

Final Environmental Impact Report

SCH# 2019060259

Volume 4

Chapter 7, Response to Comments

SANBORN SOLAR PROJECT
by Sanborn Solar, LLC (*PP19102*)

Zone Change Case No. 56, Map No. 196
Zone Change Case No. 2, Map No. 212
Zone Change Case No. 59, Map No. 213
Conditional Use Permit No. 45, Map No. 196
Conditional Use Permit No. 5, Map No. 212
Conditional Use Permit No. 66, Map No. 213
Mojave Specific Plan Amendment No. 30, Map 196



Kern County
Planning and Natural Resources Department
Bakersfield, California

May 2020

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**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

May 1, 2020

File: ZCC No. 56, Map No. 196; ZCC No. 2, Map 212; ZCC No. 59, Map No. 213, CUP No. 45, Map 196; CUP No. 5, Map No. 212; CUP No. 66, Map No. 213; and SPA 30, Map 196

S.D. #2 – Scrivner

Addressee List (see Distribution List)

RE: Response to Comments for Draft Environmental Impact Report – Sanborn Solar Project by Sanborn Solar, LLC (PP19102)

Dear Interested Party:

Enclosed is a document entitled *Volume 4 - Chapter 7 - Response to Comments*, for the above-referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and prepare a written response addressing each comment. This document is Chapter 7 of the Final EIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on May 14, 2020 at 7:00 p.m. or soon thereafter, at the Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project. If you have any questions regarding this letter, please contact me at (661) 862-8997 or candiar@kerncounty.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ronelle Candia", is written over a horizontal line.

Ronelle Candia, Supervising Planner
Advance Planning Division

COMMENTING AGENCIES AND INTERESTED PERSONS: California Department of Transportation; Lahontan Regional Water Quality Control Board; Kern County Public Works Department – Floodplain Management; Kern County Fire Department; Kern County Public Works Department – Survey; Herb Carlson; Kern Audubon Society; Michael Branden; and Howard, Shioule, and Shioulun Pang.

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California Regional Water Quality
Control Board/Lahontan Region
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Kern County Fire Department

Kern County Public Works Department/
Building & Development/Floodplain

Kern County Public Works Department/
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May 2020

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7.1 Introduction

7.1.1 Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) *Guidelines*, the Kern County Planning and Natural Resources Department is serving as “Lead Agency” for the preparation of the Environmental Impact Report (EIR) for the Sanborn Solar Project (project or proposed project). The Final EIR presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. The Final EIR which includes the responses to comments, the Draft EIR, and the Mitigation, Monitoring, and Reporting Program, will be used by the Planning Commission and the Board of Supervisors in the decision-making process for the proposed project.

7.1.2 Environmental Review Process

A Notice of Preparation (NOP)/Initial Study (IS) (SCH No. 2019060259) was circulated for a 30-day public review period beginning on June 28, 2019, and ending July 28, 2019. Fifteen individual written comment letters were received and used in the preparation of the Draft EIR. The Draft EIR for the proposed project was circulated for a 45-day public review period beginning on February 14, 2020, and ending March 30, 2020. A total of eight comment letters were received on the Draft EIR.

CEQA *Guidelines* Section 15088 requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing the comments received. The response to comments is contained in this document—Volume 4, Chapter 7 of the Draft EIR. Volumes 1, 2, 3, and 4 together constitute the Final EIR.

7.2 Revisions to the Draft EIR

The revisions that follow were made to the text of the Draft EIR. Amended text is identified by page number. Additions to the Draft EIR text are shown with underline and text removed from the Draft EIR is shown with ~~striketrough~~. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to CEQA *Guidelines* Section 15088.5 (Recirculation of an EIR Prior to Certification).

Global Change Across Draft EIR and Traffic Impact Analysis:

In response to the general request of the California Department of Transportation (Caltrans) District 9's comment, all instances of the use of "SR 58" in the Draft EIR and the Traffic Impact Analysis has been changed as follows:

~~SR-58~~ Business East Route 58

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-35:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.2: Cumulative Impacts	<u>Less than Significant</u> No impact	No mitigation measures are required.	<u>Less than Significant</u> No impact

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-35 through 1-41:

- MM 4.3-1: Implement Diesel Emission-Reduction Measures During Construction.** To control ~~PM~~particulate matter emissions during construction, the project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County:
- Off-road equipment engines over 25 horsepower shall be equipped with ~~EPA~~U.S. Environmental Protection Agency Tier 3 or higher engines, unless Tier 3 construction equipment is not locally available.
 - All equipment shall be maintained in accordance with the manufacturer's specifications.
 - 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.
 - Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.
 - Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.
 - All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO_x emissions.
 - On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
 - Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators.

- i. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible.

MM 4.3-2: Implement Fugitive Dust Control Plan During Construction. To control fugitive ~~PM~~particulate matter emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department. The plan shall include all ~~EKAPCD-Eastern Kern Air Pollution Control District~~-recommended measures, including but not limited to the following:

- a. All soil being actively excavated or graded shall be sufficiently water to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.
- b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
- c. Vehicle speeds on all offsite unpaved roads (i.e., outside the project boundary) for construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.
- d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or ~~EKAPCD-Eastern Kern Air Pollution Control District~~-approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.
- e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible.
- f. All disturbed areas shall be sufficiently watered or stabilized by ~~EKAPCD-Eastern Kern Air Pollution Control District~~-approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (non-potable) water shall be used to the extent available and feasible.
- g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures.

- h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an ~~EKAPCD~~ Eastern Kern Air Pollution Control District–approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips.
- i. All active and inactive disturbed surface areas shall be compacted, where feasible.
- j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities.
- k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities.
- l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize wind-blown dust.
- m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.
- n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.
- o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.
- p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by ~~EKAPCD~~ Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.
- q. Haul trucks and off-road equipment leaving the site shall be washed with water or high-pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track-out/deposition of soil onto nearby paved roadways.
- r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.
- s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators, temporary concrete batch plant) shall require California statewide portable equipment registration (issued by ~~CARB~~ the California Air Resources Board) or an ~~EKAPCD~~ Eastern Kern Air Pollution Control District permit.
- t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as

necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site any should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the ~~EKAPCD~~Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.

- u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline.
- v. The designated construction monitor shall document and immediately notify ~~EKAPCD~~the Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with ~~EKAPCD~~the Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.

MM 4.3-3: Minimize Exposure to Potential Valley Fever–Containing Dust. 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:

- 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. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a ~~HEP~~high-efficiency-particulate-filtered air system.
- f. Workers shall receive training 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.
- g. A Valley Fever informational handout shall be provided to all onsite 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. Evidence of training shall be provided to the Kern County Planning.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-43 through 1-51:

MM 4.4-2: Prior to the issuance of grading or building permits from the County, the project proponent/operator shall retain a qualified biologist(s) who meets the qualifications of an authorized biologist as defined by U.S. Fish and Wildlife Service (~~USFWS~~) to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction of the project. The following measures pertain to qualified biologist(s) on site:

- a. The qualified biologist(s) shall be on the project site during construction of perimeter fencing, clearing of vegetation, grading activities, and similar ground-disturbance activities that will be associated with the construction phase.
- b. The qualified biologist(s) shall have the right to halt all activities that are in violation of the special-status species mitigation measures, as well as any regulatory permits from the California Department of Fish and Wildlife and/or ~~USFWS~~ U.S. Fish and Wildlife Service. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk.
- c. The qualified biologist(s) shall have in her/his possession a copy of all the compliance measures while work is being conducted on the project site.
- d. Prior to issuance of grading or building permits, contact information for the qualified biologist(s) shall be submitted to the Kern County Planning and Natural Resources Department.
- e. Any individuals who undertake biological monitoring and mitigation tasks shall be supervised by the qualified biologist(s) and shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks. Biological monitors shall comply with the above measures.

MM 4.4-3: Prior to the issuance of grading or building permits from the County, and for the duration of construction activities, and within a minimum of one-week initial ground disturbance, all construction workers shall attend an Environmental Awareness Training and Education Program that will be developed by a qualified biologist. Any personnel associated with construction that did not attend the initial training shall be trained by the authorized biologist or designee approved by the authorized biologist prior to working on the project site.

Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Worker Environmental Awareness Training and Education Program prior to starting work on the project and on an annual basis.

The Program will be developed and presented by the project qualified biologist(s) or designee approved by the qualified biologist(s) during construction. The Program shall include the components described below:

- a. Information on the life history of the alkali mariposa lily, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, nesting birds, and desert kit fox; as well as other wildlife, special-status plant species, and the California Department of Fish and Wildlife-regulated drainages that may be affected during construction activities. The program shall also discuss the legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent/operator shall implement to protect the species, reporting requirements, specific measures for workers to avoid take of special-status plant and wildlife species, and penalties for violation of the requirements outlined in the California Environmental Quality Act mitigation measures and agency permit requirements.
- b. An acknowledgement form signed by each worker indicating that the Worker Environmental Awareness Training and Education Program has been completed shall be kept on file at the construction site.
- c. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Worker Environmental Awareness Training and Education Program and signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.
- d. A copy of the training transcript, training video, or informational binder for specific procedures shall be kept available for all personnel to review and be familiar with as necessary.
- e. A sticker shall be placed on hard hats indicating that the worker has completed the Worker Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Worker Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker.
- f. The construction crews and contractor(s) shall be responsible for preventing unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits. Unauthorized impacts may result in project stoppage, and/or fines depending on the impact and consultation with the California Department of Fish and Wildlife and/or ~~USFWS~~U.S. Fish and Wildlife Service.

MM 4.4-4: During construction, operations and maintenance, and decommissioning, the project proponent/operator and/or contractor(s) shall implement the general avoidance and protective measures described below.

- a. Prior to conducting vegetation clearing or grading activities associated with construction or decommissioning, a qualified biologist or biological monitor that has been approved by the qualified biologist shall perform pre-construction visual surveys of the area immediately prior to conducting these activities to ensure that no special-status animals are present. The qualified biologist or biological monitor shall monitor

all initial construction and decommissioning ground disturbance activities. A report of those activities shall be submitted to the Kern County Planning and Natural Resources Department within 30 days of completion of activities.

- b. All proposed impact areas, including solar fields, generation-tie lines, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) where possible. Construction-related activities outside of the impact zone shall be avoided.
- c. Access roads that are planned for use during construction shall not extend beyond the planned impact area. All vehicle traffic shall be contained within the planned impact area or in previously disturbed areas. Where new access routes are required, the route will be clearly marked (i.e., flagged and/or staked) prior to construction.
- d. The project proponent/operator shall minimize the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be demarcated and disturbance activities, vehicles, and equipment shall be confined to these areas.
- e. Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (~~BMPs~~) shall be employed to prevent erosion in accordance with the project's approved Stormwater Pollution Prevention Plan (~~SWPPP~~)—(see Section 4.7, *Geology and Soils*, for more details on ~~SWPPP~~ Stormwater Pollution Prevention Plan requirements). All detected erosion shall be remedied as described in the Erosion Control Plan of the ~~SWPPP~~ Stormwater Pollution Prevention Plan. Spoils that have been stockpiled and inactive for greater than 10 days shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing the spoils.
- f. To prevent inadvertent entrapment of desert tortoises, desert kit foxes, American badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks that are no less than 12 inches wide and secured at the top, and placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist or their biological monitor at the beginning and end of each day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained staff approved by the retained qualified biologist for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the ~~USFWS~~ U.S. Fish and Wildlife Service and/or ~~CDFW~~ California Department of Fish and Wildlife, as appropriate for the species, and Kern County Planning and Natural Resources Department shall be contacted immediately.
- g. Desert tortoises, burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at the construction site for one or more overnight periods and without endcaps shall be

thoroughly inspected by a qualified biologist for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by a qualified biologist holding the appropriate handling permits from the Resource Agencies.

- h. No vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of wildlife. If present, the animal shall be left to move on its own.
- i. 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.
- j. A speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. If night work occurs on the proposed project, the speed limit will be 10 miles per hour.
- k. Fueling of equipment shall take place within existing roads. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.
- l. The project proponent/operator shall submit a Maintenance, Trash Abatement, and Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not be limited to the following:
 - i. The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational; this can be done in conjunction with regular panel washing and site maintenance activities.
 - ii. Trash and food items shall be contained in closed containers to be locked 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.
 - iii. 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.
 - iv. The project proponent/operator shall implement a regular trash removal and recycling program once per month on an ongoing basis during construction, including a recycling program. Barriers/locking systems 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.
- m. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife.
- n. Intentional killing or collection of any plant or wildlife species shall be prohibited.

- o. No rodenticides shall be used on the project site.
- p. Perimeter fencing during operations and maintenance shall be made wildlife friendly, but can be built to exclude desert tortoise.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-54 through 1-58:

MM 4.4-8: The project proponent/operator shall implement the following measures, based on the recently updated California Department of Fish and Wildlife (~~CDFW~~) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation, operation and maintenance, and decommissioning activities will be avoided and minimized to less than significant level:

- a. A qualified wildlife biologist shall be on site during all initial grading and construction, pre-construction ground disturbing activities, and decommissioning activities. A qualified wildlife biologist (i.e., a wildlife biologist with the ability to identify the species and possessing previous burrowing owl survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 200-meter (approximately 656-foot) buffer, to locate active breeding or wintering burrowing owl burrows.
- b. The survey(s) shall occur no more than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading). The survey methodology shall be consistent with the methods outlined in the 2012 ~~CDFW~~ California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting and mapping any potential burrows with burrowing owl signs or presence of burrowing owls.
- c. As each burrow is investigated, project biologists shall also look for signs of American badger and desert kit fox. Surveys may also be conducted concurrently with desert tortoise preconstruction surveys. A biologist shall prepare a preconstruction survey report that shall be submitted to ~~CDFW~~ the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
- d. A qualified biologist shall conduct an additional preconstruction survey of all impact areas plus an approximately 200-meter buffer no more than 24 hours prior to start or restart (as the case may be) of ground disturbing activities associated with construction or decommissioning activities as authorized by this approval to identify any additional burrowing owls or burrows necessitating avoidance, minimization, or mitigation measures.
- e. If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted within 200 meters of an occupied burrow during the breeding season (February 1–August 31), unless authorized by ~~CDFW~~ the California Department of Fish and Wildlife. During the non-breeding season (September 1–January 31), no ground-disturbing activities shall be permitted within 50 meters (165 feet) of an occupied burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with ~~CDFW~~ the California Department of Fish and Wildlife.

- f. If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation,
- g. If passive relocation is required, the qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation Land.
- h. If passive relocation is required, the project proponent shall implement the Mitigation Land Management Plan and permanently conserve in a conservation easement offsite habitat suitable for burrowing owl at ratio of 15 acres per passively relocated burrowing owl pair, not to exceed the size of the final project footprint. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable to support the species. The Passive Relocation Compensatory Mitigation habitat shall be approved by California Department of Fish and Wildlife. If the proposed project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits in lieu of placing offsite habitat into a conservation easement, if acceptable to California Department of Fish and Wildlife.

MM 4.4-9: To mitigate for potential impacts to nesting birds, special-status birds, and birds protected under the ~~MBTA~~Migratory Bird Treaty Act and ~~CFGC~~California Fish and Game Code during construction and decommissioning activities, the following measures shall be implemented as part of the approval for a grading or building permit.

- a. 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. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur within 14 days prior to clearing or disturbance in specific areas of the site. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. At no time shall the qualified biologist be allowed to handle the nest or its eggs. The survey shall cover all reasonably potential nesting locations on and within 500 feet of the project site, including ground nesting species, such as horned lark and killdeer, nests in shrubs that could support nests, and suitable raptor nest sites such as nearby trees, windrows, and power poles. Access shall be granted on private offsite properties prior to conducting surveys on private land. If access is not obtainable, the biologist shall survey these areas from the nearest vantage point with use of spotting scopes or binoculars.

- b. If construction is scheduled to occur during the non-nesting season (September 1–February 1), no preconstruction surveys or additional measures are required for non-listed avian species.
- c. If active nests are found, a 100-foot no-disturbance buffer shall be created around non-listed avian species' nests unless adjusted by the qualified biologist based on the needs and sensitivities of individual species, and a 300-foot no-disturbance buffer around non-listed raptor species' nests (or a suitable distance otherwise determined in consultation with ~~CDFW~~the California Department of Fish and Wildlife). Any nest of a federally or state-listed bird species shall require consultation with the appropriate agency (~~USFWS~~U.S. Fish and Wildlife Service or the ~~CDFW~~California Department of Fish and Wildlife) to determine the appropriate buffer distance surrounding the nest to provide adequate nest protection. These buffers shall remain in effect until a qualified biologist has determined that the birds have fledged or the project component(s) have been redesigned to avoid the area. All no-disturbance buffers shall be delineated in the field with visible flagging or fencing material.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-60 through 1-64:

- MM 4.4-11:** The project proponent/operator shall install power lines in conformance with Avian Power Line Interaction Committee (~~APLIC~~) standards for electrocution-reducing techniques as outlined in suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (~~APLIC~~Avian Power Line Interaction Committee 2006), and for collision-reducing techniques as outlined in Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (~~APLIC~~Avian Power Line Interaction Committee 2012), or any superseding document issued by ~~APLIC~~Avian Power Line Interaction Committee.
- MM 4.4-12:** During the operations and maintenance phase of the project, an Avian Mortality Monitoring Program shall be developed in coordination with ~~CDFW~~the California Department of Fish and Wildlife and ~~USFWS~~U.S. Fish and Wildlife Service and implemented to systematically and periodically determine the extent of mortality occurring due to collisions with solar arrays. The measures listed below apply to the program:
- a. The Avian Mortality Monitoring Program shall be developed following the Mortality Monitoring Design for Utility-Scale Solar Power Facilities and include methods to achieve Objective 1 (monitoring to estimate total bird and bat mortality). Methods include using a trained and skilled team of authorized biologists to systematically sample the project site by walking transects through the solar arrays scanning for deceased birds.
 - b. Data shall be collected on any encountered deceased wildlife species including species, condition of the carcass, approximate age, presence of feathers, etc.
 - c. Additionally, maintenance personnel working on the project site that encounter injured or deceased birds (or any other wildlife) should be trained to collect data and photograph the encountered species.

- d. Mortality monitoring shall be conducted for a minimum 1-year period following the commencement of the operations and maintenance phase of the project. Quarterly reporting of results shall be prepared and provided to state and federal agencies, if requested.
- e. Appropriate performance standards for mitigation of impacts to any species regulated by the Bald and Golden Eagle Protection Act, Endangered Species Act, and California Endangered Species Act exist through required consultation with ~~USFWS~~the U.S. Fish and Wildlife Service and ~~CDFW~~California Department of Fish and Wildlife under their respective regulatory and permitting frameworks. If, after 2 years of mortality monitoring, project impacts to any other avian species caused by the project are shown to result in a substantial, long-term reduction in the demographic viability of the population of the species in question, then adaptive management must be implemented to reduce impacts to below this threshold. Adaptive management measures may include but not be limited to passive avian diverter installations, the use of sound, light or other means to discourage site use consistent with legal requirements, on site habitat management or control measures consistent with applicable legal requirements, or modification to support structures to exclude nesting birds.

MM 4.4-13: 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 and will 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 (~~RWQCB~~) and the County. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

- a. Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided. This may be shown in plan form.
- b. Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
- c. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
- d. Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

MM 4.4-14: If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below:

- a. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the ~~RWQCB~~Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with ~~CDFW~~the California

Department of Fish and Wildlife on the need for a streambed alteration agreement. Copies of the final report shall be submitted to the County.

- b. Based on consultation with RWQCBthe Regional Water Quality Control Board and CDFWCalifornia Department of Fish and Wildlife, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.
- c. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified prior to disturbance of the features at a minimum 1:1 ratio, as approved by the RWQCBRegional Water Quality Control Board or CDFWCalifornia Department of Fish and Wildlife either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank.
- d. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from RWQCBthe Regional Water Quality Control Board and/or CDFWCalifornia Department of Fish and Wildlife, shall be provided to the County.
- e. A Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared that outlines the compensatory mitigation in coordination with the RWQCBRegional Water Quality Control Board and CDFWCalifornia Department of Fish and Wildlife.
 - i. If onsite mitigation is proposed, the HMMPHabitat Mitigation and Monitoring Plan shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site).
 - ii. The HMMPHabitat Mitigation and Monitoring Plan shall include remedial measures in the event that performance criteria are not met.
 - iii. If mitigation is implemented offsite, mitigation lands shall be comprised of similar or higher quality and preferably located in Kern County. Offsite land shall be preserved through a deed restriction or conservation easement and the HMMPHabitat Mitigation and Monitoring Plan shall identify an approach for funding assurance for the long-term management of the conserved land. Alternatively, the applicant may purchase credits from an approved mitigation bank.
 - iv. Copies of any coordination, permits, etc., with RWQCBthe Regional Water Quality Control Board and CDFWCalifornia Department of Fish and Wildlife shall be provided to the County.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-67 and 1-68:

- MM 4.5-4:** During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction beyond those already documented and found to be not significant for listing in the CRHRCalifornia Register of Historical Resources, the

project contractor shall cease any ground disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area and all entrance to the area shall be avoided until the discovery is assessed by the Lead 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 Lead 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. 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~~California Environmental Quality Act Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead 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 Lead 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.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-72 and 1-73:

MM 4.7-3: The construction contractor shall incorporate ~~BMPs~~Best Management Practices consistent with National Pollutant Discharge Elimination System (~~NPDES~~) General Construction Permit Program for all construction projects that would not retain all stormwater onsite and the Kern County Grading Code. The project proponent shall prepare an Erosion and Sedimentation Control Plan as well as a Stormwater Pollution Prevention Plan (~~SWPPP~~). The plan shall be prepared by a Qualified ~~SWPPP~~Stormwater Pollution Prevention Plan Developer (~~QSD~~) and submitted for review and approval by the applicable Regional Water Quality Control Board. The ~~SWPPP~~Stormwater Pollution Prevention Plan ~~BMPs~~Best Management Practices shall include, but not be limited to, the following:

- Scheduling to avoid construction during rain events to the maximum extent possible
- Preservation of existing vegetation and topography to the maximum extent practicable
- Stabilized construction entrances and exits
- Erosion control (including all pertinent temporary erosion control practices as specified in Chapter 17.28.140 of the Kern County Grading Code), such as mulching,

temporary drains and cullies, sandbag barrier, geotextiles and mats, silt fences, brush or rock filters, earth dikes, straw bale barriers, and sediment traps

- Sediment control
- Waste management
- Good housekeeping
- Post-construction site stabilization

Prior to initial construction mobilization, preconstruction surveys shall be performed and sediment and erosion controls shall be installed in accordance with the approved ~~SWPPP~~Stormwater Pollution Prevention Plan. A copy of the approved ~~SWPPP~~Stormwater Pollution Prevention Plan shall be submitted to the Kern County Planning and Natural Resources Department.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-74 and 1-75:

MM 4.7-5: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (~~SVPS~~Society for Vertebrate Paleontology, 2010), to carry out all mitigation measures related to paleontological resources.

1. 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.
2. Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements.
3. 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.
4. The Paleontological Resources Awareness Training Guides shall be kept onsite and available for all personnel to review and be familiar with as necessary.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-77 and 1-78:

MM 4.9-1: During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan (~~HMBP~~), 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 (~~CERS~~)—at <http://cers.calepa.ca.gov/> for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. The ~~HMBP~~Hazardous Materials Business Plan shall:

- Delineate hazardous material and hazardous waste storage areas
- Describe proper handling, storage, transport, and disposal techniques
- Describe methods to be used to avoid spills and minimize impacts in the event of a spill
- Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction and operation
- Establish public and agency notification procedures for spills and other emergencies including fires
- Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent shall ensure that all contractors working on the project are familiar with the facility's ~~HMBP~~Hazardous Materials Business Plan as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted ~~HMBP~~Hazardous Materials Business Plan from ~~CERS~~the California Environmental Reporting System shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-83 and 1-84:

MM 4.11-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, 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 operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company's best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a. An irrevocable letter of credit;

- b. A surety bond;
- c. A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or
- d. Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.

The financial institution or Surety Company shall give the County at least 120 days' notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance.

Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 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 operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources 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. In no case shall a solar field that 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.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-83:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.10: Cumulative Impacts	Potentially significant	Implementation of Mitigation Measures MM 4.7-3, MM 4.9-1, MM 4.9-2 , and MM 4.10-1 is required.	Less than significant
4.11 Land Use			
Impact 4.11-1: The project would physically divide an established community.	Potentially significant <u>Less than significant</u>	Implementation of Mitigation Measure MM 4.9-3 is <u>No mitigation measures are required.</u>	Less than significant
Impact 4.11-2: The project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	<u>Potentially significant</u> Less than significant	No mitigation measures are <u>Implementation of Mitigation Measure MM 4.9-3 is required.</u>	Less than significant

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-90 through 1-92:

- MM 4.14-2:** The project proponent/operator shall implement the following mitigation steps at the project site:
- For facility operation, the project proponent/operator shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount shall be divided by ~~the number of years of operation~~ 20 and paid on a yearly basis. Any operation that continues past 20 years will pay the same yearly fee. If completed in phases, the annual amount shall be based on the square footage of ground covered by April 30 of each year. The amount shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year for each and every year of operation. Copies of payments made shall be submitted to the Kern County Planning and Natural Resources Department.
 - 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 \$1,000 per megawatt per year, then that entity shall pay the taxes plus the amount

necessary to equal the equivalent of \$1,000 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.

- c. 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.
- d. 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.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-92:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.15-2: The project would <u>not</u> conflict with an applicable Congestion Management Program, including, but not limited to level of service standards and travel demand measures, or other standards developed by the County Congestion Management Agency for Designated Roads or Highways or be inconsistent with <u>CEQA Guidelines Section 15064.3, subdivision (b).</u>	Less than significant	No mitigation measures are required.	Less than significant

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-94:

- MM 4.15-1:** Prior to the issuance of construction or building permits, the project proponent/operator shall:
- A. 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:

- i. Timing of deliveries of heavy equipment and building materials;
- ii. Directing construction traffic with a flag person;
- iii. 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;
- iv. Establish procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities;
- v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
- vi. Maintaining access to adjacent property;
- vii. Encourage carpooling among workers to reduce worker commute trips entering and exiting the study area; and
- viii. 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.
- ix. Restrict and distribute PM peak hour traffic flows associated with the construction of gen-tie facilities onto adjacent roadways so that some traffic would use higher capacity facilities, rather than Purdy Avenue, to complete the left-turn movements across SR-14, as follows:
 - a. All east-bound left turning project traffic related to the gen-tie component shall utilize Silver Queen Road or Oak Creek Road to access SR-14 during the PM peak hour.
 - b. A portion of the west-bound project traffic, equal to or greater than five vehicles, shall utilize the Backus Road interchange to access SR-14 during the PM peak hour.

Monitoring shall be conducted on a weekly basis by the project proponent/operator and any deficiencies shall be corrected immediately. Proof of compliance shall be available and furnished at the request of the Kern County Public Works Department-Development Review and the California Department of Transportation at any time during construction of gen-tie facilities.

- B. 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.

- C. 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.
- D. 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.
- E. 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.

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-95:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.15-4: The project would result in inadequate emergency access.	<u>Less than Significant</u> Potentially significant	Implementation of Mitigation Measure MM 4.15-1 is required.	Less than significant

Chapter 1, Executive Summary, Table 1-6, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-96:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.17-1: The project would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	<u>Less than Significant</u> Potentially significant	Implementation of Mitigation Measures MM 4.7-3 and MM 4.10-1 is required.	Less than significant

Section 4.3, Air Quality, Page 4.3-17:

Exposure to diesel exhaust can have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks (~~OEHA~~—CARB and ALA, 2001).

Section 4.3, Air Quality, Pages 4.3-17 and 4.3-18:

Approximately 60 percent of Valley Fever cases are mild and display flu-like symptoms or no symptoms at all. Of those who are exposed and seek medical treatment, the most common symptoms include fatigue, cough, loss of appetite, rash, headache, and joint aches. In some cases, painful red bumps may develop on the skin. One important fact to mention is that these symptoms are not unique to Valley Fever and may be caused by other illnesses as well. Identifying and confirming this disease require specific laboratory tests such as: (1) microscopic identification of the fungal spherules in infected tissue, sputum or body fluid sample; (2) growing a culture of *CI* from a tissue specimen, sputum, or body fluid; (3) detection of antibodies (serological tests specifically for Valley Fever) against the fungus in blood serum or other body fluids; and (4) administering the Valley Fever Skin Test (called coccidioidin or spherulin), which indicate prior exposure to the fungus (Valley Fever Center for Excellence, ~~2010~~2018). It should be noted that the incident rate for Valley Fever in Kern County within the MDAB is less than the incident rate in Kern County within the San Joaquin Valley Air Basin, where the highest incidence rate within California occurs.

Valley Fever is not contagious and, therefore, cannot be passed on from person to person. Most of those who are infected would recover without treatment within six months and would have a life-long immunity to the fungal spores. In severe cases, especially in those patients with rapid and extensive primary illness, those who are at risk for dissemination of disease, and those who have disseminated disease, antifungal drug therapy is used. The type of medication used and the duration of drug therapy are determined by the severity of disease and response to the therapy. The medications used include ketoconazole, itraconazole and fluconazole in chronic, mild-to-moderate disease, and amphotericin B, given intravenously or inserted into the spinal fluid, for rapidly progressive disease. Although these treatments are often helpful, evidence of disease may persist and years of treatment may be required (Valley Fever Center for Excellence, ~~2010~~2018).

Section 4.3, Air Quality, Pages 4.3-34 and 4.3-35:

The project would comply with all applicable EKAPCD rules and regulations, such as EKAPCD Rule 401 (Visible Emissions) and EKAPCD Rule 402 (Fugitive Dust). The project would not conflict with or propose to change existing land uses or result in population growth. While the project would not exceed any EKAPCD significance thresholds on daily basis, as shown in **Table 4.3-8, *Unmitigated Annual Construction Emissions***, under Impact 4.3-3, construction of the project on an annual basis would exceed the EKAPCD significance thresholds for PM₁₀. In addition, based on the AAQA, provided in Appendix C1 of this EIR and as shown in **Table 4.3-5, *Unmitigated Construction Ambient Air Quality Impact Assessment Results***, under Impact 4.3-2, impacts would be potentially significant for PM₁₀ and PM_{2.5}. As such, the project would implement Mitigation Measure MM 4.3-1, which would require implementation of EPA Tier 3 or higher engines, among other measures. The project would also implement Mitigation Measure

MM 4.3-2, which would require implementation of a Fugitive Dust Control Plan during construction of the project. While the implementation of these mitigation measures would reduce emissions of PM₁₀ and PM_{2.5} during construction of the project, these emissions would not be reduced below the EKACPD significance threshold.

Section 4.3, Air Quality, Pages 4.3-36 through 4.3-39:

MM 4.3-1: Implement Diesel Emission-Reduction Measures During Construction. To control ~~PM~~particulate matter emissions during construction, the project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County:

- a. Off-road equipment engines over 25 horsepower shall be equipped with ~~EPA~~U.S. Environmental Protection Agency Tier 3 or higher engines, unless Tier 3 construction equipment is not locally available.
- b. All equipment shall be maintained in accordance with the manufacturer's specifications.
- c. 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.
- d. Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.
- e. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.
- f. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOX emissions.
- g. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
- h. Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators.
- i. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible.

MM 4.3-2: Implement Fugitive Dust Control Plan During Construction. To control fugitive ~~PM~~particulate matter emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department. The plan shall include all ~~EKAPCD-Eastern Kern Air Pollution Control District~~-recommended measures, including but not limited to the following:

- a. All soil being actively excavated or graded shall be sufficiently water to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.

- b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
- c. Vehicle speeds on all offsite unpaved roads (i.e., outside the project boundary) for construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.
- d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or ~~EKAPCD-Eastern Kern Air Pollution Control District~~-approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.
- e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible.
- f. All disturbed areas shall be sufficiently watered or stabilized by ~~EKAPCD-Eastern Kern Air Pollution Control District~~-approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (non-potable) water shall be used to the extent available and feasible.
- g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures.
- h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an ~~EKAPCD-Eastern Kern Air Pollution Control District~~-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips.
- i. All active and inactive disturbed surface areas shall be compacted, where feasible.
- j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities.
- k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities.
- l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed

- around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize wind-blown dust.
- m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.
 - n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.
 - o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.
 - p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by ~~EKAPCDE~~Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.
 - q. Haul trucks and off-road equipment leaving the site shall be washed with water or high-pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track-out/deposition of soil onto nearby paved roadways.
 - r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.
 - s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators, temporary concrete batch plant) shall require California statewide portable equipment registration (issued by ~~CARB~~the California Air Resources Board) or an ~~EKAPCDE~~Eastern Kern Air Pollution Control District permit.
 - t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site any should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the ~~EKAPCDE~~Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.
 - u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline.

- v. The designated construction monitor shall document and immediately notify ~~EKAPCD~~the Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with ~~EKAPCD~~the Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.

Section 4.3, Air Quality, Page 4.3-45:

MM 4.3-3: Minimize Exposure to Potential Valley Fever–Containing Dust. 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:

- 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. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a ~~HEP~~high-efficiency-particulate-filtered air system.
- f. Workers shall receive training 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.
- g. A Valley Fever informational handout shall be provided to all onsite 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. Evidence of training shall be provided to the Kern County Planning.

Section 4.4, Biological Resources, Pages 4.4-37 through 4.4-40:

MM 4.4-2: Prior to the issuance of grading or building permits from the County, the project proponent/operator shall retain a qualified biologist(s) who meets the qualifications of an authorized biologist as defined by U.S. Fish and Wildlife Service (~~USFWS~~) to oversee compliance with protection measures for all listed and other special-status species that may

be affected by the construction of the project. The following measures pertain to qualified biologist(s) on site:

- a. The qualified biologist(s) shall be on the project site during construction of perimeter fencing, clearing of vegetation, grading activities, and similar ground-disturbance activities that will be associated with the construction phase.
- b. The qualified biologist(s) shall have the right to halt all activities that are in violation of the special-status species mitigation measures, as well as any regulatory permits from the California Department of Fish and Wildlife and/or ~~USFWS~~U.S. Fish and Wildlife Service. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk.
- c. The qualified biologist(s) shall have in her/his possession a copy of all the compliance measures while work is being conducted on the project site.
- d. Prior to issuance of grading or building permits, contact information for the qualified biologist(s) shall be submitted to the Kern County Planning and Natural Resources Department.
- e. Any individuals who undertake biological monitoring and mitigation tasks shall be supervised by the qualified biologist(s) and shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks. Biological monitors shall comply with the above measures.

MM 4.4-3: Prior to the issuance of grading or building permits from the County, and for the duration of construction activities, and within a minimum of one-week initial ground disturbance, all construction workers shall attend an Environmental Awareness Training and Education Program that will be developed by a qualified biologist. Any personnel associated with construction that did not attend the initial training shall be trained by the authorized biologist or designee approved by the authorized biologist prior to working on the project site.

Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Worker Environmental Awareness Training and Education Program prior to starting work on the project and on an annual basis.

The Program will be developed and presented by the project qualified biologist(s) or designee approved by the qualified biologist(s) during construction. The Program shall include the components described below:

- a. Information on the life history of the alkali mariposa lily, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, nesting birds, and desert kit fox; as well as other wildlife, special-status plant species, and the California Department of Fish and Wildlife-regulated drainages that may be affected during construction activities. The program shall also discuss the legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent/operator shall implement to protect the species, reporting requirements, specific measures for workers to avoid take of special-status plant and wildlife species, and penalties for violation of the requirements outlined in the California Environmental Quality Act mitigation measures and agency permit requirements.

- b. An acknowledgement form signed by each worker indicating that the Worker Environmental Awareness Training and Education Program has been completed shall be kept on file at the construction site.
- c. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Worker Environmental Awareness Training and Education Program and signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.
- d. A copy of the training transcript, training video, or informational binder for specific procedures shall be kept available for all personnel to review and be familiar with as necessary.
- e. A sticker shall be placed on hard hats indicating that the worker has completed the Worker Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Worker Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker.
- f. The construction crews and contractor(s) shall be responsible for preventing unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits. Unauthorized impacts may result in project stoppage, and/or fines depending on the impact and consultation with the California Department of Fish and Wildlife and/or ~~USFWS~~U.S. Fish and Wildlife Service.

MM 4.4-4: During construction, operations and maintenance, and decommissioning, the project proponent/operator and/or contractor(s) shall implement the general avoidance and protective measures described below.

- a. Prior to conducting vegetation clearing or grading activities associated with construction or decommissioning, a qualified biologist or biological monitor that has been approved by the qualified biologist shall perform pre-construction visual surveys of the area immediately prior to conducting these activities to ensure that no special-status animals are present. The qualified biologist or biological monitor shall monitor all initial construction and decommissioning ground disturbance activities. A report of those activities shall be submitted to the Kern County Planning and Natural Resources Department within 30 days of completion of activities.
- b. All proposed impact areas, including solar fields, generation-tie lines, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) where possible. Construction-related activities outside of the impact zone shall be avoided.
- c. Access roads that are planned for use during construction shall not extend beyond the planned impact area. All vehicle traffic shall be contained within the planned impact area or in previously disturbed areas. Where new access routes are required, the route will be clearly marked (i.e., flagged and/or staked) prior to construction.

- d. The project proponent/operator shall minimize the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be demarcated and disturbance activities, vehicles, and equipment shall be confined to these areas.
- e. Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices (~~BMPs~~) shall be employed to prevent erosion in accordance with the project's approved Stormwater Pollution Prevention Plan (~~SWPPP~~) (see Section 4.7, *Geology and Soils*, for more details on ~~SWPPP~~ Stormwater Pollution Prevention Plan requirements). All detected erosion shall be remedied as described in the Erosion Control Plan of the ~~SWPPP~~ Stormwater Pollution Prevention Plan. Spoils that have been stockpiled and inactive for greater than 10 days shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing the spoils.
- f. To prevent inadvertent entrapment of desert tortoises, desert kit foxes, American badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks that are no less than 12 inches wide and secured at the top, and placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist or their biological monitor at the beginning and end of each day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained staff approved by the retained qualified biologist for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the USFWS U.S. Fish and Wildlife Service and/or CDFW California Department of Fish and Wildlife, as appropriate for the species, and Kern County Planning and Natural Resources Department shall be contacted immediately.
- g. Desert tortoises, burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at the construction site for one or more overnight periods and without endcaps shall be thoroughly inspected by a qualified biologist for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by a qualified biologist holding the appropriate handling permits from the Resource Agencies.
- h. No vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of wildlife. If present, the animal shall be left to move on its own.
- i. 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.

- j. A speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. If night work occurs on the proposed project, the speed limit will be 10 miles per hour.
- k. Fueling of equipment shall take place within existing roads. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.
- l. The project proponent/operator shall submit a Maintenance, Trash Abatement, and Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not be limited to the following:
 - i. The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational; this can be done in conjunction with regular panel washing and site maintenance activities.
 - ii. Trash and food items shall be contained in closed containers to be locked 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.
 - iii. 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.
 - iv. The project proponent/operator shall implement a regular trash removal and recycling program once per month on an ongoing basis during construction, including a recycling program. Barriers/locking systems 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.
- m. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife.
- n. Intentional killing or collection of any plant or wildlife species shall be prohibited.
- o. No rodenticides shall be used on the project site.
- p. Perimeter fencing during operations and maintenance shall be made wildlife friendly, but can be built to exclude desert tortoise.

Section 4.4, Biological Resources, Pages 4.4-42 through 4.4-44:

MM 4.4-8: The project proponent/operator shall implement the following measures, based on the recently updated California Department of Fish and Wildlife (~~CDFW~~) 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from

project implementation, operation and maintenance, and decommissioning activities will be avoided and minimized to less than significant level:

- a. A qualified wildlife biologist shall be on site during all initial grading and construction, pre-construction ground disturbing activities, and decommissioning activities. A qualified wildlife biologist (i.e., a wildlife biologist with the ability to identify the species and possessing previous burrowing owl survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 200-meter (approximately 656-foot) buffer, to locate active breeding or wintering burrowing owl burrows.
- b. The survey(s) shall occur no more than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading). The survey methodology shall be consistent with the methods outlined in the 2012 ~~CDFW~~California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting and mapping any potential burrows with burrowing owl signs or presence of burrowing owls.
- c. As each burrow is investigated, project biologists shall also look for signs of American badger and desert kit fox. Surveys may also be conducted concurrently with desert tortoise preconstruction surveys. A biologist shall prepare a preconstruction survey report that shall be submitted to ~~CDFW~~the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
- d. A qualified biologist shall conduct an additional preconstruction survey of all impact areas plus an approximately 200-meter buffer no more than 24 hours prior to start or restart (as the case may be) of ground disturbing activities associated with construction or decommissioning activities as authorized by this approval to identify any additional burrowing owls or burrows necessitating avoidance, minimization, or mitigation measures.
- e. If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted within 200 meters of an occupied burrow during the breeding season (February 1–August 31), unless authorized by ~~CDFW~~the California Department of Fish and Wildlife. During the non-breeding season (September 1–January 31), no ground-disturbing activities shall be permitted within 50 meters (165 feet) of an occupied burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with ~~CDFW~~the California Department of Fish and Wildlife.
- f. If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation,
- g. If passive relocation is required, the qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with 2012 California Department of Fish and Game Staff Report on Burrowing Owl

Mitigation. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation Land.

- h. If passive relocation is required, the project proponent shall implement the Mitigation Land Management Plan and permanently conserve in a conservation easement offsite habitat suitable for burrowing owl at ratio of 15 acres per passively relocated burrowing owl pair, not to exceed the size of the final project footprint. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable to support the species. The Passive Relocation Compensatory Mitigation habitat shall be approved by California Department of Fish and Wildlife. If the proposed project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits in lieu of placing offsite habitat into a conservation easement, if acceptable to California Department of Fish and Wildlife.

MM 4.4-9: To mitigate for potential impacts to nesting birds, special-status birds, and birds protected under the ~~MBTA~~Migratory Bird Treaty Act and ~~CFGCC~~California Fish and Game Code during construction and decommissioning activities, the following measures shall be implemented as part of the approval for a grading or building permit.

- a. 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. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur within 14 days prior to clearing or disturbance in specific areas of the site. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. At no time shall the qualified biologist be allowed to handle the nest or its eggs. The survey shall cover all reasonably potential nesting locations on and within 500 feet of the project site, including ground nesting species, such as horned lark and killdeer, nests in shrubs that could support nests, and suitable raptor nest sites such as nearby trees, windrows, and power poles. Access shall be granted on private offsite properties prior to conducting surveys on private land. If access is not obtainable, the biologist shall survey these areas from the nearest vantage point with use of spotting scopes or binoculars.
- b. If construction is scheduled to occur during the non-nesting season (September 1–February 1), no preconstruction surveys or additional measures are required for non-listed avian species.
- c. If active nests are found, a 100-foot no-disturbance buffer shall be created around non-listed avian species' nests unless adjusted by the qualified biologist based on the needs and sensitivities of individual species, and a 300-foot no-disturbance buffer around non-listed raptor species' nests (or a suitable distance otherwise determined in consultation with ~~CDFW~~the California Department of Fish and Wildlife). Any nest of a federally or state-listed bird species shall require consultation with the appropriate agency (~~USFWS~~U.S. Fish and Wildlife Service or the ~~CDFW~~California Department of Fish and Wildlife) to determine the appropriate buffer distance surrounding the nest to provide adequate nest protection. These buffers shall remain in effect until a

qualified biologist has determined that the birds have fledged or the project component(s) have been redesigned to avoid the area. All no-disturbance buffers shall be delineated in the field with visible flagging or fencing material.

Section 4.4, Biological Resources, Pages 4.4-45 and 4.4-46:

MM 4.4-11: The project proponent/operator shall install power lines in conformance with Avian Power Line Interaction Committee (~~APLIC~~) standards for electrocution-reducing techniques as outlined in suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (~~APLIC~~ Avian Power Line Interaction Committee 2006), and for collision-reducing techniques as outlined in Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (~~APLIC~~ Avian Power Line Interaction Committee 2012), or any superseding document issued by ~~APLIC~~ Avian Power Line Interaction Committee.

MM 4.4-12: During the operations and maintenance phase of the project, an Avian Mortality Monitoring Program shall be developed in coordination with ~~CDFW~~ the California Department of Fish and Wildlife and ~~USFWS~~ U.S. Fish and Wildlife Service and implemented to systematically and periodically determine the extent of mortality occurring due to collisions with solar arrays. The measures listed below apply to the program:

- a. The Avian Mortality Monitoring Program shall be developed following the Mortality Monitoring Design for Utility-Scale Solar Power Facilities and include methods to achieve Objective 1 (monitoring to estimate total bird and bat mortality). Methods include using a trained and skilled team of authorized biologists to systematically sample the project site by walking transects through the solar arrays scanning for deceased birds.
- b. Data shall be collected on any encountered deceased wildlife species including species, condition of the carcass, approximate age, presence of feathers, etc.
- c. Additionally, maintenance personnel working on the project site that encounter injured or deceased birds (or any other wildlife) should be trained to collect data and photograph the encountered species.
- d. Mortality monitoring shall be conducted for a minimum 1-year period following the commencement of the operations and maintenance phase of the project. Quarterly reporting of results shall be prepared and provided to state and federal agencies, if requested.
- e. Appropriate performance standards for mitigation of impacts to any species regulated by the Bald and Golden Eagle Protection Act, Endangered Species Act, and California Endangered Species Act exist through required consultation with ~~USFWS~~ the U.S. Fish and Wildlife Service and ~~CDFW~~ California Department of Fish and Wildlife under their respective regulatory and permitting frameworks. If, after 2 years of mortality monitoring, project impacts to any other avian species caused by the project are shown to result in a substantial, long-term reduction in the demographic viability of the population of the species in question, then adaptive management must be implemented to reduce impacts to below this threshold. Adaptive management measures may include but not be limited to passive avian diverter installations, the use of sound, light

or other means to discourage site use consistent with legal requirements, on site habitat management or control measures consistent with applicable legal requirements, or modification to support structures to exclude nesting birds.

Section 4.4, Biological Resources, Pages 4.4-47 and 4.4-48:

MM 4.4-13: 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 and will 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 (~~RWQCB~~) and the County. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

- a. Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided. This may be shown in plan form.
- b. Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
- c. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
- d. Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

MM 4.4-14: If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below:

- a. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the ~~RWQCB~~Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with ~~CDFW~~the California Department of Fish and Wildlife on the need for a streambed alteration agreement. Copies of the final report shall be submitted to the County.
- b. Based on consultation with ~~RWQCB~~the Regional Water Quality Control Board and ~~CDFW~~California Department of Fish and Wildlife, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.
- c. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified prior to disturbance of the features at a minimum 1:1 ratio, as approved by the ~~RWQCB~~Regional Water Quality Control Board or ~~CDFW~~California Department of Fish and Wildlife either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank.

- d. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from ~~RWQCB~~the Regional Water Quality Control Board and/or ~~CDFW~~California Department of Fish and Wildlife, shall be provided to the County.
- e. A Habitat Mitigation and Monitoring Plan (~~HMMP~~) shall be prepared that outlines the compensatory mitigation in coordination with the ~~RWQCB~~Regional Water Quality Control Board and ~~CDFW~~California Department of Fish and Wildlife.
 - i. If onsite mitigation is proposed, the ~~HMMP~~Habitat Mitigation and Monitoring Plan shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site).
 - ii. The ~~HMMP~~Habitat Mitigation and Monitoring Plan shall include remedial measures in the event that performance criteria are not met.
 - iii. If mitigation is implemented offsite, mitigation lands shall be comprised of similar or higher quality and preferably located in Kern County. Offsite land shall be preserved through a deed restriction or conservation easement and the ~~HMMP~~Habitat Mitigation and Monitoring Plan shall identify an approach for funding assurance for the long-term management of the conserved land. Alternatively, the applicant may purchase credits from an approved mitigation bank.
 - iv. Copies of any coordination, permits, etc., with ~~RWQCB~~the Regional Water Quality Control Board and ~~CDFW~~California Department of Fish and Wildlife shall be provided to the County.

Section 4.5, Cultural Resources, Page 4.5-26 and 4.5-27:

MM 4.5-4: During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction beyond those already documented and found to be not significant for listing in the ~~CRHR~~California Register of Historical Resources, the project contractor shall cease any ground disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area and all entrance to the area shall be avoided until the discovery is assessed by the Lead 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 Lead 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. 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~~California

Environmental Quality Act Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead 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 Lead 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.

Section 4.7, Geology and Soils, Page 4.7-20:

MM 4.7-3: The construction contractor shall incorporate ~~BMPs~~Best Management Practices consistent with National Pollutant Discharge Elimination System (~~NPDES~~) General Construction Permit Program for all construction projects that would not retain all stormwater onsite and the Kern County Grading Code. The project proponent shall prepare an Erosion and Sedimentation Control Plan as well as a Stormwater Pollution Prevention Plan (~~SWPPP~~). The plan shall be prepared by a Qualified ~~SWPPP~~Stormwater Pollution Prevention Plan Developer (~~QSD~~) and submitted for review and approval by the applicable Regional Water Quality Control Board. The ~~SWPPP~~Stormwater Pollution Prevention Plan ~~BMPs~~Best Management Practices shall include, but not be limited to, the following:

- Scheduling to avoid construction during rain events to the maximum extent possible
- Preservation of existing vegetation and topography to the maximum extent practicable
- Stabilized construction entrances and exits
- Erosion control (including all pertinent temporary erosion control practices as specified in Chapter 17.28.140 of the Kern County Grading Code), such as mulching, temporary drains and culleys, sandbag barrier, geotextiles and mats, silt fences, brush or rock filters, earth dikes, straw bale barriers, and sediment traps
- Sediment control
- Waste management
- Good housekeeping
- Post-construction site stabilization

Prior to initial construction mobilization, preconstruction surveys shall be performed and sediment and erosion controls shall be installed in accordance with the approved ~~SWPPP~~Stormwater Pollution Prevention Plan. A copy of the approved ~~SWPPP~~Stormwater Pollution Prevention Plan shall be submitted to the Kern County Planning and Natural Resources Department.

Section 4.7, Geology and Soils, Page 4.7-23:

MM 4.7-5: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (SVP~~Society for Vertebrate Paleontology~~, 2010), to carry out all mitigation measures related to paleontological resources.

1. 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.
2. Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements.
3. 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.
4. The Paleontological Resources Awareness Training Guides shall be kept onsite and available for all personnel to review and be familiar with as necessary.

Section 4.9, Hazards and Hazardous Materials, Page 4.9-28:

MM 4.9-1: During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan (~~HMBP~~), 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 (~~CERS~~)—at <http://cers.calepa.ca.gov/> for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. The ~~HMBP~~Hazardous Materials Business Plan shall:

- Delineate hazardous material and hazardous waste storage areas
- Describe proper handling, storage, transport, and disposal techniques
- Describe methods to be used to avoid spills and minimize impacts in the event of a spill
- Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction and operation
- Establish public and agency notification procedures for spills and other emergencies including fires
- Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent shall ensure that all contractors working on the project are familiar with the facility's ~~HMBP~~Hazardous Materials Business Plan as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted ~~HMBP~~Hazardous Materials Business Plan from ~~CERS~~the California Environmental Reporting System shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record.

Section 4.10, Hydrology and Water Quality, Page 4.10-7:

The Porter-Cologne Water Quality Control Act requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the “waters of the State,” file a report of waste discharge. Absent a potential effect on the quality of “waters of the State,” no notification is required. However, the RWQCB encourages implementation of BMPs similar to those required for NPDES storm water permits to protect the water quality objectives and beneficial uses of local surface waters as provided in the Lahontan Region Water Quality Control Plan (Basin Plan) (RWQCB 2016). Under this plan, applicable beneficial uses of local surface waters would be classified as “Industrial Service Supply”, which include beneficial uses of waters used for industrial activities.

Section 4.10, Hydrology and Water Quality, Page 4.10-22:

Similar to the proposed project, all cumulative projects would not discharge to waters of the United States due to their location within the Antelope Valley, which is a closed basin with no outlet to the Pacific Ocean. All projects that would not retain all runoff onsite would be required to prepare an SWPPP, just as with the proposed project under Mitigation Measure MM 4.7-3, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. Furthermore, the proposed project would implement a Hazardous Materials Business Plan as part of Mitigation Measure MM 4.10-1 that would require appropriate handling of hazardous materials onsite to ensure they do not come into contact with stormwater and affect water quality. All other projects in the vicinity that would handle hazardous materials would also be required to comply with hazardous material regulations. Therefore, cumulative scenario impacts associated with water quality degradation would not be cumulatively considerable, and the project would not contribute to a cumulative impact on water quality.

Section 4.11, Land Use and Planning, Pages 4.11-34 and 4.11-35:

MM 4.11-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, 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 operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the

site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company's best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a. An irrevocable letter of credit;
- b. A surety bond;
- c. A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or
- d. Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.

The financial institution or Surety Company shall give the County at least 120 days' notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance.

Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 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 operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources 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. In no case shall a solar field that 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.

Section 4.14, Public Services, Pages 4.14-15 and 4.14-16:

MM 4.14-2: The project proponent/operator shall implement the following mitigation steps at the project site:

- a. For facility operation, the project proponent/operator shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground for the

facility operation and related onsite structures for the entire covered area of the project. The total amount shall be divided by ~~the number of years of operation~~²⁰ and paid on a yearly basis. Any operation that continues past 20 years will pay the same yearly fee. If completed in phases, the annual amount shall be based on the square footage of ground covered by April 30 of each year. The amount shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year for each and every year of operation. Copies of payments made shall be submitted to the Kern County Planning and Natural Resources Department.

- 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. If the project is sold to a city, county, or utility company with assessed taxes that total less than \$1,000 per megawatt per year, then that entity shall pay the taxes plus the amount necessary to equal the equivalent of \$1,000 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.
- c. 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.
- d. 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.

Section 4.15, Transportation, Page 4.15-3:

Construction-related traffic (i.e., workers and truck traffic) traveling to/from the north site would use Business ~~West~~^{East} Route 58 and its intersection with Lone Butte Road. Project traffic would travel south along Lone Butte Road to access solar generation site work areas. The north site would be accessed through gates from a private access easement along the alignment of Lone Butte Road, from ~~SR-58~~^{Business East Route 58} south to the edge of the northern site boundary, shown in Figure 3-4. The BNSF Railway forms the western edge of the northern site and the gen-tie line crosses the BNSF Railway in two locations.

Section 4.15, Transportation, Page 4.15-4:

Considering the access routes described above, this traffic impact analysis evaluates the following six intersections (all unsignalized) in the vicinity of the project site, where project traffic would contribute turning vehicles:

1. Lone Butte Road/~~SR-58~~Business East Route 58

Section 4.15, Transportation, Page 4.15-6:

Caltrans has jurisdiction over state highways and sets maximum load limits for trucks and safety requirements for oversized vehicles that operate on highways. Eastern Kern County (i.e., including the project site and surrounding area) ~~has been is~~ under the jurisdiction of Caltrans District 9 ~~as of November 2015; prior to that time, all of Kern County was under the jurisdiction of Caltrans District 6.~~ The Caltrans regulations below apply to potential transportation and traffic impacts of the project.

Section 4.15, Transportation, Page 4.15-15:

~~The proposed schedule for construction modeling of the solar facility component of the proposed project is approximately 18 months from February 2020 to August 2021. The proposed schedule of construction for the gen-tie component of the proposed project is approximately four months from April 2021 to August 2021. Site grading and earthwork is anticipated to begin during the third quarter of 2020, with operations beginning in the fourth quarter of 2021 and into 2022.~~

Section 4.15, Transportation, Page 4.15-22:

MM 4.15-1: Prior to the issuance of construction or building permits, the project proponent/operator shall:

- A. 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:
 - i. Timing of deliveries of heavy equipment and building materials;
 - ii. Directing construction traffic with a flag person;
 - iii. 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;
 - iv. Establish procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities;
 - v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 - vi. Maintaining access to adjacent property;

- vii. Encourage carpooling among workers to reduce worker commute trips entering and exiting the study area; and
- viii. 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.
- ix. Restrict and distribute PM peak hour traffic flows associated with the construction of gen-tie facilities onto adjacent roadways so that some traffic would use higher capacity facilities, rather than Purdy Avenue, to complete the left-turn movements across SR-14, as follows:
 - a. All east-bound left turning project traffic related to the gen-tie component shall utilize Silver Queen Road or Oak Creek Road to access SR-14 during the PM peak hour.
 - b. A portion of the west-bound project traffic, equal to or greater than five vehicles, shall utilize the Backus Road interchange to access SR-14 during the PM peak hour.

Monitoring shall be conducted on a weekly basis by the project proponent/operator and any deficiencies shall be corrected immediately. Proof of compliance shall be available and furnished at the request of the Kern County Public Works Department-Development Review and the California Department of Transportation at any time during construction of gen-tie facilities.

- B. 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.
- C. 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.
- D. 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.
- E. 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.

Chapter 10, Bibliography, Page 10-2:

DOC, n.d.2018. Kern County 2014–2016 Land Use Conversion, Available at:
<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Kern.aspx>; Accessed on June 4, 2019.

Chapter 10, Bibliography, Page 10-13:

Department of Toxic Substances Control (DTSC). EnviroStor database findings;. Available at:
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=11731+Rosamond+Blvd%2C+Kern+County+CA>,
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Sanborn+ca>. Accessed
 September 26, 2019.

...

State Water Resources Control Board (SWRCB). GeoTracker database findings;. Available at:
<http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=11731+Rosamond+Blvd%2C+Kern+County+ca>,
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=sanborn%2C+ca>;
 Accessed September 26, 2019.

Chapter 10, Bibliography, Page 10-16:

Kern County Fire Department (KCFD), 2019a^b. “About Us.” Available at:
<http://www.kerncountyfire.org/about-us.html>; Accessed May 22, 2019.

7.3 Response to Comments

A list of agencies and interested parties who have commented on the Draft EIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided following this list.

- **State Agencies:**
 - Letter 1 – California Department of Transportation (Caltrans) (March 19, 2020)
 - Letter 2 – Lahontan Regional Water Quality Control Board (March 23, 2020)
- **Local Agencies:**
 - Letter 3 – County of Kern Public Works Department, Floodplain Management Section (February 19, 2020)
 - Letter 4 – Kern County Fire Department (March 19, 2020)
 - Letter 5 – County of Kern Public Works Department, County Surveyor (March 25, 2020)
- **Interested Parties:**
 - Letter 6 – Herb Carlson (March 5, 2020)
 - Letter 7 – Kern Audubon Society (March 23, 2020)
 - Letter 8 – Michael Branden (March 26, 2020)
 - Letter 9 – Howard Pang, Shioule Pang, Shioulun Pang (April 18, 2020)

Comment Letter No. 1: California Department of Transportation

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0785
FAX (760) 872-0678
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

March 19, 2020

Ms. Ronelle Candia
Kern Planning/Natural Resources Dept.
2700 M Street, Suite 100
Bakersfield, CA 93301

File: Ker-14- 14.39
DEIR
SCH #: 2019060259

Sanborn Solar Project Draft Environmental Impact Report (DEIR)

Dear Ms. Candia:

The California Department of Transportation (Caltrans) District 9 appreciates the opportunity to review the DEIR for the Sanborn Solar project, which uses State Route (SR) 14 for one of the project accesses. We offer the following document corrections and comments:

- P 4.15-3, **Northern Site** - revise 1st sentence: "... would use Business East Route 58..." and 2nd sentence "...Lone Butte Road, from Business East Route 58 south to..." Correct elsewhere in the document and Traffic Impact Analysis. This is the "East" route for the highway portion relinquished to Kern County in 2006. It is no longer part of the State Highway System and should not be referred to as "SR 58." 1-A
- P 4.15-4, **Traffic Analysis** - revise as above, "1. Lone Butte Road/Business East Route 58." 1-B
- P 4.15-6, **California Department of Transportation** - revise 2nd sentence "... ~~has been~~ is under the jurisdiction of Caltrans District 9 ~~as of November 2015; prior to that time, all of Kern County was under the jurisdiction of Caltrans District 6.~~" (Prior to 1994, eastern Kern had also been under the jurisdiction of District 9.) 1-C
- P 4.15-15, **Construction Trips** - the "February 2020" construction start date should be updated. 1-D
- Section 4.15 **Traffic and Transportation** - in general, we concur with mitigation measure MM 4.15-1, for this topic. However, for the cumulative impact in A. ix., which reroutes peak hour construction trips, please include Caltrans (in addition to the County) as being able to request proof of compliance. 1-E

Eventually, the County could consider formation of an assessment district or traffic impact fee area to address cumulative impacts to the Purdy Road/SR 14 intersection from future development. 1-F

Ms. Ronelle Candia
March 19, 2020
Page 2

- To fully assess any cultural impacts for Caltrans encroachment permit issuance, we will need more information about the cultural resource sites (locations, etc.). Please have the cultural resource consultant contact Emilie Zelazo at (760) 872-6041 or emilie.zelazo@dot.ca.gov for further discussion and perhaps sharing of reports.

1-H

- Please inform me if any sensitive status species are observed within the Caltrans R/W. If any boring is to occur within the R/W, temporary exclusionary tortoise fence will be included as an encroachment permit condition.

1-I

- For Caltrans encroachment permit information (for gen-tie crossing, traffic control, etc.), Stephen Winzenread - District 9 Encroachment Permit Engineer, may be contacted at (760) 872-5222 or stephen.winzenread@dot.ca.gov.
See: <https://dot.ca.gov/programs/traffic-operations/ep>

- Caltrans will file a Notice of Determination (NOD) with the State Clearinghouse when the Encroachment Permit is finalized. The NOD will reference Kern County's EIR and supporting documents.

1-J

We value our cooperative working relationship with Kern County regarding development impacts on the state transportation system. For any questions, feel free to contact me at (760) 872-0785 or at gayle.rosander@dot.ca.gov.

Sincerely,



GAYLE J. ROSANDER
External Project Liaison

c: State Clearinghouse
Mark Reistetter, Caltrans D9

**Response to Comment Letter 1: California Department of Transportation (Caltrans)
District 9 (March 19, 2020)**

- 1-A:** The participation of the California Department of Transportation (Caltrans) in the public review of this document is appreciated. The comment has been noted for the record.
- 1-B:** The commenter clarifies that “SR 58” is not the correct terminology, as this highway is no longer part of the State Highway System since this is the “East” route for the highway portion relinquished to Kern County in 2006. Caltrans requests that all instances of “SR 58” are changed to “Business East Route 58” throughout the EIR and the Traffic Impact Analysis.

In response to the specific request in this comment, Section 4.15, *Transportation*, Draft EIR page 4.15-3, has been revised as follows:

Section 4.15, *Transportation*, Page 4.15-3:

Construction-related traffic (i.e., workers and truck traffic) traveling to/from the north site would use Business ~~West~~East Route 58 and its intersection with Lone Butte Road. Project traffic would travel south along Lone Butte Road to access solar generation site work areas. The north site would be accessed through gates from a private access easement along the alignment of Lone Butte Road, from ~~SR-58~~Business East Route 58 south to the edge of the northern site boundary, shown in Figure 3-4. The BNSF Railway forms the western edge of the northern site and the gen-tie line crosses the BNSF Railway in two locations.

In addition, in response to the general request of this comment, all instances of the use of “SR 58” in the Draft EIR has been changed as follows:

~~SR-58~~Business East Route 58

- 1-C:** In line with their recommendations from Response to Comment 1-B, the commenter recommends a text change to Section 4.15, *Transportation*, page 4.15-4.

In response to this recommendation, Section 4.15, *Transportation*, page 4.15-4, of the Draft EIR has been revised as follows:

Section 4.15, *Transportation*, Page 4.15-4:

Considering the access routes described above, this traffic impact analysis evaluates the following six intersections (all unsignalized) in the vicinity of the project site, where project traffic would contribute turning vehicles:

1. Lone Butte Road/~~SR-58~~Business East Route 58

- 1-D:** The commenter states that prior to 1994, eastern Kern County had also been under the jurisdiction of District 9. As such, the commenter recommends a text revision to page 4.15-6.

In response to this recommendation, Section 4.15, *Transportation*, page 4.15-6, of the Draft EIR has been revised as follows:

Section 4.15, Transportation, Page 4.15-6:

Caltrans has jurisdiction over state highways and sets maximum load limits for trucks and safety requirements for oversized vehicles that operate on highways. Eastern Kern County (i.e., including the project site and surrounding area) ~~has been~~ is under the jurisdiction of Caltrans District 9 ~~as of November 2015; prior to that time, all of Kern County was under the jurisdiction of Caltrans District 6.~~ The Caltrans regulations below apply to potential transportation and traffic impacts of the project.

- 1-E:** The commenter requests that the construction start date in Section 4.15, *Transportation*, Draft EIR page 4.15-15, be updated since the dated noted had past.

The dates presented in Draft EIR Section 4.15, *Transportation*, were inconsistent with the dates in Draft EIR Chapter 3, *Project Description*, which are the correct dates. In response, Section 4.15, *Transportation*, Draft EIR page 4.15-15, has been revised to match Draft EIR Chapter 3, *Project Description*, as follows:

Section 4.15, Transportation, Page 4.15-15:

~~The proposed schedule for construction modeling of the solar facility component of the proposed project is approximately 18 months from February 2020 to August 2021. The proposed schedule of construction for the gen-tie component of the proposed project is approximately four months from April 2021 to August 2021. Site grading and earthwork is anticipated to begin during the third quarter of 2020, with operations beginning in the fourth quarter of 2021 and into 2022.~~

- 1-F:** The commenter states that Caltrans generally concurs with Mitigation Measure MM 4.15-1; however, they request that Caltrans be added to the mitigation measure as an agency that is able to request proof of compliance.

In response to this request, Section 4.15, *Transportation*, Draft EIR page 4.15-22, and Chapter 1, *Executive Summary*, Draft EIR page 1-94, have been revised as follows:

MM 4.15-1: Prior to the issuance of construction or building permits, the project proponent/operator shall:

- A. 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:
 - i. Timing of deliveries of heavy equipment and building materials;
 - ii. Directing construction traffic with a flag person;
 - iii. 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;

- iv. Establish procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities;
- v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
- vi. Maintaining access to adjacent property;
- vii. Encourage carpooling among workers to reduce worker commute trips entering and exiting the study area; and
- viii. 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.
- ix. Restrict and distribute PM peak hour traffic flows associated with the construction of gen-tie facilities onto adjacent roadways so that some traffic would use higher capacity facilities, rather than Purdy Avenue, to complete the left-turn movements across SR-14, as follows:
 - a. All east-bound left turning project traffic related to the gen-tie component shall utilize Silver Queen Road or Oak Creek Road to access SR-14 during the PM peak hour.
 - b. A portion of the west-bound project traffic, equal to or greater than five vehicles, shall utilize the Backus Road interchange to access SR-14 during the PM peak hour.

Monitoring shall be conducted on a weekly basis by the project proponent/operator and any deficiencies shall be corrected immediately. Proof of compliance shall be available and furnished at the request of the Kern County Public Works Department-Development Review and the California Department of Transportation at any time during construction of gen-tie facilities.

- B. 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.
- C. 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.

- D. 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.
- E. 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.

1-G: The commenter recommends that the County should consider the formation of an assessment district or traffic impact fee area to address cumulative impacts from future development on the Purdy Road/SR 14 intersection.

This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

1-H: The commenter states that, to fully assess any cultural impacts for Caltrans encroachment permit issuance, Caltrans will need more information about the cultural resource sites, and the commenter requests that the cultural resource consultant contact Caltrans for further discussion.

Right of ways and private property areas within the transportation corridors of the project area were studied and impacts were identified in the Draft EIR analysis. The project applicant will provide requested information when encroachment permit applications are submitted to Caltrans. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

1-I: The commenter requests notification if any sensitive status species are observed within the Caltrans right-of-way (R/W) and that if any boring is to occur within the R/W, temporary exclusionary tortoise fence will be included as an encroachment permit condition.

As discussed above in Response to Comment 1-H, right of ways and private property areas within the transportation corridors of the project area were studied and impacts were identified in the Draft EIR analysis. In addition, in Draft EIR Section 4.4, *Biological Resources*, Mitigation Measures MM 4.4-1 through MM 4.4-6, require the project proponent to conduct preconstruction surveys for sensitive-status species and provide reports to the County. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

1-J: The commenter provides contact information and an online resource for information about the Caltrans encroachment permit. The commenter also states that Caltrans will file a Notice of Determination (NOD) with the State Clearinghouse when the Encroachment Permit is finalized.

This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Comment Letter No. 2: Lahontan Regional Water Quality Control Board



Lahontan Regional Water Quality Control Board

March 23, 2020

File: Environmental Doc Review
Kern County

Ronelle Candia, Supervising Planner
Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301
CandiaR@kerncounty.com

Comments on the Draft Environmental Impact Report for Sanborn Solar Project, Kern County, State Clearinghouse No. 2019060259

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Environmental Impact Report (EIR) for the above-referenced Project (Project) on February 14, 2020. The EIR was prepared by the Kern County Planning and Natural Resources Department (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. Based on our review, we recommend the following be incorporated into the proposed Project and DEIR environmental review: (1) natural drainage channels and flow paths be maintained through the Project site to ensure no net loss of function and value of waters of the state; (2) specific hydrology and water quality mitigations incorporated into the Project to avoid or minimize significant affects to these resources, including habitat resources; and (3) identify post-construction storm water management as a significant Project component. Our comments are outlined below.

2-A

2-B

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

2-C

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUNDJIAN, EXECUTIVE OFFICER

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

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

2-C
cont.

SPECIFIC COMMENTS

We recommend the following be considered in the environmental review.

1. In general, the installation of Photovoltaic (PV) grid systems for these types of projects has the potential to hydrologically modify natural drainage systems. Of particular concern is the collection of onsite storm water runoff and the concentrated discharge of that storm water to natural drainage channels. Design alternatives that are compatible with low impact development (LID) should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for storm water management and onsite infiltration. We recommend natural drainage channels and flow paths be maintained through the Project site to avoid no net loss of function and value of waters of the state as a result of Project implementation.
2. The EIR should list the specific hydrology and water quality mitigations that are incorporated into the Project to avoid or minimize significant affects such as those included in a Storm Water Pollution Prevention Plan (SWPPP) or a Water Quality Management Plan. Details regarding how these mitigations will protect water quality, including habitats that rely on water resources, should be included in the EIR.
3. The EIR should identify post-construction storm water management as a significant Project component, and a variety of best management practices (BMPs) that effectively treat post-construction storm water runoff, particularly maintaining native vegetation, should be evaluated as part of the Project. Based on our experience with other solar developments in the Mojave Desert, native vegetation is the most efficient and cost-effective post-construction BMP to treat storm water runoff. Because revegetating disturbed soils in the desert is particularly challenging due to low rainfall, extreme climatic conditions, and relatively slow growth rates, we strongly encourage Project proponents to maintain and mow existing vegetation rather than clear and grub the entire site during construction. For those projects where native vegetation is maintained, we have observed that the need to implement temporary BMPs is greatly minimized

2-D

2-E

2-F

and the costs associated with implementation and maintenance of post-construction BMPs is significantly reduced.

↑ 2-F
cont.

4. The Project area is in the Willow Springs Hydrologic Area (Antelope Hydrologic Unit) of the Lahontan Region. Water quality objectives and standards for waters of the State, both numerical and narrative, including those within the Willow Springs Hydrologic Area, are outlined in Chapter 3 of the Basin Plan. Projects that have the potential to discharge to or otherwise impact groundwater or surface waters in the Lahontan Region, either directly or indirectly, must comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.
5. All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control Best Management Practices (BMPs) must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.
6. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. These locations should also be included on Project maps or site plans, which are needed to evaluate the Project impacts.

2-G

2-H

2-I

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

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

1. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
2. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

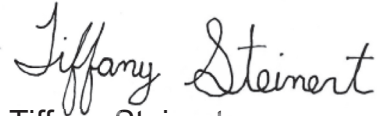
2-J

We request that the DEIR recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded

2-K
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from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for the opportunity to comment on the draft EIR. If you have any questions regarding this letter, please contact me at (760) 241-7305, tiffany.steinert@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7404, jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the State Clearinghouse No. and Project name in the subject line.



Tiffany Steinert
Engineering Geologist

cc: California Department of Fish and Wildlife (Reg4Assistant@wildlife.ca.gov)
State Clearinghouse (state.clearinghouse@opr.ca.gov) SCH No. 2019060259

***Response to Comment Letter 2: Lahontan Regional Water Quality Control Board
(March 23, 2020)***

- 2-A:** The participation of the Lahontan Regional Water Quality Control Board (Water Board) in the public review of this document is appreciated. The comment has been noted for the record.
- 2-B:** The commenter states the Water Board has reviewed the Draft EIR and provides several recommendations for the project related to drainage conditions and implementation of Best Management Practices (BMPs). The drainage recommendations are that natural drainage channels and flow paths should be maintained, which is consistent with the Kern County Grading Ordinance 17.28. As far as implementing BMPs, Mitigation Measure MM 4.10-1 requires the project proponent to prepare and implement a hydrologic study and drainage plan which would be incorporated into design specifications and construction contracts, and a stormwater pollution prevention plan (SWPPP) would be required to be prepared by the project proponent/operator, which would include various BMPs designed to prevent soil erosion and sedimentation. Regarding the specific hydrology and water quality mitigation measures, please see Response to Comment 2-E, below. Regarding the post-construction storm water management, please see Response to Comment 2-F, below. Thus, the proposed project would comply with these recommendations. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 2-C:** The commenter provides an overview of the Water Board's authority and the applicable laws and regulations which the Water Board enforces. The proposed project would abide by all Water Board requirements that are applicable to the proposed project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 2-D:** The commenter elaborates on the earlier recommendation that natural drainage patterns remain and that low impact development (LID) design measures be considered. As discussed in Section 4.10, *Hydrology and Water Quality*, in Mitigation Measure MM 4.10-1, Draft EIR pages 4.10-16 and 4.10-17, the proposed project would be required to prepare and submit a final hydrologic study and drainage plan for review and approval by the Kern County Public Works Department prior to the issuance of grading permits. In addition, the project proponent/operator would be required to prepare and submit an SWPPP for review and approval by the Water Board. The items required per Mitigation Measure MM 4.10-1 and the SWPPP (as required per Mitigation Measure MM 4.7-3) would be prepared pursuant to the Kern County Grading Code, which would include any necessary stormwater management facilities to control runoff leaving the project site once the specific facility plans are drafted. Per Mitigation Measure MM 4.7-3, SWPPP BMPs shall include but are not limited to the preservation of existing vegetation and topography to the maximum extent practicable. These facilities can include filtration, energy dissipaters, inlet trash racks, and water quality inlets. These drainage features would qualify as LID design measures and would be consistent with the recommendations that the Water Board is making. This comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 2-E:** The commenter recommends that the Draft EIR list hydrology and water quality mitigation measures that are being incorporated into the project to avoid or minimize significant effects. As discussed in Section 4.10, *Hydrology and Water Quality*, Draft EIR pages 4.10-16 and 4.10-17, Mitigation Measure MM 4.10-1 would require the project proponent/operator to prepare and

submit a final hydrologic study and drainage plan for review and approval by the Kern County Public Works Department. In addition, the project proponent/operator would be required to prepare and submit an SWPPP for review and approval by the Water Board. The items required per Mitigation Measure MM 4.10-1 and the preparation of an SWPPP pursuant to the Kern County Grading Code, which would include any necessary stormwater management facilities to control runoff leaving the project site once the specific facility plans are drafted. Therefore, the proposed project would comply with the commenter's recommendation. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

2-F: The commenter suggests that the Draft EIR identify post-construction stormwater management measures as a significant component of the project, particularly the importance of maintaining native vegetation at the site. Section 4.10, *Hydrology and Water Quality*, Draft EIR pages 4.10-16 and 4.10-17, require the implementation of an SWPPP and drainage plan, which would reduce impacts to surface waters. Therefore, potential impacts related to water quality standards and waste discharge, including surface waters requirements, would be less than significant. Therefore, the proposed project would comply with the commenters recommendation. The comment has been noted for the record revisions to the Draft EIR are not necessary.

2-G: The commenter requests that the Draft EIR identify and list all beneficial uses of water resources within the project area. As discussed in Draft EIR Section 4.10, *Hydrology and Water Quality*, within the Antelope Valley HU, the project site is located in the Willow Springs Hydrologic Area (HA). The drainage features associated with the Willow Springs HA are minor surface waters and washes that are not well defined. Much of the runoff occurs as sheet flow. The Willow Springs Sub-Watershed is a closed basin inside of the Antelope Valley; therefore, there is no connection to the ocean and any precipitation or surface water is transferred via ephemeral streams to existing playas.

Furthermore, as described in Section 4.10, *Hydrology and Water Quality*, Draft EIR pages 4.10-16 and 4.10-17, an SWPPP and drainage plan are required to be implemented, which would reduce impacts to surface waters and groundwater. Therefore, potential impacts related to water quality standards and waste discharge, including surface waters and groundwater requirements, would be less than significant. However, in compliance with this recommendation, Section 4.10, *Hydrology and Water Quality*, Draft EIR page 4.10-7, has been revised as follows:

Section 4.10, Hydrology and Water Quality, Page 4.10-7:

The Porter-Cologne Water Quality Control Act requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the "waters of the State," file a report of waste discharge. Absent a potential effect on the quality of "waters of the State," no notification is required. However, the RWQCB encourages implementation of BMPs similar to those required for NPDES storm water permits to protect the water quality objectives and beneficial uses of local surface waters as provided in the Lahontan Region Water Quality Control Plan (Basin Plan) (RWQCB 2016). Under this plan, applicable beneficial uses of local surface waters would be classified as "Industrial Service Supply", which include beneficial uses of waters used for industrial activities.

2-H: The commenter recommends all soil excavated as part of the project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into surface

water. The comment also requests that a combination of sediment and erosion control BMPs be implemented. As discussed in Draft EIR Chapter 3, *Project Description*, and Section 4.7, *Geology and Soils*, the construction contractor would be required to incorporate BMPs consistent with the County zoning ordinance and with guidelines provided in the California Stormwater Quality Association's *Construction Best Management Practice Handbook*, including the preparation of an SWPPP and a soil erosion and sedimentation control plan to reduce potential impacts related to construction of the proposed project, as required per Mitigation Measure MM 4.7-3. The SWPPP would be submitted for review and approval by the Water Board. Per Mitigation Measure MM 4.7-3, the SWPPP's erosion control BMPs shall include but are not limited to sandbag barriers, straw bale barriers, sediment traps, and good housekeeping. Soil movement from grading would be balanced on the site, and no import or export of soils would occur. Therefore, the proposed project would comply with the commenter's recommendation. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

2-I: The commenter recommends that equipment staging areas, excavated soil stockpiles, and hazardous materials should be sited in upland areas outside surface waters and adjacent flood plain areas. The commenter also recommends that these locations should also be included on project maps or site plans. See Response to Comment 2-H, above, for information on BMPs and the required SWPPP. Concerning hazardous materials, as described in Draft EIR Section 4.9, *Hazards and Hazardous Materials*, Mitigation Measure MM 4.9-1 requires the preparation and maintenance of a Hazardous Materials Business Plan (HMBP), which would delineate hazardous material and hazardous waste storage areas; would describe proper handling, storage, transport and disposal techniques of hazardous waste; and would describe methods used to avoid spills and minimize impacts in the event of a spill. The HMBP would be submitted to the California Environmental Reporting System (CERS) for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. A copy of the accepted HMBP from CERS shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record. Therefore, the proposed project would comply with the commenter's recommendation. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

2-J: The commenter states the project may require a CWA section 402(p) stormwater permit including National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit. As described in Section 4.10, *Hydrology and Water Quality*, the construction activities for the proposed project exceed the one-acre threshold of ground disturbance and, thus, the project would be required to apply for a NPDES Construction General Permit, as listed in the Kern County NPDES Applicability Form. Compliance with the NPDES Construction General Permit would require the preparation of an SWPPP that would include erosion control and sediment control BMPs designed to prevent soil erosion from occurring and would retain sediment onsite.

Furthermore, the comment states the potential for the project to adhere to CWA Section 401 water quality certification or dredge and fill waste discharge permit. The project will adhere to all applicable permits required by the State Water Board and/or Lahontan Water Board. Therefore, the proposed project would comply with the commenter's recommendation. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

2-K: The commenter requests the Draft EIR recognize the aforementioned potential permits and recommends early consultation with Water Board staff. As described in Chapter 3, *Project Description*, Draft EIR page 3-43, the project proponent recognizes that the project would have to comply with all applicable permits from the Water Board, including any waste discharge requirements, in order to obtain the necessary discretionary approvals. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
Ronelle Candia

Date: February 19, 2020

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

Subject: Draft Environmental Impact Report
Sanborn Solar Project

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

The subject property is subject to flooding.

Therefore, this section recommends the following be included as Conditions of Approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Engineering, Surveying and Permit Services Department, per the Kern County Development Standards.

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

3-A

Response to Comment Letter 3: County of Kern Public Works Department, Floodplain Management Section (February 19, 2020)

- 3-A:** The commenter notes that the project site is subject to flooding, that runoff of storm water from the site would increase due to the increase in impervious surface generated by the proposed project, and requests that the following be included as Conditions of Approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department, per the Kern County Development Standards.

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

The Draft EIR identifies that the proposed project would result in an increase in impervious surfaces, which in turn, would result in an increase in stormwater runoff. Specifically, new impervious surfaces would be associated with newly-constructed access roads, PV module and other equipment foundations, substations, energy storage systems, the operations and maintenance building, and other improvements. The vast majority of the project site would remain pervious and absorb most precipitation. Further, as described in Draft EIR Section 4.10, *Hydrology and Water Quality*, the proposed project must comply with the requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards, the Floodplain Management Ordinance, and the Kern Country Water Quality Control Plan.

As discussed in Section 4.10, *Hydrology and Water Quality*, Draft EIR page 4.10-16, per Mitigation Measure MM 4.10-1, a drainage plan would be prepared in accordance with the Kern County Development Standards and Kern County Code of Building Regulations. The Kern County Development Standards establish guidelines including but not limited to site development standards and mitigation, flood control requirements, erosion control, and on-site drainage flow requirements. Therefore, with adherence to all existing regulations regarding erosion and site drainage, the proposed project would neither alter the course of a stream or river nor result in substantial erosion onsite or offsite. Implementation of Mitigation Measure MM 4.10-1 and a stormwater pollution prevention plan (SWPPP), as described in the Draft EIR and required to be implemented for the proposed project, would reduce impacts to a less-than-significant level. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Office of the Fire Marshal
Kern County Fire Department

Fire Prevention

2820 M St. • Bakersfield, CA 93301 • www.kerncountyfire.org

Telephone 661-391-3310 • FAX 661-636-0466/67 • TTY Relay 800-735-2929



March 19, 2020

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn.: Ronelle Candia

Re: Kern County Fire Department Comments Regarding Planning Department Project

To Whom It May Concern,

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding **Draft EIR for Sanborn Solar**. Upon initial review, it has been determined that in addition to applying for regular building permits, which will include a fire department plan review, the applicant will need to secure a separate KCFD permit for any proposed stationary energy storage systems.

A more detailed review and project comments will be conducted when the building permit is pulled and plans are submitted to KCFD.

Please feel free to call our Fire Prevention Office at 661-391-3310 with any questions.

Sincerely,
Michael Nicholas
Assistant Fire Marshal
Kern County Fire Department

4-A

Response to Comment Letter 4: Kern County Fire Department (March 19, 2020)

- 4-A:** The commenter describes the Kern County Fire Department's (KCFD) local regulatory authority to enforce state and local codes related to fire protection and health and safety. The commenter states that in addition to applying for regular building permits, which will include a Fire Department plan review, the applicant will need to secure a separate KCFD permit for any proposed stationary energy storage systems. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Comment Letter No. 5: Kern County Public Works Department, County Surveyor

From: Brian Blacklock <Blacklockb@kerncounty.com>

Sent: Wednesday, March 25, 2020 11:40 AM

To: Ronelle Candia <Candiar@kerncounty.com>

Subject: Sanborn Solar, LLC

Ronelle,

I have reviewed the above noted project DEIR and recommend the following conditions be placed on the Conditional Use Permits:

1. Prior to issuance of a building or grading permit: All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.
2. Prior to Final Inspection: All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the Professional Land Surveyor's Act.
3. Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).

Thank you for the opportunity to review and comment on this project. Should you have any questions please contact me.

Sincerely,

Brian R. Blacklock, PLS

County Surveyor

Kern County Public Works Department

2700 M Street, Suite 400

Bakersfield, Ca 93301

(661)862-8881

blacklockb@kerncounty.com



5-A

Response to Comment Letter 5: County of Kern Public Works Department, County Surveyor (March 25, 2020)

5-A: The commenter requests that the following be included as Conditions of Approval for this project:

Prior to issuance of a building or grading permit: All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.

Prior to Final Inspection: All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the Professional Land Surveyor's Act.

Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).

In compliance with this request, the aforementioned conditions would be required as conditions of approval. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Comment Letter No. 6: Herb Carlson

Kern County Planning

2700 M Street Suite 100

Bakersfield, CA 93301-2323

RE: EIR 02-18

Dear Kern Planning,

I support this Solar Generating Project as it is good for this area to make use for electric power the land days of sunshine.

This project will supply much needed jobs for the area that are clean jobs.

I wholly support this project going forward as I own property in the area but none of my lands are included in this project.

Sincerely,



Herb Carlson herbcarlson@co.net

25612 Goldenspring Dr.

Dana Point, CA 92629

6-A

RECEIVED

MAR 05 2020

**Kern County Planning &
Natural Resources Dept**

Response to Comment Letter 6: Herb Carlson (March 5, 2020)

- 6-A:** The commenter expresses support for the proposed project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Comment Letter No. 7: Kern Audubon Society

Kern Audubon Society
Attn: Franklin Bedard
P.O. Box 3581
Bakersfield, CA 93385
mbedard@bak.rr.com

March 30, 2020

submitted electronically

Ronelle Candia, Supervising Planner
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

**Subject: Draft Environmental Impact Report
Sanborn Solar Project (Project), by Sanborn Solar LLC
SCH: 2019060259**

Dear Ms Candia:

The Kern Audubon Society (KAS), an interested party, received a notice of availability of a Draft Environmental Impact Report (DEIR) from the Kern County Planning and Natural Resources Department (County) for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

7-A

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect the diverse California avian wildlife within the Project's footprint and its cumulative impacts in the region.

Comments and Recommendations.

KAS offers the following comments and recommendations to assist County in adequately mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

Project Impacts and Mitigation. Section 4.4-4: Burrowing Owl. Burrowing owls (BUOW) were observed and recorded at two locations in the northern project site during 2017 tortoise surveys and BUOW sign was also present within the northern site. The grasslands of the northern project site provide suitable habitat for this species, including for nesting and wintering, although desert scrub present elsewhere has the potential to support this species year-round. Therefore, it is presumed that there is a potential for BUOW to be present on the project site during their nesting period.

7-B

The BUOW is a California Species of Special Concern and is protected by California Fish and Game Code (FGC) Section 3503 *et seq.* and the federal Migratory Bird Treaty Act. BUOWs and their sign were recorded within the Project. The BUOW is a year-round resident throughout much of the state and is often considered a sedentary species (e.g., Thomsen 1971). A large proportion of adult BUOW show strong

fidelity to their nest site from year to year. In California, nest site fidelity rates range from 32% to 50% in large grasslands (Catlin 2004, Catlin et al. 2005).

Direct impacts to BUOW could result from construction activities, including death or injury to individuals, displacement and loss of territory, disruption of breeding/nesting activities, crushing of burrows, viable eggs and chicks, and other impacts.

Indirect impacts could include reduced foraging areas, increased incidence of agitation, increase potential establishment of invasive species, and other impacts.

The Project requires the implementation of BUOW specific mitigation measure MM4.4-8 to ensure that impacts to BUOW be reduced to “less than significant” level. Mitigation measures should require the entire suite of mitigation measures specific to the presence of BUOW based on the CDFW 2012 Staff Report on Burrowing Owl Mitigation to ensure potential impacts will be avoided or minimized. Any additional mitigation should be done in consultation with CDFW. All measures implemented to minimize and mitigate for the impacts to BUOW on the project should be reported as part of the Avian Report outlined in MM 4.4-12.

KAS appreciates the opportunity to comment on the DEIR for the Sanborn Solar Project (SCH: 2019060259) to assist the County in identifying and mitigating Project impacts on biological resources.

Sincerely,

Franklin Bedard
Conservation Chair
Kern Audubon Society

REFERENCES:

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game, March 2012.

Catlin, D.H., 2004. Factors affecting within-season and between-season breeding dispersal of Burrowing Owls in California. M.S. thesis. Oregon State Univ., Corvallis.

Catlin, D.H., and Rosenberg, D.K. 2006. Nest destruction increases mortality and dispersal of Burrowing Owl in the Imperial Valley, California. Southwest Nat. 51:406-409.

Thomsen, L. 1971. Behavior and ecology of Burrowing Owl on the Oakland Municipal Airport. Condor 73:177-192.

7-B
cont.

Response to Comment Letter 7: Kern Audubon Society (March 30, 2020)

- 7-A:** Thank you for your participation in this public review process. The commenter provides background information about the commenter. The participation of the Kern County Audubon Society in the public review of this document is appreciated. The comment has been noted for the record and will be provided to the Kern County Planning Commission and Board of Supervisors for consideration.
- 7-B:** The commenter summarizes information contained within the Draft EIR regarding the presence of burrowing owls on the project site, impacts to the burrowing owl, and mitigation measures to address impacts to the burrowing owl. The commenter then suggests that compensatory habitat be provided to mitigate for the permanent loss of habitat for this species.

As discussed in Draft EIR Section 4.4, *Biological Resources*, any adverse direct or indirect impacts to burrowing owls as a result of construction would be considered significant under CEQA. However, Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-8, which require construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, preconstruction surveys for special-status species including burrowing owl and establishment of a suitable buffer by a qualified biologist, and preconstruction burrowing owl surveys to identify any active or potential burrows that may require avoidance, to address any potential impacts to burrowing owls. Implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-8 would ensure that no nesting or foraging burrowing owls are impacted during construction. If avoidance of impacts to burrowing owls is not feasible, then compensatory mitigation would occur; therefore, impacts to burrowing owl would be less than significant.

Mitigation Measure MM 4.9-2 also requires applying non-toxic herbicide if burrows, dens, or nests are found, further reducing the potential for impacts to burrowing owls and other species. Implementing these mitigation measures would ensure that potential impacts to nesting or foraging burrowing owls during construction are mitigated. With implementation of these mitigation measures, impacts to burrowing owl would be less than significant.

Furthermore, in compliance with the comment's recommendation, Mitigation Measure MM 4.4-8, which requires the preparation of a Mitigation Land Management Plan if passive relocation of burrowing owls is required, includes a provision requiring a condition for permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. If passive relocation is required, offsite habitat suitable for burrowing owl at a ratio of 15 acres per passively relocated burrowing owl pair shall be permanently conserved. The Passive Relocation Compensatory Mitigation habitat would be approved by the California Department of Fish and Wildlife. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

SANBORN SOLAR PROJECT

Environmental Impact Report (SCH# 2019060259)

MICHAEL BRANDEN
Property Owner: APN# 428-174-36-001

March 26, 2020

Total Pages five (5) including his page

Prior to converting current agricultural zoned properties with proposed three (3) zone changes or approving permits for development of Sanborn Solar Project, further examination of information stated in the Draft Environmental Impact Report, (SCH # 2019060259) is necessary.

8-A

It is advisable to acquire the services of Dr. Varun Rai, to review and verify the information stated in the drafted environmental Impact report.

Dr. Varun Rai, is a professor and graduate of Stanford University, in mechanical engineering. He has extensive knowledge and practice in using empirical methods to evaluate environmental impacts and detecting potential economic damages caused by development of projects related to sustainable energy system.

There are number of issues that concern me about this project and I would like to be certain that development of this project will not pose any harm to public health, wildlife and Kern County landscape. Therefore, obtaining Dr. Varun Rai's services as a third party to review the Environmental Impact of this project is paramount.

8-B

Recollecting similar solar projects in the past had negative impact on natural cycle of wildlife and appearance of natural landscape. I am suggesting additional study is needed prior to approving permits for development of Sanborn Solar Project.

Below I have listed some of my concerns and suggestions. Precautionary measures could mitigate or remedy some of the issues that could develop during the construction phase and after project is completed.

Selected parcels assigned or retained for development of Sanborn Solar Project have remained undisturbed for hundreds, perhaps thousands of years. These parcels harbor many species, most, native to State of California. One of the unique features of this particular area is the vast and unobstructed views of the beautiful panoramic landscape leading to Conical hills.

8-C

I understand significant amount of glare is expected to radiate from solar panels. I suggest constructing six (6) feet high adobe perimeter wall surrounding the solar compound to mitigate glare and to conceal the industrial appearance of solar panels. The adobe wall could soften the industrial solar compound facade and preserve the aesthetic natural vista of Kern County.

I suggest establishing an account and withholding \$2,500,000.00 (two and half million dollars), security deposit, as: (Sanborn Environmental Security Fund) to be held in Kern County trust account or private escrow account for duration of five (5) years after Sanborn Solar Project is completed and becomes fully operational.

8-D

Sanborn Environmental Security Fund, can be used to compensate any / all unexpected and accidental damages that may uncover or surface years after the Sanborn Solar Project is completed. Sanborn Environmental Security Fund, can be used to reverse damages incurred by Sanborn Solar Project development, to environment, wildlife or to pay any claim filed by private land owners that may be negatively impacted economically by Sanborn Solar Project development.

Sanborn Environmental Security Fund, could be used for settlement concerning following Issues.	8-D cont.
Site grading and removal of soil can release harmful particles that can become airborne and shift to other areas. Coccidioides Immitis (CI), also known as Cocci fungus, is known to be present in high quantities in Kern County region. When soil is disturbed Coccidioides Immitis, can be released and carried by airflow and deposited on adjacent properties. Exposure to Cocci fungus, causes Valley Fever, and it is known to be harmful particularly to humans.	8-E
Excavation can also impact biological resources, by untimely spawning and serotiny of vegetation, excessive growth of common vegetation on neighboring privately owned parcels can be significant. Mitigating the negative abundance of brush can be minimized by conducting site grading when wind speed is calm or wind speed is less than 10 miles per hour.	8-F
Hazardous emissions and fumes are considered pollutants that can affect public health and livestock and vitiate air quality. Hazardous fumes when inhaled, infect the upper respiratory tract causing harm temporary or potentially for life-time. Liquid emissions contaminate the soil by changing the overall chemistry of soil quality posing inadequate conditions to grow certain types of farming products.	8-G
Development activity has greater impact to seasonal cycle of wildlife forcing wildlife to seek refuge on neighboring private properties. Forced displacement of wildlife onto neighboring private properties will result in overcrowding and may contribute to uncontrollable burrowing. Preventive measures is vital for survival of species known or unknown that exist in the area.	8-H
In order to prevent confinement and provide access to native wildlife such as Coyotes, feral Dogs, desert Tortoises, desert Kit Foxes, American Badgers, Le Conte's thrasher and burrowing owls an adequate portion of the wall footing to be left open for wildlife ingress and egress. Allowing for free travel, preventing over population, preventing over habitation and excessive wildlife burrowing on privately owned lands.	
Noise pollution continuously echoing by operation of (HAVC) climate control system affixed to Battery System Storage Units, Project Substation, Monitoring Station and Q&M buildings can be disturbing and annoying. Relocation of the facilities' across the solar compound closer to 5th Street, and away from 10th Street, could reduce the level of high decibels and reverberation.	8-I
Development of Sanborn Solar Project will have cumulative impact on vibe and natural harmony of the area. Proposed thirty 30 feet high single Battery Storage System or multiple number of 10 to 12 feet high Battery Storage Systems, can be imposing and unsightly. Covering the outside elevation of the structures with adobe styled shell materials could lessen the obvious contrast between the industrial compound and scenic vista of Kern County landscape.	8-J

In the interest of future development of residential communities on nearby privately owned properties, I suggest Sanborn Solar Project, access gate(s) for ingress or egress be only located on western boundary perimeter wall of Sanborn Solar compound. This alteration can reduce noise, prevent possibility of soil contamination by vehicles used for maintenance of facility.

8-K

Prior to excavation phase, construction of perimeter wall is necessary to prevent oil tainted soil deposited by water truck or excavators engines be confined and to remain within Sanborn Solar compound.

8-L

In order to prevent loose trash such as food and candy wrappers from littering on nearby private properties, consumption of breakfast, lunch and dinner be conducted off site at local fast food businesses or restaurants in Mojave City, is recommended.

8-M

Clearance of native vegetation by uprooting plants and brushes may release over abundant of seeds into air and on to nearby privately owned properties, potentially increasing the plant growth per acre and disturbing the natural order of native plants.

8-N

Bi-products of Solar, such as toxic materials to be transported out and disposed outside of the Sanborn Solar compound. In order to prevent soil contamination, fueling of all trucks and equipment to take place at designated truck stops, gas stations or paved roads.

8-O

Greater impact will become apparent due to size and magnitude of the compound. Perimeter walls block off alternative road access to essential services such as: of medical, fire and sheriff facilities that are time sensitive and lifesaving. First responders could also be delayed and forced to travel around the solar compound to reach residents that may occupy the homes on private lands in the future. Development of Solar Project compound could hinder desirability for land purchase to develop residential communities.

8-P

Cumulative impact to land owners could also come in form of increasing property taxes, annual cost of brush clearance and undesirability of property due to location Sanborn Solar compound.

This project presents significant harm to native wildlife and environment. I am also concerned with the potential economic impact this development may have on my holding. I suggest allowing Dr. Rai, to examine the information and provide us with his analysis of this report.

In the event Sanborn Environmental Security Deposit, is not withheld to compensate private land owners for unforeseen damages that may materialized or ignoring the serious concerns stated in this letter/document, it may be perceived as negligence and dereliction of duty.

8-Q

I have additional concern regarding Sanborn Solar Project development that I prefer to express during the scheduled hearing.

Hard copy of this letter / document is also mailed to:
Kern County Planning and Natural Resources Department,
2700 "M" Street, Suite 100, Bakersfield, CA 93301-2323



Please provide a hard copy of this letter/document to members of the Planning Commission and all parties involved in development of Sanborn Solar Project, prior to day of hearing. Thank you.

Replay to conform you have received this email.

Best regards,
Michael Branden

Michael Branden

Post office Box 12472
Marina Del Rey, CA 90295

8-Q
cont.

Response to Comment Letter 8: Michael Branden (March 26, 2020)

8-A: Thank you for your participation in this public review process. The commenter states that prior to approving the proposed zone changes or permits for the proposed project, further examination of information within the EIR is necessary. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

8-B: The commenter states that it is advisable to acquire the services of a third party (Dr. Varun Rai) to review and verify the information stated in the Draft EIR. The commenter summarizes the qualifications of Dr. Varun Rai. The commenter also states general concern about the potential harms of the project to public health, wildlife, and landscape in Kern County.

The Draft EIR was prepared by Kern County and a qualified third-party environmental consultant, and provides an analysis of environmental impacts that would occur with development of the proposed project. The commenter does not state why he believes further review of the Draft EIR is needed and, thus, no further review is warranted. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

8-C: The commenter states that the parcels at the site have remained undisturbed for hundreds, if not thousands of years, with onsite native species and that one of the unique features of this area is the vast and unobstructed views of the panoramic landscape leading to Conical hills. The commenter also mentions that glare is expected to radiate from solar panels and suggests constructing six feet high adobe perimeter walls surrounding the compound to mitigate glare and to conceal the industrial appearance of solar panels in order to preserve the aesthetic natural vista of Kern County.

Impacts related to Aesthetics were analyzed in Draft EIR Section 4.1, *Aesthetics*. As discussed on Draft EIR page 4.1-17 under Impact 4.1-1, the project would not have a substantial adverse effect on a scenic vista, and no mitigation measures would be required. There are no local areas that are designated as scenic vistas within the vicinity of the project site. However, the Pacific Crest Trail (PCT), an important regional recreational facility and long-distance hiking and equestrian trail, is located approximately 3.16 miles north of the gen-tie line corridor, approximately 8.5 miles northwest of the northern site, and approximately 14.6 miles northwest of the southern site in the foothills of the Tehachapi Mountains. While implementation of the project would add new manmade elements to views from the PCT, due to the distance of the project site from the PCT trail along with intervening topography, would result in limited distant views of project components. Distance from the PCT combined with intervening topography and the existing visual setting including solar, wind and transmission facilities would result in the project producing no noticeable impact to views from the PCT.

As discussed on Draft EIR page 4.1-18, under Impact 4.1-2, components of the project would not substantially alter existing long-distance views of the mountain and valley landscape or other natural features visible from the designated scenic segments of Business East Route 58. Project fencing and solar panels would generally display a low vertical profile and would be located at a lower elevation than motorists on Business East Route 58. As a result, solar panels and fencing would not substantially obstruct or interrupt available views to mountainous terrain or other scenic features. The lower lying location of the on-site collector substation, the energy storage facility building, and gen-tie poles, and

the provided setbacks would reduce the visual prominence of these components in available views to motorists. As discussed in Section 4.1, *Aesthetics*, on Draft EIR page 4.1-19 under Impact 4.1-3 and as shown in the visual simulations therein, the visual change associated with project development would be somewhat muted when viewed from a distance of greater than 1 mile. However, because there are no feasible mitigation measures that can be implemented to maintain the existing open and undeveloped desert landscape character of the project site, impacts to visual resources would remain significant and unavoidable. Even with distance and diminished visibility, the visual change associated with the introduction of approximately over 2,000 acres of solar development on currently undeveloped desert terrain would likely attract attention. Mitigation Measure MM 4.1-3 requires that, prior to the issuance of a building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan. This plan would 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. This mitigation measure will help the project and its components blend into the natural landscape.

Section 4.1, *Aesthetics*, Draft EIR page 4.1-41, also discusses the potential for glare impacts as a result of development of the project, which is based on a glare analysis conducted for the project and provided in Draft EIR Appendix B. The analysis was based on project characteristics (i.e., single-axis tracking, smoothing glass with anti-reflective coating, north-south orientation, 60-degree maximum and resting angle) and the receptors observed in the vicinity of the project site (e.g., airport flight paths, air traffic control towers, dwelling/hotels, roads/highways, scenic trails, and railroads). The analysis determined that no hazardous glare conditions would occur.

As discussed under on Draft EIR page 4.1-41, Impact 4.1-4, glare impacts during construction of the proposed project would be minimal and temporary, and impacts would be less than significant. To reduce potential glare impacts during operation of the project, implementation of Mitigation Measures MM 4.1-6 and MM 4.1-7 would be required. Mitigation Measure MM 4.1-6, requires the project proponent to demonstrate the solar panels and hardware are designed to minimize glare. Mitigation Measure MM 4.1-7 requires the use of non-reflective materials when feasible. Aside from the aforementioned mitigation measures, the O&M building would be a pre-fabricated structure and would be unlikely to incorporate particularly reflective exteriors and surfaces and the energy storage facility would also incorporate non-reflective materials and would not generate glare during daytime hours. Thus, glare impacts during project operation would be minimal and a 6-foot adobe perimeter wall is not warranted. Furthermore, as discussed in Section 4.4, *Biological Resources*, there are 134 plant species and 36 wildlife species that were observed or otherwise detected on the project site, including the desert tortoise, which is a federally and state-threatened species. In order to protect this special-status species, Mitigation Measure MM 4.4-6 would be implemented and requires that desert tortoise exclusion fence be constructed, but that the fence must be designed in such a manner to allow other wildlife to access through the permanent security fence and be constructed of 1-inch horizontal by 2-inch vertical mesh hardware cloth and extend 22 to 24 inches above ground and 12 inches below ground. Ultimate fence design must allow for desert kit fox pups to move in and out of the site, and species as large as coyotes access, but still protect the site from possible desert tortoise incursions (e.g., cinder block steps to a raised gap or opening in the fence). A 6-foot adobe perimeter fence would not allow for wildlife movement consistent with this mitigation. Thus, construction of such a fence is considered infeasible. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-D:** The commenter suggests the creation of a Sanborn Environmental Security Fund in the amount of \$2,500,000.00 and proposes that it could be used to compensate unexpected and accidental damages that may uncover or surface years after the project is complete or could be used to pay any claim filed by private landowners that may be negatively impacted by the project. The CEQA process and the Draft EIR identifies potential environmental impacts that could arise from development of the proposed project and requires implementation of mitigation to reduce potentially significant impacts. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 8-E:** The commenter suggest concern about cocci fungus, the exposure to which can cause valley fever. As discussed in Section 4.3, *Air Quality*, Draft EIR pages 4.3-17 and 4.3-31, the project has the potential to generate fugitive dust and suspend Valley Fever spores with the dust that could then reach nearby sensitive receptors. It is possible that onsite workers could be exposed to valley fever as fugitive dust is generated during construction. Mitigation Measure MM 4.3-3 is required to ensure that construction workers take the proper precautions to avoid Valley Fever exposure. In addition, Mitigation Measure MM 4.3-4 is proposed to ensure appropriate public awareness regarding Valley Fever. Therefore, implementation of the Mitigation Measure MM 4.3-3 and MM 4.3-4 would minimize the exposure to Valley Fever during construction and impacts would be reduced to less-than-significant levels. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 8-F:** The commenter states that excavation can impact biological resources by causing untimely spawning and serotiny of vegetation and recommends that grading occur when wind speed is calm or less than 10 miles per hour. As discussed in Draft EIR Chapter 3, *Project Description*, site preparation (including grading) and construction would occur in accordance with all federal, state, and County requirements. Site preparation would be consistent with County Best Management Practices and Eastern Kern Air Pollution Control District (EKAPCD) rules for dust control. In addition, Mitigation Measure MM 4.3-2 requires implementation of a Fugitive Dust Control Plan to control fugitive particulate matter (PM) emissions. The Fugitive Dust Control plan would include all EKAPCD-recommended dust control measures. Site preparation would involve the removal and proper disposal of existing vegetation and debris that would unduly interfere with project construction or the health and safety of onsite personnel. Dust-minimizing techniques would be employed, such as maintaining natural vegetation where possible, using mow-and-roll vegetation clearance strategy on a vast majority of the site (i.e., in areas of solar panels, placement of wind control fencing, application of water, and application of dust suppressants. Conventional grading would be performed throughout the project site but minimized to the maximum extent possible to reduce unnecessary soil movement that may result in dust. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.
- 8-G:** The commenter expresses concern about hazardous fume and liquid emissions, which the commenter states can potentially affect public health, livestock, air quality, and soil quality. As discussed in Draft EIR Section 4.9, *Hazards and Hazardous Materials*, and consistent with

Mitigation Measure MM 4.9-1, the project operator is required to prepare and maintain a Hazardous Materials Business Plan (HMBP). The HMBP would require the following to be identified:

- Delineate hazardous material and hazardous waste storage areas
- Describe proper handling, storage, transport, and disposal techniques
- Describe methods to be used to avoid spills and minimize impacts in the event of a spill
- Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction and operation
- Establish public and agency notification procedures for spills and other emergencies including fires
- Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

Along with implementation of Mitigation Measure MM 4.9-1, Mitigation Measure MM 4.17-1, as discussed in Draft EIR Section 4.17, *Utilities and Service Systems*, would require all debris and waste generated to be recycled to the extent feasible and would ensure that any hazardous materials or other wastes requiring special disposal would be handled according to State and County regulations.

Additionally, Mitigation Measure MM 4.9-2 would reduce impacts related to the use of pesticides and herbicides. The project would not involve the routine transport, use, or disposal of substantive quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act nor will the project transport, use or dispose of significant quantities of hazardous materials. Adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would minimize and avoid the potential for significant impacts related to upset and accident conditions. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

8-H: The commenter expresses concern about the displacement and confinement of wildlife, specifically coyotes, feral dogs, desert tortoises, desert kit foxes, American badgers, Le Conte's thrasher, and burrowing owls and suggests an adequate portion of the recommended adobe wall footing be left open for wildlife movement. Mitigation Measure MM 4.4-6 requires a permanent tortoise proof exclusion fence to be installed around all construction and operation areas and designed in such a manner to allow other wildlife to access through the permanent security fence. In accordance with Mitigation Measure MM 4.4-6, the ultimate fence design must allow for desert kit fox pups to move in and out of the site, and species as large as coyotes access, but still protect the site from possible desert tortoise incursions.

As discussed in Draft EIR Section 4.4, *Biological Resources*, special-status wildlife species either confirmed present or may be present on the project site include desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, and desert kit fox. In addition, the pallid bat, Townsend's big-eared bat, and American badger have a high potential to occur at the project site. Golden eagle, ferruginous hawk, prairie falcon, and Lawrence's goldfinch have a moderate potential to occur at the project site. With implementation of Mitigation Measures MM 4.1-5 and MM 4.4-1 through MM 4.4-12, impacts to these special-status species would be reduced to less-than-significant levels during construction, operation, and decommissioning. These mitigation

measures include various protections for special-status species, including but not limited to preconstruction surveys, an Environmental Awareness Training and Education program, on-site monitoring during construction and decommissioning, avoidance measures, and construction standards for power lines.

Direct impacts to special-status species are unlikely to result from project operation and maintenance activities because construction of the project would remove habitat for the special-status species on the project site, although wildlife movement through or around the project site (i.e., desert tortoise fencing) would still allow limited movement. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-I:** The commenter expresses concern about operational noise of heating, ventilation, and air conditioning (HVAC) systems associated with the proposed project. The commenter proposes relocating these facilities across the project site, closer to 5th Street, and away from 10th Street, could reduce the level of high decibels and reverberation.

Solar panel inverters and transformers would only operate during daylight hours and would not generate noise after dark. However, inverters and transformers for the energy storage system could operate after dark. The operational noise analysis presented in Section 4.13, *Noise*, considers a worst-case scenario where all onsite equipment would run fully for a continuous 24-hour period. This is an unlikely situation given anticipated operating characteristics of the project. Even using a continuous 24-hour full operations schedule, the project would not have the potential to expose noise-sensitive receptors to noise levels above 65 dBA CNEL. Operations on the project site would not have the potential to create an operational noise level of 65 dBA CNEL or to increase ambient noise levels greater than 5 dBA above ambient. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-J:** The commenter suggests covering the outside elevation of project-related structures with adobe styled shell materials to lessen the contrast of the natural landscape and project buildings. Mitigation Measure MM 4.1-3 requires that, prior to the issuance of a building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan. This plan would 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. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-K:** The commenter suggests that access to the project site should only be located on the western boundary of the project site, which would reduce noise and soil contamination from vehicles used during maintenance.

As discussed in Draft EIR Chapter 3, *Project Description*, although site access would come from several different roads, Mitigation Measure MM 4.7-3 would require stabilized construction entrances and exits and sediment control BMPs. The HMBP required per Mitigation Measure MM 4.9-1 would describe methods used to avoid spills of hazardous materials and would outline measures to minimize impacts in the event of a spill. As discussed in Section 4.13, *Noise*, impacts related to construction traffic would be less than significant. Operational noise impacts, including

intermittent maintenance, were found to be less than significant. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-L:** The commenter suggests that prior to the excavation phase, the construction of a perimeter wall is necessary to prevent oil tainted soil from being tracked offsite.

As discussed in Draft EIR Section 4.7, *Geology and Soils*, the SWPPP as required by Mitigation Measure MM 4.7-3 would specify various types of BMPs including good housekeeping BMPs erosion control BMPs to prevent soil and, thus, any potentially oil-tainted soil from moving offsite. Mitigation Measure MM 4.7-3 would also require stabilized construction entrances and exits and sediment control BMPs. As required per Mitigation Measure MM 4.7-3, the preparation of an SWPPP and a soil erosion and sedimentation control plan to reduce potential impacts related to construction of the proposed project would be required, which would further prevent soil from moving offsite. In addition, Mitigation Measure MM 4.3-2 requires implementation of a Fugitive Dust Control Plan to control fugitive particulate matter (PM) emissions, thereby reducing the amount of dust generated. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions are not necessary.

- 8-M:** The commenter suggests that to prevent loose trash such as food and candy wrappers from littering on nearby properties, consumption of meals should be conducted offsite at local fast food businesses or restaurants in Mojave City.

As discussed in Section 4.17, *Utilities and Service Systems*, Mitigation Measure MM 4.17-1 would require an onsite Recycling Coordinator to facilitate recycling as part of the Construction, Operation and Maintenance, and Decommissioning, Trash Abatement and Pest Management Program. In addition, in accordance with Mitigation Measure MM 4.1-1, the project proponent/operator will 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. The recycling coordinator would ensure the separation and proper disposal of recyclable materials and solid waste during construction. During operation, little to no solid waste would be generated. The operations and maintenance buildings would include up to six permanent employees, and the only waste generated onsite would result from operations office and maintenance activities. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-N:** The commenter states that clearance of native vegetation may release an abundance of seeds into the air and onto nearby properties.

Earthmoving and construction activities could loosen soil, and the removal of existing minimal vegetation could contribute to soil loss and erosion. As described in Section 4.7, *Geology and Soils*, of the Draft EIR, and as required by Mitigation Measure MM 4.7-3, an SWPPP would be prepared and implemented per the requirements of the NPDES General Construction Permit Program. The SWPPP would detail that existing vegetation and topography are to be preserved to the maximum extent possible. In addition, Mitigation Measure MM 4.1-4, would require that wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-O:** The commenter states that fueling of all trucks and equipment should take place at designated truck stops, gas stations, or paved roads.

As described in Draft EIR Section 4.4, *Biological Resources*, and as required by Mitigation Measure MM 4.4-4, fueling of equipment would be required to take place within existing roads, no refueling would be permitted within or adjacent to drainages (within 150 feet), and contractor equipment would be checked for leaks prior to operation and repaired as necessary. Further, as described in Draft EIR Chapter 3, *Project Description*, and Section 4.9, *Hazards and Hazardous Materials*, limited amounts of hazardous materials would be stored or used on the site during operations, which includes diesel fuel, gasoline and motor oil for vehicles, mineral oil to be sealed within the transformers and lead acid-based, and/or lithium ion batteries for emergency backup. Appropriate spill containment and clean-up kits would be maintained during operation of the project. As described above, Mitigation Measure MM 4.9-1 requires the preparation and maintenance of a HMBP, which would delineate hazardous material and hazardous waste storage areas; would describe proper handling, storage, transport and disposal techniques of hazardous waste; and would describe methods used to avoid spills and minimize impacts in the event of a spill. The HMBP would be submitted to the CERS for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. A copy of the accepted HMBP from CERS shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-P:** The commenter states that perimeter walls will block off alternative access roads to essential emergency services and that the project could hinder desirability for land purchase.

As discussed in Draft EIR Section 4.9, *Hazards and Hazardous Materials*, Impact 4.9-6, and Section 4.15, *Transportation*, Impact 4.15-4, the project site is located in a rural area with the primary access road Lone Butte Road off Business East Route 58 allowing adequate egress/ingress to the site in the event of an emergency. Increased project-related traffic would not cause a significant increase in congestion or significantly worsen the existing service levels at intersections on area roads; therefore, project-related traffic would not affect emergency access to the project site or any other surrounding location. Further, access to the commenter's property is down 10th Street accessed from East Proteus Road off of Business East Route 58. This access point is approximately 1.5 miles east of the project site's access on Lone Butte Road. The proposed project would not require closures of existing public roads, which could inhibit access by emergency vehicles. Mitigation Measure MM 4.15-1 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.15-1 requires the project operator obtain Kern County approval of all proposed access road designs prior to construction, further ensuring onsite emergency access is adequate. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 8-Q:** The commenter states that cumulative impacts to landowners could come in the form of increased property taxes, the annual cost of brush clearance, and the undesirability of the property due to the proposed project. The commenter suggests concern about the economic impact, and states that the project presents significant harm to wildlife and environment. The commenter again suggests retaining Dr. Rai to examine the information in the analysis of the report. The commenter states

that in the event a Sanborn Environmental Security Deposit is not withheld to compensate private landowners for unforeseen damages, it may be perceived as negligence or dereliction of duty. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Comment Letter No. 9: Howard Pang,
Shioule Pang, Shioulun Pang

20 APR 22 PM 2:13

OF
THE
COUNTY

Howard Pang, Shioule Pang, Shioulun Pang
1609 S Campbell Ave.,
Alhambra, CA 91803

Chambers of the Board of Supervisors
Kern County Planning and Natural Resources Department
Sanborn Solar Project by Sanborn, LLC (PP19102)
2700 " M " Street, Suite 100
Bakersfield, CA 93301

Re : Objection to the Sanborn Solar Project by Sanborn, LLC
SPA #30, Map #196; ZCC #56, Map #196; ZCC #2, Map #212; ZCC #59, Map #213;
CUP #45, Map #196; CUP #5, Map #212; CUP #66, Map #213.

April 18, 2020

Code No. _____
BY ORDER OF THE BOARD OF SUPERVISORS
Referred To PLANNING

Copies Furnished Each Supervisor And CAO
Co. Counsel
Filed by BD Supv 4-23-2020
KATHLEEN KRAUSE
Clerk of the Board of Supervisors
By K Krause

(Distributed via e-mail)

Dear Honorable Supervisors and Planners,

We would like to file a complaint and file an opposition to the above project during the hearing which will be held approximate May 14, 2020 base on the following facts :

- 1) We have paid more than \$100,000.00 in acquiring the aforementioned 29.16 acres around 1992 and have paid high property tax for many many years. The Sanborn Solar project has never owned our land and has never paid a penny of the property tax, how come they dare to use our property to submit for a project and request for a hearing.
- 2) The Sanborn Solar Project might be the one who had sent a purchasing agent to knock at our door in Alhambra in 2018 and 2019, and had used all kinds of harassments to steal our property and even misled us in order to obtain an easement right to our property. It's a criminal offense.
- 3) They only want to pay a few thousand dollars for our 29.16 acres (our cost is more than \$100,000.00) and even want to cheat for a free easement right. Its Kern County and its planning department's responsibility to inspect if the Sanborn Project and Sanborn LLC are financial capability and reliability. There had been many energy scams happening before.
- 4) We object to the construction of any solar project and any electricity power storage facility close to our property because all these will decrease the value of our property and generate pollution concerns. The areas deserve a better category of development and better land usage.
- 5) We object to the removal of Purdy Ave., due to the benefit of accessibility to our property from highway 14.

9-A

9-B

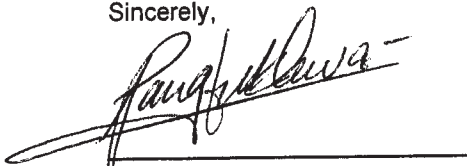
9-C

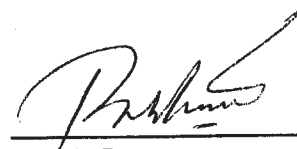
9-D

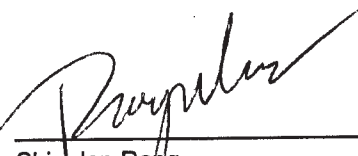
9-E

We hope we will be treated fairly and our voice will be heard and respected.

Sincerely,


Howard Pang
APN#428-174-30


Shioule Pang
APN#428-174-31


Shioulun Pang
APN#428-174-32

CC: Jack Marsh, Esq, JD

Response to Comment Letter 9: Howard Pang, Shioule Pang, Shioulun Pang (April 18, 2020)

- 9-A:** Thank you for your participation in this public review process. The commenter expresses opposition to the proposed project and claims their properties were used for the development of the project.

The properties owned by the commenter are not included within the proposed areas of development for the project. The subject properties are directly adjacent and south of parcels proposed to be utilized for project transmission lines. Figure 3-3, *Assessor Parcel Number Map*, of the Draft EIR illustrates that the subject properties are within the environmental study area to meet California Environmental Quality Act (CEQA) requirements. However, this area was not surveyed by environmental resource specialists and was environmentally reviewed based on publicly available data and observations from outside the property boundary. The comment has been noted for the record.

- 9-B:** The commenter states they believe the project proponent may have harassed them and illegally obtained an easement for their properties.

No portion of project development would encroach onto the subject properties, thereby necessitating an easement. The proposed transmission line that would connect the northern and southern project sites would run north and east of the subject properties, but not within them. The comment has been noted for the record.

- 9-C:** The commenter states that the project proponent offered an unfair purchase price for their properties.

This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record.

- 9-D:** The commenter expresses objection to the implementation of renewable energy projects in the area due to perceived damage to property values, as well as generate pollution concerns.

CEQA process for renewable energy projects identifies all reasonably foreseeable potential environmental impacts that could arise from development of proposed projects and requires implementation of mitigation to reduce significant impacts. With regard to damage to property values, development of renewable energy projects will have no impact on the ability of adjacent property to develop in accordance with the existing designated land use and there is no evidence that development of renewable energy projects would impact land values of adjacent properties. Furthermore, these factors are not considered under CEQA. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

- 9-E:** The commenter is concerned that the removal of the Purdy Avenue designation from United Street east to 5th Street will deny access to their properties from Highway 14.

As described in impacts associated with the project's removal of future road reservations under Impact 4.11-2, Draft EIR page 4.11-31, the project is proposing to remove a portion of the designated, but not constructed, arterial roadway of Purdy Avenue from United Street to 5th Street as shown on Figure 3-11, *Mojave Specific Plan Amendment*. As detailed in Chapter 3, *Project*

Description, of the Draft EIR on Figure 3-4A, *Northern Site Plans*, 55-foot setbacks from the center of the road reservation to the facilities fence would be observed north/south along 5th Street to Purdy Avenue and East/West along Purdy Avenue from 5th Street to 10th Street. This would allow for the construction of the arterial Purdy Avenue from 5th Street to 10th Street if the Kern County Public Works Department deems.

Therefore, the removal of the Purdy Avenue designation from United Street east to 5th Street will not deny access to the properties. Current access to commenters properties from Highway 14 is by exiting onto Business East Route 58, then south on 5th Street, east on Purdy Avenue, then south on 10th Street. The project is not proposing to remove the portion of Purdy Avenue that is traveled for this access. The project proposes to only remove the portion of Purdy Avenue west of the Purdy Avenue/5th Street intersection. Alternatively, access to the properties may be obtained from Highway 14 by exiting onto Business East Route 58, then south on 10th Street. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

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