

MINUTE ITEM

This Calendar Item No. C44 was approved as Minute Item No. 44 by the California State Lands Commission by a vote of 3 to 0 at its 9-3-99 meeting.

**CALENDAR ITEM
C44**

A 34
S 17

PRC 8110

09/03/99
W 24040
J. Smith

GENERAL LEASE - RIGHT OF WAY USE

LESSEE:

Windland, Inc.
10448 Garverdale Court, Suite 606
Boise, Idaho 83704

AREA, LAND TYPE, AND LOCATION:

.91 acres, more or less, of school lands in the NE1/4 of the NE1/4, Section 18, T11N, R13W, SBM, near Mojave, Kern County.

AUTHORIZED USE:

Graded dirt access road and drainage culvert.

LEASE TERM:

Twenty years, beginning September 1, 1999.

CONSIDERATION:

\$100 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the lands adjoining the lease premises.
2. Applicant is requesting a right of way lease for a 30-foot wide, 1,320-foot long graded dirt access road across State school lands to facilitate access to its private property for purposes of developing a wind farm. Existing public access exists along the eastern portion of Section 18 up to the State's school land parcel. A natural drainage channel crosses the proposed road alignment. Applicant is also requesting approval for the

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CALENDAR ITEM NO. C44 (CONT'D)

possible installation of a 36-inch drainage culvert under the dirt access road. Kern County's ordinances require the Applicant to provide an erosion/sedimentation control plan and a certified grading plan. The County deems these requirements as sufficient mitigation of erosion.

3. A Mitigated Negative Declaration was prepared and adopted for this project by Kern County. The California State Lands Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by Kern County.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Kern County.

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. Notice of Determination
- D. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

January 11, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY KERN COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

CALENDAR ITEM NO. C44 (CONT'D)

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WINDLAND, INC. OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING SEPTEMBER 1, 1999, FOR A TERM OF TWENTY YEARS, FOR CONSTRUCTION AND MAINTENANCE OF A GRADED DIRT ACCESS ROAD AND THE INSTALLATION OF A 36-INCH DRAINAGE CULVERT ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

This Exhibit is solely for purposes of generally defining the lease premises 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.

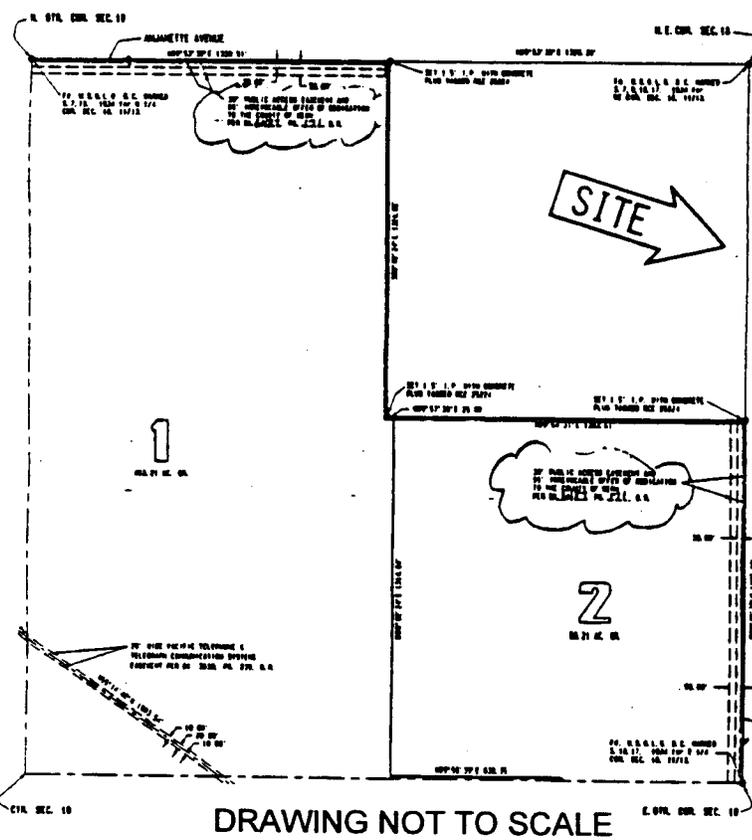
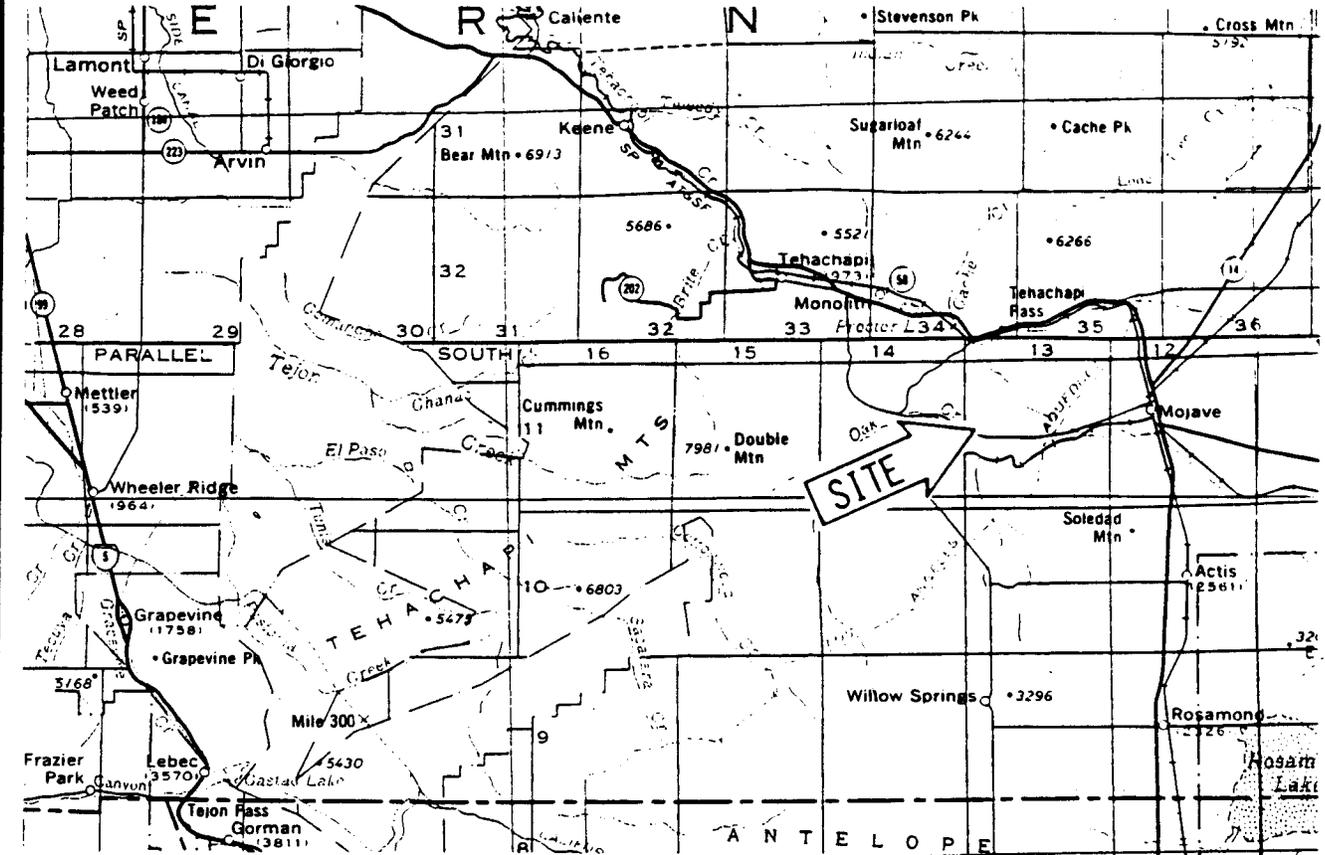


EXHIBIT "A"
 LOCATION MAP
 W 24040
 WINDLAND INC.
 SEC. 18, T11N, R13W, SBM
 KERN COUNTY



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DRAWING NOT TO SCALE

EXHIBIT "B"
LAND DESCRIPTION

W 24040

A strip of land 30 feet wide, across California State school lands situated in Section 18, Township 11 North, Range 13 West, San Bernardino Meridian, in Kern County, California and lying 15 feet on each side of the following described centerline:

COMMENCING at the northeast corner of Section 18, Township 11 North, Range 13 West, San Bernardino Meridian, as said corner is described in Parcel Map No. 9331, recorded in Book 41, P.M., Page 86 of Official Records in the County Recorders Office of Kern County; thence S89°53'30"W, 15.00 feet along the north section line of said section 18 to the POINT OF BEGINNING; thence S00°02'33"W, parallel to the east section line of said section 18, 1,325 feet, plus or minus to the intersection with the northerly line of Lot 2, as said lot is described in the above mentioned Parcel Map and the end of the herein described centerline.

END DESCRIPTION

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RECEIPT # Demin

"EXHIBIT C"

COPY

Clery
JAMES A. RHOADES, CLERK
KERN COUNTY

MAY 21 1999

NOTICE OF DETERMINATION
(CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970)

JAMES A. RHOADES, CLERK
BY _____ DEPUTY

TO WHOM IT MAY CONCERN:

1. The Board of Supervisors of the County of Kern has approved the following described project in the County of Kern, State of California:

- a. Applicant, or sponsoring agency or department:
Windland, Inc.
- b. Name of Project:
Amendment of Zoning Map No. 197, Zone Change Case No. 34
- c. Location of Project:
One mile north of Oak Creek Road, approximately three miles east of Cameron Road, northwest of Mojave
- d. Description of Project:
A change in zone district from A-1 (Limited Agriculture) Zone District to A WE (Exclusive Agriculture - Wind Energy) Zone District

2. The form of such approval and the date thereof is:

Resolution No. 99-130 Adopted May 18, 1999
 Ordinance No. G-6597 Adopted May 18, 1999

3. The Board of Supervisors has determined that said project will not have a significant effect on the environment.

4. No Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act of 1970 (CEQA), said Board having determined that no EIR was necessary in its consideration and approval of said project.

5. A Negative Declaration and Mitigation Measures Monitoring Program has been prepared for said project pursuant to the provisions of CEQA, and a copy of same may be examined during regular business hours at the offices of the Clerk of the Board of Supervisors, Fifth Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California 93301.

Dated this 18th day of May, 1999.

DENISE PENNELL
Clerk of the Board of Supervisors
County of Kern, State of California

Judy A. Pennell
Deputy Clerk

Telephone: 888-3595
#35623
CC19980034

Notice of Environmental Document
Posted by County Clerk on 5/24/99
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

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EXHIBIT D

MONITORING PROGRAM #1
FOR

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. MITIGATION MEASURE (from Negative Declaration):

The applicant/operator shall ensure that all vehicles entering the site are required to stay on designated roads and are not permitted to use road berms or shoulders to turn around. Signs shall be posted at appropriate locations to be determined by the applicant/developer indicating the designated vehicular access routes and turnaround prohibition. Prior to approval of a site plan, required by Section 19.64.130 of the Kern Zoning Ordinance, the applicant/developer shall provide a plan for the access roads and proposed sign locations to the project biologist, Ms. Patrice Gould, for her review and approval. The applicant/developer shall provide a copy of Ms. Gould's written approval of this plan to the Planning Director before approval of the wind farm site plan.

2. JUSTIFICATION (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. TRUSTEE AGENCIES

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. MONITORING AGENCY/FIRM:

Kern County Planning Department

5. PROCEDURE - STEPS TO COMPLIANCE (unique to each project)

- A. Prior to submitting a site plan for review, the wind farm developer shall prepare the plan required by this mitigation measure and shall have it reviewed by Patrice Gould.
- B. The applicant/developer shall provide a copy of Ms. Gould's written approval to the Planning Director prior to approval of the wind farm site plan.

6. COMPLIANCE (each procedure step to be signed off and dated by monitor)

- A.
- B.

7. COMMENTS:

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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MONITORING PROGRAM #2
FOR

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. MITIGATION MEASURE (from Negative Declaration):

No equipment, vehicle movement, parking, or storage outside of approved access roads and work areas shall be permitted.

2. JUSTIFICATION (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. TRUSTEE AGENCIES

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X	
U.S. Fish and Wildlife Service	X	

4. MONITORING AGENCY/FIRM:

Kern County Planning Department

5. PROCEDURE - STEPS TO COMPLIANCE (unique to each project)

A. Prior to submitting a site plan for review, the wind farm developer shall prepare the plan required by this mitigation measure and shall have it reviewed by Patrice Gould.

B.

6. COMPLIANCE (each procedure step to be signed off and dated by monitor)

A.

B.

7. COMMENTS:

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #3
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. **MITIGATION MEASURE** (from Negative Declaration):

An appropriate speed limit shall be established in consultation with the project biologist and shall be posted on access roads. The applicant/operator shall ensure that the posted speed limit is observed by vehicles operating on the property to avoid collisions with wildlife, potential road kills, and to limit dust emissions caused by vehicles.

2. **JUSTIFICATION** (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources

3. **TRUSTEE AGENCIES** **JURISDICTION**

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE** (unique to each project)

A. Prior to submitting a site plan for review, the wind farm developer shall prepare the plan required by this mitigation measure and shall have it reviewed by Patrice Gould.

B.

6. **COMPLIANCE** (each procedure step to be signed off and dated by monitor)

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #4
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. **MITIGATION MEASURE** (from Negative Declaration):

The applicant shall establish and implement a facility regulation requiring all litter, including cigarette butts and organic materials, to be removed from the site on a daily basis during construction.

2. **JUSTIFICATION** (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. **TRUSTEE AGENCIES**

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE** (unique to each project)

A. Applicant shall develop the required facility regulation before submitting a site plan for the wind farm to the Planning Department and shall provide a copy of written regulation and implementation strategy to the Planning Director.

B.

6. **COMPLIANCE** (each procedure step to be signed off and dated by monitor)

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #5
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. **MITIGATION MEASURE (from Negative Declaration):**

All construction activity shall be limited to the extent possible to achieve a minimum amount of disturbance.

2. **JUSTIFICATION (from Initial Study)**

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. **TRUSTEE AGENCIES**

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE (unique to each project)**

- A. The wind farm developer shall consult with Patrice Gould to determine the amount of grading necessary for turbine pads and access roads prior to issuance of grading or building permits.
- B. The applicant/developer shall abide by any recommendations provided by Ms. Gould. A written copy shall be provided to the Planning Director prior to release of grading/building permits.

6. **COMPLIANCE (each procedure step to be signed off and dated by monitor)**

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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MONITORING PROGRAM #6
FOR

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. MITIGATION MEASURE (from Negative Declaration):

Precautions shall be taken to avoid hazardous waste spills and any gasoline or oil leaks from equipment used on site. In the event of a spill, the applicant/operator shall take immediate steps to clean up and remove the substance and any underlying contaminated soils.

2. JUSTIFICATION (from Initial Study):

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. TRUSTEE AGENCIES

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. MONITORING AGENCY/FIRM:

Kern County Planning Department

5. PROCEDURE - STEPS TO COMPLIANCE (unique to each project)

A. Prior to approval of a site plan, the applicant/developer shall develop a plan for dealing with any spills of hazardous substances and shall provide a copy of said plan to the Planning Director.

B.

6. COMPLIANCE (each procedure step to be signed off and dated by monitor)

A.

B.

7. COMMENTS:

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #7
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (FP99224)

1. **MITIGATION MEASURE** (from Negative Declaration):

No unapproved improvements to access roads or road widening past existing berms shall be permitted unless approved in writing by the Planning Director after consulting with the project biologist. Any additional on-site road work shall be done in accordance with requirements of Section 19.64.140 of the Kern County Zoning Ordinance and as approved by the Kern County Engineering and Survey Services Department.

2. **JUSTIFICATION** (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources.

3. **TRUSTEE AGENCIES**

JURISDICTION

	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X	
U.S. Fish and Wildlife Service	X	

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE** (unique to each project)

A. Prior to submitting a site plan for review, the wind farm developer shall prepare the plan required by this mitigation measure and shall have it reviewed by Patrice Gould.

B.

6. **COMPLIANCE** (each procedure step to be signed off and dated by monitor)

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #8
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (PP99224)

1. **MITIGATION MEASURE** (from Negative Declaration):

The applicant/developer shall make a good faith effort to comply with the guidelines noted in the biological report to minimize potential avian collisions with wind generators in development of the wind farm.

2. **JUSTIFICATION** (from Initial Study)

Measure recommended by project biologist to avoid adverse effects on biological resources.

<u>TRUSTEE AGENCIES</u>	<u>JURISDICTION</u>	
	YES	NO
State Department of Fish and Game	X	
State Land Commission		X
State Department of Parks and Recreation		X
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
U.S. Fish and Wildlife Service	X

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE** (unique to each project)

A. The applicant/developer shall review the recommendations contained in Ms. Gould's biological report and shall implement the recommendation for the design and operation of the wind farm as far as is feasible.

B.

6. **COMPLIANCE** (each procedure step to be signed off and dated by monitor)

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

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**MONITORING PROGRAM #9
FOR**

Amendment of Zoning Map No. 197, Zone Change Case No. 34
Windland, Inc. (P99224)

1. **MITIGATION MEASURE (from Negative Declaration):**

Prior to approval of the wind farm site plan, the applicant/developer shall meet with the project archeologist in the field who shall identify the locations of the three rock quarry sites on the project site. Each site shall be fenced off in accordance with recommendations of the archeologist. Legal descriptions shall be prepared for each of the three sites, if the Southern San Joaquin Valley Archaeological Information Center determines that the finds warrant recordation as registered California archaeological sites.

2. **JUSTIFICATION (from Initial Study)**

Measure is required to avoid damage to, or destruction of, known archaeological sites.

3. **TRUSTEE AGENCIES**

JURISDICTION

	YES	NO
State Department of Fish and Game		X
State Land Commission		X
State Department of Parks and Recreation	X	
University of California		X

OTHER PUBLIC AGENCIES

Kern County Planning Department	X
Southern San Joaquin Valley Archaeological Information Center	X

4. **MONITORING AGENCY/FIRM:**

Kern County Planning Department

5. **PROCEDURE - STEPS TO COMPLIANCE (unique to each project)**

- A. Prior to submitting a site plan for the wind farm, the applicant/developer shall fence off the rock quarry sites in accordance with recommendations of a qualified archaeologist.
- B. The applicant/developer shall provide written verification from the archaeologist to the Planning Director that this measure has been implemented before approval of the site plan.

6. **COMPLIANCE (each procedure step to be signed off and dated by monitor)**

A.

B.

7. **COMMENTS:**

8. Fees: _____ Receipt # _____ Date: _____ Rec'd By: _____

Prepared By: _____ Date: _____

