

# **Final Environmental Impact Report**

**SCH# 2019090305**

## **Volume 4**

**Chapters 7 – Response to Comments**

### **PASTORIA SOLAR PROJECT by Pastoria Solar Energy, LLC (*PP19149*)**

Conditional Use Permit No. 9, Map No. 219  
Williamson Act Contract Cancellation No. 19-02  
General Plan Amendment No. 10, Map 219



Kern County  
Planning and Natural Resources Department  
Bakersfield, California

August 2020



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**PLANNING AND NATURAL  
RESOURCES DEPARTMENT**

Planning  
Community Development  
Administrative Operations

August 27, 2020

**File:** CUP 9, Map 219; WALUC Cancellation  
19-02; GPA 10, Map 219

ADDRESSEE LIST (See Distribution List)

**RE: Response to Comments for Draft Environmental Impact Report - Pastoria Solar Project by  
Pastoria Solar Energy, LLC (PP19149)**

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 September 10, 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) 862-8629 or [hooverc@kerncounty.com](mailto:hooverc@kerncounty.com).

Sincerely,

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

Cindi Hoover, Planner III  
Advance Planning Division

COMMENTING AGENCIES AND INTERESTED PERSONS: California Department of Conservation, Geologic Energy Management Division; California Department of Water Resources; San Joaquin Valley Air Pollution Control District; California Department of Transportation; Kern County Superintendent of Schools; Kern County Public Works Department – Development Review; Kern County Fire Department; Kern County Public Works Department – Survey; Kern County Agriculture Department; Kern County Public Health Services Department – Environmental Health Division.

GPA #10; CUP #9, Map #219  
WO #PP19149 (EIR 03-19)  
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Planning\EIR\Active\Pastoria Solar  
Project\RTC\Distribution\RTC\_Mailing  
Labels\_Pastoria Solar.doc  
CLH 08/24/20

Department of Water Resources  
State Water Project Right-of-Way  
Management Section  
Kristen Greenacres  
1416 Ninth Street, Room 641-1  
Sacramento, CA 95814

Caltrans/Dist 6  
Planning/Land Bank Bldg.  
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State Dept of Conservation  
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Andrea Watson  
1300 17th Street  
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Kern County Public Works Department/  
Building & Development/Development  
Review

Kern County Fire Dept  
Michael Nicholas ,Assistant Fire Marshall

Kern County  
Env Health Services Division

Kern County Public Works Department/  
Building & Development/Survey

Kern County  
Agriculture Department  
Darin Heard, Assistant Agricultural  
Commissioner

San Joaquin Valley  
Air Pollution Control District  
Carol Florez  
1990 East Gettysburg Avenue  
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Kern County  
Planning and Natural Resources Department  
Bakersfield, California

August 2020



## **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 Pastoria Solar Project (project or proposed project). The Final EIR presents the environmental information and analyses that have been prepared for the 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, revisions to the Draft EIR, and the Mitigation Measure, Monitoring Program (MMMP), 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. 2019090305) was circulated for a 30-day public review period beginning on September 12, 2019 and ending October 14, 2019. Eight individual written comment letters were received and used in the preparation of the Draft EIR. The Draft EIR for the project was circulated for a 45-day public review period beginning on June 25, 2020 and ending August 10, 2020. A total of nine comment letters were received on the Draft EIR during the 45-day public review period. One comment was received after the close of the public review period.

*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 responses to comments are 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).

### Chapter 1, Executive Summary, Table 1-4, Summary of Project Impacts That are Less than Significant or Less than Significant with Mitigation, Page 1-11:

Impact	Mitigation Measures
Mineral Resources (Project and Cumulative)	<del>No mitigation required</del> MM 4.12-1

### Chapter 1, Executive Summary, Table 1-7, Comparison of Alternatives, Page 1-22:

Environmental Resource	Project	Alternative 1: No Project Alternative	Alternative 2: Agricultural Production Alternative	Alternative 3: Reduced Acreage Alternative	Alternative 4: No Ground-Mounted Utility-Solar Alternative – Distributed Commercial and Industrial Rooftop Solar Only
Mineral Resources	Less than significant with mitigation	Less (NI)	Similar (LTS)	Similar (LTS)	Less (NI)

### Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-38 and 1-39:

- MM 4.3-5:** ~~The project shall continuously comply with the following:~~ The project proponent and/or its contractors shall implement the following measures during construction of the project:
- All equipment shall be maintained in accordance with the manufacture's specifications.
  - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for extended periods of time.
  - Construction equipment shall operate longer than eight cumulative hours per day.
  - Electric equipment shall be used whenever possible 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<sub>x</sub> emissions.
  - On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.

### Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-39:

- MM 4.3-6:** ~~The other unpaved roads at the project sites shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes~~ The project shall

continuously comply with the following measures to control fugitive dust emissions from the use of unpaved roads on the project site:

- a. Any unpaved access roads used by employees and/or for deliveries shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than the California Air Resources Board-approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.
- b. The other unpaved roads at the project sites shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
- c. Traffic speeds on unpaved roads shall be limited to no more than 15 miles per hour. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s).

**Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-39:**

**MM 4.3-7:** The project proponent shall continuously comply with the following measures during operation of the project to control emissions from the on-site dedicated equipment (equipment that would remain on-site each day):

- a. All onsite off-road equipment and on-road vehicles for operation/maintenance shall ~~be new equipment that~~ meets the recent ~~the~~ California Air Resources Board engine emission standards or alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.
- b. All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.
- c. All equipment engines shall be maintained in good operating condition and in tune per manufacturers' specification.

**Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-41:**

**MM 4.3-10:** At the time of project implementation, a COVID-19 Health and Safety Plan should be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department for review and approval.

## Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-43:

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>Impact 4.4-1:</b> The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or a special-status species in local or regional plans, policies, or regulations or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potentially significant	Implementation of Mitigation Measures MM 4.1-4, MM 4.1-5, MM 4.3-1, MM 4.3-2, MM 4.3-6, and MM 4.9-3 <del>2</del> would be required (see Sections 4.1, <i>Aesthetics</i> ; 4.2, <i>Air Quality</i> ; and 4.9, <i>Hazard and Hazardous Materials</i> , for full mitigation measure text).	Less than significant

## Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-50 through 1-52:

**MM 4.4-5:** ~~A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no more than 14 days prior to ground disturbing activities (i.e., vegetation clearance, grading, tilling, trenching, installation of piles, etc.) and again within 24 hours of starting ground disturbing activities associated with construction and decommissioning activities. The survey methodology shall be consistent with the methods outlined in the 2012 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 any potential burrows with fresh burrowing owl sign or presence of burrowing owls. The project proponent/operator shall implement the following measures to ensure potential impacts to burrowing owl resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels. Specifics on avoidance buffers for occupied burrows during the breeding and non-breeding periods are as follows:-~~

- 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) or decommissioning. The survey methodology shall be consistent with the methods outlined in the 2012 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. A biologist shall prepare a preconstruction survey report that shall be submitted to 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 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 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 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 E (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 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 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.

## **Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-52 through 1-57:**

**MM 4.4-6:** The project proponent/operator shall implement the following measures to ensure potential impacts to San Joaquin kit fox resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels:

- a. Pre-construction surveys shall be conducted within the disturbance zone and a 200-foot buffer around the disturbance zone in suitable habitat within 14 days prior to the beginning of each construction area of grading or construction activity. Pre-construction surveys will identify San Joaquin kit fox habitat features on the project site and evaluate use by San Joaquin kit fox. The status of all possible San Joaquin kit fox dens will be categorized as a potential, atypical, known, or pupping den type and will be mapped. The results of these surveys shall be submitted to the County and resource agencies (as required) within 5 days of survey completion and prior to commencement of ground disturbance and/or construction activities.
- b. Biological monitor should be present while ground disturbing activities are occurring in suitable habitat if the preconstruction survey indicates that San Joaquin kit fox may be present. If San Joaquin kit fox dens are present, appropriate buffers will be established with highly visible markers according to the buffer distances, as described below by den type prior to construction activities:
  - i. San Joaquin kit fox potential or atypical den: If a potential or atypical den is found, placement of four or five flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required but the 50-foot exclusion zone must be observed. Essential vehicle operation on existing roads and foot traffic is permitted within the exclusion zones, but the speed limit shall be 15 miles per hour within the exclusion zone.
  - ii. San Joaquin kit fox known den: If a known den is found, a 100-foot exclusion zone shall be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by San Joaquin kit fox. Acceptable fencing includes untreated wood particleboard, silt fencing, orange construction fencing, or other fencing as long as it has openings for San Joaquin kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction-related disturbances have ceased, or until the den has been monitored and a lack of San Joaquin kit fox activity is documented, as described under Den Excavation, below. At that time, all fencing shall be removed



to avoid attracting post- construction attention to the dens, or the den can be excavated as described under Den Excavation, below.

- c. San Joaquin kit fox natal/pupping den: If a San Joaquin kit fox natal/pupping den is documented during pre-construction surveys, a 200-foot exclusion zone shall be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by San Joaquin kit fox. Acceptable fencing includes untreated wood particleboard, silt fencing, orange construction fencing, or other fencing as long as it has openings for San Joaquin kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction-related disturbances have ceased, or until the den has been monitored and a lack of San Joaquin kit fox activity is documented, as described under Den Excavation, below. At that time, all fencing shall be removed to avoid attracting post-construction attention to the dens, or the den can be excavated.
- d. Buffer distances and measures can be modified with prior authorization from U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.
- e. Den Excavation: Based on the results of the pre-construction surveys, if avoidance of dens is not a reasonable alternative, limited destruction of San Joaquin kit fox dens may be allowed. Dens shall be fully excavated, filled with dirt, and compacted so that San Joaquin kit fox cannot reenter the den during the construction period. Hand excavation shall be used whenever feasible. If at any point during the excavation a San Joaquin kit fox is discovered inside the den, the excavation activity shall cease immediately, and the den shall be monitored as described below. Destruction of the den may be completed when, in the judgment of the project Lead Biologist, the animal has escaped without further disturbance. Excavation of dens shall be conducted under the supervision of biologist, in accordance with U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance.
  - i. Absolutely no excavation of San Joaquin kit fox known dens shall occur without prior authorization from the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife. Destruction of any known or natal/pupping San Joaquin kit fox den requires take authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.
  - ii. Natal/pupping dens: Natal/pupping dens that are occupied will not be destroyed until the pups and adults have vacated and consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife has occurred.
  - iii. Known dens: Known dens within the project footprint must be monitored for 3 days/nights using a tracking medium or infrared camera stations to determine the current use. If no San Joaquin kit fox activity is observed during this period, the den shall be destroyed immediately to prevent future use. If San Joaquin kit fox activity is observed at the den, then the den shall be monitored for at least 4 consecutive days from the time of observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal can escape easily. Once the den is determined to be

unoccupied, then the den may be excavated. If the animal is still present after 4 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the project Lead Biologist, it is temporarily vacant; for example, during the animal's normal foraging activities.

- iv. Potential/atypical dens: If a take authorization/permit has been obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, destruction of potential and atypical dens may proceed without monitoring, unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential and atypical dens should be monitored as if they were known dens. If any den was considered to be a potential or atypical den, but is later determined during monitoring or destruction to be currently or previously used by San Joaquin kit fox (e.g., if San Joaquin kit fox sign is found inside), then all construction activities shall cease and the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall be notified immediately.
- f. To prevent inadvertent entrapment of San Joaquin kit fox 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 by plywood or similar materials ~~or~~, or be provided with one or more escape ramps constructed of earth fill or wooden planks (wooden planks should be no less than 10 inches in width and should reach to bottom of trench and be installed at 1:1 slope). Before such holes or trenches are filled, they shall be thoroughly inspected for trapped San Joaquin kit fox.
- g. Construction materials will not be stacked in a manner that allows San Joaquin kit fox to establish den sites within the material. Construction items such as solar panel and equipment transported to the project on pallets will be placed directly on the ground, and the pallets removed from the site. All pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If San Joaquin kit fox is discovered inside a pipe, the project biologist shall flush the species from the pipe. If San Joaquin kit fox is discovered, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife has been consulted. If necessary, under the direct supervision of the project biologist, the pipe may be moved once to remove it from the path of construction activity until the species has escaped.
- h. Unless biological monitors allow alterations to routes, all project vehicles should be confined to existing roads or prominently staked and/or flagged access routes that are surveyed prior to use.
- i. Speed limits should be restricted to 15 miles per hour during daylight hours (5 am to 9 pm) and 10 miles per hour during night-time hours on the site and 25 miles per hour on public roads in the vicinity during both day and night-time driving.
- j. Project will be constructed with appropriate kit fox-friendly standards, which includes fencing plan that will allow required kit-fox permeable fencing surrounding the site so

that kit foxes can ~~to~~ pass through the project site. There will be no mass grading of the site.

## **Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-57 through 1-59:**

**MM 4.4-7:** The project proponent/operator shall implement the following measures to ensure potential impacts to blunt-nosed leopard lizard resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels:

Prior to grading, the project proponent shall conduct appropriate pre-construction surveys as identified below to avoid impacts to blunt-nosed leopard lizard.

- a. All activities that will result in permanent or temporary ground disturbances should be preceded by a pre-construction survey within 14 days of construction by a qualified biologist(s). In addition, an additional pre-construction survey completed within 24 hours to the onset of construction will be conducted. The biologist(s) should identify and clearly mark the location of areas where any blunt-nosed leopard lizard were observed. If a blunt-nosed leopard lizard is observed within the project site, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted to establish avoidance measures. If construction stops for longer than 2 weeks, a pre-construction survey will need to be conducted prior to construction starting again.
- b. A biological monitor(s) should be present while ground disturbing activities are occurring if the preconstruction survey indicates that blunt-nosed leopard lizard may be present. In addition to conducting preconstruction surveys, the biological monitors should aid crews in implementing/installing take avoidance measures for blunt-nosed leopard lizard and implementing project avoidance and mitigation measures. Biological monitors are empowered to order cessation of activities if an immediate threat of “take” is identified, if take avoidance and/or mitigation measures are violated, or if a blunt-nosed leopard lizard is located within the construction area.
- c. To prevent inadvertent entrapment of blunt-nosed leopard lizard, open holes, steep-walled holes, or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks (wooden planks should be more no less than 10 inches in width and should reach to bottom of trench and be installed at a 1:1 slope). Before such holes or trenches are filled, they should be thoroughly inspected by a biological monitor for trapped animals.
- d. A project representative will be appointed who will be the contact source for any employee or contractor who inadvertently kills or injures a blunt-nosed leopard lizard or who finds a dead, injured, or entrapped individual blunt-nosed leopard lizard. The representative will be identified in the Worker Environmental Awareness Training and Education Program. U.S. Fish and Wildlife Service and California Department of Fish

and Wildlife will be contacted immediately in the case of a dead, injured, or entrapped blunt-nosed leopard lizard by the chosen representative.

If blunt-nosed leopard lizard are detected during any identified survey of the project site, the following provisions will be implemented.

- a.i. If blunt-nosed leopard lizard are observed within 50 feet of proposed disturbance areas during the clearance surveys, exclusion fencing shall be installed in such a manner as to segregate blunt-nosed leopard lizard from the construction and to ensure that direct take of the species does not occur. The actual distance from the construction area where exclusion fencing is installed may depend on each construction site, but the fencing will be installed at a maximum 50-foot radius from the outermost edge of the construction impact zone, directed by the authorized biologist. The project biologist shall be on site during the fencing installation to ensure that no blunt-nosed leopard lizard are inadvertently harmed/harassed during installation.
- b.ii. Fencing shall provide escape routes from excluded construction areas to areas beyond the construction work area to enable blunt-nosed leopard lizard to move outside the excluded area away from construction activities. The fencing escape routes shall be closed to prevent blunt-nosed leopard lizard from reoccupying the area prior to commencing earth-disturbing activities. The fenced zone can be expanded in the project site, as necessary and following the same survey and escape route protocol described above, to exclude individual blunt-nosed leopard lizard from construction zones.
- c.iii. If blunt-nosed leopard lizard are observed or suspected (based on scat, tail drag marks, or other sign) of occurring within a fenced construction zone during the exclusion zone surveys, daily surveys shall be conducted for another consecutive 5 days from the date of the observation to allow sufficient time for individual blunt-nosed leopard lizard to vacate the excluded area.

## **Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-64 through 1-66:**

**MM 4.4-12:** Prior to project construction, a jurisdictional delineation report shall be prepared that describes jurisdictional resources and the extent of jurisdiction under the U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife.

If it is determined by the jurisdictional delineation report, that all jurisdictional features are avoided, no further action is required. If it is determined during final siting that jurisdictional resources cannot be avoided, the project applicant shall be subject to provisions ~~(1-3)~~ (e. (i-iv)) as identified below:

- a. The project proponent/operator shall complete a Report of Waste Discharge with the Central Valley Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with 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 Central Valley Regional Water Quality Control Board and 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 Central Valley Regional Water Quality Control Board or 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 Central Valley Regional Water Quality Control Board and/or California Department of Fish and Wildlife, shall be provided to the County.
- e. A Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife.
  - i. If onsite mitigation is proposed, the 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 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 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 Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife shall be provided to the Kern County Planning and Natural Resource Department.

**Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-68:**

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>Impact 4.4:</b> Cumulative Impacts	Potentially significant	Implementation of Mitigation Measures MM 4.4-1 through MM 4.4-13 as well as MM 4.1-4, MM 4.1-5, MM 4.3-1, MM 4.3-2, MM 4.3-6, MM 4.7-3, and MM 4.9-32 would be required (see Sections 4.1, <i>Aesthetics</i> ; 4.3, <i>Air Quality</i> ; 4.7, <i>Geology and Soils</i> ; and 4.9, <i>Hazards and Hazardous Materials</i> , for full mitigation measure text).	Significant and unavoidable

**Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-81:**

**MM 4.9-2:** The project proponent shall continuously comply with the following:

- a. The project proponent shall not build any structure within 10 feet of the existing six plugged and abandoned wells located within the project boundaries.
- b. Prior to permit approval, the project proponent/operator shall ~~hire a qualified consultant to conduct well testing~~ consult with California Geologic Energy Management Division to determine if well testing is necessary to verify that no harmful substances, such as gas or oil, are leaking from the existing plugged wells onsite. ~~Prior to testing, the qualified consultant will prepare a work plan detailing the actions needed to complete the testing and steps required if harmful substances are encountered. The work plan will~~ The results of the well test shall be submitted to the California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for review and approval. ~~The testing program shall be consistent with the California Geologic Energy Management Division's Requirements for Idle Well Testing and Management, California Code of Regulations, Title 14, Division 2, Chapter 4, Subchapter 1, Article 3. Once the work is approved testing can commence within the parameters identified in the work plan. A copy of California Geological Energy Management Division's approval shall be submitted to the Kern County Planning and Natural Resources Department.~~
- c. Surveyed locations of wells shall be provided to the California Geologic Energy Management Division in Latitude and Longitude, North American Datum 83 decimal format.
- d. Any wells found leaking shall be reported to California Geologic Energy Management Division immediately. Any wells that do not meet the aforementioned testing requirements shall be resealed and properly plugged and re-abandoned consistent with California Geologic Energy Management Division requirements. However, if there is

evidence of contaminants found during testing, the qualified consultant shall prepare a report detailing the results of the testing and a work action plan to remediate any contamination found and to plug the wells. Any soil containing hydrocarbons shall be disposed of in accordance with local, state, and federal laws. The completed report and work action plan will be submitted to California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for comment and review.

- e. All final stamped and approved project design plans will be provided to the California Geologic Energy Management Division for the record.
- f. If during construction activities, any new wells are encountered, all work shall cease in the vicinity of the well, and the project proponent would immediately notify the California Geologic Energy Management Division's construction site well review engineer in the Inland District Office, and file for California Geologic Energy Management Division review of an amended site plan with well casing diagrams.

### Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-84:

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>Impact 4.9:</b> Cumulative Impacts	<del>Less than</del> Potentially significant	Implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, MM 4.9-3, MM 4.9-4, <u>MM 4.14-1</u> , MM 4.15-1, and MM 4.17-1 would be required (see Sections 4.9, <i>Hazards and Hazardous Materials</i> ; 4.14, <i>Public Services</i> ; 4.15, <i>Transportation</i> ; and 4.17, <i>Utilities and System Services</i> , respectively, for full mitigation measure text).	Less than significant

### Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-87:

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>Impact 4.10-7:</b> The project would result in a flood hazard, tsunami, or seiche zone, that would risk release of pollutants due to project inundation.	<del>Less than</del> Potentially significant	<del>No mitigation would be required.</del> <u>Implementation of Mitigation Measure MM 4.10-1 would be required.</u>	Less than significant

## Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Page 1-90:

Impact	Level of Significance before Mitigation	Mitigation Measures	Level of Significance after Mitigation
<b>Impact 4.12-2:</b> The project would result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	<del>Less than</del> Potentially significant	<p><del>No mitigation would be required.</del></p> <p><b>MM 4.12-1:</b> Prior to the issuance of building permits, the following shall apply:</p> <p>a. <del>The project proponent, or its successor-in-interest, shall designate a minimum of one, 10-acre drill site within Assessor's Parcel Number 241-310-08, where no permanent project infrastructure, including solar panels, will be built and which is reserved for the mineral rights holder to access mineral or petroleum resources, and routes of ingress and egress -thereto. The Drilling Area shall be located in such a manner as to allow complete and efficient access to, and the exploration and/or extraction of, underlying oil reserves or other minerals; or</del></p> <p>b. <del>The project proponent shall provide to the Kern County Planning and Natural Resources Department, a written waiver of surface access rights to a minimum of 500 feet below ground surface, which is signed by the mineral rights holder or the mineral rights holder's legal representative, and notarized; or</del></p> <p>c. <del>Should an alternative agreement to part a) and/or b) above, be reached between the mineral rights holder and the project proponent, written documentation shall be submitted to the Kern County Planning and Natural Resources Department for verification prior to final site plan approval and the issuance of any grading or building permits for the development of solar facilities on the project sites.</del></p>	Less than significant

## Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-91 and 1-92:

- MM 4.13-3:** Prior to commencement of any onsite construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.) including decommissioning, the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include:
- The mailing notice shall be mailed to all residences within 1,000 feet of the project site, 15 days or less prior to construction activities. The notices shall include the



construction schedule and a telephone number and email address where complaints and questions can be registered with the noise disturbance coordinator.

- b. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site, or adjacent to the nearest public access to the main construction entrance, throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the noise disturbance coordinator.
- c. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.
- d. ~~Prior to commencing decommissioning, the project owner shall follow the mailing, signage, and documentation requirements in MM 4.13-3 above.~~

## **Chapter 1, Executive Summary, Table 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-94 and 1-95:**

**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 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~~ Assessor by April 30 of each calendar year for each and every year of operation. Alternatively, the project proponent/operator may choose to pay the total amount, based on 20 years of operation, as a one-time lump sum rather than ongoing annual payments. 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 occurring after the date of the transfer. The fee shall be paid to the Kern County ~~Auditor/Controller~~ Assessor 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, using this address for acquisition, purchasing and billing purposes

associated with the project. 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 1-8, Summary of Impacts, Mitigation Measures, and Levels of Significance, Pages 1-96 through 1-98:**

**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 6, and California Department of Water Resources – State Water Project Right-of-Way Management Section 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:
  - ~~1i.~~ Timing of deliveries of heavy equipment and building materials;
  - ~~2ii.~~ Directing construction traffic with a flag person;
  - ~~3iii.~~ 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;
  - ~~4iv.~~ Ensuring access for emergency vehicles to the project sites;
  - ~~5v.~~ Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
  - ~~6vi.~~ Maintaining access to adjacent property; and,
  - ~~7vii.~~ Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours.
- b. Obtain all necessary encroachment permits for work within the road right-of-way or use of oversized/overweight vehicles that will utilize Ceounty or State-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, the Kern County Public Works Department-Development Review, and the California Department of Transportation.

- 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 county and non-county maintained roads that demonstrably 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 project responsibility for the damage and the extent of remediation required, if any.

## **Chapter 2, Introduction, Section 2.6.2, Page 2-11:**

- Governor's Office of Planning and Research (OPR)
- California Energy Commission (CEC)
- California Air Resources Board (CARB)
- California Public Utilities Commission (CPUC)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (RWQCB)
- California Department of Transportation (Caltrans), District 96
- California Native American Heritage Commission (NAHC)
- California Department of Water Resources (DWR)

## **Section 4.1, Aesthetics, Page 4.1-32:**

However, visual change would be evident from I-5. Even with distance and diminished visibility, the visual change associated with the introduction of approximately ~~over 600~~ 650 acres of solar development on currently undeveloped grassland terrain would likely attract attention.

## **Section 4.1, Aesthetics, Page 4.1-37:**

~~V~~visual change would be evident from I-5. Even with distance and diminished visibility, the visual change associated with the introduction of approximately ~~over 600~~ 650 acres of solar development on currently undeveloped grassland terrain would likely attract attention.

**Section 4.3, Air Quality, Page 4.3-40:**

- MM 4.3-5:** ~~The project shall continuously comply with the following:~~ The project proponent and/or its contractors shall implement the following measures during construction of the project:
- All equipment shall be maintained in accordance with the manufacture's specifications.
  - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for extended periods of time.
  - Construction equipment shall operate longer than eight cumulative hours per day.
  - Electric equipment shall be used whenever possible 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<sub>x</sub> emissions.
  - On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
  - Tier 3 engines shall be used on all equipment when available.

**Section 4.3, Air Quality, Page 4.3-41:**

- MM 4.3-6:** ~~The other unpaved roads at the project sites shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes~~ The project shall continuously comply with the following measures to control fugitive dust emissions from the use of unpaved roads on the project site:
- Any unpaved access roads used by employees and/or for deliveries shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than the California Air Resources Board-approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.
  - The other unpaved roads at the project sites shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
  - Traffic speeds on unpaved roads shall be limited to no more than 15 miles per hour. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s).

**Section 4.3, Air Quality, Page 4.3-41:**

- MM 4.3-7:** The project proponent shall continuously comply with the following measures during operation of the project to control emissions from the on-site dedicated equipment (equipment that would remain on-site each day):
- All onsite off-road equipment and on-road vehicles for operation/maintenance shall be ~~new equipment that~~ meets the recent ~~the~~ California Air Resources Board engine

emission standards or alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.

- b. All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.
- c. All equipment engines shall be maintained in good operating condition and in tune per manufacturers' specification.

### **Section 4.3, Air Quality, Page 4.3-46:**

Regarding health effects of criteria air pollutants, the project's potential to result in regional health effects associated with ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> on specific vulnerable populations cannot be calculated given existing scientific constraints. A scientific method to calculate the exact number of individuals in a vulnerable population that will get sick has not been developed, and therefore, it is assumed localized health effects associated with ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from project implementation could occur. The project proposes the construction and operation of a large-scale utility solar project that would require dust-generating (PM<sub>10</sub> and PM<sub>2.5</sub>) construction activities such as pile-driving, mowing, and grading, over a large area. Project construction would also require the combustion of fossil fuels generating combustion ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Health effects for these pollutants are described in Subsection 4.3.2, Environmental Setting, above. Due to the open nature of the project site, blowing dust could occur and result in the dispersal of criteria air pollutants such as PM<sub>2.5</sub> and potentially contribute to the transmission of respiratory diseases like COVID-19. While COVID-19 is thought to spread mainly through close contact from person-to-person, the CDC is still learning how the virus spreads and the severity of the illness it causes (CDC, 2020b). COVID-19 research and causality is still in the beginning stages. A nationwide study by Harvard University found a linkage between long term exposure to PM<sub>2.5</sub> as air pollution and statistically significant increased risk of COVID-19 death in the United States (Harvard, 2020). While, construction dust suppression measures would be implemented in Mitigation Measures MM 4.3-1 through 4.3-9, exposure to dust during construction could still occur which could increase the health susceptibility and increase the severity of the disease.

### **Section 4.3, Air Quality, Page 4.3-48:**

#### ***Mitigation Measures***

Implementation of Mitigation Measures MM 4.3-1 through MM 4.3-9 would be required.

**MM 4.3-10:** At the time of project implementation, a COVID-19 Health and Safety Plan should be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department for review and approval.

### **Section 4.3, Air Quality, Page 4.3-52:**

As shown in Table 4.3-8, emissions of NO<sub>x</sub>, CO, and PM<sub>10</sub> during construction of the project would be reduced below the SJVAPCD's significance threshold with the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-10.

## Section 4.3, Air Quality, Page 4.3-55:

### *Mitigation Measures*

Implementation of Mitigation Measures MM 4.3-1 through MM 4.3-~~H~~10 would be required.

### *Level of Significance after Mitigation*

Cumulative impacts would be significant and unavoidable during temporary construction and decommissioning of the project after implementation of Mitigation Measures MM 4.3-1 through MM 4.3-~~H~~10. Cumulative impacts related to operation would be less than significant. The uncertainty of the project's regional and localized health impacts associated with criteria air pollutants, such as PM<sub>2.5</sub> along with indirect linkages of criteria pollutants and COVID-19, on vulnerable populations would result in significant and unavoidable cumulative level impacts.

## Section 4.4, Biological Resources, Page 4.4-27:

One special-status wildlife species has been confirmed present ~~for~~ on the project site: the American badger. Blunt-nosed leopard lizard, burrowing owl and San Joaquin kit fox have a moderate potential to occur at the project site.

## Section 4.4, Biological Resources, Pages 4.4-35 through 4.4-37:

**MM 4.4-5:** ~~A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no more than 14 days prior to ground disturbing activities (i.e., vegetation clearance, grading, tilling, trenching, installation of piles, etc.) and again within 24 hours of starting ground disturbing activities associated with construction and decommissioning activities. The survey methodology shall be consistent with the methods outlined in the 2012 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 any potential burrows with fresh burrowing owl sign or presence of burrowing owls. The project proponent/operator shall implement the following measures to ensure potential impacts to burrowing owl resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels. Specifics on avoidance buffers for occupied burrows during the breeding and non-breeding periods are as follows:-~~

- 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) or decommissioning. The survey methodology

shall be consistent with the methods outlined in the 2012 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. A biologist shall prepare a preconstruction survey report that shall be submitted to 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 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 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 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 E (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 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 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.

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

**MM 4.4-6:** The project proponent/operator shall implement the following measures to ensure potential impacts to San Joaquin kit fox resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels:

- a. Pre-construction surveys shall be conducted within the disturbance zone and a 200-foot buffer around the disturbance zone in suitable habitat within 14 days prior to the beginning of each construction area of grading or construction activity. Pre-construction surveys will identify San Joaquin kit fox habitat features on the project site and evaluate use by San Joaquin kit fox. The status of all possible San Joaquin kit fox dens will be categorized as a potential, atypical, known, or pupping den type and will be mapped. The results of these surveys shall be submitted to the County and resource agencies (as required) within 5 days of survey completion and prior to commencement of ground disturbance and/or construction activities.
- b. Biological monitor should be present while ground disturbing activities are occurring in suitable habitat if the preconstruction survey indicates that San Joaquin kit fox may be present. If San Joaquin kit fox dens are present, appropriate buffers will be established with highly visible markers according to the buffer distances, as described below by den type prior to construction activities:
  - i. San Joaquin kit fox potential or atypical den: If a potential or atypical den is found, placement of four or five flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required but the 50-foot exclusion zone must be observed. Essential vehicle operation on existing roads and foot traffic is permitted within the exclusion zones, but the speed limit shall be 15 miles per hour within the exclusion zone.
  - ii. San Joaquin kit fox known den: If a known den is found, a 100-foot exclusion zone shall be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by San Joaquin kit fox. Acceptable fencing includes untreated wood particleboard, silt fencing, orange construction fencing, or other fencing as long as it has openings for San Joaquin kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction-related disturbances have ceased, or until the den has been monitored and a lack of San Joaquin kit fox activity is documented, as described under Den Excavation, below. At that time, all fencing shall be removed to avoid attracting post- construction attention to the dens, or the den can be excavated as described under Den Excavation, below.
- c. San Joaquin kit fox natal/pupping den: If a San Joaquin kit fox natal/pupping den is documented during pre-construction surveys, a 200-foot exclusion zone shall be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by San Joaquin kit fox. Acceptable fencing includes untreated wood particleboard, silt fencing, orange construction fencing, or other fencing as long



as it has openings for San Joaquin kit fox ingress/egress and keeps humans and equipment out. Exclusion zone fencing should be maintained until all construction-related disturbances have ceased, or until the den has been monitored and a lack of San Joaquin kit fox activity is documented, as described under Den Excavation, below. At that time, all fencing shall be removed to avoid attracting post-construction attention to the dens, or the den can be excavated.

- d. Buffer distances and measures can be modified with prior authorization from U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.
- e. Den Excavation: Based on the results of the pre-construction surveys, if avoidance of dens is not a reasonable alternative, limited destruction of San Joaquin kit fox dens may be allowed. Dens shall be fully excavated, filled with dirt, and compacted so that San Joaquin kit fox cannot reenter the den during the construction period. Hand excavation shall be used whenever feasible. If at any point during the excavation a San Joaquin kit fox is discovered inside the den, the excavation activity shall cease immediately, and the den shall be monitored as described below. Destruction of the den may be completed when, in the judgment of the project Lead Biologist, the animal has escaped without further disturbance. Excavation of dens shall be conducted under the supervision of biologist, in accordance with U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance.
  - i. Absolutely no excavation of San Joaquin kit fox known dens shall occur without prior authorization from the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife. Destruction of any known or natal/pupping San Joaquin kit fox den requires take authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.
  - ii. Natal/pupping dens: Natal/pupping dens that are occupied will not be destroyed until the pups and adults have vacated and consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife has occurred.
  - iii. Known dens: Known dens within the project footprint must be monitored for 3 days/nights using a tracking medium or infrared camera stations to determine the current use. If no San Joaquin kit fox activity is observed during this period, the den shall be destroyed immediately to prevent future use. If San Joaquin kit fox activity is observed at the den, then the den shall be monitored for at least 4 consecutive days from the time of observation to allow any resident animal to move to another den during its normal activity. Use of the den can be discouraged during this period by partially plugging the entrance(s) with soil in such a manner that any resident animal can escape easily. Once the den is determined to be unoccupied, then the den may be excavated. If the animal is still present after 4 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the project Lead Biologist, it is temporarily vacant; for example, during the animal's normal foraging activities.
  - iv. Potential/atypical dens: If a take authorization/permit has been obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, destruction of potential and atypical dens may proceed without monitoring, unless

other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential and atypical dens should be monitored as if they were known dens. If any den was considered to be a potential or atypical den, but is later determined during monitoring or destruction to be currently or previously used by San Joaquin kit fox (e.g., if San Joaquin kit fox sign is found inside), then all construction activities shall cease and the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall be notified immediately.

- f. To prevent inadvertent entrapment of San Joaquin kit fox 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 by plywood or similar materials ~~or~~, or be provided with one or more escape ramps constructed of earth fill or wooden planks (wooden planks should be no less than 10 inches in width and should reach to bottom of trench and be installed at 1:1 slope). Before such holes or trenches are filled, they shall be thoroughly inspected for trapped San Joaquin kit fox.
- g. Construction materials will not be stacked in a manner that allows San Joaquin kit fox to establish den sites within the material. Construction items such as solar panel and equipment transported to the project on pallets will be placed directly on the ground, and the pallets removed from the site. All pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If San Joaquin kit fox is discovered inside a pipe, the project biologist shall flush the species from the pipe. If San Joaquin kit fox is discovered, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife has been consulted. If necessary, under the direct supervision of the project biologist, the pipe may be moved once to remove it from the path of construction activity until the species has escaped.
- h. Unless biological monitors allow alterations to routes, all project vehicles should be confined to existing roads or prominently staked and/or flagged access routes that are surveyed prior to use.
- i. Speed limits should be restricted to 15 miles per hour during daylight hours (5 am to 9 pm) and 10 miles per hour during night-time hours on the site and 25 miles per hour on public roads in the vicinity during both day and night-time driving.
- j. Project will be constructed with appropriate kit fox-friendly standards, which includes fencing plan that will allow required kit-fox permeable fencing surrounding the site so that kit foxes can ~~to~~ pass through the project site. There will be no mass grading of the site.

**Section 4.4, Biological Resources, Pages 4.4-40 and 4.4-41:**

**MM 4.4-7:** The project proponent/operator shall implement the following measures to ensure potential impacts to blunt-nosed leopard lizard resulting from project implementation and decommissioning activities will be avoided and minimized to less-than-significant levels:

Prior to grading, the project proponent shall conduct appropriate pre-construction surveys as identified below to avoid impacts to blunt-nosed leopard lizard.

- a. All activities that will result in permanent or temporary ground disturbances should be preceded by a pre-construction survey within 14 days of construction by a qualified biologist(s). In addition, an additional pre-construction survey completed within 24 hours to the onset of construction will be conducted. The biologist(s) should identify and clearly mark the location of areas where any blunt-nosed leopard lizard were observed. If a blunt-nosed leopard lizard is observed within the project site, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted to establish avoidance measures. If construction stops for longer than 2 weeks, a pre-construction survey will need to be conducted prior to construction starting again.
- b. A biological monitor(s) should be present while ground disturbing activities are occurring if the preconstruction survey indicates that blunt-nosed leopard lizard may be present. In addition to conducting preconstruction surveys, the biological monitors should aid crews in implementing/installing take avoidance measures for blunt-nosed leopard lizard and implementing project avoidance and mitigation measures. Biological monitors are empowered to order cessation of activities if an immediate threat of “take” is identified, if take avoidance and/or mitigation measures are violated, or if a blunt-nosed leopard lizard is located within the construction area.
- c. To prevent inadvertent entrapment of blunt-nosed leopard lizard, open holes, steep-walled holes, or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks (wooden planks should be more no less than 10 inches in width and should reach to bottom of trench and be installed at a 1:1 slope). Before such holes or trenches are filled, they should be thoroughly inspected by a biological monitor for trapped animals.
- d. A project representative will be appointed who will be the contact source for any employee or contractor who inadvertently kills or injures a blunt-nosed leopard lizard or who finds a dead, injured, or entrapped individual blunt-nosed leopard lizard. The representative will be identified in the Worker Environmental Awareness Training and Education Program. U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted immediately in the case of a dead, injured, or entrapped blunt-nosed leopard lizard by the chosen representative.

If blunt-nosed leopard lizard are detected during any identified survey of the project site, the following provisions will be implemented.

- a.i. If blunt-nosed leopard lizard are observed within 50 feet of proposed disturbance areas during the clearance surveys, exclusion fencing shall be installed in such a manner as to segregate blunt-nosed leopard lizard from the construction and to ensure that direct

take of the species does not occur. The actual distance from the construction area where exclusion fencing is installed may depend on each construction site, but the fencing will be installed at a maximum 50-foot radius from the outermost edge of the construction impact zone, directed by the authorized biologist. The project biologist shall be on site during the fencing installation to ensure that no blunt-nosed leopard lizard are inadvertently harmed/harassed during installation.

~~b~~ii. Fencing shall provide escape routes from excluded construction areas to areas beyond the construction work area to enable blunt-nosed leopard lizard to move outside the excluded area away from construction activities. The fencing escape routes shall be closed to prevent blunt-nosed leopard lizard from reoccupying the area prior to commencing earth-disturbing activities. The fenced zone can be expanded in the project site, as necessary and following the same survey and escape route protocol described above, to exclude individual blunt-nosed leopard lizard from construction zones.

~~e~~iii. If blunt-nosed leopard lizard are observed or suspected (based on scat, tail drag marks, or other sign) of occurring within a fenced construction zone during the exclusion zone surveys, daily surveys shall be conducted for another consecutive 5 days from the date of the observation to allow sufficient time for individual blunt-nosed leopard lizard to vacate the excluded area.

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

**MM 4.4-12:** Prior to project construction, a jurisdictional delineation report shall be prepared that describes jurisdictional resources and the extent of jurisdiction under the U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife.

If it is determined by the jurisdictional delineation report, that all jurisdictional features are avoided no further action is required. If it is determined during final siting that jurisdictional resources cannot be avoided, the project applicant shall be subject to provisions ~~(1-3)~~ (e. (i-iv)) as identified below:

- a. The project proponent/operator shall complete a Report of Waste Discharge with the Central Valley Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with 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 Central Valley Regional Water Quality Control Board and 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 Central Valley Regional Water Quality Control Board or 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 Central Valley Regional Water Quality Control Board and/or California Department of Fish and Wildlife, shall be provided to the County.
- e. A Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife.
  - i. If onsite mitigation is proposed, the 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 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 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 Central Valley Regional Water Quality Control Board and California Department of Fish and Wildlife shall be provided to the Kern County Planning and Natural Resource Department.

#### **Section 4.5, Cultural Resources, Page 4.5-20:**

Although no known subsurface historical resources were identified within the project site, there is the potential for unknown subsurface archaeological resources that qualify as historical resources to exist within the project site. The SSJVIC records search identified a number of prehistoric archaeological sites consisting of bedrock millings sites within 1 mile of the project site, and the Sebastian Indian Reservation (P-15-007674/CHL 133), documented as an archaeological district with multiple sites, is located roughly 1 mile away. A review of geologic maps and soils data indicate Holocene-age alluvial sediments that may extend to depths of 6.7 feet within the project site. Although no indication for the presence of archaeological resources was identified within the project site during the survey, ground surface was obscured by thick vegetation, which resulted in visibility of less than 30 percent, inhibiting the identification of archaeological resources. The Holocene age and depth of the alluvial deposits within the project site coupled with the presence of previously recorded prehistoric archaeological sites in the vicinity of the project suggests there is potential for the presence of buried archaeological resources within the project site. Should subsurface archaeological resources be present within the project site, they may qualify as historical resources pursuant to CEQA and could be subject to potential impacts as a result of project implementation. Therefore, the project has the potential to cause a substantial change in the significance of a historical resource.

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

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

## Section 4.9, Hazards and Hazardous Materials, Page 4.9-24:

Implementation of Mitigation Measure MM 4.9-2 would be required to ensure that these wells were plugged sufficiently to prevent any leakage of ~~harmful gases~~ hydrocarbons.

## Section 4.9, Hazards and Hazardous Materials, Page 4.9-26:

**MM 4.9-2:** The project proponent shall continuously comply with the following:

- a. The project proponent shall not build any structure within 10 feet of the existing six plugged and abandoned wells located within the project boundaries.
- b. Prior to permit approval, the project proponent/operator shall ~~hire a qualified consultant to conduct well testing~~ consult with California Geologic Energy Management Division to determine if well testing is necessary to verify that no harmful substances, such as gas or oil, are leaking from the existing plugged wells onsite. ~~Prior to testing, the qualified consultant will prepare a work plan detailing the actions needed to complete the testing and steps required if harmful substances are encountered. The work plan will~~ The results of the well test shall be submitted to the California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for review and approval. ~~The testing program shall be consistent with the California Geologic Energy Management Division's Requirements for Idle Well Testing and Management, California Code of Regulations, Title 14, Division 2, Chapter 4, Subchapter 1, Article 3. Once the work is approved testing can commence within the parameters identified in the work plan. A copy of California Geological Energy Management Division's approval shall be submitted to the Kern County Planning and Natural Resources Department.~~
- c. Surveyed locations of wells shall be provided to the California Geologic Energy Management Division in Latitude and Longitude, North American Datum 83 decimal format.
- d. Any wells found leaking shall be reported to California Geologic Energy Management Division immediately. Any wells that do not meet the aforementioned testing requirements shall be resealed and properly plugged and re-abandoned consistent with California Geologic Energy Management Division requirements. However, if there is evidence of contaminants found during testing, the qualified consultant shall prepare a report detailing the results of the testing and a work action plan to remediate any contamination found and to plug the wells. Any soil containing hydrocarbons shall be disposed of in accordance with local, state, and federal laws. The completed report and

work action plan will be submitted to California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for comment and review.

- e. All final stamped and approved project design plans shall be provided to the California Geologic Energy Management Division for the record.
- f. If during construction activities, any new wells are encountered, all work shall cease in the vicinity of the well, and the project proponent would immediately notify the California Geologic Energy Management Division's construction site well review engineer in the Inland District Office, and file for California Geologic Energy Management Division review of an amended site plan with well casing diagrams.

### **Section 4.10, Hydrology and Water Quality, Page 4.10-15:**

As noted in Section 4.10.2, *Environmental Setting*, the FEMA FIRMs show ~~that approximately the~~ entire site is located within a FEMA Special Flood Hazard Area (Kasraie, 2019).

### **Section 4.12, Mineral Resources, Page 4.12-5:**

The project site is located in the southern portion of central Kern County, at the northern base of the Tehachapi Mountains and consists of undeveloped open space. The project site where the solar arrays would be developed is not designated as a mineral recovery area by the Kern County General Plan, nor is it identified as a MRZ by the Department of Conservation's State Mining and Geology Board. However, a portion of the project site, the gen-tie line, is designated as a mineral recovery area by the Kern County General Plan and as a mineral resource zone by the Department of Conservation's State Mining and Geology Board. A portion of the project site is designated by Kern County General Plan as 8.4 (Mineral and Petroleum). In addition, there are six plugged oil and gas exploration wells located within the project boundary (CalGEM, 2019) and as discussed in Chapter 3, *Project Description*, of this EIR, one Mineral Rights Assessor's Parcel Number (APN) (241-220-10) underlays a portion of the project site. As mentioned above, the Tejon Oil Field is located directly adjacent to the northern project boundary and several oil and gas wells are located with the area; however, no active oil, gas, or geothermal wells are located on the project site (CalGEM, 2019).

### **Section 4.12, Mineral Resources, Pages 4.12-9 and 4.12-10:**

~~The~~ A portion of the project site is ~~not~~ located on a locally important mineral resource recovery site delineated by the Kern County General Plan. As previously discussed, there are six plugged oil & gas exploratory wells located on the project site. These wells have been classified by CalGEM as dry hole wells, which are defined as wells that have not encountered hydrocarbons in economically producible quantities (Schlumberger, 2020). While the oil & gas wells have been plugged and abandoned, according to well records from the late 1930s through early 1970s (SCS Engineers, 2019), upon consultation with CalGEM the wells would be required to be tested for leaks and if leaks are found the wells would require re-abandonment to comply with current CalGEM standards. In addition, as previously stated, a portion of Mineral Rights APN 241-220-10 underlays approximately 160 acres of the northeastern quadrant of the project site. The installation of photovoltaic panels and gen-tie line would not preclude future onsite mineral or petroleum resource development, should the project site be determined to contain mineral or petroleum resources in the future. Therefore, loss of availability of mineral resources impacts would be less than

significant. However, to ensure potential mineral rights holder's access to mineral and petroleum resources would not be impeded by implementation of the project, Mitigation Measure MM 4.12-1 would require the project proponent to either: a) Designate 10-acres of land in the north-east 160 acre quadrant where no permanent infrastructure, including solar panels, would be constructed and that would allow the mineral rights holder access for extraction of minerals or petroleum from the subsurface (including ingress and egress); or b) Provide written verification of a waiver of surface rights within the project boundary); or c) Provide written verification of an alternate agreement with a mineral owner which may include but not be limited to, access to a mineral or petroleum resource extraction site within the project site (including ingress and egress.

### ***Mitigation Measures***

**MM 4.12-1:** Prior to the issuance of building permits, the following shall apply:

- a. The project proponent, or its successor-in-interest, shall designate a minimum of one, 10-acre drill site within Assessor's Parcel Number 241-310-08, where no permanent project infrastructure, including solar panels, will be built and which is reserved for the mineral rights holder to access mineral or petroleum resources, and routes of ingress and egress -thereto. The Drilling Area shall be located in such a manner as to allow complete and efficient access to, and the exploration and/or extraction of, underlying oil reserves or other minerals; or
- b. The project proponent shall provide to the Kern County Planning and Natural Resources Department, a written waiver of surface access rights to a minimum of 500 feet below ground surface, which is signed by the mineral rights holder or the mineral rights holder's legal representative, and notarized; or
- c. Should an alternative agreement to part a) and/or b) above, be reached between the mineral rights holder and the project proponent, written documentation shall be submitted to the Kern County Planning and Natural Resources Department for verification prior to final site plan approval and the issuance of any grading or building permits for the development of solar facilities on the project sites.

~~No mitigation would be required.~~

### ***Level of Significance after Mitigation***

Impacts would be less than significant with mitigation.

### **Section 4.13, Noise, Page 4.13-23:**

As discussed under Section 4.13.2, *Environmental Setting*, existing noise in the project area was provided in the *Noise Study for the Pastoria Solar Project* (Jacobs, 2019) provided in Appendix L of this EIR. Measurements conducted had average noise levels ranging from 49 to 58 dBA L<sub>dn</sub>. As discussed in further detail below, with project construction noise levels at the nearest residence (located approximately 2.5 miles/13,200 feet away) attenuating to well below the maximum ambient noise levels established by the Kern County General Plan, project construction would not cause a temporary or periodic increase in ambient noise levels at sensitive receptors during the construction. Construction activities associated with the ~~proposed~~



project would generally occur during the daytime hours as specified in the Kern County Code of Ordinances, Chapter 8.36, Noise Control. Therefore, impacts would be less than significant.

### **Section 4.13, Noise, Page 4.13-30:**

**MM 4.13-3:** Prior to commencement of any onsite construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.) including decommissioning, the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include:

- a. The mailing notice shall be mailed to all residences within 1,000 feet of the project site, 15 days or less prior to construction activities. The notices shall include the construction schedule and a telephone number and email address where complaints and questions can be registered with the noise disturbance coordinator.
- b. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site, or adjacent to the nearest public access to the main construction entrance, throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the noise disturbance coordinator.
- c. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.
- d. ~~Prior to commencing decommissioning, the project owner shall follow the mailing, signage, and documentation requirements in MM 4.13-3 above.~~

### **Section 4.14, Public Services, Pages 4.14-14 and 4.14-15:**

**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 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~~ Assessor by April 30 of each calendar year for each and every year of operation. Alternatively, the project proponent/operator may choose to pay the total amount, based on 20 years of operation, as a one-time lump sum rather than ongoing annual payments. 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 occurring after the date of the transfer. The fee shall be paid to the Kern County ~~Auditor/Controller~~ Assessor 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, using this address for acquisition, purchasing and billing purposes associated with the project. 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, Pages 4.15-14 and 4.1-15:**

The project would not include a design feature or utilize vehicles with incompatible uses that would create a hazard on the roadways surrounding the project site. The need for and number of ~~escorts~~, California Highway Patrol escorts, as well as the timing of transport, would be at the discretion of Caltrans and Kern County, and would be detailed in respective oversize load permits. Thus, potential impacts would be reduced to a less-than-significant level.

While impacts would be less than significant, Mitigation Measure MM 4.15-1 would require the approval of a Construction Traffic Control Plan and that all oversize vehicles used on public roadways during construction obtain required permits ~~and obtain approval of a Construction Traffic Control Plan~~, as well as identify anticipated construction delivery times and vehicle travel routes in advance to minimize construction traffic during AM and PM peak hours. This would ensure that construction-related oversize vehicle loads are in compliance with applicable California Vehicle Code sections and California Street and Highway Codes applicable to licensing, size, weight, load, and roadway encroachment of construction vehicles.

**Section 4.15, Transportation, Pages 4.15-15 and 4.15-16:**

**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 6, and California Department of Water Resources – State Water Project Right-of-Way Management Section 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. Ensuring access for emergency vehicles to the project sites;
  - 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; and,
  - vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours.
- b. Obtain all necessary encroachment permits for work within the road right-of-way or use of oversized/overweight vehicles that will utilize Ceounty or State-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, the Kern County Public Works Department-Development Review, and the California Department of Transportation.
- 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 county and non-county maintained roads that demonstrably 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 project responsibility for the damage and the extent of remediation required, if any.

### **Section 4.18, Wildfire, Page 4.18-10:**

Additionally, as discussed in Section 4.14, *Public Services*, the project proponent/operator shall develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code for use during construction, operation, and decommissioning, per implementation of Mitigation Measure MM 4.14-21.

## **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:**
  - Comment Letter No. 1 – California Department of Conservation, Geologic Energy Management Division (July 22, 2020)
  - Comment Letter No. 2 – California Department of Transportation (August 10, 2020)
  - Comment Letter No. 3 – California Department of Water Resources (August 10, 2020)
- **Local Agencies:**
  - Comment Letter No. 4 – Kern County Public Health Services Department (July 7, 2020)
  - Comment Letter No. 5 – Kern County Fire Department (July 8, 2020)
  - Comment Letter No. 6 – Kern County Superintendent of Schools (July 9, 2020)
  - Comment Letter No. 7 – Kern County Department of Agriculture and Measurement Standards (July 10, 2020)
  - Comment Letter No. 8 – County of Kern Public Works Department, County Surveyor (July 17, 2020)
  - Comment Letter No. 9 – Kern County Public Works Department (August 7, 2020)

**Comment Letter No. 1: California Department of Conservation Geologic  
Energy Management Division**



**California  
Department of Conservation**  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

07/22/2020

Cindi Hoover  
2700 M Street, Suite 100, Bakersfield, CA 93301, USA  
hooverc@kerncounty.com

Construction Site Well Review (CSWR) ID: 1011705

Assessor Parcel Number(s): 24131008, 24131010, 24131015, 24131017

Property Owner(s): Pastoria Solar Energy Company, LLC

Project Location Address: 0.65 mi. N of Edmonston Pumping Plant Rd., Arvin, California, 93203

Project Title: Pastoria Solar Project; CUP #9, Map 219; WALUC Cancellation #19-02; GPA #10; SCH #2019090305

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

1-A

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 7/20/2020. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Kern County, within the boundaries of the following fields:

The parcel is located outside oil field administrative boundaries. In addition to the plugged & abandoned wells, there might be pipelines associated to oil and gas production.

Our records indicate there are 6 known oil or gas wells located within the project boundary as identified in the application.

1-B

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 6
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

# Comment Letter No. 1: California Department of Conservation Geologic Energy Management Division



California  
Department of Conservation  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary.



**Comment Letter No. 1: California Department of Conservation  
Geologic Energy Management Division**



**California  
Department of Conservation**  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

1-E

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

1-F

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

1-G

Should you have any questions, please contact me at (661) 326-6016 or via email at Victor.Medrano@conservation.ca.gov

1-H

Sincerely,

 Rohit Sharma for

Chris Jones  
Acting District Deputy

**Comment Letter No. 1: California Department of Conservation Geologic  
Energy Management Division**



**California**  
**Department of Conservation**  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

**Wells Abandoned to Current Division Requirements as Prescribed by Law &  
Projected to be Built Over or Have Future Access Impeded**

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

API	Well Designation	Operator	Well Evaluations
04029325 32	Tejon 7		Plugged and Abandoned to current requirements
04029325 39	25R-12		Plugged and Abandoned to current requirements
04029325 40	31R-12		Plugged and Abandoned to current requirements
04029325 42	Tejon 7-1		Plugged and Abandoned to current requirements

1-I



Comment Letter No. 1: California Department of Conservation Geologic  
Energy Management Division



California  
Department of Conservation  
Geologic Energy Management Division

Gavin Newsom, Governor  
David Shabazian, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

**Wells Abandoned to Current Division Requirements as Prescribed by Law &  
Projected to be Built Over or Have Future Access Impeded**

The wells listed below are abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

API	Well Designation	Operator	Well Evaluations
04029325 43	Tejon-Richfield 84-14		Plugged and Abandoned to current requirements
04029447 36	33R-12		Plugged and Abandoned to current requirements

1-I  
(cont.)

**Response to Comment Letter No. 1: California Department of Conservation, Geologic Energy Management Division (July 22, 2020)**

- 1-A:** This comment summarizes Public Resources Code (PRC) Section 3208.1, which establishes well abandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. As discussed in Section 4.9, *Hazards and Hazardous Materials* of the Draft EIR, according to well records from the late 1930s through early 1970s the six oil and gas wells on the project site have been plugged and abandoned. The wells were classified by the California Department of Conservation, Geologic Energy Management Division (CalGEM) as dry hole wells, which are defined as wells that have not encountered hydrocarbons in economically producible quantities. Nevertheless, after consultation with CalGEM as part of the public noticing process, it was determined that given the age of wells and the potential for plugged wells to leak, further testing on the wells should be completed prior to construction of the project. Thus, Mitigation Measure MM 4.9-2 was included in the Draft EIR and requires that the wells be tested for leaks and, if leaks are found, the wells would be required to be abandoned again to comply with current CalGEM standards consistent with PRC Section 3208.1. 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-B:** The commenter acknowledges receipt and review of the Draft EIR. This comment also states that the project is located outside oil field administrative boundaries, and that six known oil or gas wells are located within the project boundaries and are projected to be built over or have future access impeded by development of the project. As described under Response to Comment 1-A, these six known oil and gas exploratory wells were acknowledged and analyzed as part of the Draft EIR. As described in Section 4.9, *Mineral Resources*, Mitigation Measure MM 4.9-2 requires the testing of the wells prior to permit approval, but it does not specifically state that the wells were not to be built over. To clarify that the wells are not to be built over and access would be maintained, Mitigation Measure MM 4.9-2 has been revised, as shown below. In addition, the revised Mitigation Measure MM 4.9-2 has been added on page 4.9-26 of the Draft EIR and above in Section 7.2, Revisions to the Draft EIR:

**MM 4.9-2:** The project proponent shall continuously comply with the following:

- a. The project proponent shall not build any structure within 10 feet of the existing six plugged and abandoned wells located within the project boundaries.
- b. Prior to permit approval, the project proponent/operator shall ~~hire a qualified consultant to conduct well testing~~ consult with California Geologic Energy Management Division to determine if well testing is necessary to verify that no harmful substances, such as gas or oil, are leaking from the existing plugged wells onsite. ~~Prior to testing, the qualified consultant will prepare a work plan detailing the actions needed to complete the testing and steps required if harmful substances are encountered. The work plan will~~ The results of the well test shall be submitted to the California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for review and approval. ~~The testing program shall be consistent with the California Geologic Energy Management Division's Requirements for Idle Well Testing and Management, California Code of Regulations, Title 14, Division 2, Chapter 4, Subchapter 1, Article 3. Once the work is approved testing can commence~~

~~within the parameters identified in the work plan. A copy of California Geological Energy Management Division's approval shall be submitted to the Kern County Planning and Natural Resources Department.~~

- c. Surveyed locations of wells shall be provided to the California Geologic Energy Management Division in Latitude and Longitude, North American Datum 83 decimal format.
- d. Any wells found leaking shall be reported to California Geologic Energy Management Division immediately. Any wells that do not meet the aforementioned testing requirements shall be resealed and properly plugged and re-abandoned consistent with California Geologic Energy Management Division requirements. However, if there is evidence of contaminants found during testing, the qualified consultant shall prepare a report detailing the results of the testing and a work action plan to remediate any contamination found and to plug the wells. Any soil containing hydrocarbons shall be disposed of in accordance with local, state, and federal laws. The completed report and work action plan will be submitted to California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for comment and review.
- e. All final stamped and approved project design plans shall be provided to the California Geologic Energy Management Division for the record.
- f. If during construction activities, any new wells are encountered, all work shall cease in the vicinity of the well, and the project proponent shall immediately notify the California Geologic Energy Management Division's construction site well review engineer in the Inland District Office, and file for California Geologic Energy Management Division review of an amended site plan with well casing diagrams.

In addition, the Lead Agency is proposing a condition of approval for the Conditional Use Permit request, requiring that if any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- 1-C:** The commenter advises against building over or in any way impeding access to, oil, gas, or geothermal wells. The commenter also states that there are no guarantees a well abandoned in compliance with current requirements will not start leaking in the future. As such, the commenter advises that all wells identified on the project site be tested for liquid and gas leakage prior to, or during, development activities and results should be reported to CalGEM.

As discussed in Section 4.12, *Mineral Resources*, of the Draft EIR and, above, in Response to Comment 1-A, the six oil and gas wells on the project site have been plugged and abandoned. The wells were classified by CalGEM as dry hole wells. The project would not be built over the six plugged and abandoned wells within the project boundaries per the County's requirement and as part of Mitigation Measure MM 4.9-2. Thus, the installation of photovoltaic panels and gen-tie line would not preclude future onsite mineral resource development, should the project site be determined to contain mineral resources in the future. Further, per Mitigation Measure MM 4.9-2,

would require that wells would be tested for leaks and, if leaks are found, the wells would require re-abandonment to comply with current CalGEM standards consistent with PRC Section 3208.1. In addition, to ensure that the wells would not be built over and that access to the wells would be maintained, Mitigation Measure MM 4.9-2 has been revised as shown above in Response to Comment 1-C and has been added to Section 7.2, *Revisions to the Draft EIR*.

- 1-D:** The commenter states that the failure to plug and re-abandon any wells may result in enforcement action pursuant to PRC Sections 3208.1 and 3224. The comment provides further information on PRC Section 3208.1 regarding the person or entity responsible for re-abandonment. Mitigation Measure MM 4.9-2 has been updated, as shown above in Response to Comment 1-C, to require re-abandonment of any wells where there is reason to question the integrity of the previous abandonment.
- 1-E:** The commenter provides two recommendations for the project: 1) information regarding the wells be communicated to the appropriate county recorder for inclusion in the title information for the project site; and 2) any soil containing hydrocarbons be disposed of in accordance with local, state and federal laws. In order for the project to comply with these recommendations, as shown above in Response to Comment 1-C, Mitigation Measure MM 4.9-2 has been updated to include language that requires the wells to be delineated on the project site plans, that a 10 foot “no build zone” be designated around each well, and that approved site plans be provided to CalGEM, in addition the mitigation measure requires the disposal of any soil containing hydrocarbons to be in accordance with local, state, and federal laws.
- 1-F:** The comment provides a discussion of CalGEM’s statutory authority, as indicated in PRC Sections 3106, 3208.1, 3224, 3236, 3236.5, and 3359. The Lead Agency acknowledges CalGEM’s statutory authority. This comment does not 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-G:** The comment notes that if during development activities, any previously unknown wells are discovered that were not part of the review, the project proponent shall immediately notify the CalGEM’s Inland District office for consultation as remedial plugging and abandonment operations may be required. In response to this request, Mitigation Measure MM 4.9-2 has been revised, as shown above in Response to Comment 1-C, to include this requirement in the event any abandoned or unrecorded wells are uncovered, discovered, or damaged during excavation or grading activities. The revised Mitigation Measure MM 4.9-2 is also included in Section 7.2, *Revisions to the Draft EIR*.
- 1-H:** The commenter provides their contact information. This comment does not 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:** This comment is an attachment to the letter and provides a table that lists the six known wells that were discussed in the comments above and in the Draft EIR Section 4.9, Hazards and Hazardous Materials. This comment does not 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: California Department of Transportation

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

### DEPARTMENT OF TRANSPORTATION

#### DISTRICT 6 OFFICE

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5421  
FAX (559) 488-4088  
TTY 711  
www.dot.ca.gov



Making Conservation  
a California Way of Life

August 10, 2020

06-KER-5-9.358  
DRAFT ENVIRONMENTAL IMPACT REPORT  
PASTORIA SOLAR PROJECT

Cindi Hoover  
Kern County Planning  
2700 M Street, Suite #100  
Bakersfield, CA 93301

Dear Ms. Hoover:

Thank you for the opportunity to review the Draft Environmental Impact Report for the proposal to develop 650 acres for solar power. The project site is located in vacant land west of Interstate 5 (I-5) near Grapevine, in the County of Kern.

2-A

The California Department of Transportation (Caltrans) provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Per the report, workers are encouraged to carpool, especially during the peak of the construction operations. Assuming carpooling, the project site would generate an estimated maximum of 345 AM and 345 PM peak hour trips. Of the peak hour trips, it estimated that 162 trips (47%) would be distributed onto Grapevine Road East and an estimated 183 trips (53%) would be distributed onto Grapevine West of which both roads have access to I-5.
2. To prevent queuing along the off-ramps, it is recommended to stagger the start times of the daily work schedule for the workers. The applicant should also consult with Caltrans prior to initiation of construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.) along I-5 in order to implement appropriate traffic controls.
3. Besides construction activities, and once operational, traffic generated by the project site would be insignificant.

2-B

2-C

2-D

## Comment Letter No. 2: California Department of Transportation

Cindi Hoover  
August 10, 2020  
Page 2

4. Caltrans recommends that the project proponent continue to work with the County of Kern to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.

2-E

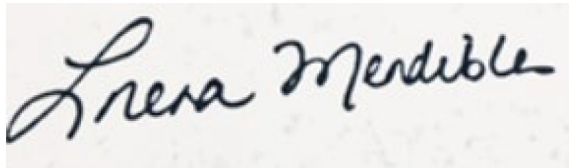
5. Caltrans recommends the project provide charging stations for electric vehicles as part of the statewide efforts to reduce greenhouse emissions.

2-F

If you have any further questions, contact Scott Lau at (559) 445-5763 or [scott.lau@dot.ca.gov](mailto:scott.lau@dot.ca.gov).

2-G

Sincerely,

A handwritten signature in black ink that reads "Lorena Mendibles". The signature is written in a cursive, flowing style.

LORENA MENDIBLES, Chief  
Transportation Planning - South

**Response to Comment Letter No. 2: California Department of Transportation (Caltrans)  
(August 10, 2020)**

- 2-A:** The commenter expresses appreciation for the opportunity to comment on the project and provides a description of the location of the project site and is consistent with what is provided in Chapter 3, *Project Description*, of the Draft EIR. This comment does not 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-B:** The comment calculates and provides the total morning and afternoon peak hour trips generated by the project and is consistent with what is provided in Section 4.15, *Transportation*, page 4.15-11 of the Draft EIR. The comment also provides an estimated distribution of these trips. 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 comment recommends staggering construction start times and recommends consultation with California Department of Transportation (Caltrans) prior to initiation of construction activities. As discussed in Section 4.15, *Transportation*, of the Draft EIR, the Caltrans target for peak hour operations is LOS C or better. As shown in Table 4.15-3, Existing and Project Construction Level of Service, local traffic would not change from the existing LOS B or C operations with the addition of project-generated construction traffic based on the capacity of similar roadway classifications. As such, project construction would have a less-than-significant impact on area roadways and intersections and staggered construction start times would not need to be implemented. However, Mitigation Measure MM 4.15-1 requires the project proponent to prepare a Construction Traffic Control Plan and provide the plan to Caltrans for review and approval. As it relates to construction activities that may affect area traffic, including hauling of solar panels, the need for and number of escorts, as well as the timing of transport, would be at the discretion of Kern County, Caltrans, and California Department of Water Resources – State Water Project Right-of-Way Management Section, as appropriate, and would be detailed in respective oversize load permits and as required by Mitigation Measure MM 4.15-1.
- 2-D:** The commenter notes that besides construction activities, traffic generated during operation by the project site would be insignificant. This is consistent with the less-than-significant operational impact determination in the Draft EIR. 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-E:** This comment recommends that the project proponent continue to work with the County of Kern to further implement improvements to reduce vehicle miles traveled (VMT) and offer a variety of transportation mode for its employees. As discussed in Section 4.15, *Transportation*, of the Draft EIR, operation and maintenance of the project would generate fewer than 4 vehicle trips per week, resulting in an estimated 20 vehicle trips to the site per month or up to 1 to 2 vehicle trips per day. As such, operation of the project is not expected to be a high generator of VMT. 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-F:** The comment recommends the project provide charging stations for electric vehicles. As discussed in Chapter 3, *Project Description* and Section 4.15, *Transportation*, operation of the project would

require only one to two employees to be onsite intermittently throughout the month to perform maintenance activities. Due to the minimal operational employees, no employee parking is included in the proposed site plan or required for the 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-G:** The commenter provides their contact information. This comment does not 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. 3: California Department of Water Resources

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM, Governor

## DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



August 10, 2020

Cindi Hoover  
Kern County Planning and Natural Resources Department  
2700 M Street, Suite 100  
Bakersfield, California 93301-2323  
661-862-8629  
[hooverc@kerncounty.com](mailto:hooverc@kerncounty.com)

### SCH# 2019090305 Pastoria Solar Project by Pastoria Solar Energy, LLC Draft Environmental Impact Report (EIR)

Dear Ms. Hoover:

The California Department of Water Resources (DWR) State Water Projects Division of Operations and Maintenance (O&M) staff have reviewed the Draft EIR for the Pastoria Solar Project. DWR has the following comments.

#### **Project Description and General Comments**

The proposed project is described as the installation of 350,000 PV panels in a gross area of 650 acres. Construction is expected to last for approximately 240 construction days over a 12-month period occurring Monday through Friday between the hours of 7:00 am and 6:00 pm but may be subject to additional hours/days if needed. Construction workforce is expected to peak at 400 individuals with an average of 190 individuals per day. During the same 12-month construction period, approximately 5 to 10 trucks per day will deliver loads to the site, primary by use of Edmonston Pumping Plant Road (the Road).

#### **Specific Comments**

##### DWR May Be a Public Agency Whose Approval Is Required.

Where a project receives a discretionary permit from state agencies, the issuing agencies are considered "other public agencies whose approval is required." Edmonston Pumping Plant Road is a private roadway owned and maintained by DWR. If a proposed project encroaches on DWR's right-of-way, it is an identifiable impact to DWR's right-of-way and an encroachment permit will be required.

Information regarding DWR encroachment permits can be found at:  
<https://water.ca.gov/Work-With-Us/Real-Estate/Encroachment-Permits>.

3-A

3-B

3-C

## Comment Letter No. 3: California Department of Water Resources

Ms. Cindi Hoover  
August 10, 2020  
Page 2

### Transportation

The Transportation impacts analyzed in the Draft EIR and the Traffic Study contained in Appendix M are inadequate and fail to address potentially significant impacts. While the Transportation impacts discuss increased traffic and issues regarding traffic volume, nowhere does the Draft EIR address the impact of the project on the physical condition of the roadways used, including Edmonston Pumping Plant Road. As a necessary part of the Final EIR, DWR requests Kern County conduct a study of the proposed project's impact to the physical condition and integrity of the Road, its bridges, and its approaches during construction and operation of the proposed project.

DWR has concerns about the safety and integrity of the Road because all workforce and delivery trucks involved in the proposed project would need to enter and exit the Road and cross DWR's bridge over the California Aqueduct for the duration of the construction phase

If the study's report recommends improvements or upgrades to the Road, bridges, or approaches in order to accommodate the proposed project's impacts, DWR's encroachment approval would be conditioned, in part, upon upgrading or improving the Road as described in the report. Additional DWR conditions for the use of Edmonston Pumping Plant Road may include use fees.

In addition to mitigation measures proposed as a result of Kern County conducting a study of the proposed project's impacts to the Road, a traffic mediation plan should be implemented to address increased traffic during construction and delivery hours for the duration of the construction phase.

DWR requests a joint inspection of the road between DWR and Pastoria Solar Energy, LLC be performed prior to and after completion of the proposed project as a component of the traffic mitigation plan. Any damage associated with increased traffic caused by the proposed project shall be the responsibility of Pastoria Solar, LLC. Pastoria Solar, LLC shall provide DWR with the contact of the construction site manager during the construction of the proposed project, to inform Pastoria Solar, LLC of a DWR road closure due to a DWR emergency or other event.

If you have any questions, please contact Kristen Greenacre by phone at 916-653-4264 or by electronic mail at: [Kristen.Greenacre@water.ca.gov](mailto:Kristen.Greenacre@water.ca.gov).

Please provide DWR with a copy of any subsequent project documents when available by mail to:

3-D

3-E

3-F

**Comment Letter No. 3: California Department of Water Resources**

Ms. Cindi Hoover  
August 10, 2020  
Page 3

Kristen Greenacre  
State Water Project Right-Of-Way Management Section  
Division of Operations and Maintenance  
Department of Water Resources  
1416 Ninth Street, Room 641-1  
Sacramento, California 95814

↑  
3-F  
(cont.)

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Pancaro', with a stylized flourish at the end.

Casey Pancaro  
Staff Attorney



**Response to Comment Letter No. 3: California Department of Water Resources (DWR)  
(August 10, 2020)**

- 3-A:** The commenter provides an introductory comment. This comment does not raise a substantive issue on the content of the Draft EIR. Specific Comments to the Draft EIR are provided in Comments 3-B through 3-F and responses to these comments are provided below in Response to Comments 3-B through 3-F.
- 3-B:** The comment provides a summary of the project description as it relates to the construction characteristics and assumptions and is consistent with the description provided in Chapter 3, *Project Description*, of the Draft EIR. This comment does not 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.
- 3-C:** The comment states that the California Department of Water Resources (DWR) may be a responsible agency whose approval is required for the project. The comment further states that Edmonston Pumping Plant Road is a private roadway owned and maintained by DWR. It goes on to state that if a project encroaches on DWR's right-of-way, it is an identifiable impact to DWR's right-of-way and an encroachment permit will be required. As described in Chapter 3, *Project Description*, of the Draft EIR, access to the project site would be along an existing access way extending north from Edmonston Pumping Plant Road and reaching the southern boundary of the project site. By agreement with the property owners, the existing access road running north-south through the center of the project site would remain. As suggested by the commenter, DWR has been added as a Responsible Agency as listed on page 2-11 in Chapter 2, *Introduction*, of the Draft EIR and documented above under Section 7.2, Revisions to the Draft EIR. Because project traffic would utilize Edmonston Pumping Plant Road to access the project site, the Lead Agency acknowledges that an encroachment permit for a DWR right-of-way may be required. Mitigation Measure MM 4.15-1 requires the project proponent to obtain all necessary encroachment permits, which would include required DWR encroachment permits.
- 3-D:** The comment states that the transportation impacts analyzed in the Draft EIR are inadequate and fail to address potentially significant impacts as they relate to the physical condition of the roadways used, including Edmonston Pumping Plant Road. As discussed in Section 4.15, *Transportation*, of the Draft EIR, the project would implement Mitigation Measure MM 4.15-1 during construction of the project, which would require the project proponent obtain all required encroachment permits, to prepare a Construction Traffic Control Plan, and to repair any damage to county and non-county maintained roads that demonstrably result from construction activities. According to the information provided in the comment, and as identified on <https://water.ca.gov/Work-With-Us/Real-Estate/Encroachment-Permits>, the DWR encroachment permit application process requires the submittal of a structural engineering study that analyzes the structural condition and integrity of applicable DWR right-of-way facilities and impacts of the project on those facilities. The encroachment permit process allows DWR to address any safety concerns specifically identified within its right-of-way and require the project proponent to make the necessary improvements to address the projects impacts as a result of construction and operational traffic or other identified encroachments on DWR facilities. In addition, Mitigation Measure MM 4.15-1 requires the project proponent to provide the Construction Traffic Control Plan to DWR for review and approval. Implementation of this mitigation measure addresses the

commenter's concerns during construction of the project. In addition, in response to this comment, Mitigation Measure MM 4.15-1 has been revised to clarify that the Construction Traffic Control Plan would be submitted to the Kern County, the California Department of Transportation (Caltrans), and DWR as appropriate, for approval. Mitigation Measure MM 4.15-1 has been revised, as shown below. In addition, the revised Mitigation Measure MM 4.15-1 has been added on page 4.15-15 of the Draft EIR and above in Section 7.2, Revisions to the Draft EIR:

**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 6, and California Department of Water Resources – State Water Project Right-of-Way Management Section 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 address, at a minimum, 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. Ensuring access for emergency vehicles to the project sites;
  - 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; and,
  - vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours.
- b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize County and State-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, the Kern County Public Works Department-Development Review, and the California Department of Transportation.
- 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 county and non-county maintained roads that demonstrably 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 project responsibility for the damage and the extent of remediation required, if any.

As it relates to project operations, as described in Section 4.15, *Transportation*, of the Draft EIR, operation and maintenance of the project would generate fewer than 4 vehicle trips per week, resulting in an estimated 20 vehicle trips to the site per month or up to 1 to 2 vehicle trips per day. As the daily use of Edmonston Pumping Plant Road is so low, it is not anticipated that permanent physical impacts to this road would occur during the life-time of the project (i.e., 35 years), however the encroachment permit process would allow DWR to analyze impacts to its facilities from project operations.

- 3-E:** The commenter requests that a joint inspection of the road between DWR and the project proponent be performed prior to and after completion of the project as a component of the traffic mitigation plan. As discussed in Response to Comment No. 3-D above, Mitigation Measure MM 4.15-1 has been revised to clarify that the Construction Traffic Control Plan would be also be submitted to DWR, and as part of Mitigation Measure 4.15-1, DWR would be included in the submittal of a preconstruction video log and inspection report regarding roadway conditions for roads used during construction, including Edmonston Pumping Plant Road. The project proponent/operator would also submit a post-construction video log and inspection report within 30 days of completion of construction.
- 3-F:** The commenter provides their contact information. This comment does not 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.



MATTHEW CONSTANTINE  
DIRECTOR

2700 M STREET, SUITE 300 BAKERSFIELD, CALIFORNIA, 93301-2370 VOICE: 661-862-8740 FAX: 661-862-8701 WWW.CO.KERN.CA.US/EH

## INTEROFFICE MEMORANDUM

To: Cindi Hoover  
From: Evelyn Elizalde  
Subject: Draft EIR for Pastoria Solar Project

Date: July 7, 2020

The Kern County Environmental Health Division has reviewed the above referenced project. This Division has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

4-A

The Environmental Health Division requests that the following conditions be placed on the subject project and be satisfied prior to issuance of building permits:

1. Please log in to the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> and create an account and facility. If you have questions on what needs to be uploaded please contact Bilal Korin at (661)862-8730 or [korinb@kerncounty.com](mailto:korinb@kerncounty.com)
2. The method of water supply and sewage disposal for the proposed project shall be approved by Kern County Environmental Health Division.
3. If any abandoned wells are found during the grading and construction process, the applicant shall contact the Land and Water Division for permitting and destruction procedures.

4-B

***Response to Comment Letter No. 4: Kern County Public Health Services Department  
(July 7, 2020)***

- 4-A:** The commenter states that the Kern County Environmental Health Division (EHD) reviewed the Draft EIR and states the EHD has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public. The Lead Agency acknowledges that the EHD is the responsible agency to enforce State regulations and local codes as they relate to waste discharge, water supply requirements and other items affecting public health. 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.
- 4-B:** The commenter requests that three conditions be placed on the project prior to the issuance of building permits, including: 1) creating an account with the California Environmental Reporting System (CERS); 2) approval of water supply and sewage disposal by the Kern County Environmental Health Division; and 3) coordination with the Land and Water Division if abandoned wells are encountered during the grading and construction process. Mitigation Measure MM 4.9-1 requires registration with CERS and the preparation of a Hazardous Materials Business Plan. The project does not propose to construct a new water supply source or sewage disposal system. As discussed in Chapter 3, *Project Description*, the project would utilize existing water turnouts located at the project boundary which deliver surface water provided by an approved water purveyor. Bottled potable water will be delivered to the project site for construction. Operations will only require 1-2 employees to be onsite intermittently throughout the month. These employees would be primarily stationed at the Pastoria Energy Facility located half a mile from the project site where they would have access to potable water and restroom facilities.

In compliance with EHD's request, as a condition of approval, the Conditional Use Permit will require the project proponent to coordinate with Kern County Environmental Health Division if abandoned water wells are discovered during constructions 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.



**Office of the Fire Marshal  
Kern County Fire Department**

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Fire Prevention

2820 M St. • Bakersfield, CA 93301 • [www.kerncountyfire.org](http://www.kerncountyfire.org)

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



July 8, 2020

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

**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 Pastoria Solar SCH#2019090305. Upon initial review, it has been determined that all ground mounted solar array projects over 1MW will require Fire Department plan review prior to construction and meet requirements set forth in KCFD Solar Panel Standard #503-507. All Stationary Energy Storage Systems must be applied for directly with KCFD for separate permitting and pre-construction approval.

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

5-A

***Response to Comment Letter No. 5: Kern County Fire Department (July 8, 2020)***

- 5-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 all ground mounted solar array projects over 1 megawatt (MW), like the project, will require KCFD review and meet requirements set forth in KCFD Solar Panel Standard #503-507. The project proponent will also need to secure a separate KCFD permit for any proposed stationary energy storage systems. The Lead Agency acknowledges that the project will require KCFD review and acknowledges that a permit would be required for the proposed Battery Energy Storage System (BESS) and that the KCFD would be the responsible regulatory authority for the project. Kern County Fire Department is identified in Section 2.6.4, of the Draft EIR, as a Local Responsible Agency. 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: Kern County Superintendent of Schools



Office of Mary C. Barlow ...advocates for children

July 9, 2020

Kern County Planning Department  
Attn: Cindi Hoover, Planner III  
2700 M Street, Suite 100  
Bakersfield, CA 93301

Our File No.: CO20-0064

**RE: DEVELOPER FEES FOR:** Draft Environmental Impact Report for the Pastoria Solar Project; Map No. 219-11, 12, 13, 14  
(Approx. 3 miles east of Grapevine, approx. 5 miles southeast of Wheeler Ridge and approx. 5 miles northeast of Lebec.)

Dear Ms. Hoover,

This office represents the General Shafter Elementary and Kern High School Districts with regard to the imposition of developer fees, and appreciates the opportunity to respond on behalf of these districts regarding the proposed project. This letter is limited to addressing the possible effects which the project might have on school facilities created by students attributable to the project. It is not intended to address other possible environmental concerns which might be identified by the district(s) after reviewing it.

6-A

It is our determination that the above mentioned project proposing a) a Conditional Use Permit to allow for the construction and operation of a 115 MW solar photovoltaic electric generating facility; b) one Williamson Act Land Use Contract Cancellation on approx. 650 acres; c) amendment of the Kern County General Plan to remove section and mid-section line road reservations in multiple sections, with the projects permanent facilities to include service roads, overhead and underground transmission lines, a step up conversion station, project substations, energy storage facilities, perimeter security fencing and generational tie lines will have no significant effects on either of these district's facilities so long as statutory school facilities fees, if any, are collected as required by law and that no further mitigation measures regarding school facilities are necessary.

6-B

Thank you for the opportunity to comment on the project. Should you have any questions, or if we can be of any further assistance in this matter, please contact me at 636-4599, or through e-mail at [anwatson@kern.org](mailto:anwatson@kern.org).

Sincerely,

Mary C. Barlow  
County Superintendent of Schools

Andrea Watson, Specialist  
School District Facility Services

**RECEIVED**

JUL 14 2020

KERN COUNTY PLANNING DEPT

ALW  
cc: District(s)

***Response to Comment Letter No. 6: Kern County Superintendent of Schools (July 9, 2020)***

- 6-A:** The commenter expresses appreciation for the opportunity to respond on behalf of the General Shafter Elementary and Kern High School Districts (Districts) regarding the project. This comment clarifies that the letter's contents are intended to address possible effects which the project may have on school facilities, and not to comment on any other environmental concerns.
- 6-B:** The commenter provides a brief overview of the entitlements being requested by the project and concludes that no significant effect on the Districts' facilities would occur with project implementation, given the appropriate fees and regulations are complied with. As discussed in Section 4.14, *Public Services*, of the Draft EIR, the average and peak number of construction workers to be on site would be approximately 190 and 400, respectively. The presence of construction workers at the project site would be temporary, through the duration of the approximate 12-month construction period. These construction workers would likely come from an existing local and/or regional construction labor force and would not likely relocate their households as a consequence of working on the project. Therefore, the short-term increased employment of construction workers on the project site would not result in a notable increase in the residential population of the area surrounding the project site. Accordingly, there would not be a corresponding demand or use of the local schools. Additionally, operation of the project would not require full-time workers onsite. Employees would intermittently visit the project site for routine inspection, maintenance, and repair of solar arrays and accessory components. One to two employees would be onsite intermittently every month (less than four trips a week) to perform maintenance duties. These employees would likely come from an existing local and/or regional labor force and would not likely relocate their households as a consequence of working on the project. Even if the maintenance employees were hired from out of the area and had to relocate to southern Kern County, the resulting addition of potential families to this area would not result in a substantial increase in the number of users at local schools. Therefore, staff required during operation would not increase demand for local schools. All fees applicable to implementation of the project will be collected when the project proponent/operator applies for required building permits. 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 County Department of Agriculture and  
Measurement Standards**

**From:** [Darin Heard](#)  
**To:** [Cindi Hoover](#)  
**Subject:** SCH#2019090305  
**Date:** Friday, July 10, 2020 9:46:44 AM  
**Attachments:** [EIR \(SCH #2019090305\).docx](#)

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Greetings,

Please see attached as it refers to Pastoria Solar Project by Pastoria Solar Energy, LLC.

7-A

With appreciation,

Darin Heard  
Assistant Commissioner/Sealer  
Kern County Department of Agriculture and Measurement Standards  
1001 South Mount Vernon Avenue  
Bakersfield, California 93307  
Main 661-868-6300  
Fax 661-868-6301  
Cell 661-333-7007  
email [heardd@kerncounty.com](mailto:heardd@kerncounty.com)

**Comment Letter No. 7: Kern County Department of Agriculture and  
Measurement Standards**

July 10, 2020

Kern County Planning and Natural Resources Department  
2700 "M" Street, Suite 100  
Bakersfield, CA 93301  
Attn: Cindy Hoover

**Re: Kern County Department of Agriculture Comments Regarding Planning Dept. Project  
SCH#2019090305**

To Whom It May Concern,

The Kern County Department of Agriculture, as the local agricultural authority, has received a request for comments regarding a Draft EIR for Pastoria Solar Project. Upon initial review, we have the following input as it relates to our department responsibilities.

7-B

The applicant shall determine if they are subject to provisions of the California Desert Native Plants Act (CDNPA). The provisions of the act can be found in the California Food and Agricultural Code, Division 23, Sections 80001-80201.

The purpose of the CDNPA is to protect certain species of California desert native plants from unlawful harvesting on both public and privately owned lands. The CDNPA only applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. Within these counties, the CDNPA prohibits the harvest, transport, sale, or possession of specific native desert plants unless a person has a valid permit or wood receipt, and the required tags and seals. The appropriate permits, tags and seals must be obtained from the sheriff or agricultural commissioner of the county where collecting will occur, and the county will charge a fee.

7-C

Please feel free to contact our office.

With appreciation,

Darin Heard  
Assistant Agricultural Commissioner  
Kern County Dept. Agriculture

***Response to Comment Letter No. 7: Kern County Department Agriculture and Measurement Standards (July 10, 2020)***

- 7-A:** The commenter refers to an attached letter which provides further comments on the Draft EIR. These comments are summarized in Nos. 7-B and 7-C below.
- 7-B:** The commenter provides an introductory comment and describes the Kern County Department of Agriculture as the local agricultural authority. 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.
- 7-C:** The commenter states that the project proponent needs to determine whether the project site is subject to the provisions of the California Desert Native Plants Act (CDNPA). The comment goes on to describe the purpose of the CDNPA. As described in Section 4.4, *Biological Resources*, on page 4.4-4, of the Draft EIR, the wild oats grassland vegetation community dominates the project site as a result of previous grazing and abundance of the community covering undeveloped areas in the vicinity. As no desert communities are located on the project site, the project site is not subject to the provisions of the CDNPA. The comment has been noted for the record and revisions to the Draft EIR are not necessary.



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COUNTY OF KERN

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Public Works

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# MEMO

To: Cindi Hoover, Planner 3  
From: Brian Blacklock, <sup>BB</sup>County Surveyor  
Subject: GPA 10, CUP 9, Map 219 Pastoria Solar  
Date: July 17, 2020

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).

8-A

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



**Response to Comment Letter No. 8: County of Kern Public Works Department, County Surveyor (July 17, 2020)**

**8-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 will 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. 9: Kern County Public Works Department**

**COUNTY OF KERN  
PUBLIC WORKS DEPARTMENT**

*Office Memorandum*

To: Lorelei Oviatt, Director  
Planning and Natural Resources Department  
Attn: Cindi Hoover, Planner III

August 7, 2020

From: Joshua Champlin, Supervising Engineer   
Administration and Engineering Division

Subject: 7-5.3 Draft Environmental Impact Report for Pastoria Solar Project by  
Pastoria Solar Energy, LLC (PP19149).

This Department has reviewed the Draft Environmental Impact Report for the subject project and concurs with its' findings and Mitigation Measure MM 4.15-1.

Thank you for the opportunity to comment on this project, if you have any questions or comments please contact Paul Candelaria of this department.

9-A

***Response to Comment Letter No. 9: Kern County Department of Public Works –  
Development Review Division (August 7, 2020)***

- 9-A:** The commenter expresses appreciation for the opportunity to comment on the project and concurs with the findings and Mitigation Measure 4.15-1. 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.

## 7.4 Responses Received After the Close of the Comment Period

As described above in 7.1.2, *Environmental Review Process*, the Draft EIR for the project was circulated for a 45-day public review period beginning on June 25, 2020 and ending August 10, 2020. A comment letter was received from the San Joaquin Valley Air Pollution Control District on August 24, 2020 after the close of the comment period. A copy of the numbered comment letter and a lettered response to each comment are provided below.

- **State Agencies:**
  - Comment Letter No. 10 – San Joaquin Valley Pollution Control District (District) (August 24, 2020)



August 24, 2020

Cindi Hoover  
County of Kern  
Planning and Natural Resources Department  
2700 "M" Street, Suite 100  
Bakersfield, CA 93301

**Project: Draft Environmental Impact Report for the Pastoria Solar Energy, LLC  
(SCH#2019090305)**

**District CEQA Reference No: 20200556**

Dear Ms. Hoover:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above from the County of Kern (County). The project is the construction and operation of a solar photovoltaic power generating facility (Project), and is located at approximately three miles east of the unincorporated community of Grapevine, approximately five miles southeast of the unincorporated community of Wheeler Ridge, and approximately five miles northeast of the unincorporated community of Lebec in Kern County, CA (APN 241-310-08, 10, 15, & 17).

### Project Description

The Project consists of the construction of a 115 megawatt (MW) photovoltaic (PV) solar facility and associated infrastructure, including an 80 MW battery energy storage system (BESS). A 220 kilovolt (kV) gen-tie line would extend from the onsite substation due east for 0.5 miles to connect with the substation at the Pastoria Energy Facility. Per the DEIR, the project is assumed to commence in 2021 and to last approximately 12 to 14 months.

The DEIR estimated that there could be approximately 336 maximum daily commute trips by employee to the site, and up to 9 vendor and haul trips per day at peak construction activity. There would also be water trucks for fugitive dust control.

Based on information provided to the District, Project specific annual emissions from construction and operation emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic

Samir Sheikh

Executive Director/Air Pollution Control Officer

#### Northern Region

4800 Enterprise Way

Modesto, CA 95358-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

#### Central Region (Main Office)

1990 E. Gettysburg Avenue

Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

#### Southern Region

34946 Flyover Court

Bakersfield, CA 93308-9725

Tel: (661) 392-5500 FAX: (661) 392-5585

[www.valleyair.org](http://www.valleyair.org)

[www.healthyliving.com](http://www.healthyliving.com)

## Comment Letter No. 10: San Joaquin Valley Air Pollution Control District (District)

San Joaquin Valley Air Pollution Control District  
District Reference No. 20200556  
August 24, 2020

Page 2

gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter of 10 microns or less in size (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>).

↑  
10-A  
(cont.)

The District offers the following comments:

### 1) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), and New and Modified Stationary Source Review (Rule 2201).

10-B

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

#### 1a) District Rule 9510 (Indirect Source Review)

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space. When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

10-C

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO<sub>x</sub> and PM<sub>10</sub> emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule

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## Comment Letter No. 10: San Joaquin Valley Air Pollution Control District (District)

San Joaquin Valley Air Pollution Control District  
District Reference No. 20200556  
August 24, 2020

Page 3

requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

Information about how to comply with District Rule 9510 can be found online at:  
<http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at:  
<http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>

10-C  
(cont.)

### 1b) District Regulation VIII (Fugitive PM10 Prohibitions)

The Project will be subject to Regulation VIII. The project proponent is required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to construction. Information on how to comply with Regulation VIII can be found online at:  
[http://www.valleyair.org/busind/comply/PM10/compliance\\_PM10.htm](http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm).

10-D

### 2) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Patia Siong by e-mail at [patia.siong@valleyair.org](mailto:patia.siong@valleyair.org) or by phone at (559) 230-5930.

10-E

Sincerely,



Jacob Whitson  
Program Manager

AM: PS

**Response to Comment Letter No. 10: San Joaquin Valley Air Pollution Control District (District) (August 24, 2020)**

**10-A:** The commenter confirms the San Joaquin Valley Air Pollution Control District's (District's) receipt and review of the Draft EIR and provides a brief summary of the project location and project description. The commenter also briefly describes the District's significance thresholds for criteria pollutants. The District reiterates the Draft EIR finding that project-specific annual emissions from construction and operation emissions of criteria pollutants would not exceed any of the District's significance thresholds. This is consistent with what is provided in Section 4.3, *Air Quality*, pages 4.3-51 and 4.3-52 of the Draft EIR. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

**10-B:** The District notes that it issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with regulatory requirements. The District further provides a definition of regulations. The District provides resources to find the list of current District rules and rules or regulations that apply to the project. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

**10-C:** The District notes that the project is subject to District Rule 9510. The commenter describes the purpose of District Rule 9510 and recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of the project approval.

As described in Section 4.3, *Air Quality*, the project would comply with all applicable District rules and regulations. Pursuant to Mitigation Measure MM 4.3-1, the project would comply with all applicable District rules and regulations. In addition, Mitigation Measures 4.3-2, 4.3-3, and MM 4.3-5 through MM 4.3-7 require an Indirect Source Review application approval by the District, specifications for construction vehicles (e.g. equipped with proper emissions control equipment and kept in good and proper running order), soil stabilization to prevent dust plumes, and operational measures to control emissions from onsite equipment. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

**10-D:** The District notes that the project will be subject to Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions). As described in Section 4.3, *Air Quality*, the project would comply with all applicable District rules and regulations. Pursuant to Mitigation Measure MM 4.3-1, the project would comply with all applicable District rules and regulations. In addition, Mitigation Measures 4.3-2, 4.3-3, and MM 4.3-5 through MM 4.3-7 require an Indirect Source Review application approval by the District, specifications for construction vehicles (e.g. equipped with proper emissions control equipment and kept in good and proper running order), soil stabilization to prevent dust plumes, and operational measures to control emissions from onsite equipment. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

**10-E:** The District recommends that a copy of the District's comments be provided to the project proponent. The commenter provides their contact information. This comment does not raise a substantive issue on the content of the Draft EIR. The comment has been noted for the record and provided to the project applicant, revisions to the Draft EIR are not necessary.