumulative only), hazards and hazardous materials (cumulative only), and wildfire (cumulative only).

Although Alternative 3 would not achieve all of the Project objectives, it achieves, to a lesser extent, the goal of developing facilities to produce the necessary amount of clean electricity to help achieve California's renewable energy goals to the degree associated with the proposed Project. This alternative would meet the objective of developing a utility-scale solar energy generation and storage facility; integrate operating facilities with other existing solar Projects; assist the County in continuing the goal in the Energy Element of its General Plan; promote economic development; and support California's efforts to reduce GHG emissions and RPS Program.

However, the Reduced Project Alternative would not achieve the Project objectives of constructing and operating a solar energy facility to produce (up to) 1,500 MW of reliable electricity and 1,500 MW of energy storage. It is unknown if this alternative would achieve the Project objective of producing and transmitting electricity in an economically feasible and commercially financeable manner that can be marketed to different power utility companies.

Alternative 4: No Ground Mounted Utility-Solar Development Alternative

The No Ground-Mounted Utility-Solar Development Alternative - Distributed Commercial and Industrial Rooftop Solar Only would result in less impact related to aesthetics, agriculture and forestry resources, air quality, cultural resources, biological resources, energy consumption, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, utilities and service systems, and wildfire. Further, this alternative would avoid the significant and unavoidable impacts to aesthetics (Project and cumulative), air quality (Project and cumulative), and biological resources (cumulative only) that would occur under the Project. However, this alternative's contribution to significant and unavoidable impacts to wildfire (cumulative only) would remain.

This alternative would partially satisfy the Project objective of assisting California in meeting its GHG emissions reduction goals by 2020 and 2030 as required by the California Global Warming Solutions Act (AB 32), as amended by Senate Bill 32 in 2016. However, up to 1,500 MW of energy storage (a component of the proposed Project) would not be constructed under this alternative. Additionally, there are some drawbacks to this alternative that include, but are not limited to those listed below.

- Up to 1,500 MW of energy storage would not be included.
- The system would not likely be built out within a time frame that would be similar to that of the Project.
- The Project proponent does not have immediate control or access to sites with existing or proposed commercial or industrial buildings that could accommodate rooftop and/or parking area facilities to generate 1,500 MW of solar power.
- A distributed system of the scale of the Project would be cost-prohibitive to implement under a Power Purchase Agreement (PPA) due to competitive pricing of PPAs and reduced cost-efficiency of distributed solar.

This alternative theoretically has the potential to generate up to 1,500 MW of electricity but it would be used entirely on the sites generating the power and would not achieve the Project objective of assisting California load-serving entities in meeting their obligations under California's RPS Program. Additionally, this alternative does not include up to 1,500 MW of energy storage. Given the size of the Project, the Project objectives, and the need to arrange a suitable assemblage of

participating commercial and industrial properties, it is impractical and infeasible to propose a distributed generation Project of this type and still proceed within a reasonably similar time frame.

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined that the Project should be approved, subject to such mitigation measures (Exhibit C, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

This section addresses the Commission's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the Commission to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval related to the Bellefield Solar Project against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed Project outweigh the unavoidable significant environmental effects, those effects may be considered acceptable, and the decision-making agency may approve the underlying Project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does not prohibit the Commission from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

This Statement of Overriding Considerations presents a list of: (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the County and Commission have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the Project fall under two resource areas: Air Quality and Wildfire (see Table 2). These impacts are specifically identified and discussed in more detail in the Commission's CEQA Findings and in the County's Final EIR. While the Commission has required all feasible mitigation measures, these impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

Table 2 – Significant and Unavoidable Impacts Identified for the Approved Project

Impact	Impact Description
Air Quality	
Impact 4.3-2. The Project would expose sensitive receptors to substantial pollutant concentrations.	Emissions from Project implementation and dust-generating construction activities could potentially contribute to the transmission of respiratory diseases like COVID-19. In addition, the Project has the potential to generate fugitive dust that could suspend Valley Fever spores that could then reach nearby sensitive receptors.
4.3 Cumulative Air Quality. The Project would 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.	Under a worst-case scenario, the construction schedules for all cumulative Projects would overlap with each other and with the proposed Project. The Project in combination with other Projects would result in temporary significant and unavoidable cumulative impact during construction and decommissioning. Construction and operation of the Project would result in a net increase of criteria pollutant for which the Project's region is nonattainment under applicable federal or State ambient air quality standards.
4.17. Cumulative Wildfire. The Project would result in a cumulative environmental impact to wildfire.	Construction of the Project, including the gen-tie line, 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. Nevertheless, given the location of the Project and other related Projects in a rural area with limited infrastructure, the gen-tie line and related Projects would have the potential to result in a cumulative impact related to the exposure of Project occupants to pollutant concentrations from a wildfire.

B. BALANCING OF BENEFITS AND RISKS ASSOCIATED WITH LEASE APPROVAL

State CEQA Guidelines section 15093, subdivision (a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project.

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, in conjunction with or independent of the other benefits, and the Commission determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County of Kern and State as follows:

- (1) The project would utilize 6,269 acres of vacant land in unincorporated Kern County with little water for a renewable energy project over 30 to 35 years which will pay property taxes and fees to the General Fund for the benefit of unincorporated Kern County. With implementation of the adopted mitigation, the project will contribute an estimated one-time \$3,663,000 to the General Fund.
- (2) The project would establish a solar facility capable of producing up to 1,500 MW of reliable electricity with capacity to store approximately 1,500 MW hours of energy and help meet the increasing demand of the State of California for clean, renewable electrical power at a competitive cost.
- (3) The project would enhance existing electrical distribution infrastructure and provide greater support to existing and future customer loads to ensure Southern California Edison can provide power to all customers, including over 81,000 customers in Kern County.
- (4) The project would generate an estimated daily average of 1,000 workers during peak construction periods, and approximately 20 full time equivalent jobs during operation, which would provide increased business for local contractors and vendors.
- (5) The proposed project would minimize environmental impacts by:
 - a) Using existing electrical transmission facilities, rights-of-way, roads, and other existing infrastructure where practicable;
 - b) Minimizing impacts to threatened species and endangered species;
 - c) Minimizing water use; and
 - d) Reducing GHG emissions.
- (6) The project would assist the state of California in achieving the RPS for 2030 by providing a significant new source of renewable energy (California State Assembly [AB] 32, Senate Bill [SB] 1078, SB 107, SB 350, and SB 2).

C. COMMISSION ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

As noted above, under Public Resources Code section 21081, subdivisions (a)(3) and (b) and State CEQA Guidelines section 15093, subdivision (a), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed Project against its unavoidable environmental risks when determining whether to approve a Project.

For purposes of CEQA, if these benefits outweigh the unavoidable significant environmental effects of a proposed Project, the decision-making agency may approve the underlying Project. CEQA, in this respect, does not prohibit the Commission from approving the Project, even if the activities authorized by that approval may cause significant and unavoidable environmental effects. This balancing is particularly difficult given the significant and unavoidable impacts on the resources discussed in the EIR and these Findings. Nevertheless, the Commission finds, as set forth below, that the benefits anticipated by implementing the Project outweigh and override the expected significant effects.

The Commission has balanced the benefits of the Project against the significant unavoidable impacts that will remain after approval of the lease associated with the Project and with implementation of all feasible mitigation in the EIR that is adopted as enforceable conditions of the Commission's approval of the Project. Based on all available information, the Commission finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects, and considers such effects acceptable. The Commission adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above or described below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every significant unavoidable impact.

D. CONCLUSION

The Commission has considered the Final EIR, and all of the environmental impacts described therein including those that cannot be mitigated to a less than significant level and those that may affect uses of State school land. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines sections 15096 subdivision (h) and 15093, the Commission has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's significant and unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. The Commission finds that the remaining significant unavoidable impacts of the Project are acceptable in light of these benefits. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the substantive and legal basis for this Statement of Overriding Considerations.

The Commission finds that to the extent that any impacts identified in the Final EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

Based on the above discussion, the Commission finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable.