

**EXHIBIT 6**  
**BOARD OF SUPERVISORS CONDITIONS OF APPROVAL**  
**Conditional Use Permit DRC2008-00097**  
**(CVSR/High Plains Ranch II, LLC)**

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The following list of conditions is primarily listed by issue. Exhibit 4 includes the Mitigation Monitoring and Reporting Plan, which identifies when monitoring is required for environmental conditions, as well as which public agencies will be involved. The term 'Applicant' is currently referring to High Plains Ranch II, LLC. However, 'Applicant' shall also refer to any successor in interest for the life of the project.

**Approved Development**

1. This approval authorizes development of a redesigned Solar Generation Facility and related elements as follows:
  - a. Solar Facility – Establish 250 MW solar power plant consisting of: Ten solar PV arrays using 'T0' panels on trackers that use a low impact penetrating (LIP) foundation design (helical screws or driven micro-pile), electrical equipment (e.g., 250-500 inverters), on-site underground and overhead array-connecting electrical lines, on-site access roads, substation, an overlook trail, Operations & Maintenance Building (5,000 square feet), County road improvement (section of Belmont Trail and Boulder Creek Road), a reverse osmosis water system and water tank (271,000 gallon), and related facilities;
  - b. Connecting Gen-Tie Transmission Line – Installation of approximately 3.6 miles of new connecting generation-intertie (gen-tie) transmission line between the solar facility and existing PG&E 230 kV Morro Bay-Midway transmission line consisting of approximately 24 single-column steel poles, which will be placed between about 600 and 1,000 feet apart. The poles would vary in height from 90 feet to approximately 120 feet above ground level, except for the poles closest to the switching station;
  - c. Temporary Facilities – main construction staging area will be near the proposed Operations and Maintenance building and include two covered assembly areas of approximately 40,000 square feet each, a temporary workers camp that can accommodate up to 50 trailers or RVs, a temporary concrete batch plant, and a temporary switching yard until the permanent facility is constructed. All of these would be removed at the conclusion of the construction phase;
  - d. Mine Reclamation - Two existing idle gypsum mines (that exist within the boundaries of the project will be reclaimed (restored to pre-mined conditions per approved Reclamation Plans).
  - e. Maximum Heights – Permanent building heights shall not exceed 26 feet; on-site intermediary utility power poles shall not exceed 60 feet; connecting Gen-Tie transmission line towers shall not exceed 120 feet, except for those closest to the switching station. Near the switching station, the pole heights would be increased, subject to final design, to ensure line clearance and accommodate bypass of the existing PG&E 115 kV transmission line and interconnection with the existing PG&E 230 kV Morro Bay-Midway transmission line.
  - f. Applicant Proposed Measures – The full list of Applicant Proposed Measures (APMs) are provided in Attachment 1, and are considered a part of the project and shall be implemented. As some of these APMs have been replaced by modified or substituted

measures that have been incorporated into specific Conditions of Approval, should any of the APMs conflict with any Conditions of Approval, the Conditions of Approval shall apply and the APM shall be considered rejected.

The project description in the Final EIR (Sections B and E) provides greater detail that shall also be used to guide construction-level development.

2. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
3. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
4. Exterior operational activities of the solar facility are limited to between dawn and dusk everyday, with the exception of interior use of the Operations & Maintenance building, unanticipated emergencies (including non-routine maintenance or repair) requiring immediate attention, or security patrols, which are allowed 24 hours a day. A written report shall be provided to the County summarizing each unanticipated emergency within five (5) working days of its occurrence.

## GENERAL

5. **Prior to issuance of a construction permit**, the Applicant shall provide satisfactory evidence that a conveyance has been made on all 25 properties involved with the DRC2008-00097 development, which clearly conveys that all of the Conditions of Approval shall run with the land for the life of the project. The grading permit for pre-construction, exploratory geotechnical work shall include County monitoring of those conditions relating to ground disturbance. For the purposes of these conditions of approval, the term "construction permit" shall not include the grading permit for pre-construction, exploratory geotechnical work.
6. The term of this land use permit will be from its effective date to the date that is 25 years from completion of construction of the Solar Generation Facility, but in no event longer than 30 years from the date of the issuance of the first building permit for the Solar Generation Facility.
7. Per LUO Section 22.64.050, where minor deviations of any of the Conditions of Approval are desired by the Applicant, such a request may be granted by the County.
8. **Within ten (10) days of approval of the Project**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, to provide for the defense and indemnity of the County for any claims, injury, liability, loss, costs, attorneys fees, expenses, or damages sought by third parties from the County alleged to have arisen directly or indirectly out of, or in any way associated with, any of the approvals, environmental review, or other actions taken in connection with the Project.
9. **Local Hire**. The Applicant shall make all efforts to employ local hire (permanent residents within San Luis Obispo County, including hiring priority given to residents with County zip

codes), with adequate experience and qualifications, during construction and operations to the extent possible. To this end, the Applicant shall work with the local unions and local job fairs, as well as advertise widely in the San Luis Obispo County media, to promote available positions. Within 60 days of project approval, or such later time as approved by the County, the Applicant shall create and mail a flyer to local residents within 3 miles of the project site describing the types of union and non-union jobs, as well as contact information on how to pursue employment of those jobs relating to construction of the project.

### **Fencing**

10. **Prior to occupancy or final inspection**, the Applicant shall repair existing perimeter fencing or install at a minimum a) a 42-inch to 48-inch high outer property perimeter wire-strand fence, and b) install secure fencing, compatible with San Joaquin kit fox movement, around each of the solar arrays and substation, or as otherwise required by other Conditions of Approval, or as required to meet code requirements (e.g., electrical, building, etc.), as specified by the County Building Division.

**Prior to final inspection**, compliance will be verified by the County Environmental Monitor.

### **Landscaping**

11. Onsite-landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection / establishment of the use. If bonded for, on-site landscaping shall be installed within 60 days after final building inspection. If installed or bonded for, the on-site landscaping shall thereafter be maintained in a viable condition until the project is decommissioned. If on-site landscaping is for screening, such landscape must be maintained to provide the required screening until the project is decommissioned. Maintenance of off-site screening provided to residents under MM AE-2.4 shall be the responsibility of the property owner. All proposed landscaping shall be compatible with surrounding native vegetation and shall consist of using at least 80% native species.

**Prior to final inspection**, compliance will be verified by the County Environmental Monitor.

### **Fees**

12. **Within sixty (60) days of the effective date of this permit**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by the County Counsel, governing the payment of the following items:
  - a. Applicable school fees;
  - b. Public facilities fees;
  - c. Housing impact fee (Section 22.12.080);
  - d. Public service impacts – In order to ensure that anticipated public service impacts of the Project, including but not limited to, increasing County Fire staffing to serve the area, are adequately offset by the Project's sales and use tax revenues to be received by the County, the agreement shall require that the Applicant shall:
    - i. Undertake specified efforts in its contracting for construction of the Project so as to maximize the County's receipt of sales and use taxes paid in connection with the construction of the Project, such as including language in its construction contracts identifying the jobsite as within San Luis Obispo County and requiring its construction contractors to attribute sales and use taxes to San Luis Obispo County in its Board of Equalization filings and permits;
    - ii. Provide one or more letters of credit, issued by California banks or by non-California banks and subject to presentment at a California location, **prior to issuance of the**

**first construction permit** in the amount of \$10.5 million in order to guarantee the County's receipt of sales and use taxes paid in connection with the construction of the Project. The amount of the letters of credit may be reduced each quarter to reflect tax receipts documented as received by the County. The letters of credit may be further reduced by \$2.5 million if the County approves and issues a construction permit for the Topaz Solar Farm project. The letters of credit must be maintained until such time as: (1) the County documents receipt of \$10.5 million in Project-related sales and use tax receipts (or \$8 million if the County approves and issues a construction permit for the Topaz Solar Farm project); or (2) Applicant pays the County an amount equal to \$10.5 million minus documented sales and use tax receipts (or \$8 million minus documented sales and use tax receipts if the County approves and issues a construction permit for the Topaz Solar Farm project).

- e. Decommissioning Fund – In order to adequately protect the County and its citizens in the event the Applicant, or its successors or assigns, cannot complete the expected twenty-five (25) year Project lifespan, cease ongoing business operations, or abandon the Project and/or the Property for whatever reason, the agreement shall provide for the establishment and maintenance of a nonwasting Decommissioning Fund, with sufficient financial assurances to fully restore the Property to pre-Project conditions. The Decommissioning Fund will consist of a series of four letters of credit issued, by California banks or by non-California banks and subject to presentment at a California location, at the time of final construction sign-off for each of four Project phases. The agreement shall allow the County to use the Decommissioning Fund to restore the Property to pre-Project conditions in the event that the Applicant, or its successors or assigns, do not properly decommission the Project or restore the Property to its original conditions within a reasonable time following the cessation of business operations or the abandonment of the Project or Property for whatever reason. The agreement shall provide that the amount of the Decommissioning Fund shall be calculated to fully implement the decommissioning activities and the Final Closure Plan for the Project and the Property. Applicant shall pay for the County to retain a third party expert to review the Final Closure Plan and confirm about the adequacy of the Decommissioning Fund. The Decommissioning Fund shall be adjusted for inflation (every three years) and for any updates to the Final Closure Plan. With regards to the inflationary adjustment, the agreement shall specify either a process or the most appropriate inflationary index(es) to capture the actual costs to perform the necessary decommissioning work. The agreement also shall provide that, in the event that the Decommissioning Fund is inadequate to fully decommission the Project or restore the Property, the Applicant, its successors or assigns, shall be liable for any amount expended by the County over the Decommissioning Fund balance and shall provide for termination of the Decommissioning Fund upon the completion of implementation of the Final Closure Plan.
13. **MM BR-34.1 – California Valley Land Acquisition. Prior to issuance of a construction permit**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, providing funding for a program for purchase and consolidation of small lots within California Valley to eliminate their development potential and to promote permanent habitat connectivity therein. The agreement shall provide for the Applicant to work with the County to develop a lot acquisition and consolidation program, which would be reviewed and approved by the County within one year of issuance of construction permit. The agreement shall also include provisions assuring start-up funding for implementation of the program, in an amount no less than \$500,000, to acquire and consolidate small lots within antiquated subdivisions in California Valley. The overall purpose of the program is to secure permanent land preservation for long term conservation of endangered species.

## Site Development

14. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
15. **Prior to issuance of a construction permit**, plans for a temporary switching yard shall be submitted to the County for approval. The County shall work with PG&E and the California Independent System Operators (CAISO) prior to approval of these plans. The plans shall include all applicable switching yard measures cited in Appendix 4 (Reconductoring Analysis) of the Final EIR. **During construction**, the County Environmental Monitor will verify compliance of these measures being implemented.
16. **Prior to construction permit issuance**, the Preliminary Mitigation Monitoring and Reporting Plan (Exhibit 4) shall be updated and incorporated into the project development to ensure adherence to the applicable Conditions of Approval in this Exhibit.
17. **At least 90 days prior to initiating any decommissioning activities**, the operator shall request a **Notice to Proceed** from the County Department of Planning and Building. Decommissioning activities shall not occur until the County issues the notice after first reviewing and approving all related mitigation measures are being implemented or will be in place as specified in the conditions relating to the decommissioning process.

## Services (for on-site water and septic)

18. **At the time of application for construction permits**, the Applicant shall submit evidence that there is adequate water to serve the project on the site.
19. **At the time of application for construction permits**, the Applicant shall submit evidence that a septic system, adequate to serve the project, can be installed on the site, that adhere to the following:
  - a. On-site wastewater system shall be in conformance with the County-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19.
  - b. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
  - c. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
20. With regards to the establishment of the reverse osmosis system for water and brine disposal, it shall be in accordance with the waste discharge requirements issued by the Regional Water Quality Control Board. Evidence that the Applicant has obtained the appropriate permit(s) from RWQCB shall be provided to the County **prior to construction permit issuance**.

## Other Agency Review

21. **Prior to issuance of a construction permit**, the Applicant shall provide the County with Agency letters or other verification acceptable to the County that the following agencies have reviewed, or been consulted with regarding, the portion of project plans applicable to their respective jurisdictions, with any agency requirements shown on all applicable plans:

- a. CalFire
  - b. County Health Department
  - c. County Air Pollution Control District
  - d. County Public Works
  - e. County Sheriff's Department
  - f. Kern County
  - g. Regional Water Quality Control Board
  - h. State Department of Fish and Game
  - i. Caltrans (District 5 & 6)
  - j. California Public Utilities Commission
  - k. Department of Conservation, Office of Mines and Reclamation
  - l. Federal Agencies (DOE, USFWS, Federal Aviation Administration (FAA), etc.)
22. **Prior to issuance of a construction permit**, as required by County Public Works, the following shall be submitted for their review and approved:
- a. Executed County road use reimbursement agreement, as applicable;
  - b. Traffic Control and Management Plan;
  - c. Installation of Public Improvement Standards, as determined appropriate, including road improvements to A-1 rural standards for portions of Belmont Trail and Boulder Creek Road.
  - d. Road improvement plans shall be prepared in compliance with Cal Fire requirements for private access roads and submitted to the Department of Building and Planning for review and approval. The plans are to include, as applicable:
    - i. Street plan and profile to reconstruct, if necessary, all deteriorated or non-compliant Belmont Trail and Boulder Creek Road frontage improvements.
    - ii. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - e. The Applicant shall submit a road maintenance agreement to the County for review and approval, as determined necessary by the Department of Planning and Building, in consultation with the California Valley Community Services District. The agreement shall be required to establish an organized and perpetual mechanism to ensure adequate maintenance of the private roads including Belmont Trail and Boulder Creek Road.
  - f. The applicant shall submit complete drainage calculations for review and approval in accordance with Sections 22.52.110 of the Land Use Ordinance.
  - g. The applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.090.
  - h. The applicant shall submit shall comply with Title 22.10.155 for Stormwater Management. The following information outlined in Title 22.10.155.G shall be submitted to the Department of Public Works for review and approval:
    - i. Stormwater Quality Plan for Priority Projects
    - ii. Conservation of natural areas narrative
    - iii. Stormwater pollutant of concerns narrative

- iv. Drainage Plan
  - v. Erosion and Sedimentation Control Plan
  - vi. Mechanism in place for long-term maintenance of BMPs
  - vii. Calculations for treatment control BMPs
23. **As an on-going condition of approval (valid for the life of the project)**, as required by County Public Works:
- a. The property owner shall be responsible for operation and maintenance of County road frontage, landscaping, fencing, illumination, and other amenities in a viable condition and on a continuing basis for the life of the project or until specifically accepted for maintenance by a public agency.
  - b. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

## **ENVIRONMENTALLY-RELATED CONDITIONS**

### **Environmental Monitor**

24. **MM EM-1 - Applicant funding for environmental monitoring. Prior to issuance of construction permits**, the Applicant shall provide the funding for a County Environmental Monitor to oversee and monitor compliance with County Conditions of Approval and EIR mitigation measures. The Environmental Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction, operational, and decommissioning stages of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building.

The Environmental Monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigation measures; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) authority to stop work; and (5) action to be taken in the event of non-compliance. The Environmental Monitor shall be under contract to the County of San Luis Obispo, and, the entire expense of retaining and supervising the Environmental Monitor, including the County's administrative and overhead fees, shall be paid by the Applicant.

The Applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The County's Environmental Monitor will coordinate with specialists to ensure their availability at appropriate times (**prior to issuance of construction permits, during construction or decommissioning**).

### **Aesthetics**

25. **MM AE-2.1 - Maintain setback from public roads.** Along Highway 58, other than provided for in these Conditions, and the approved permit, no aboveground facilities other than approved roads, fencing, gates, utility poles, and signage shall be within 500 feet of the edge of the highway; except where setbacks on approved project plans are greater than 500 feet, the greater setback shall apply. This shall be shown on plans **prior to issuance of construction permits** and installed **prior to final inspection**.

26. **MM AE-2.2 - Install electric collection lines (34.5 kV) underground when within close proximity of Highway 58.** Lines for the electric gathering system (34.5 kV) that protrude above the arrays of trackers shall be installed underground when they are located within 3,000 feet south, or within 1,500 feet north, of Highway 58. Exceptions to this undergrounding requirement apply to the following: poles serving between Arrays 6 and 7, where poles would be shielded from view by local topography (Exhibit 7, titled 'T0, Alternative M3, Site Plan (MV Option #1)'); and for any 34.5 kV lines co-located onto the gen-tie line. Undergrounded lines shall be located as shown on Exhibit 7 and shall be sited so as to minimize impacts to sensitive burrowing wildlife species.
27. **MM AE-2.4 - Provide offsite screening for residences.** The Applicant shall work with the County to develop a visual screening program that will fund the one-time planting of trees or shrubs, construction of screening fencing, or other mutually acceptable provisions that will screen views of the project from occupied residences (as of the date of County approval of the project) that are within 1 mile of the boundary of the Solar Generation Facility site or within the area bounded by Highway 58, Soda Lake Road, and Seven Mile Road, whichever is greater. The horizontal extent of screening shall be determined on a property-by-property basis, but to avoid the introduction of vertical elements in new locations, will be as close to the structure as practical (e.g., outer edge of defined front or back yards, etc.). The height of screening shall be sufficient to obstruct the view of the Solar Generation Facility as seen from two corners of the residential structure or another agreed upon point on the residential property that is within an identifiable outdoor activity area (e.g., edge of landscaped area or permanent outbuilding).

Plants used in any vegetative screening shall be selected by the property owner from a County-approved list. Initial planting shall be done by the Applicant with subsequent maintenance and care to be the responsibility of the property owner. If another screening method is selected, the Applicant shall provide initial installation, with subsequent maintenance to be the responsibility of the property owner. The program shall not apply to residences whose views of the Solar Generation Facility site are obstructed by topography or to residents who do not elect to participate in the program within sixty (60) days of an offer from the Applicant.

**Prior to the commencement of construction**, the Applicant shall submit the screening program for County review and approval.

28. **MM AE-2.5 - Prepare and implement an exterior and signage lighting plan.** The Applicant shall develop and implement an exterior lighting plan for both permanent and temporary facilities. The plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and key viewing areas. All lighting poles, fixtures, and hoods shall be dark colored. As a condition of their use of the Temporary Construction Worker Accommodations Area (TCWAA), workers living in the TCWAA and installing or using any exterior lighting shall be required by TCWAA management to do so in accordance with the lighting plan's shielding and positioning principles. This shall apply to all lighting not otherwise installed and maintained by the Solar Generation Facility owner or contractor. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. Operational exterior lighting shall be limited to the following areas, unless other exterior lighting is required by law or Code: Operations and Maintenance building, water treatment building. Lighting Plan shall focus on keeping the lumen/light intensity level to

the lowest possible while still meeting minimum safety and security requirements. Unless determined necessary by the County for safety or security reasons, the entry sign shall not be lit (reflective coating is acceptable). These measures shall be shown on applicable plans **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**. The County Environmental Monitor shall verify compliance with this measure.

29. **Exterior colors/design.** Except as otherwise specified in these Conditions, exterior colors of all permanent structures visible from Highway 58 that are greater than eight feet in height shall be of a chroma and value of 6 or less as identified in the Munsell Book of Color. Color selection shall be from the following general color families: green, blue, brown. The gen-tie transmission towers shall be of a light gray anodized/dull metal finish. Earthtone colors, or other colors acceptable to the County that do not contrast with the solar arrays, shall be used for the portions of inverters and transformers visible (taller than 6 feet) within 3,000 feet from Highway 58. Design of the Operations and Maintenance building shall consider surrounding existing landforms (color, geometry) and integrate into final building design, and provided to the County for review and approval **prior to construction permit issuance**. The County Environmental Monitor shall verify the use of these elements **prior to final inspection**.

## **AGRICULTURAL RESOURCES**

30. **MM AG-1.1 - Mitigate the loss of farmland through permanent preservation of farmlands.** **Prior to the issuance of construction permit**, the Applicant shall mitigate for the permanent loss of farmland on an acre-for-acre basis, and shall provide evidence to the County Department of Planning and Building that an open space easement or other farmland conservation mechanism acceptable to the County has been granted in perpetuity to the County or a qualifying entity approved by the County. The easement shall provide conservation acreage at a ratio of 1:1 for direct permanent loss of farmland based on final design and engineering.

A qualified entity, as determined acceptable by the County Department of Planning and Building, in consultation with the County Agriculture Department, the qualified entity must demonstrate that: (1) it has adopted the Land Trust Alliance's *Standards and Practices* or comparable process, as determined by the County; (2) it has substantial experience creating and stewarding agricultural conservation easements; and (3) it has a stewardship endowment to help pay for its perpetual stewardship obligations, and (4) the endowment includes a provision for a percentage allocation to the easement holder of its administrative cost for the management of the easement.

Based on the current project description and applying the above 1:1 ratio, the area conserved shall cover at least 1,500 acres, and shall be of a quality that is reasonably (as determined by the County Department of Planning and Building, in consultation with the County Agriculture Department) similar to that of the agricultural land within the Solar Generation Facility site that is lost due to the Project. The area to be conserved shall be located within San Luis Obispo County within reasonable proximity, as defined by the County, to the project area.

31. **MM AG-2.1 - Coordinate construction activities with agricultural landowners in the Gen-Tie Line corridor.** **Prior to commencing Gen-Tie Line construction/ground disturbing activities** on property not owned by the Applicant, the Applicant shall coordinate with owners of such property to (1) schedule construction activities so as to minimize disruption to agricultural operations; and (2) ensure that any areas damaged or disturbed by construction are restored to conditions that closely approximate conditions existing **prior to disturbance**. Restoration may include activities such as soil preparation, regrading, and reseeded. **Prior to commencing ground disturbing activities**, the Applicant shall submit to the County

documentation of its coordination efforts with affected property landowners regarding the continued use of farmland and/or Williamson Act lands during Gen-Tie Line construction.

**Prior to final inspection or occupancy, whichever occurs first**, the Applicant shall submit documentation to the County to verify that adequate restoration has been completed in accordance with MM BR-1.3 (Develop and implement a Habitat Restoration and Revegetation Plan).

**During construction**, compliance will be verified by the County Environmental Monitor.

## **AIR QUALITY**

32. **MM AQ-1.1 - Reduce Construction Vehicle Emissions (NOx, ROG, and DPM).** During all construction/ground disturbing activities and decommissioning, the Applicant shall implement the following methods to reduce construction vehicle emissions (NOx, ROG, and diesel particulate matter [DPM]) from construction equipment:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines (e.g., Tier 3 and Tier 4, where feasible), and comply with the State Off-Road Regulation (CCR Title 13, Article 4.8, Chapter 9, Section 2449);
- d. Use on-road heavy-duty trucks that meet CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. All on and off-road diesel equipment shall not idle for more than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- f. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- g. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- h. Electrify equipment when feasible (i.e., concrete batch plant);
- i. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- j. Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Compliance will be verified by the San Luis Obispo County APCD in consultation with the County Department of Planning and Building.

33. **MM AQ-1.2 - Develop Construction Activity Management Plan (CAMP).** Prior to issuance of permits and commencement of construction/ground disturbing activities, the Applicant shall develop a Construction Activity Management Plan (CAMP) and submit it to the San Luis Obispo County APCD for APCD review and approval. This shall include verification to the County of APCD's approval **prior to construction permit issuance**. The CAMP shall include, but not be limited to, the following elements:

- a. A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures defined in MM AQ-2.1;
- b. Tabulation of on- and off-road construction equipment (age, horsepower and miles and/or hours of operation);

- c. To the extent feasible, schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- d. Limit the length of the construction work-day period, if necessary; and
- e. Phase construction activities, if appropriate.

**Prior to the Notice to Proceed** for decommissioning, the applicant will follow the above process for all decommissioning work.

34. **MM AQ-1.3 - Reduce Fugitive Dust. Prior to issuance of construction permits and during construction/ground disturbing activities** the Solar Generation Facility, Gen-Tie Line, and Aggregate Mine Project (Phase 1) (for equipment/excavation controlled by the Applicant and used at the mine during construction, should the mine be approved) shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. The amount of disturbed area shall be reduced where possible;
- b. Water trucks or sprinkler systems shall be used in quantities sufficient to prevent airborne dust from leaving the site. Watering frequency shall be increased whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stockpile areas shall be sprayed daily for dust suppression as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates more than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders (identified in Section 4.3 of the APCD's CEQA Air Quality Handbook), jute netting, or other methods approved in advance by the APCD;
- g. Paving for those roadways, driveways, sidewalks, etc., planned to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved (i.e., without asphalt) surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Wheel washers shall be installed where vehicles enter or exit unpaved roads from or onto streets, or trucks and equipment leaving the site shall be washed;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent public paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and prevent transport

of dust offsite. Their duty hours shall include holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the APCD Compliance Division **prior to the start of any grading, earthwork or demolition.**

In addition, the Applicant shall consult with the County Health Department to develop a Dust Management Plan that addresses management of dust to reduce the potential for exposure to Valley Fever. **Prior to issuance of permits**, the Applicant shall submit the Plan to the County Health Department for review and approval. The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities, and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust. Measures in the Plan, which shall be implemented as applicable, may include the following:

- n. Provide HEP-filtered air-conditioned enclosed cabs on heavy equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment.
- o. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- p. Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers.
- q. Require half-face respirators equipped with N-100 or P-100 filters to be used during digging. Require employees to wear respirators when working near earth-moving machinery.
- r. Cause employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
- s. Provide separate, clean eating areas with hand-washing facilities.
- t. Thoroughly clean equipment, vehicles, and other items before they are moved offsite to other work locations.
- u. Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor.
- v. Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever.
- w. Work with a medical professional, in consultation with the County Health Department, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site, and include the following information on Valley Fever: what are the potential sources/ causes, what are the common symptoms, what are the options or remedies available should someone be experiencing these symptoms, and where testing for exposure is available. **Prior to construction permit issuance**, this handout shall have been created by the Applicant and reviewed by the County. **No less than 30 days prior to any work commencing**, this handout shall be mailed to all existing residences within three miles of the project boundaries.

**Prior to the Notice to Proceed** for decommissioning, the applicant will follow the above process for all decommissioning work.

35. **MM AQ-1.4 - Provide Funding for Offsite Mitigation of Construction Equipment. Prior to construction permit issuance**, the Applicant shall develop and implement, or fund, a program for offsite mitigation of construction equipment that offsets the amount of emissions exceeding APCD's Tier II thresholds per quarter for ROG and NOx (currently estimated at 12.34 tons), by reducing existing emission sources in the Carrizo Plain area and surrounding

communities. The Applicant shall make all efforts to further reduce ROG/ NOx emissions to below Tier II levels. The Applicant shall initiate this program such that the emission reduction project(s) are in place **prior to commencing construction activities**. The Applicant shall accomplish this either by developing and implementing a program of reductions (e.g., installing diesel engine emission control systems) or by providing mitigation funding of \$16,400 per ton (over Tier II thresholds) plus a 15 percent administration fee to the APCD for emission-reducing projects identified by the APCD (e.g., through the Carl Moyer Program). The specific offsite mitigation strategies shall be primarily focused on NOx/ROG reductions. Specific strategies and actual funding levels shall be refined, based on final APCD-approved engineering and construction plans. The Applicant may develop supplemental emission offset activities acceptable to the APCD that may reduce the emissions calculation attributable to the Applicant. The Applicant shall provide the County with evidence of an APCD-approved strategy **prior to construction permit issuance** or evidence of complete funding **prior to final inspection**.

36. **MM AQ-2.1 - Prepare Operational Dust Control Plan. Prior to energization or final inspection for County construction permit, whichever occurs first**, the Applicant shall develop and implement an Operational Dust Control Plan. The plan shall address and include, where appropriate, each of the control strategies identified in construction Mitigation Measure AQ-1.3 (Reduce fugitive dust). An APCD-approved plan shall be submitted upon County construction permit application.

Compliance will be verified by the San Luis Obispo County APCD, in consultation with the County Department of Planning and Building.

37. **MM AQ-2.2 - Provide Funding for Offsite Mitigation of Dust Control. Prior to construction permit issuance**, the Applicant shall develop and implement or fund a program for offsite mitigation of fugitive dust from existing sources in the Carrizo Plain area and surrounding communities. The Applicant shall initiate this program such that the emission reduction project(s) are in place **prior to commencing operation**. Specific strategies and actual funding levels shall be refined, based on final APCD-approved engineering and emission levels remaining after implementation of operational dust control plans. The Applicant shall provide the County with evidence of an APCD-approved strategy **prior to construction permit issuance** or evidence of complete funding **prior to final inspection**.

## **BIOLOGICAL RESOURCES**

38. **MM BR-1.1 - Implement a Worker Environmental Education Program. Prior to issuance of a construction permit** a Worker Environmental Education Program (WEEP) shall be submitted for County approval. **Prior to any site disturbance or other construction-related activities** on site (i.e., invasive, non-biological surveying; mobilization; fencing; grading; or construction), the approved WEEP shall be implemented by Applicant. The County Environmental Monitor shall verify implementation and proper employee training. The WEEP shall be implemented throughout the **duration of project construction**. The WEEP, shall include, at a minimum, the following items:
- a. Training materials and briefings shall include but not be limited to: a discussion of the Federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant community habitats; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements.

- b. A discussion of measures to be implemented for avoidance of the sensitive resources discussed above and the identification of an onsite contact in the event of the discovery of sensitive species on the site. This will include a discussion on microtrash and its potential harmful effects on California condors.
  - c. Protocols to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, including listed species such as the California condor and the identification of an onsite representative to whom the road kill will be reported. Road kill shall be reported to the appropriate local animal control agency within 24 hours.
  - d. Maps showing the known locations of special-status wildlife, populations of rare plants and sensitive vegetative communities, seasonal depressions and known waterbodies, wetland habitat, exclusion areas, and other construction limitations (e.g. limited operating periods, etc.). These features shall be included on the project plans and specifications drawings.
  - e. Literature and photographs or illustrations of potentially occurring special-status plant and/or wildlife species will be provided to all project contractors and heavy equipment operators.
  - f. The Applicant shall provide to the County of San Luis Obispo evidence that all onsite construction and security personnel have completed the WEEP **prior to the start of site mobilization**. A special hardhat sticker or wallet size card shall be issued to all personnel completing the training which shall be carried with the trained personnel at all times while on the project site. All new personnel shall receive this training and may not work in the field without participating in the WEEP. A log of all personnel who have completed the WEEP training shall be kept onsite.
  - g. A weather protected bulletin board or binder shall be centrally placed or kept onsite (e.g., in the break room, construction foreman's vehicle, construction trailer, etc.) for the duration of the construction. This board or binder will provide key provisions of regulations or project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.
  - h. Develop a standalone version of the WEEP, that covers all previously discussed items above, and that can be used as a reference for maintenance personnel **during project operations**.
39. **MM BR-1.2 - Implementation of Best Management Practices (BMPs)**. BMPs will be implemented as standard operating procedures during all ground disturbance and construction-related activities to avoid or minimize project impacts on biological resources. These BMPs will include but are not limited to the following:
- a. Compliance with BMPs will be documented and provided to the County in a written report on an annual basis. The report shall include a summary of the construction activities completed, a review of the sensitive plants and wildlife encountered a list of compliance actions and any remedial actions taken to correct the actions, and the status of ongoing mitigation efforts.
  - b. **Prior to ground disturbance of any kind** the project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system.
  - c. Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

- d. Speed limit signs, imposing a speed limit of 15 miles per hour, will be installed throughout the project site **prior to initiation of site disturbance and/or construction**. To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited.
- e. No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Spill kits shall be maintained onsite in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
- f. All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris scheduled to be removed weekly will be stored in animal-proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.
- g. Development on the Solar Generation Facility site will maintain existing hydrologic patterns with respect to runoff supporting seasonal wetlands, vernal pools and ephemeral drainages.
- h. All pipes and culverts with a diameter of greater than 4 inches shall be capped or taped closed. Prior to capping or taping the pipe/culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.
- i. No firearms will be allowed on the project site, unless otherwise approved for security personnel.
- j. To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any project area with the exception of those described in the approved grazing plan. Dogs associated with grazing shall not be authorized.
- k. Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFG. If rodent control must be conducted the use shall be restricted to interiors of building and zinc phosphide shall be used because of lower risk of poisoning San Joaquin kit fox and American badgers.
- l. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, will immediately report the incident to the onsite representative identified in the WEEP. The representative will contact the USFWS, CDFG, and County by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within three working days of the incident or finding. Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to CDFG for care, analysis, or disposition.
- m. During the site disturbance and/or construction phase, grading and construction activities shall be restricted to the following hours:

- i. October 1 through May 31 - Monday through Friday 7:00 a.m. to 6:00 p.m.
  - ii. June 1 through September 30 – Monday through Friday 5:00 a.m. to 9:00 p.m. All construction activities between 5 am and 7 am shall not result in noise exceeding 45 dBA at the perimeter property boundaries.
  - iii. Saturday and Sunday 8:00 a.m. to 5:00 p.m.
- n. Avoidance and minimization of vegetation removal within active construction areas. This will include flagging of sensitive vegetative communities or plants.
  - o. Avoidance and minimization of construction activities resulting in impacts to wetlands, streambeds, and banks of any ephemeral drainage.
  - p. All excavation, steep-walled holes or trenches in excess of 6 inches in depth shall will 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 dirt fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before construction activities are allowed to resume, or removed from the trench or hole by a County-approved biologist holding the appropriate permits (if required).
  - q. Project personnel will monitor all areas within 1/4 mile around the solar arrays on a regular basis (i.e., several times per week) for any dead animals, including wild animals or grazing animals such as cattle, goats, or sheep that are being used for vegetation management on the site. Any animals found dead will be removed immediately to avoid attracting condors to the vicinity of the arrays.
  - r. New light sources will be minimized, and lighting will be designed (e.g., using downcast lights) to limit the lighted area to the minimum necessary.
  - s. Avoid areas of relatively high biological sensitivity, including:
    - i. Atriplex scrub habitat, Interior Coast Range scrub and Wildflower Field, Retired dry-farmed field, (all north of SR 58)
    - ii. Alkali sink habitat (south of SR 58)
    - iii. Lower elevation areas that contribute drainage to offsite vernal pools (Northern Claypan Vernal Pool habitat)

**During construction**, compliance will be verified by the County Environmental Monitor. The Applicant shall submit a written report to the County on an annual basis for review.

40. **MM BR-1.3 - Develop a Habitat Restoration and Revegetation Plan.** The Applicant shall restore disturbed areas to pre-construction conditions or better. **Prior to the issuance of a construction permit** and removal of any vegetation and/or wetland habitat, the Applicant shall retain a County-approved biologist(s), knowledgeable in the area(s) of annual grassland and wetland habitat restoration, to prepare a Habitat Restoration and Revegetation Plan (HRRP). This biologist would also be responsible for monitoring the implementation of the plan as well as the progress on achieving the established success criteria. The HRRP shall be submitted for County approval **prior to the issuance of a construction permit**.

The purpose of the HRRP will be to explicitly identify the process by which all disturbed areas shall be restored to pre-construction conditions. The plan will address restoration and revegetation related to disturbance from construction. It will also address restoration and

revegetation required after decommissioning of the project should this be required. The plan shall include, at a minimum, the following items:

- a. **Soil restoration plan.** A soil baseline study shall be conducted before ground-disturbing activities at the project site. The County may determine that the geotechnical survey conducted for the EIR would satisfy this requirement.

For areas where top soil removal will occur, the Plan shall include locations and details for top soil salvage and storage and shall identify areas within the construction footprint where topsoil:

- i. is present;
- ii. supports native vegetation;
- iii. and can be salvaged and stockpiled for replacement onto the site during revegetation activities.

Top soil on the project site shall be characterized based on (1) depth to impervious layer; (2) soil nutrient levels and chemistry; (3) soil texture and organic matter; and (4) water-holding capacity and permeability.

Areas of the project dominated by soils with a high sand component generally have little or no soil development (i.e., seed banks, microorganisms, or nutrient storage) and would contribute little to the revegetation effort. These sandy soils will not be salvaged for revegetation. Topsoil that is wholly dominated by invasive non-native species, such as Russian thistle or other noxious plant species, shall not be used in revegetation because the non-native seed bank would outweigh any benefit for revegetation the soil may have. Areas characterized as California annual grassland or wetland habitat will require topsoil salvage.

Where top soil or soil disturbance occurs on the project site, the soil restoration plan shall require, at a minimum:

- iv. Between 3 and 12 inches of topsoil shall be salvaged from where it must be temporarily removed.
- v. Topsoil shall not be mixed or stored with spoil material. The length of time topsoil is stored shall not exceed two years.
- vi. For disturbed areas where topsoil was removed, redistribution shall begin immediately after re-grading, weather permitting, and depths shall vary between 3 and 12 inches depending on the depth of topsoil stripped.
- vii. Redistribution of stockpiled topsoil shall be completed **prior to final inspection**.
- viii. Replaced topsoil shall be left in a roughened condition to discourage erosion. Additional erosion control and soil stabilization may be required on steeper slopes, on topsoil susceptible to wind erosion, etc.
- ix. If compaction, rutting, or crushing occurs prior to seeding, the replaced topsoil shall be worked with a harrow, disc, spring, tooth, chisel plow, or similar implement. Fertilization shall not be utilized unless recommended by a County-approved restoration ecologist and approved by the California Department of Fish and Game (CDFG).
- x. Where electrical cables are buried, trenching shall occur in the proposed aisles between panel rows, and trenched areas shall be refilled as cables are buried and topsoil shall be replaced.

- xi. After closure and decommissioning: (1) All structures and facilities shall be removed to a depth of 3 feet; (2) The areas where structures and facilities are removed shall be restored and contoured to match site conditions, as appropriate; and (3) As appropriate, highly-disturbed soils shall be supplemented with certified weed-free mulch.
- b. **Figures depicting areas proposed for temporary disturbance** – The HRRP shall include detailed figures indicating the locations and vegetation types of areas proposed for temporary disturbance. These figures shall be updated, as necessary, to reflect current site conditions should they change.
- c. **Proposed species for restoration/revegetation** – The species palette proposed for restoration/revegetation shall include a combination of native and non-native, non-invasive, (based on current species composition in the restoration/revegetation areas) annual and perennial grasses and annual herbaceous species known to occur in the area. Due to the large non-native annual grass component currently present within most of project area (including wetland habitats) the intent of the Plan is to introduce as many native species as possible recognizing that the colonization of the site by non-native annual grasses is likely.
- d. **Seed source and collection guidelines** – If possible, seeds from stock within the Carrizo Plain, or from within a 25-mile radius will be collected to maintain local genetic integrity. If seed collection from these areas is not possible then the collection area can be expanded to include suitable habitats within San Luis Obispo or western Kern County. Seeds must be obtained from a local seed supplier familiar with native species. Seed will be limited to the species and quantity specified in the seed mix palette prepared for the project. As possible, all seed will originate from the project region, within +/- 1000 feet elevation of the project site. The seed supplier chosen will provide a list of three references with the bid proposal. The references will include year, contact names, and telephone numbers. Seeds will be tested for percent purity, percent germination, number of pure live seeds per pound, and weed seed content. Seed testing will be the responsibility of the seed supplier.
- e. **Planting methodology** – A description of the preferred methods proposed for seeding shall be provided (e.g., hydroseeding, drill seeding, broadcast seeding, etc.). Additionally, a discussion on timing of seeding, type of irrigation system proposed, potential need of irrigation, type and duration of irrigation, and erosion controls proposed for revegetation activities shall be included.
- f. **Weed Control Plan** – A comprehensive Weed Control Plan will be developed for the project. The Weed Control Plan will serve to prevent the type conversion of natural habitats to those dominated by invasive species known to occur in the area such as Russian thistle.
- g. **Monitoring program** – Areas subject to restoration/revegetation shall be monitored to assess conditions and to make recommendations for successful habitat establishment. Monitoring will be performed by a County-approved biologist(s), knowledgeable in the area of annual grassland habitat restoration. Monitoring should include, at a minimum, the following:
  - i. **Qualitative monitoring** – Qualitative monitoring surveys will be performed monthly in all restored/revegetated areas for the first year following planting in any phase of the project. Qualitative monitoring will be on a quarterly schedule thereafter, until final completion approval of each restoration/revegetation area. Qualitative surveys will assess native plant species performance, including growth and survival, germination success, reproduction, plant fitness and health as well as pest or invasive plant

problems. A County-approved wildlife biologist will assist in monitoring surveys and will actively search for mammal and other wildlife use.

Monitoring at this stage will indicate need for remediation or maintenance work well in advance of final success/failure determination. The monitoring reports will describe site progress and conditions and list all observations pertinent to eventual success, and make recommendations as appropriate regarding remedial work, maintenance, etc.

- ii. **Quantitative monitoring** – Quantitative monitoring will occur annually for years one to five or until the success criteria are met.

Within each revegetation area the biologist will collect data in a representative series of one square meter quadrats, as specified in the monitoring plan, to estimate cover and density of each plant species within the revegetated areas. Data will be used to measure native species growth performance, to estimate native and non-native species coverage, seed mix germination, native species recruitment and reproduction, and species diversity. Additionally, within wetland habitat restoration areas, the biologist shall conduct sampling events to document the presence of hydric soil characteristics/indicators (if present). Based on these results, the biologist will make recommendations for maintenance or remedial work on the site and for adjustments to the approved seed mix.

- h. **Success criteria** – Criteria for successful restoration/revegetation of temporarily disturbed areas shall be as follows:

- i. **California annual grassland habitat** – Restored annual grassland habitat shall exhibit 75% vegetative cover to account for natural processes such as burrowing animals including giant kangaroo rat, San Joaquin kit fox and other species that preclude or limit the establishment of vegetation. This percentage shall include no more than a 10% non-native component, with the exception of red-stemmed filaree and intentionally/or naturally seeded non-native grasses that occurred in the area **prior to site disturbance**.

- ii. **Wetland habitat** – Restored wetland habitat shall demonstrate 75% vegetative cover over a 5- to 10-year period. This percentage shall include no more than a 10% non-native component, with the exception of red-stemmed filaree and intentionally/or naturally seeded non-native grasses that occurred in the area **prior to site disturbance**. The restored habitat shall exhibit the same functional values (retains the same ecological function) and display the same hydric soil characteristics/indicators (i.e. redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor) or show a trend toward meeting these conditions, as found **prior to disturbance**.

- i. **Reporting** – Reporting will include progress reports summarizing site status and recommended remedial measures that will be submitted by the biologist to the County quarterly until successfully reestablished, with the exception of the site visits immediately preceding the development of each annual status report (see below). Each progress report will list estimated species coverage and diversity, species health and overall vigor, the establishment of volunteer native species, topographical/soils conditions, problem weed species, the use of the site by wildlife species, significant drought stress, and any recommended remedial measures deemed necessary to ensure compliance with specified performance criteria.

One annual site status report that summarizes site conditions will be forwarded by the biologist to the County, the U.S. Fish and Wildlife Service (USFWS) and the CDFG at the

end of each year following implementation of this plan. Each annual report will list species coverage and diversity measured during yearly quantitative surveys, compliance/non-compliance with required performance standards, species health and overall vigor, the establishment of volunteer native species, hydrological and topographical conditions, the use of the site by wildlife species, and the presence of invasive weed species. In the event of substantial non-compliance with the required performance criteria, the reports will include remedial measures deemed necessary to optimize the potential for future compliance with specified performance criteria, or adaptive management recommendations to address each of the performance criteria. Each annual report will include, at the minimum:

- i. The name, title, and company of all persons involved in restoration monitoring and report preparation
  - ii. Maps or aerials showing restoration areas, transect locations, and photo documentation locations
  - iii. An explanation of the methods used to perform the work, including the number of acres treated for removal of non-native plants
  - iv. An assessment of the treatment success
- j. **Final Closure Plan** (Decommissioning) – The HRRP shall also include a Final Closure Plan, which shall address the final infrastructure removal, restoration, and revegetation activities upon closure and decommissioning of the project. The primary intent of the Closure Plan will be to restore the project site back to its previous natural/grazing land condition, which shall include the removal of project elements as further described in the above subsection (a)(xi) of this Condition. At such time, the County shall re-evaluate retention of the water tank and well for areawide fire protection, and if appropriate, and the County shall work with the applicant and Cal Fire to determine if the water tank shall remain. The Final Closure Plan shall include a cost estimate, adjusted for inflation, reflecting the costs of restoration, revegetation, and monitoring for the duration of time expected to fully restore impacted soil and vegetation communities impacted by the project. At least one year **prior to planned closure and decommissioning** the Applicant shall submit to the County an updated Final Closure Plan for review to determine if revisions are needed. The Applicant shall incorporate all required revisions and re-submit the Final Closure Plan to the County 90 days **prior to the start of ground-disturbing activities** associated with closure and decommissioning activities.
41. **MM BR-1.4 - Compensate for permanent impacts to vegetative communities.** To compensate for permanent impacts to onsite vegetative communities, habitat (which may include preservation areas within portions of the project site not impacted by construction or mitigation lands outside of the main project site) that contains the same quality of vegetative communities impacted by the project and that is not already public land under resource protection shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). These lands shall be located within the Carrizo Plain. An open space easement shall be recorded on all property associated with the mitigation lands as to protect the existing plant and wildlife resources in perpetuity. An open space easement could be held by CDFG or an approved land management entity and shall be recorded immediately upon the dedication or acquisition of the land. Preserved or acquired mitigation lands will be monitored and maintained per the requirements set forth the Habitat Mitigation and Monitoring Plan prepared for the project, discussed under MM BR-16.2. Evidence of this open space easement shall be provided to the County **prior to final inspection**. If any agricultural use is allowed (e.g., managed grazing) a qualified range scientist must determine

it is compatible with the vegetative communities being preserved. No dryland grain activities shall be allowed.

Provided that the lands acquired or protected for the compensation of permanent impacts to giant kangaroo rat, San Joaquin kit fox or San Joaquin antelope squirrel, and listed or rare plants (discussed below) contain the same/or better habitat as the impacted vegetative communities, the 1:1 ratio would be achieved through the acquisition of lands for those species (MM BR-16.2) and no further acquisition would be required for permanent impacts.

Habitat shall be preserved through the use of permanent open space easements or by the acquisition of fee title with the placement of a open space easement on such acquired lands. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3 (Habitat Restoration and Revegetation Plan); and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either donate open space easements or provide funds for the acquisition of open space easements to a "qualified easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a "qualified easement holder" a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing to the qualified easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable open space easement(s) shall be developed with approval of CDFG and USFWS.

- h. The primary purpose of the open space easement(s) shall be conservation of impacted species and habitats; the said easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the easement(s) will be conveyed if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

Documentation of recorded open space easement(s) shall be submitted to and approved by the County **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved by the County **prior to final inspection**.

42. **MM BR-2.1 - Prepare and implement a Weed Control Plan. Prior to the issuance of a construction permit** or any ground disturbance the Applicant shall retain a County-approved restoration ecologist or biologist to prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation of the project for the purpose of invasive weed abatement. The WCP shall be submitted to the County of San Luis Obispo for review and approval and shall be updated and utilized for eradication and **monitoring after construction**. The WCP shall include, but not be limited to, the following:

- a. Conduct a pre-construction survey for weeds in all areas proposed ground-disturbing activity, including, but not limited to, solar panel footing preparation and construction areas, assembly yards, access roads, and areas subject to grading for new or improved access roads. Weed populations that are rated high or moderate for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2006) shall be mapped and described according to density and area covered. Areas identified to have weed infestations shall be treated **prior to ground disturbance** according to control methods detailed below and Best Management Practices for invasive weed populations.
- b. Weed control treatments shall include, as appropriate, all legally permitted herbicide approved for application, and manual and mechanical methods of weed removal. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a Pest Control Advisor (PCA), where concurrence has been provided by the County of San Luis Obispo, and implemented by a Licensed Qualified Applicator. Herbicides shall not be applied during or within 72 hours of a scheduled rain event. Where manual and/or mechanical methods of weed removal are used, disposal of the plant debris will take place at an appropriate offsite location. The timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds. Consultation with a County-approved wildlife biologist or botanist shall be required prior to weed control treatments with the intent of avoiding any adverse impacts to plants and wildlife in the area.

For the preconstruction and construction of the project, measures to control the introduction and spread of noxious weeds in the project work area shall be taken as follows:

- c. Surveying for new invasive weed populations and the monitoring of identified and treated populations shall be required at all sites impacted by construction (array structures, staging areas, etc.), including access roads disturbed during the project, from the time that ground disturbance begins. Surveying and monitoring for weed infestations shall occur annually. Treatment of all identified weed populations shall occur at a minimum of

once annually. When no new seedlings or re-sprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.

Weed control efforts shall be timed annually to reduce noxious weed seed production, by conducting activities when flowering has just started, but before seeds have been produced. All plant debris shall be disposed of at an approved location. Weed control efforts shall commence in early spring (February), as indicated annually by a County-approved restoration ecologist or biologist.

- d. During project preconstruction and construction, all seeds and straw materials shall be weed-free rice straw, and all gravel and fill material shall be certified weed free. The list of noxious weeds to avoid is available at the County Agriculture Commissioner's Office. Any deviation from this will first need approval by the County of San Luis Obispo. All plant materials used during restoration shall be native, certified weed-free, and approved by the County of San Luis Obispo, except as otherwise noted in these Conditions of Approval.
- e. During project preconstruction and construction, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the project area. Vehicles shall be cleaned at existing construction yards or legally operating car washes. The Applicant shall document that all vehicles have been washed **prior to commencing project work**. In addition, tools such as chainsaws, hand clippers, pruners, etc. shall be washed before and after entering all Project work areas. All washing shall take place where rinse water is collected and disposed of in either a sanitary sewer or landfill, unless otherwise approved by the County of San Luis Obispo. A written daily log shall be kept for all vehicle/equipment/tool washing that states the date, time, location, type of equipment washed, methods used, and staff present. The log shall include the signature of a responsible staff member. Logs shall be available to the County of San Luis Obispo for inspection at any time and shall be submitted to the County of San Luis Obispo on a monthly basis.
- f. During project operation and maintenance activities, clear and dispose of weeds in assembly yards, array footprints, access roads, staging areas, and any other disturbance areas in an approved method.

The above measures shall be implemented by the Applicant as specified in the WCP. The County environmental monitor shall ensure compliance with construction measures.

43. **MM BR-2.2 - Develop Grazing Plan.** Managed livestock grazing has been proposed for the Solar Generation Facility site. **Prior to the issuance of a construction permit** the Applicant shall retain a County-approved restoration ecologist or biologist to prepare a Grazing Plan to be administered during the construction and operation of the project. The Grazing Plan shall be submitted to the County of San Luis Obispo for review and approval. The Grazing Plan shall include, but not be limited to, the following:
  - a. Timing and duration of grazing depending on seasonal conditions (i.e., rainfall, temperature).
  - b. Discussion on the pros and cons of grazing sheep or goats vs. cattle.
  - c. Detailed measures to ensure the persistence of and prevent the extirpation of annual grassland species, including listed and rare plant species.
  - d. Detailed maps of any additional interior fencing required for onsite grazing and a detailed plan for ensuring that any interior fencing does not have additional impacts on wildlife movement.

- e. Analysis of the effects of sheep or goat grazing on soil compaction or trampling on vegetation or the spread of invasive weed seed through hooves, scat or fur of livestock.
- f. Development of a monitoring plan that will facilitate the examination of the effects of grazing on surrounding wildlife and plant and wildlife biodiversity.
- g. Development of a plan for adaptive strategies to ensure that grazing is managed to benefit native wildlife and vegetation.
- h. Submittal of an annual report to the County on effectiveness of the Plan.

The Grazing Plan will be an adaptive management tool. Grazing management strategies will be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy will be implemented based on results, experience, and the latest research. Alterations to the plan must be reviewed and approved by the County in consultation with CDFG before being implemented.

Prior to acquisition or implementation, should the land be proposed for limited grazing to complement reestablishment of sensitive biological resources, the County shall evaluate to determine to what extent, if any, the two can jointly qualify for protection of agricultural and sensitive biological lands.

44. **MM BR-4.1 - Implement protective evaporation pond or solar evaporator water disposal design, monitoring and management plan.** The Applicant shall design and implement an Evaporation Pond or Solar Evaporator Water Disposal Design and Monitoring and Management Plan (Evaporation Pond or Solar Evaporator Plan) that shall be submitted to the County for approval prior to construction permit issuance. The plan shall include, at the minimum, the following:

- a. Discussion of the objectives of the Evaporation Pond or Solar Evaporator Plan.
- b. Description of project design features such as side slope specifications, freeboard and depth requirements, covering (i.e., including the use of nets), and fencing to reduce access by wildlife.
- c. Details on the placement of the evaporation pond as to reduce the potential of collision or electrocution of wildlife near the Gen-Tie and feeder lines.
- d. Description of proposed avian, pond, and water quality monitoring and management actions, such as bird deterrence/hazing and water level management, including triggers for implementing those management actions and developing and implementing adaptive management strategies.
- e. Detailed reporting requirements.

**Prior to the issuance of a construction permit** the County must approve the Evaporation Pond or Solar Evaporator Plan, which will be done in consultation with the CDFG. No less than 30 days prior to operation of the evaporation ponds, the project owner shall retain a County-approved biologist to inspect the protective structure for adequacy to effectively exclude wildlife from the evaporation pond(s).

Implementation of the approved design shall be verified by the County **prior to final inspection.**

**Protective Measures for Evaporation Pond.** To reduce potential impacts to wildlife, the perimeter of the pond, if used, shall be surrounded by a barrier fence designed to keep wildlife species out. The fence shall be tall enough (6 feet) to keep out large mammals and fine enough at the bottom, and buried at least 2 feet, to keep out amphibians, reptiles, birds, and small and medium sized mammals. If determined appropriate by the County and/or

CDFG, the project Applicant shall cover the evaporation ponds with 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. The netted ponds, if required, shall be monitored on a regular basis for the life of the project to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife.

If required, the netting shall have visual deterrents attached at regular intervals to alert birds to the presence of netting. Without such deterrents, birds may only see the water surface and not the netting until they are close enough to become entangled. Visual deterrents on netting may be in the form of flashing or flagging. The netting, if required, shall be supported sufficiently (rigid frame or piers) so that the net does not sag into the water, making water and/or aquatic invertebrates available to birds. Submerged netting is known to provide a deposition site for invertebrate egg/pupae deposition, which would increase the avian exposure risk to elements like selenium, levels of which are magnified through the food chain (“biomagnification”).

**Monitoring.** The monitoring shall at a minimum include the following:

- f. A County-approved biologist with experience in evaporation pond monitoring for avian impacts shall regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. The purpose of the surveys shall be to confirm that measures continue to be effective in excluding birds and other wildlife from the ponds. If nets are used, the surveys would determine if the nets pose an entrapment hazard to birds or wildlife, and would be used to develop and implement appropriate adaptive management strategies in consultation with CDFG and the USFWS. Operations staff at the project site shall also photograph, document, and report finding any dead birds at the evaporation ponds to the biologist within one day of discovering the carcass. The biologist shall report any bird or other wildlife deaths or entanglements within two days of discovering the carcass to the County, CDFG, and USFWS.
- g. If shorebirds (e.g., black-necked stilt, American avocet, plover, killdeer) are present at or near the evaporation ponds during the nesting season (February 1 through July), the biologist shall conduct focused nest searches weekly for the duration of shorebird presence during the nesting season. If nesting is detected, which means the birds are feeding in the evaporation pond, eggs shall be collected and an egg selenium and morphological (evaluation for teratogenic effects) analysis conducted by an appropriately permitted, County-approved biologist. Egg collection procedures and study design shall be developed in advance with CDFG and USFWS Contaminants Division.
- h. If dead or entangled birds are detected, the biologist shall take immediate action to correct the source of mortality or entanglement, as possible. The biologist shall make efforts to contact and consult the CDFG and USFWS prior to taking remedial action, but the inability to reach these parties shall not delay taking action that would, in the judgment of the biologist, prevent further mortality of birds or other wildlife at the evaporation ponds.
- i. Designated biologist shall test levels of potential toxins in evaporation ponds. High levels of boron or other potential toxins shall be reported to CDFG.
- j. If after 12 consecutive monthly site visits no bird or wildlife deaths, deformities, or entanglements or high levels of toxins are detected by or reported to the designated biologist, monitoring can be reduced to quarterly visits, at least one of which shall coincide with the nesting season.
- k. If after 12 consecutive quarterly site visits no bird or wildlife deaths, deformities, or entanglements or high levels of toxins are detected by or reported to the designated

biologist, the site visits can be reduced to annual visits during the peak nesting season (March through May).

- I. The biologist shall review construction of enclosures, as well as submit annual monitoring reports to the County, CDFG, and USFWS describing the dates, durations, and results of site visits conducted at the evaporation ponds. The annual reports shall fully describe any bird or wildlife death, deformities, nesting events, or entanglements detected during the site visits or noted at any other time, and shall describe actions taken to remedy these problems. Results of any egg analysis (morphological and chemical) shall also be included. The report shall be submitted to the County, CDFG, and USFWS no later than December 30th of every year for the life of the project.
- m. Remedial actions shall be taken as soon as possible (as determined by the County, CDFG, and USFWS), and no later than the beginning of the following nesting season.

45. **MM BR-4.2 - Implement biological construction monitoring.** Prior to the commencement of ground disturbance or site mobilization activities the Applicant shall retain a County-approved biologist(s) with demonstrated expertise with listed and/or special-status plants, terrestrial mammals and reptiles to monitor(s), on a daily basis, during all construction activities. The County-approved biologist(s) shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of the listed or special-status species identified in Section C.6 of the Final EIR. Any listed or special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist and relocated to suitable habitat outside the impact area. If the installation of exclusion fencing is deemed necessary by the authorized biologist, the authorized biologist shall direct the installation of the fence. Clearance surveys for special-status species shall be conducted by the authorized biologist prior to the initiation of construction each day.

If, during construction, the biological monitor observes a dead or injured listed or special-status wildlife species on the construction site, a written report shall be sent to the County of San Luis Obispo, CDFG and/or USFWS within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the onsite construction foreman to discuss the events that caused the mortality, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. If possible, species remains shall be collected and frozen as soon as possible, and CDFG and/or USFWS shall be contacted regarding ultimate disposal of the remains.

**During construction**, compliance will be verified by the County Environmental Monitor.

46. **MM BR-6.1 - Conduct pre-construction surveys for nesting and breeding birds and implementation of avoidance measures.** Prior to onsite any site disturbance (i.e., mobilization, staging, grading or construction) the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for nesting birds within the recognized breeding season in all areas within 500 feet of solar arrays, staging areas, substation sites, and access road locations. Surveys for raptors shall be conducted for all areas from February 1 to August 15. The required survey dates may be modified based on local conditions, as determined by the County-approved biologist, with the approval of the County of San Luis Obispo, in consultation with the USFWS and/or CDFG. Measures intended to exclude nesting birds shall not be implemented without prior approval by the County in consultation with USFWS and/or CDFG and shall not exceed County noise standards.

If breeding birds with active nests are found **prior to or during construction**, a biological monitor shall establish a 300-foot buffer around the nest for ground-based construction

activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.

If nesting bald or golden eagles are identified, a 0.5-mile no-activity buffer will be implemented. Should condors be found roosting within 0.5 miles of the construction area, no construction activity shall occur between 1 hour before sunset to 1 hour after sunrise, or until the condors leave the area. Should condors be found nesting within 1.5 miles of the construction area, no construction activity will occur until further authorization from the USFWS. All California condor sightings in the project area will be reported directly to the USFWS by the County-approved biologist.

The prescribed buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County of San Luis Obispo, CDFG and USFWS as appropriate. The biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports for impact areas to the respective agencies.

If for any reason a bird nest must be removed during the nesting season, the Applicant shall provide written documentation providing concurrence from the USFWS and CDFG authorizing the nest relocation. Additionally, the Applicant shall provide a written report documenting the relocation efforts. The report shall include what actions were taken to avoid moving the nest, the location of the nest, what species is being relocated, the number and condition of the eggs taken from the nest, the location of where the eggs are incubated, the survival rate, the location of the nests where the chicks are relocated, and whether the birds were accepted by the adopted parent.

Surveys shall be conducted to include all structural components of the solar arrays and related structures as well as all construction equipment. If birds are found to be nesting in facility structures, buffers as described above shall be implemented. If birds are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged the nest or, if no young are present, until after the breeding season has passed.

If trees or existing poles/towers are to be removed as part of project-related construction activities they will be done so outside of the nesting season to avoid additional impacts to nesting raptors. If removal of a tree or existing pole/tower with a nest cannot be avoided during the nesting season then the biological monitor must confirm that the nest is vacant prior to its removal. If nests are found within these structures and contain eggs or young the biological monitor shall allow no activities within a 300-foot buffer for nesting birds and/or a 500-foot buffer for raptors (excluding golden eagle and condors, see above) until the young have fledged the nest.

**During construction**, compliance will be verified by the County Environmental Monitor, that would include conducting routine checks of nests during the known breeding season and, if young are present, monitor until young have fledged.

47. **MM BR-7.1 - Conduct pre-construction surveys for State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and implementation of avoidance measures. Prior to initial ground disturbance for any areas not disturbed prior to Spring 2012** and for undisturbed areas in subsequent construction years, the Applicant shall conduct pre-construction surveys for State and federally listed Threatened and Endangered, Proposed, Petitioned, and Candidate plants in all areas subject to ground-disturbing activity, including, but not limited to, solar panel footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a County-approved

plant ecologist/biologist according to protocols established by the USFWS, CDFG, and California Native Plant Society (CNPS). All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

These surveys must be accomplished within 24 months of construction and during a year in which rainfall totals are at least 80% of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with the vast majority of rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the ability to detect the species. This condition may be waived with the approval of the County after consultation with the CDFG and USFWS. If a listed plant species cannot be avoided, consultation with USFWS and CDFG will occur.

**Prior to site grading or vegetation removal**, any populations of listed plant species identified during the surveys within the project limits and beyond, shall be protected and a buffer zone placed around each population. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a County-approved plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFG, and County of San Luis Obispo.

Where impacts to listed plants are determined to be unavoidable, the USFWS and/or CDFG shall be consulted for authorization. Additional mitigation measures to protect or restore listed plant species or their habitat, including but not limited to a salvage plan including seed collection and replanting, may be required by the USFWS or CDFG before impacts are authorized, whichever is appropriate.

**During construction**, compliance will be verified by the County Environmental Monitor, that would include documenting when yearly survey events occur, review the resulting data and update the WEEP if impacts to species not previously addressed are anticipated, as well as ensure any protective fencing installed is kept in good working order.

48. **MM BR-7.2 - Compensate for impacts to State and Federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants.** To compensate for permanent impacts to State and Federally Threatened, Endangered, Proposed, Petitioned and Candidate plants, habitat (which may include preservation areas within the undisturbed areas of the project footprint, mitigation lands outside of the main Project site or a combination of both) that is not already public land under resource protection shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (One acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the State or Federally listed plants that are impacted.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently held publicly for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of such easements to a “qualified easement holder” (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a “qualified easement holder” a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance’s Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the open space easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the open space easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following conditions:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the conservation easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.

Open space easement(s) shall:

- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the easement(s) will be conveyed if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

If lands acquired or protected for the compensation of permanent impacts to giant kangaroo rat, San Joaquin kit fox or San Joaquin antelope squirrel (Mitigation Measure BR-16.2),

and/or vegetative communities (Mitigation Measure BR-1.4) contain similar sized populations of the impacted listed plant species, no further mitigation would be required.

**Prior to construction permit issuance**, the Applicant shall obtain County approval of the location of mitigation lands, the holder of open space easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of recorded easement(s) shall be submitted to and approved by the County **prior to construction permit issuance**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**. If this milestone is not met, construction shall not commence.

49. **MM BR-8.1 - Complete protocol-level surveys for listed branchiopods.** Protocol surveys for the Federally Endangered longhorn fairy shrimp and the Federally Threatened vernal pool fairy shrimp shall be conducted each year of construction in areas subject to project disturbance where previous surveys have not been conducted or where rainfall results in the formation of pools persist for a minimum of seven days and that overlay soils associated with vernal pool complexes. Surveys can be suspended upon written authorization from the USFWS/CDFG and the County. The Applicant shall retain a County-approved biologist holding the required 10(a)(1)(A) recovery permit from the USFWS to conduct surveys within all potentially likely and known vernal pool habitat. Surveys shall follow the guidelines set forth by the USFWS in the Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act (ESA) for Listed Vernal Pool Branchiopods.

Surveys will be conducted during the wet and dry seasons of the year for the duration of construction activities. The results of these surveys shall be provided to the County Environmental Monitor **within 90 days of completion**.

50. **MM BR-8.2 - Avoid seasonal depressions and known waterbodies.** All known seasonal depressions and water bodies (refer to FEIR Figure 3-1, Appendix 9B) that have and have not been verified to be occupied by listed branchiopods (e.g., fairy shrimp) shall be shown on all applicable construction plans and submitted for County approval **prior to construction permit issuance**. The Applicant shall avoid all these seasonal depressions and known waterbodies that occur within the project site to minimize impacts to listed fairy shrimp. Where feasible, a 400-foot buffer shall be placed around all seasonal depressions and known waterbodies to prevent equipment from entering these areas. This buffer shall be shown on all applicable construction plans (with a highly visible method easily identifiable by construction workers in the field). On-site delineation of this buffer shall be in place **prior to the commencement of construction activities**. The method used for delineation shall be kept in good working order for the duration of the construction period, and removed **prior to final County inspection**.

If a 400 foot buffer is not feasible or avoidance of known populations of listed branchiopods is not possible, consultation with the USFWS regarding the potential impacts to the species will be necessary.

51. **MM BR-8.3 - Compensate for impacts to vernal pool or longhorn fairy shrimp or their habitat.** If project impacts will result in impacts to occupied habitat for, or result in the loss of, vernal pool or longhorn fairy shrimp the Applicant will be required to consult with the USFWS. To compensate for impacts, the USFWS will require both a preservation and creation component for compensation as follows:

**Preservation component** – For every acre of occupied habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on Service evaluation of site-specific conservation values, three

acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the USFWS.

**Creation component** – For every acre of occupied habitat directly affected, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank, or, based on Service evaluation of site-specific conservation values, two acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the USFWS.

In the event that compensatory mitigation is required, the Applicant shall provide the County with documentation that the Service-approved ecosystem preservation or mitigation bank has been credited with the required funds to mitigate project impacts. The Applicant shall provide a report to the County documenting compliance with this requirement **prior to issuance of construction permit**.

If construction activities would impact or result in the loss of listed vernal pool shrimp or their habitat, **prior to ground disturbance**, the Applicant shall obtain County approval of the compensation strategy for these impacts. This shall include proof of payment to the USFWS-approved mitigation bank and a detailed plan for creation of vernal pool habitat, if applicable. If this milestone is not met, construction shall not commence.

52. **MM BR-9.1 - Complete focused surveys for Kern primrose sphinx moth and implement avoidance measures.** The Applicant shall retain a County-approved biologist to conduct focused surveys for Kern primrose sphinx moth. As there is no USFWS approved survey protocol for this moth, the surveys shall be based on the methods in Jump et al. (2006) and information from the USFWS 5-year status review of this species. Modification to this survey approach may be authorized by the USFWS and County. Focused surveys shall be conducted during the flight season for this species which occurs late January to late February, and as far out as March during cooler years. Surveys would be conducted in all areas where populations of *Camissonia spp.*, the larval host food plant and related species, are located within 100 feet of the Project's impact areas. The County-approved biologist will survey for sphinx moths in these areas during the day, when the temperature exceeds 60° Fahrenheit. If the surveys for individual Kern primrose sphinx moths do not detect the species, no further mitigation (including MM BR-9.2) is necessary, as the species will be considered absent.

As information is available **prior to construction permit issuance**, areas supporting *Camissonia spp.* within 100 feet of the project footprint shall be shown on all applicable construction plans (with a highly visible method easily identifiable by construction workers in the field) and submitted with the construction permit application. The Applicant shall avoid to the extent feasible, these identified areas and install sturdy and highly visible delineation markers onsite, that results in a 100-foot buffer around these areas. On-site buffer delineation shall be in place **prior to the commencement of construction activities**. The method used for delineation shall be kept in good working order for the **duration of the construction period**, and removed **prior to final County inspection**.

**During construction**, the County Environmental Monitor will confirm that surveys are done during the correct time of year if required habitat is present, and other construction provisions are adhered to.

53. **MM BR-9.2 - Compensate for impacts to Kern primrose sphinx moth.** If avoidance of *Camissonia spp.* plants cannot be accomplished, compensatory mitigation for impacts to areas supporting these plants will be applied. Areas occupied by *Camissonia spp.* and impacted by the project will be mitigated at a 2:1 ratio for temporary impacts. Permanent impacts shall be mitigated at a 3:1 ratio for which at least 2:1 of the total 3:1 mitigation required must be occupied by known larval host plants, such as field evening primrose or

plains evening primrose (*C. contorta*) habitat of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetative structure and composition. This 2:1 ratio must contain verified extant populations of *Camissonia*, at a similar size to those impacted. Additionally, 1:1 of the 3:1 mitigation requirement for Kern primrose sphinx moth may include lands to be restored. Restored lands would require the conversion from existing degraded conditions (i.e., active agriculture, unrestricted grazing, or other disturbed lands) to conditions that match or exceed habitat conditions on lands occupied by Kern primrose sphinx moth occurring on the project site.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of such easements to a “qualified easement holder” (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a “qualified easement holder” a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance’s Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the easement(s) will be conveyed if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

However, if lands acquired or protected for the compensation of permanent impacts to giant kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel or special-status plants (Mitigation Measure BR-16.2), and/or vegetative communities (Mitigation Measure BR-1.4) contain similar sized populations of the impacted *Camissonia spp.*, of equal or greater habitat value, they may be used to achieve the required compensation ratios.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

54. **MM BR-10.1 - Conduct protocol and focused pre-construction surveys for blunt-nosed leopard lizard and implement avoidance measures.** Prior to the commencement of any site disturbance in areas not previously subject to protocol level surveys, the Applicant shall implement CDFG protocol-level surveys using the most recent CDFG approved methodology for the entire construction footprint plus a 500-foot-wide buffer (or other buffer distance as recommended by the CDFG) around the construction footprint, as long as the Applicant has authorization from adjacent landowners to do so, if applicable. For all other areas in which the 2009 and 2010 blunt-nosed leopard lizard (BNLL) surveys were conducted the Applicant shall implement pre-construction reconnaissance level surveys (minimum of 3 surveys) for blunt-nosed leopard lizard. Surveys shall be conducted **prior to the initiation of ground disturbance** in each of the proposed solar array locations and be conducted by a County-approved biologist(s), knowledgeable with the species. These surveys will entail having one or more County-approved biologists walk 30- to 100-foot interval transects through the project area.

If present, active BNLL burrows shall be flagged, a GPS point location recorded and all work activities within 500-feet (or other buffer distance as recommended by the CDFG) of the sighting shall cease. The point location data shall be used to delineate buffers designed to encompass the home range of each individual BNLL. Each buffer shall cover an area of at least 22 acres, which is the approximate size of the largest BNLL home range size computed by Warrick et al. (1988). Each 22-acre buffer shall be delineated by the biologist in consultation with the USFWS, CDFG and the County using the recorded point location as the approximate center of the buffer area. Using habitat modeling based on the current knowledge base of the most important BNLL habitat parameters, the final boundaries of the buffers shall be determined by the County-approved biologist to encompass the 22-acre area of greatest habitat suitability.

To the extent feasible, the 22-acre buffer around the occupied BNLL habitat will not be impacted, even temporarily, by project activities. No construction activities or vehicular traffic shall be allowed within the identified buffer, and all movement corridors shall be delineated with fencing and signage identifying the buffer as off-limits to construction personnel. The

fencing around the buffer shall be elevated 24 inches off the ground surface to allow the passage of San Joaquin kit fox and other small mammals through the area. All fencing will be actively maintained and repaired as directed by biological monitors and removed upon completion of that portion of project construction. If complete avoidance of the occupied habitat and buffer is feasible, then no additional measures need to be implemented. If avoidance of the occupied habitat and buffer is not feasible, then impacts to the occupied habitat will be minimized, and the following measures will be implemented.

If, in the opinion of the County-approved biologist in consultation with the USFWS, CDFG and the County barrier fencing will help to prevent impacts to BNLL without causing undue impact to this species' habitat or other species including giant kangaroo rat or San Joaquin kit fox, such fencing will be constructed around the worksite to prevent entry by lizards. For the area where fencing will be placed, it will be surveyed prior to installation; then, 36-inch tall silt fencing will be installed around the work area, and buried to a depth of 6 inches. No monofilament plastic will be used for erosion control in the vicinity of this species. Barrier fencing will be removed upon completion of work.

If a BNLL (dead or alive) is located during the preconstruction survey or during construction activities by the biological monitor or anyone else, the project supervisors and biological monitor shall be immediately notified.

In the case that a BNLL is killed or injured as a result of project-related activities, all work activities within 500 feet (or other buffer distance as recommended by the CDFG) of the incident shall immediately cease in order to ensure that no additional lizards are impacted by construction activities, and the biological monitor shall immediately notify the USFWS and CDFG via telephone or electronic mail. Work shall not resume until approved by both agencies and any other mitigation measures recommended by the agencies have been fully implemented.

Protocol level surveys shall then be conducted within the proposed solar array in which the species was observed to determine their distribution on the site. If surveys determine the species likely are present on the adjacent arrays these areas will also require surveys **prior to construction**. Work may not resume until the protocol surveys have been completed unless otherwise authorized by the CDFG, USFWS, and County.

The biologist shall conduct clearance surveys each morning, **prior to initiation of daily construction activities** in adjacent arrays, to ensure that no lizards have entered the work area overnight. The monitoring shall remain in place until work in that area is complete or additional protocol-level surveys yield negative results for blunt-nosed leopard lizards in the previously occupied areas. Should a blunt-nosed leopard lizard enter the work area all construction activities shall cease within 300-feet of the animal until it has left the area on its own.

The buffers described above may prevent portions of proposed solar arrays from being constructed. The buffer and work stoppage will remain in effect in these areas until such a time that Protocol surveys yield negative results for the species. The resumes of the proposed biologist(s) shall be provided to the County of San Luis Obispo, CDFG and USFWS to show adequate qualifications prior to the commencement of surveys.

Prior to any work site mobilization in an area of the Project site, the Applicant shall provide documentation to the County Environmental Monitor that demonstrates completion of the surveys for that area. Mitigation for impacts, if required, must be **completed prior to the issuance of construction permits**.

The Applicant shall report surveys to the County Environmental Monitor and update the WEEP if impacts to species not previously addressed are identified.

55. **MM BR-10.2 - Compensate for impacts to occupied blunt-nosed leopard lizard habitat.** The Applicant shall compensate for impacts to occupied blunt-nosed leopard lizard habitat at a minimum 3:1 ratio. The mitigation areas must provide occupied habitat that is of equal or greater habitat quality compared to the impacted habitat, and must be located within the Carrizo Plain or other area approved by the USFWS, CDFG, and the County. An open space easement shall be recorded on all property associated with the mitigation lands to protect biological resources in perpetuity. An open space easement could be held by CDFG or an approved land management entity and shall be recorded immediately upon the dedication or acquisition of the land. Preserved or acquired mitigation lands will be monitored and maintained per the requirements set forth the Habitat Mitigation and Monitoring Plan prepared for the project and discussed under MM BR-16.2.

Habitat shall be preserved through the use of permanent open space easements. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands must:

- a. be within the Carrizo Plain or other agency approved area with potential to contribute to habitat connectivity and build linkages between known populations of blunt-nosed leopard lizard and/or other preserve lands;
- b. provide habitat for blunt-nosed leopard lizard with capacity to regenerate naturally when disturbances are removed;
- c. be contiguous and biologically connected to lands currently occupied by blunt-nosed leopard lizard; ideally with populations that are stable, recovering, or likely to recover;
- d. not be characterized by high densities of invasive species such as yellow star thistle or species that pose demonstrated challenges for eradication either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
- e. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
- f. if lands are preserved within portions of the project site they must be at least 100 feet from solar facilities and must not be permanently impacted by construction and operation of the project, or subject to routine disturbance or maintenance (other than managed grazing for fire control or species management).

The Applicant shall either provide open space easements or provide funds for the acquisition of easements to a “qualified easement holder” (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a “qualified easement holder” a private land trust must have:

- g. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- h. Adopted the Land Trust Alliance’s Standards and Practices; and
- i. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- j. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- k. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- l. Be held in perpetuity by a qualified easement holder (defined above).
- m. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the easement(s) will be conveyed if the original holder is dissolved.
- n. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

However, if lands acquired or protected for the compensation of permanent impacts to giant kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel (MM BR-16.2) and/or vegetation communities (MM BR-1.4) contain similar amounts of occupied habitat similar in size to that of the impacted blunt-nosed leopard lizard habitat, of equal or greater habitat value, no further mitigation would be required.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

56. **MM BR-11.1 - Monitor construction in condor habitat and remove trash and microtrash from the work area daily.** To minimize project-related impacts to and avoid the loss of California condors, the Applicant shall employ the following measures:

- a. **Microtrash** – All trash is required to be disposed of as indicated above under MM BR-1.2. Additional language has been added to this Mitigation Measure to address the disposal of microtrash. Workers, as part of the WEEP, shall be trained on the issue of microtrash (what it is, its potential effects to California condors, and how to avoid the deposition of microtrash). In addition, the Applicant shall assign a specific person(s) to conduct daily sweeps of the work area to collect and remove trash in locations with the potential for California condors to occur.
- b. **Education – Prior to the commencement of construction activities**, all workers will attend the WEEP. The Applicant shall develop a fact sheet or other notice, to be presented as part of the WEEP, which will be distributed to all workers on the project **prior to the start of construction** containing information on the California condor. Information to be included consists of the following: species description with photos and/or drawings indicating how to identify the California condor and how to distinguish condors from turkey vultures and golden eagles; protective status and penalties for violation of the Endangered Species Act; avoidance measures being implemented on the project; and contact information for communicating condor sightings.
- c. **Avoidance** – Should a condor land within the project area all work shall be stopped within 500 feet of the condor until the bird has left the area on its own. If the bird fails to leave the area because of injury or other factors the Applicant shall contact the USFWS /CDFG and County for direction.
- d. **Reporting** – All California condor sightings in the project area shall be reported directly to the USFWS/CDFG and County within 24 hours.

**During construction**, compliance will be verified by the County Environmental Monitor.

57. **MM BR-13.1 - Implement Avian Power Line Interaction Committee guidelines (APLIC).** The Applicant will be required to construct all transmission facilities, towers, poles and lines in accordance with and comply with all policies set forth in the *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (APLIC), to minimize avian electrocutions as a result of the construction of the Project. Details of design components shall be indicated on all construction plans and measures to comply with APLIC policies and guidelines shall be detailed in a separate attachment, all of which will be submitted with the construction permit application for County approval **prior to construction permit issuance.**

The Applicant shall be required to monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during project construction provided these actions do not require the purchase of previously ordered transmission line structures. A review by the County Environmental Monitor of compliance with County-approved plans will be conducted **prior to the final County inspection.**

58. **MM BR-14.1 - Prepare and implement a Bird Monitoring and Avoidance Plan.** The Applicant shall retain a County-approved biologist (ornithologist with a record of publication in peer-reviewed journals) to prepare a Bird Monitoring and Avoidance Plan in consultation with California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS). This plan shall follow the Avian Protection Plan guidelines outlined by USFWS. The Bird Monitoring Study shall consider prior studies by McCrary et al. (1986) or other applicable literature. The Bird Monitoring and Avoidance Plan shall be submitted to the County for approval **prior to the issuance of a construction permit.**

The plan will require monitoring the death and injury of birds from collisions with facility features such feeder/distribution lines, solar panels, and evaporation ponds. The study design shall be approved by the County of San Luis Obispo in consultation with CDFG and USFWS. The Bird Monitoring Study shall include at a minimum detailed specifications on data, a carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The study shall also include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.

During construction and for three years following the beginning of the solar farm operation the County-approved biologist shall submit quarterly reports to the County of San Luis Obispo, CDFG, and USFWS describing the dates, durations, and results of monitoring and data collection. The quarterly reports shall provide a detailed description of any project-related bird or wildlife deaths or injuries detected during the monitoring study or at any other time. Following the completion of the fourth quarter of monitoring the biologist shall prepare an annual report that summarizes the year's data, analyzes any project-related bird fatalities or injuries detected, and provides recommendations (in consultation with the County) for future monitoring and any adaptive management actions needed.

**Thresholds.** Thresholds for bird impacts will be determined by the County in consultation with CDFG and USFWS. If the County determines that bird mortality caused by solar facilities is substantial, the Applicant shall be required to implement some or all of the mitigation measures below.

**Implementation Measures.** To minimize bird mortality caused by solar facilities, the Applicant may be required to install additional bird flight diverters, alter project components that have been identified as key mortality features (i.e., relocation or undergrounding of some features, when compatible with other avoidance and minimization measures, the modification of project colors or coatings), or implement other appropriate actions approved by the County and regulatory agencies based on the findings of the Bird Monitoring and Avoidance Plan.

If mitigation actions are required, the annual reporting shall continue until the County of San Luis Obispo, in consultation with CDFG and USFWS determines whether more years of

monitoring are needed, and whether additional adaptive management measures are necessary. After the Bird Monitoring Study is determined by the County of San Luis Obispo to be complete, the Applicant shall prepare a paper that describes the study design and monitoring results to be submitted to a peer-reviewed scientific journal. Proof of submittal shall be provided to the County of San Luis Obispo, CDFG and USFWS within one year of concluding the monitoring study.

The County Environmental Monitor shall verify the monitoring of impacts to birds **during construction** and for **one year after completion of construction**.

59. **MM BR-16.1 - Complete focused pre-construction giant kangaroo rat burrow/precinct surveys and implement avoidance measures. Prior to commencement of ground disturbing activities** the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for each phase (construction of each solar array) of the project. If active giant kangaroo rat burrows/precincts are present, they shall be flagged, with ground-disturbing activities to be setback a minimum of 50 feet from each active burrow/precinct. The setback shall be delineated in the field in such a method that it is easily visible by all construction personnel. The biological monitor shall periodically field check the mapped burrows/precincts to buffer delineation and ensure that applicable flagging is in good working order. All active burrows/precincts shall be mapped and incorporated into a GIS based figure for use by the onsite monitors and construction crews. Figures shall include each mapped burrow/precinct and buffer utilizing a highly visible method easily identifiable by construction workers and monitors in the field.

If avoidance is not possible, the Applicant and County-approved biologist will develop and implement a Giant Kangaroo Rat Relocation Plan to be submitted to the County, in consultation with CDFG and USFWS. The Plan shall include but shall not be limited to the following actions:

- a. Vegetation shall be cleared in the area immediately surrounding active burrows/precincts, followed by a period of one night without further disturbance to allow the giant kangaroo rats to vacate the burrow/precinct. Where giant kangaroo rats occur within 33 feet of the solar arrays or in areas subject to temporary disturbance and no permanent damage to precincts will occur these animals will be temporarily held and released back into the precinct where trapped. Giant kangaroo rats located beyond 33 feet into the arrays will require translocation to adjacent areas.
- b. If giant kangaroo rats do not voluntarily leave occupied burrows/precincts they shall be live trapped **prior to commencing ground disturbing activities** in the area. If the disturbance is temporary (< 1 day) trapped individuals may be held under suitable conditions, during the period of disturbance, and then relocated to suitable habitat within conservation lands with highest preference for relocation of animals to constructed or vacant giant kangaroo rat burrow precincts on the project site.
- c. The trapping protocol for giant kangaroo rat shall include fencing the precinct area to prevent the animals from escaping and conducting six consecutive trap nights using 20 percent more traps than the number of identified precincts. An area would be considered vacant if the last two trapping nights do not yield positive results. If animals are detected on the last two days, an additional two days of trapping will be required. If there remains evidence that giant kangaroo rats remain, the burrow complexes will be carefully hand excavated. Each animal will be held for a brief period of time, fitted with a passive integrated transponder (PIT) tag, health-assessed, and released to pre-identified locations.
- d. Methods shall be taken to prevent reentry to the burrow (e.g., one way doors) by giant kangaroo rat (and other small mammal species) until construction is complete in these

areas. In areas adjacent to the arrays escape burrows will be augured into the ground to provide additional shelter for displaced animals.

- e. Once construction activities are complete access to the burrows shall be restored where possible. If construction-related impacts would result in the crushing or destruction of a burrow then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time). Giant kangaroo rat burrows/precincts shall not be disturbed from January through June (recognized breeding/mating season) unless a County-approved biologist, utilizing video technology, verifies that no young are present in the burrow.
- f. Release sites will be prepared so that the survival of relocated giant kangaroo rat is maximized; this will include the construction of artificial burrows, supplemental food, maintenance of spatial relationships at release sites of animals captured at the project site, temporary enclosure fencing to allow the animals to acclimate to the release site and to reduce vulnerability to predation, monitoring, and an adaptive management plan.
- g. Relocation and reference sites shall be monitored for a period of ten years. The monitoring shall include radio telemetry monitoring on a subset of the relocated animals, PIT tagging, monthly visits for the first five years to quantify the number distribution, and status of precincts. If the results of the five year monitoring indicate the animals are persisting and increasing in numbers, the monitoring will be reduced to one fall visit each during year seven and year ten.

The Applicant shall document all giant kangaroo rat burrows/precincts abandoned or destroyed and, **prior to final County inspection**, as well as provide a written report to the County of San Luis Obispo, CDFG and USFWS. The specific requirements of this measure, including the trapping guidelines, handling procedures, or release locations, may be updated as handling and translocation data are obtained, pending the approval of the County, CDFG, and USFWS.

**During construction**, compliance will be verified by the County Environmental Monitor. **Prior to the final County inspection** the final report, detailed above, shall be submitted to the County, CDFG and USFWS.

60. **MM BR-16.2 - Compensate for permanent impacts to giant kangaroo rat, San Joaquin kit fox and San Joaquin antelope squirrel. Prior to ground disturbance**, and for each year of construction, the Applicant shall retain a County-approved biologist to map all areas subject to temporary and permanent impacts for the giant kangaroo rat (surveys to be conducted per conditions set forth in MM BR-16.1), San Joaquin kit fox (surveys to be conducted per conditions set forth in MM BR-17.1) and San Joaquin antelope squirrel (surveys to be conducted per conditions set forth in MM BR-18.1). To the extent feasible, the same County-approved biologist(s) should conduct the yearly surveys to reduce observer bias, thereby increasing the consistency of the survey results.

The exact number of acres permanently impacted, and therefore the number of acres requiring compensatory mitigation, shall be determined based on final project design and engineering. For the Solar Generation Facility, impact acreage shall be calculated based on the area inside solar array fencelines plus a 100 foot buffer, and all other areas of permanent impacts such as buildings and roads.

Giant kangaroo rat is considered the key-stone species for the impacted grassland community. For the purposes of this measure, the preservation and creation of habitat for giant kangaroo rat will mitigate project impacts to San Joaquin kit fox and San Joaquin antelope squirrel. Acquisition and preservation of mitigation lands shall be required as described below:

- a. **Revised Project.** To mitigate for the loss of habitat and the loss of individual animals, the Applicant shall provide compensatory mitigation acreage adjusted to reflect the final project footprint. Mitigation will be required at a 4:1 ratio (i.e., for every acre of suitable habitat lost four acres of suitable habitat will be preserved) for permanent impacts on the Revised Project site (which avoids core habitat for giant kangaroo rat). The lands comprising the 4:1 ratio shall include a 3:1 ratio of occupied habitat (see requirements below for "Occupied Habitat") and a 1:1 ratio of "Created Habitat" (see requirements below for "Created Habitat" and "Created Habitat Restoration Standards).

### **Land Acquisition Requirements**

The following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

**Occupied Habitat.** To meet the requirements for occupied habitat, the mitigation lands selected for acquisition shall be equal or greater habitat value and have an equivalent level of occupancy by these species and must:

- b. be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel and/or other preserve lands;
- c. provide habitat for giant kangaroo rat and San Joaquin kit fox with capacity to regenerate naturally when disturbances are removed;
- d. not be characterized by (or adjacent to areas characterized by) high densities of invasive species such as yellow star thistle or species that might jeopardize habitat recovery and restoration;
- e. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat;
- f. not be located on land that is currently publicly held for resource protection; and
- g. if lands are preserved within portions of the project site they must be at least 100 feet from solar facilities and must not be permanently impacted by construction and operation of the project, or subject to routine disturbance or maintenance (other than managed grazing for fire control or species management).

**Created Habitat.** To meet the requirements for the creation of habitat, the mitigation lands selected for acquisition must:

- h. be within the Carrizo Plain or other agency-approved area with potential to contribute to habitat connectivity and build linkages between known populations of giant kangaroo rat and San Joaquin kit fox, and/or other preserve lands;
- i. consist of actively dry-farmed land or other disturbed areas (with the approval of the County, CDFG, and USFWS)
- j. be contiguous and biologically connected, as agreed to by the County, CDFG, and USFWS, to lands currently occupied by giant kangaroo rat, ideally with populations that are stable, recovering, or likely to recover;
- k. support suitable soils, slope, and drainage patterns consistent with giant kangaroo rat and San Joaquin kit fox requirements;
- l. not be located on land that is currently publicly held for resource protection; and

- m. not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat;
- n. prior to acquisition or implementation, should the land be proposed for limited grazing to complement reestablishment of sensitive biological resources, the County shall evaluate to determine to what extent, if any, the two can jointly qualify for protection of agricultural and sensitive biological lands. Where limited grazing is determined acceptable, a livestock range management expert shall be consulted along with the biologist to determine potential acreages available for grazing and what the sustainable carrying capacity would be given the biological constraints.

**Created Habitat Restoration Standards.** For created habitat to be considered functional habitat, complete rehabilitation of created habitat lands from existing degraded conditions (i.e., active dry farming or other disturbed condition) to conditions that match or exceed habitat conditions on the project site shall be required. After 5 years these lands must meet the following restoration standards:

- o. consist of annual grasslands or other grassland vegetation consistent with the known ecology of giant kangaroo rats (without infestations of noxious or invasive weeds (i.e., Russian thistle, star thistle, etc.);
- p. support less than 30 percent shrub cover;
- q. support natural drainage patterns and not be dominated by large areas that are subject to seasonal inundation during periods of normal rainfall;
- r. meet other restoration criteria as required by the USFWS and CDFG, as specified in the approved restoration plan.

**Open Space Easement Requirements**

Open space easement(s) shall be recorded on all property associated with the mitigation lands to protect biological resources in perpetuity. The Applicant shall either provide open space easements or provide funds for the acquisition of conservation easements to a “qualified easement holder” (defined below). CDFG is a qualified easement holder. To be a “qualified easement holder” a private land trust must have:

- s. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- t. Adopted the Land Trust Alliance’s Standards and Practices; and
- u. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for providing to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, land acquisition costs, initial clean up, etc.) and (2) Funds in the form of an endowment to cover the cost of implementing, monitoring, and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- v. The locations of acceptable open space easement land(s) shall be developed with approval of CDFG and USFWS.

- w. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- x. Be held in perpetuity by a qualified easement holder (defined above).
- y. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the conservation easement(s) will be conveyed if the original holder is dissolved.

The Applicant shall submit a formal acquisition proposal to the County, CDFG, and USFWS describing the parcel(s) intended for purchase and creation. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for giant kangaroo rats in relation to the criteria listed above. The proposal must be approved by the County, CDFG, and the USFWS **prior to the issuance of the initial construction permit. Prior to ground disturbance**, the Applicant shall obtain County approval of the location of mitigation lands, the holder of open space easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of recorded easement(s) shall be submitted to and approved by the County **prior to ground disturbance**.

Mitigation lands will be monitored and maintained per the requirements set forth in the Habitat Mitigation and Monitoring Plan prepared for the project, discussed below under MM BR-16.3. An annual report shall be submitted to the County.

61. **MM BR-16.3 - Prepare a Habitat Mitigation and Monitoring Plan.** To ensure the success of onsite preserved land and acquired mitigation lands, required for compensation of permanent impacts to vegetative communities and listed or special-status plants and wildlife, the Applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP will be submitted to the County of San Luis Obispo for review and approval **prior to the issuance of a construction permit**. The HMMP will include, at a minimum, the following information:

- a. Summary of anticipated habitat impacts and the proposed mitigation.
- b. Detailed description of the location and boundaries of undisturbed project areas proposed for preservation, offsite mitigation lands, and a description of existing site-wide conditions. The HMMP shall include detailed analysis showing that the mitigation lands meet the performance criteria outlined in Mitigation Measure BR-1.3 (Develop a Habitat Restoration and Monitoring Plan) and BR-16.2 (Compensate for permanent impacts to giant kangaroo rat, San Joaquin kit fox and San Joaquin antelope squirrel).
- c. Discussion of measures to be undertaken to enhance (e.g., through focused management) the onsite preserved habitat and offsite mitigation lands for listed and special-status species.
- d. Dedication of adequate funds consistent with the PAR analysis required for CDFG and USFWS permit requirements.
- e. Description of management and maintenance measures (e.g., managed grazing, fencing maintenance, etc.). Monitoring shall document compliance with Mitigation Measure BR-16.2 (Compensate for permanent impacts to giant kangaroo rat, San Joaquin kit fox and San Joaquin antelope squirrel) and EM-1 (Applicant funding for environmental monitoring).
- f. Discussion of habitat and species monitoring measures for onsite preservation areas and offsite mitigation lands, including specific objectives, performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.

- g. Development of a strategy for the monitoring of indirect impacts to vegetation and wildlife from alteration to the solar and hydric regimes as a result of solar panels.
  - h. Development of a Managed Grazing Plan for mitigation lands. This plan shall, at the minimum, include an annual evaluation of rainfall and total bio mass in order to determine the number and time period cattle could be actively grazed on mitigation lands. Adaptive management plans for mitigation lands may require the following depending on the best available research regarding the habitat needs of giant kangaroo rat: (1) Apply livestock grazing if required when giant kangaroo rat density < 20 individuals per hectare and residual dry matter (RDM) of vegetation is > 1,600 lbs/acre and RDM is composed of thick, non-native grasses such as Bromus and Hordeum (or other persistent exotics), making up over 70 percent of plant composition in the sampling area; (2) Remove livestock as necessary when minimums (1,000 lbs/acre RDM or biomass, depending on time of year) are reached, to create large suitable areas in the core area and/or a mosaic pattern in landscape. Drought, accumulation of excessive amounts of bio mass and inappropriate grazing could affect these areas. The RDM values and amount of managed grazing, if required, will be developed by a County-approved range scientist, and coordinated with and approved by the County, CDFG, and USFWS. Population measurements and RDM shall be measured in the fall (October–November). Because of the uncertainty of annual rainfall continuous adaptive management would be required.
  - i. Development of a monitoring strategy, which shall serve to document the persistence of giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel populations within the project site and on mitigation lands. This monitoring will be conducted for a minimum of 5 years after the completion of construction activities. The strategy, should include, at the minimum, the following:
    - i. Documentation of pre-project population levels for the species noted above, based on results of focused pre-construction surveys and previously supplied Applicant data.
    - ii. On-going monitoring of species populations upon completion of construction activities, while the project is in operation, for a minimum of three years.
    - iii. Monitoring of reference populations for each of these species in areas that contain undisturbed habitat, such as the Carrizo Plain National Monument.
    - iv. An analysis of the comparison of percent changes in population levels at the project and reference sites to be used in the determination of adaptive management strategies.
  - j. A contingency plan shall be created for mitigation elements that do not meet performance or final success criteria within 5 years. The contingency plan will include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur.
  - k. The Applicant (in consultation with the land trust/agency that holds open space easements on mitigation lands) is responsible for the monitoring, as specified in the HMMP, of the mitigation lands during project construction and for 3 years after the completion of construction. During this period, regular reporting shall be provided to the County. Thereafter, mitigation lands shall be monitored at least once per year by the land trust/agency that holds the open space easements. Monitoring reports shall be submitted to the County annually for the specified reporting period.
62. **MM BR-17.1 - Conduct focused pre-construction San Joaquin kit fox surveys and implement avoidance measures.** No more than 30 days **prior to commencement of construction activities** the Applicant shall retain a County- and USFWS-approved biologist to conduct pre-construction surveys for each phase (construction of each solar array) of the

project. If present, San Joaquin kit fox dens (potential, known) will be fenced and ground-disturbing activities shall be avoided within a minimum of 100 feet surrounding each potential or known den. Fencing shall encircle each den at the appropriate buffer distance and should not prevent access to the den by San Joaquin kit fox. Once construction activities will no longer affect the den, all fencing will be removed to avoid attracting subsequent attention to the dens. Atypical dens will require a 100-foot buffer demarcated by flagging. The flagging shall consist of 4 to 5 flagged stakes 100 feet from the den entrance(s) to identify the den location. Unoccupied natal dens shall be flagged, in the same manner noted above, and require a 200-foot buffer. All onsite flagging and buffer delineations shall be kept in good working order for the duration of each construction phase. The biologist shall routinely monitor all dens flagged for protection to ensure they are not disturbed during the construction phase.

Occupied natal dens found within 1,000 feet of project activities, from August 1–November 30 shall require immediate contact with the USFWS. All project-related activities within the 1,000-foot radius shall stop until the USFWS gives direction to resume activity. The buffer may be adjusted upon written approval from the USFWS/CDFG and County. If occupied natal dens are encountered from December 1 to July 31 project activities within 1,600 feet of the dens will be prohibited until the pups have left the den. Avoidance of natal dens is mandatory and shall not be disturbed at any time.

If avoidance of potential or known dens is not possible, the Applicant shall take the following sequential steps when working in such areas:

- a. Allow for three consecutive days of monitoring to determine the occupancy status of each den. Activity at the den shall be monitored by using tracking medium at the entrance to the den or stationary infrared beam cameras and by spotlighting. If no activity is observed actions described below under step 3 may be implemented. If kit fox activity is observed the den shall be monitored for an additional 5 days from the date of observance. Use of the den during this time can be discouraged by partially plugging its entrance(s) with soil in such a manner that any resident animal can escape easily. If kit fox are still present after 5 days, den excavation, discussed below under step 3 may proceed when, in the judgment of the qualified/approved biologist it is temporarily vacant.
- b. Once the kit fox has vacated the den methods (e.g., one way doors) shall be taken to prevent reentry to the burrow by kit fox (and other mammal species) until construction is complete in these areas. Once construction activities are complete access to the burrows shall be restored.
- c. As indicated above, natal dens shall not be disturbed at any time. For all other dens, once it has been confirmed that the dens have been vacated, if construction-related impacts would result in the crushing or destruction of a den then the den shall be excavated. Excavation shall be done only hand and under the direct supervision of the biologist, removing no more that 4 inches at a time. If at any time during excavation a San Joaquin kit fox is discovered inside the den all activity will cease immediately and monitoring described above under step 1 shall be resumed.

The biologist shall document all kit fox dens abandoned, destroyed or avoided/ protected. **Prior to the County's final inspection**, the biologist shall prepare a written compliance report for County review and approval. Copies of this report shall also be provided to CDFG and USFWS.

**Prior to the completion of construction in each phase** of the project the Applicant shall replace all excavated kit fox dens with artificial dens on a 2:1 basis. The location and design of the artificial dens shall be prepared by the County-approved biologist and approved by the County, in consultation with the USFWS/CDFG, prior to installation.

Additionally, upon completion of each phase of construction activities, escape dens shall be installed in areas between the arrays to facilitate movement of individuals through the project area. These dens will measure 8 inches across, be constructed of PVC pipe and be installed with rebar to restrict the opening to 6 inches to prevent use by badgers or coyotes. The 8-inch diameter PVC pipe should be at least 25 feet long, placed flat on the ground surface and covered with soil for thermal protection. A minimum of one escape den per quarter mile shall be required. Locations of all escape dens shall be indicated on all construction plans submitted with the construction permit package and be approved by the County in consultation with the USFWS/CDFG prior to installation.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with CDFG and USFWS.

63. **MM BR-18.1 - Complete focused pre-construction San Joaquin antelope squirrel surveys and implement avoidance measures.** No more than 30 days **prior to the commencement of ground disturbance activities** the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for each phase (construction of each solar array) of the project. If present, active San Joaquin antelope squirrel burrows shall be flagged and ground-disturbing activities shall be avoided within a minimum of 50 feet surrounding each active burrow. If avoidance is not possible, the Applicant shall take the following sequential steps when working in such areas:
- a. Allow for one night without disturbance to the burrow and surrounding area to allow the antelope squirrels to vacate the burrow.
  - b. Antelope squirrels shall be live trapped and relocated out of impacted areas in the same manner as described under MM BR-16.1 for giant kangaroo rat.
  - c. Methods shall be taken to prevent reentry to the burrow by antelope squirrels (and other small mammal species) until construction is complete in these areas.
  - d. Once construction activities are complete access to the burrows shall be restored. If construction-related impacts would result in the crushing or destruction of a burrow then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time). Antelope squirrel burrows shall not be disturbed from January to May (recognized breeding/mating season) unless a County-approved biologist, utilizing video technology, verifies that no young are present in the burrow.

The Applicant shall document all San Joaquin antelope squirrel burrows abandoned or destroyed and, **prior to final County inspection**, provide a written report to the County of San Luis Obispo, CDFG and USFWS.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with CDFG and USFWS. **Prior to County final inspection**, the final report, as detailed above, shall be submitted to the County, CDFG and USFWS.

64. **MM BR-19.1 - Conduct pre-construction surveys for Special-Status plants and implement avoidance measures.** **Prior to initial ground disturbance for any areas not disturbed prior to Spring 2012**, and for undisturbed areas in subsequent construction years, the Applicant shall conduct pre-construction surveys for special-status plant species in all areas subject to ground-disturbing activity, including, but not limited to, solar panel footing preparation and construction areas, assembly yards, and areas subject to grading for new access roads. The surveys shall be conducted during the appropriate blooming period(s) by a County-approved plant ecologist/biologist according to protocols established by the USFWS, CDFG, and California Native Plant Society (CNPS). All listed plant species found shall be marked and avoided. Any populations of special-status plants found during surveys will be

fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared.

These surveys must be accomplished within 24 months of construction and during a year in which rainfall totals are at least 80% of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with the vast majority of rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the detectability of the species.

**Prior to site grading**, any populations of special-status plant species identified during the surveys shall be protected by a buffer zone. The buffer zone shall be established around these areas and shall be of sufficient size to eliminate potential disturbance to the plants from human activity and any other potential sources of disturbance including human trampling, erosion, and dust. The size of the buffer depends upon the proposed use of the immediately adjacent lands, and includes consideration of the plant's ecological requirements (e.g., sunlight, moisture, shade tolerance, physical and chemical characteristics of soils) that are identified by a County-approved plant ecologist and/or botanist. The buffer for herbaceous and shrub species shall be, at minimum, 50 feet from the perimeter of the population or the individual. A smaller buffer may be established, provided there are adequate measures in place to avoid the take of the species, with the approval of the USFWS, CDFG, and County of San Luis Obispo. Highly visible flagging shall be placed along the buffer area and remain in good working order during the duration of any construction activities in the area. If project-related impacts result in the loss of more than 10% of the onsite population of any special-status plant species, compensatory mitigation will be required as described below.

**During construction**, compliance will be verified by the County Environmental Monitor, which will include documenting when yearly survey events occur, review the resulting data and update the WEEP if impacts to species not previously addressed are anticipated.

65. **MM BR-19.2 - Compensate for impacts to Special-Status plant species.** If project-related impacts result in the loss of more than 10% of the onsite population of any special-status plant species, compensatory mitigation will be required. Compensation will be required for all impacts that exceed the 10% threshold (e.g. impacts to 15% of a population will only require compensation for 5% or the amount of impacts that exceed the 10% threshold). To compensate for permanent (including areas located beneath the arrays) impacts to special-status plant species, habitat (which may include preservation of areas within the undisturbed areas of the project footprint, mitigation lands outside of the main Project site or a combination of both) that is not already public land under resource protection shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Compensation for temporary impacts shall include land acquisition and/or preservation at a 0.5:1 ratio. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and will contain verified extant populations, of the same size or greater, of the special-status plants that are impacted. Impacts could include direct impacts resulting from loss of habitat or indirect impacts if a significant population or portion thereof is unable to be avoided.

Habitat shall be preserved through the use of permanent open space easements or other conservation mechanism acceptable to the County. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;

- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in MM BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either provide open space easements or provide funds for the acquisition of open space easements to a “qualified easement holder” (defined below). The California Department of Fish and Game (CDFG) is a qualified easement holder. To qualify as a “qualified easement holder” a private land trust must have:

- d. Substantial experience managing open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance’s Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed easement holder meets these requirements.

The Applicant shall also be responsible for donating to the easement holder fees sufficient to cover: (1) Administrative costs incurred in the creation of the easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the easement(s) shall be conservation of impacted species and habitats, but the easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the easement(s) will be conveyed if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

If lands acquired or protected for the compensation of permanent impacts to giant kangaroo rat, San Joaquin kit fox or San Joaquin antelope squirrel (MM BR-16.2), and/or vegetative communities (MM BR-1.4) contain similar sized populations of the impacted special-status plant species, of equal or greater habitat value, these mitigation lands may be used to achieve the required compensation ratios for special-status plant species.

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

66. **MM BR-20.1 - Complete focused pre-construction surveys for silvery legless lizards, coast horned lizard and San Joaquin coachwhip and implement avoidance measures.** The Applicant shall retain a County-approved biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If legless lizards, coast horned lizards or San Joaquin coachwhips are found within the area of disturbance the biologist will relocate the animals to a pre-approved location outside the project or work area. The candidate locations for species relocation will be identified **prior to construction** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. A final report identifying the number of animals moved, any mortality identified during the relocation event, and the general health of the species shall be completed and submitted to the County on a monthly basis.

**During construction**, compliance will be verified by the County Environmental Monitor.

67. **MM BR-21.1 - Complete focused pre-construction western spadefoot toad surveys and implement avoidance measures. Prior to the commencement of construction activities and during construction** the County Environmental Monitor shall verify that the County-approved biologist (herpetologist) has completed the following:
- a. Conduct a pre-construction survey within and around areas of proposed disturbance during the appropriate time of year when this species can be detected (i.e., during periods or suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat.
  - b. For the duration of construction activities and based on appropriate rainfall and temperatures (generally between the months of February and April), the biologist shall conduct pre-construction surveys in all appropriate vegetation communities within the project footprint. Surveys will include evaluation of all previously documented occupied areas and a reconnaissance level survey of the remaining natural areas of the site. All western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released in the identified/created restoration ponds described below.
  - c. Should toads and habitat be found, and be impacted by temporary and/or permanent project impacts, a habitat restoration and management plan shall be prepared for review and approval by the County, that addresses the following:
    - i. Impacted occupied breeding habitat to be replaced, onsite, at a 2:1 ratio.
    - ii. Relocation areas shall be designed as suitable toad habitat, and as far away as feasible from any project-related structure or foreseeable construction area (minimum 200-foot buffer from construction activities).
    - iii. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing ponds as feasible.
    - iv. No site preparation or construction activities shall be permitted in the vicinity of any occupied ponds until the design and construction of the relocation habitat in preserved areas of the site has been completed and all western spadefoot toad adults, tadpoles, and egg masses detected are moved to the created pool habitat.
    - v. Restoration areas shall be monitored and maintained until they are shown as successful habitat for the toad, or up to five years. Success criteria shall be proposed. Provisions to make adjustments to remediate problems shall also be included.

- vi. The plan shall include permanent protection and management of restoration areas (e.g., conservation easement or fee title purchase, etc.).

**Prior to issuance of a construction permit**, this provision shall be shown on all applicable construction plans.

68. **MM BR-22.1 - Complete focused pre-construction burrowing owl surveys and implement avoidance measures.** No more than 15 days prior to the commencement of initial ground disturbing activities for each phase (construction of each solar array) of the project, the Applicant shall implement focused pre-construction reconnaissance level surveys for burrowing owls. Surveys shall be conducted **prior to the initiation of ground disturbance** and be conducted by a County-approved biologist(s), knowledgeable about the species. In conformance with federal and State regulations regarding the protection of raptors, surveys for burrowing owls shall be conducted in conformance with the California Burrowing Owl Consortium's 1995 protocols, which are recommended by the CDFG and consist of a minimum of three site visits. Surveys shall be completed within all areas proposed for ground disturbance and shall include the following avoidance measures:
- a. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a County-approved biologist approved by CDFG verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present onsite after 1 February will be assumed to be nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.
  - b. Unless otherwise authorized by CDFG and the County, a 250-foot buffer, within which no activity will be permissible, will be maintained between Project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until 31 August or based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone will be maintained around the occupied burrow(s).
  - c. If there is any danger that owls will be injured or killed as a result of construction activity, during the non-breeding season, the birds may be passively relocated. Relocation of owls during the non-breeding season will be performed by a County-approved biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately **prior to the initiation of grading**. To avoid the potential for owls evicted from a burrow to occupy other burrows within the impact area, one-way doors will be placed in all potentially suitable burrows within the impact area when eviction occurs.
  - d. Any damaged or collapsed burrows will be replaced with artificial burrows in adjacent habitat at a 2:1 ratio.

**During construction**, compliance will be verified by the County Environmental Monitor.

69. **MM BR-22.2 - Compensate for impacts to burrowing owl.** Compensatory mitigation for permanent impacts to burrowing owls or their habitat will be provided in the form of habitat preservation and management. The habitat (which may include preservation areas within the undisturbed areas of the project site, mitigation lands outside of the site or a combination of both) must not already be public land under resource protection and shall be preserved and managed in perpetuity. The mitigation lands will be of equal or greater habitat quality compared to the impacted habitat. In accordance with California Burrowing Owl Consortium

(1995) guidelines, an area of 6.5 acres per pair will be preserved and managed for this species. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species, such as special-status plants, San Joaquin kit fox, giant kangaroo rat or San Joaquin antelope squirrel.

Habitat shall be preserved through the use of permanent conservation easements. Mitigation lands cannot be located on land that is currently publicly held for resource protection. Mitigation lands may include (depending on the habitat requirements of particular species):

- a. Areas outside the project boundary, but within the Carrizo Plain;
- b. Preservation areas within portions of the project site that are at least 100 feet from solar facilities and are either (1) not permanently impacted by construction and operation of the project, or (2) are temporarily disturbed and then restored according to the requirements in Mitigation Measure BR-1.3; and
- c. Degraded areas (e.g., areas that have been actively dry-farmed) that are restored to high quality habitat through the implementation of a County-approved restoration plan.

Criteria for appropriate mitigation land are species-specific; however, the following factors must be considered in assessing the quality of potential mitigation habitat: (1) Current land use; (2) Location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to solar facilities or other potential sources of disturbance); (3) Vegetation composition and structure; (4) Slope; (5) Soil composition and drainage; and (6) Level of occupancy or use by relevant species.

The Applicant shall either donate conservation easements or provide funds for the acquisition of open space easements to a "qualified open space easement holder" (defined below). The California Department of Fish and Game (CDFG) is a qualified open space easement holder. To qualify as a "qualified open space easement holder" a private land trust must have:

- d. Substantial experience managing conservation/open space easements that are created to meet mitigation requirements for impacts to special-status species;
- e. Adopted the Land Trust Alliance's Standards and Practices; and
- f. A stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed open space easement holder meets these requirements.

The Applicant shall also be responsible for the following: (1) Administrative costs incurred in the creation of the open space easement (appraisal, documenting baseline conditions, etc.) and (2) Funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the open space easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

Open space easement(s) shall also be subject to the following:

- g. The locations of acceptable open space easement(s) shall be developed with approval of CDFG and USFWS.
- h. The primary purpose of the open space easement(s) shall be conservation of impacted species and habitats, but the open space easement(s) shall also allow livestock grazing when and where it is deemed beneficial for the habitat needs of impacted species.
- i. Be held in perpetuity by a qualified open space easement holder (defined above).
- j. Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Name CDFG or another organization to which the open space easement(s) will be conveyed if the original holder is dissolved.
- k. Be subject to the management requirements outlined in Mitigation Measure BR-16.3 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

Documentation of recorded easement(s) shall be submitted to the County, for review and approval, **prior to the issuance of the construction permit**. Verification of having met habitat mitigation requirements shall be reviewed and approved **prior to final inspection**.

70. **MM BR-25.1 - Complete focused pre-construction surveys for American badger surveys and implementation of avoidance measures.** No more than 30 days **prior to the commencement of construction activities**, the Applicant shall retain a County-approved biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFG. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFG and the biological monitor.

**Prior to the final County inspection or occupancy, whichever comes first**, a written report documenting all badger related activities (e.g. den flagging, monitoring, badger removal, etc.) shall be provided to the County of San Luis Obispo. A copy of the report will also be provided to the CDFG.

**During construction**, compliance will be verified by the County Environmental Monitor.

71. **MM BR-27.1 - Conduct pre-construction maternity colony or hibernaculum surveys for sensitive bats.** No more than 15 days **prior to grading** near or the removal of towers, trees or other structures, the Applicant shall retain a County-approved biologist, holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other CDFG methods) for nearby alternative maternity colony sites. If the biologist determines in

consultation with the CDFG and County that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat. (i.e., MM BR-27.2 would not apply although MM BR-27.3 would still apply). However, if there are no alternative roosts sites used by the maternity colony, MM BR-27.2 is required. If no active roosts are found, then no further action is required. If active maternity roosts are absent, but a hibernaculum (i.e., a non-maternity roost) is present, then MM BR-27.2 is not necessary, but MM BR-27.3 is required.

**During construction**, compliance will be verified by the County Environmental Monitor.

72. **MM BR-27.2 - Provide substitute roosting habitat for bats.** If a maternity roost will be impacted by the project, and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony shall be provided on, or in close proximity to, the project site no less than three months prior to the eviction of the colony. Alternative roost sites will be constructed in accordance with the specific bats requirements in coordination with CDFG. By making the roosting habitat available prior to eviction (MM BR-27.3), the colony will have a better chance of finding and using the roost. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. The CDFG shall also be notified of any hibernacula or active nurseries within the construction zone.

If construction of alternative roost sites is required, the biologist shall provide a written report, documenting the required coordination with CDFG as well as the location of roost sites. This report shall be provided to the County and CDFG.

**During construction**, compliance will be verified by the County Environmental Monitor. The Applicant shall submit a written report detailing activities to the County **prior to final County inspection**.

73. **MM BR-27.3 - Exclude bats prior to eviction from roosts.** If non-breeding bat hibernacula are found in structures, towers or trees scheduled to be removed, the individuals shall be safely evicted, under the direction of a County-approved biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one-way doors). In situations requiring one-way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one-way doors is not necessary in the judgment of the County-approved biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal).

If an active maternity roost is located in an area to be impacted by the project, and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 July) using the exclusion techniques described above.

**During construction**, compliance will be verified by the County Environmental Monitor.

74. **MM BR-31.1 - Prepare and implement a pronghorn friendly fencing plan. Prior to the issuance of a construction permit** the Applicant shall submit for County approval a Project Fencing Plan that has been developed to allow for movement of pronghorn antelope through the project site. The plan shall include, at a minimum, the following measures, as allowed and appropriate:
- a. Identification and maintenance of likely and feasible movement pathways.

- b. Removal of non-essential interior fencing consistent with Figure 9-4, Appendix 9 B.
- c. Incorporation of measures to increase visibility of the fence (e.g., top strand PVC cover, vinyl markers on all strands, etc.), as appropriate.
- d. Discussion of incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonal wildlife passage.
- e. Incorporation of fencing modifications designed to enable movement by pronghorn antelope through the designed movement pathways on the Project site.
- f. Placement of wildlife crossing signs at specific locations along the Hwy. 58 corridor to alert drivers of the potential to encounter wildlife crossing the road.

**During construction**, compliance will be verified by the County Environmental Monitor.

75. **MM BR-35.1 - Establish Fencing Plan to create fence removal or modification incentives. Prior to the issuance of a construction permit**, the Applicant shall submit for County approval a Fencing Plan that has been developed to facilitate the removal or modification of at least 10 miles of fences within the Carrizo Plain region. The Plan will consider all areas adjacent to and between the Topaz Solar Farm Project and CVSR Project sites that may pose barriers to movement for pronghorn antelope and tule elk. Because the Plan would consider areas on private lands land owner permission would be required for implementation. The Plan shall be reviewed by the County (in consultation with CDFG) and include at a minimum the following measures, as allowed and appropriate:

- a. Identification of likely and feasible movement pathways.
- b. Removal of non-essential fencing.
- c. The modification of fencing to replace barbed with smooth wire on the lower and potentially upper wires of the fence. Incorporation of measures to increase visibility of the fence (e.g., top strand PVC cover, vinyl markers on all strands, etc.).
- d. Discussion of incorporation of alternatives to wire fencing, such as wooden rail fences with occasional dropped rails for wildlife access or adjustable fencing to allow for seasonal wildlife passage.
- e. The placement of fencing at potential risk areas to encourage movement away from dangerous road crossings.
- f. Signage to warn vehicles of wildlife passage.
- g. Installation of watering sites.

Landowners who receive funds for removing and/or modifying fencing shall sign contracts agreeing not to revert to previous fencing without consulting the County.

**Prior to final inspection** the County Environmental Monitor shall verify that the approved plan has been implemented.

## **CULTURAL RESOURCES**

76. **MM CR-1.1 - Record and Evaluate Carrisa Highway (State Highway 58) and Strip Mines. Prior to construction permit issuance**, the Applicant shall retain a County-approved architectural historian to evaluate these resources (stretch of the historic-era Carrisa Highway and two idle gypsum mines on the project site), determine whether they are historic, and prepare report to be submitted to the County. This evaluation shall include archival research and (where possible) oral interviews with individuals who have knowledge of the dates of construction, uses, and general history of the resources. If any of the resources are found to

be eligible for the California Register of Historical Resources, full recordation and archival research, plus documentation of that work, shall be required.

77. **MM CR-2.1 - Cultural Resources Monitoring Plan. Prior to issuance of construction permits**, the Applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan would be to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
  - b. Inclusion of involvement of the Native American community, as appropriate;
  - c. Description of how the monitoring shall occur;
  - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
  - e. Description of what resources are expected to be encountered;
  - f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered “significant” archaeological resources?);
  - g. Description of procedures for halting work on the site and notification procedures; and
  - h. Description of monitoring reporting procedures.

**Prior to construction/ground-disturbing activities**, the Applicant shall ensure that any construction-related subsurface excavation in sensitive areas (those with moderate to high potential for buried prehistoric archaeological resources) are tested by a County-approved archaeologist. Should buried resources be identified, further testing or avoidance shall be required; if avoidance is not possible, mitigation through data recovery shall be required (as defined in Mitigation Measures CR-2.5 and CR-2.6).

As an alternative to testing, monitoring during construction in these sensitive areas could occur. If monitoring is implemented in sensitive areas, the archaeologist should work with a Native American monitor. (Supplements APM Cult-3).

**Crew Education.** The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources (Supplements APM Cult-4).

The County Environmental Monitor shall verify implementation of the Plan **during construction**.

78. **MM CR-2.2 - Ranch Complex Buffer Zone. Prior to construction**, wildlife compatible fencing or other comparable means to visibly delineate a 100-foot-wide “no disturbance” buffer around the recorded Twisselman ranch complex shall be installed. **Prior to construction permit issuance**, this buffer shall be delineated on all applicable construction plans. In the event construction work must encroach within this buffer area, the following shall be done **prior to construction permit issuance** (Supplements APM Cult-1):
- a. Completion of subsurface testing by a County-approved historic archaeologist in areas proposed for disturbance. Should resources be encountered, the archaeologist and

Applicant shall make all efforts to find the least sensitive area to impact. Should resources still need to be impacted, the archaeologist shall prepare a data recovery program, which shall be implemented **prior to and during ground-disturbing activities**.

- b. **Prior to construction permit approval**, the (revised) plan shall be submitted to the County for approval.
- c. **Prior to final inspection**, the data recovery program results shall be submitted to the County.

**During construction**, the County Environmental Monitor shall verify compliance with approved plan.

79. **MM CR-2.3 - Survey Areas of New Fencing.** Before any fence post construction takes place, the Applicant shall retain a County-approved archaeologist to survey proposed locations of new fencing or other ground disturbance outside of the currently designated Area of Potential Effects (APE). If resources are identified, they shall be avoided or, if avoidance is not possible, evaluated. If any resources are found to be significant, data recovery shall be completed as defined in MM CR-2.5 (Data Recovery Program) and MM CR-2.6 (Completion of Data Recovery).

Any additional evaluation of data recovery shall be conducted consistent with an evaluation/mitigation plan that shall be reviewed and approved by the County Environmental Monitor **prior to work being conducted**.

**Prior to final inspection**, a copy of the archaeologist's report shall be submitted to the County. **During construction**, as needed, compliance will be verified by the County Environmental Monitor.

80. **MM CR-2.4 - Delineate Environmentally Sensitive Areas. Prior to construction permit issuance**, the Applicant shall delineate on a confidential copy of project plans provided to the County all known archaeological sites on or adjacent to the project property as Environmentally Sensitive Area(s) [ESAs]. To ensure the integrity of these areas from unauthorized disturbance or collection, the delineated areas shall not be labeled with regard to the specific type of cultural resource identified as sensitive.

**During construction**, the County Environmental Monitor shall verify compliance that these areas are protected.

81. **MM CR-2.5 - Data Recovery Program.** Should a Phase III (data recovery) program be necessary, **prior to and during ground-disturbing activities**, the Applicant shall retain a County-approved archaeologist. The archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations completed by the Applicant. The archaeologist shall prepare a work scope to be approved by the County. The Phase III program shall include at least the following:

- a. standard archaeological data recovery practices;
- b. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size.
- c. identification of location of sample sites/test units;
- d. detailed description of sampling techniques and material recovery procedures (e.g., how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. disposition of collected materials;

- f. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. list of personnel involved in sampling and analysis.
- h. Once approved, these measures shall be shown on all applicable plans and implemented during construction.

**Prior to issuance of a construction permit**, this provision shall be shown on all applicable construction plans. **During construction**, the County Environmental Monitor shall verify compliance with approved program.

- 82. **MM CR-2.6 - Completion of Data Recovery.** Should a Phase III (data recovery) program be required, the Applicant shall submit to the County Environmental Monitor **prior to final inspection**, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.
- 83. **MM CR-2.7 - Identification of Human Remains.** If human remains or possible human remains are encountered at any stage in project construction or operation, the Applicant shall be responsible for following State Health and Safety Code Section 7050.5 regarding handling, treatment, and disposition of those remains. Upon discovery, the Applicant shall immediately contact the County Coroner and the County Environmental Monitor on how to proceed. . If the remains are determined to be prehistoric, per Public Resources Code Section 5097.98, the Coroner will notify the Native American Heritage Commission, which will initiate a formal process to insure proper notification and proper re-internment.
- 84. **MM CR-2.8 - Cultural Resources Reporting. Prior to final inspection**, a County-approved archaeologist shall prepare a report, who will submit to the County Environmental Monitor summarizing all monitoring/ mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time **final inspection or occupancy** will occur, the Applicant shall provide to the County Environmental Monitor proof of obligation to complete the required analysis.

**CULTURAL-PALEONTOLOGICAL RESOURCES**

- 85. **MM PA-1.1 - Paleontological Monitoring and Treatment Plan. Prior to construction permit issuance**, the Applicant shall retain a County-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan), and submit the plan to the County for review and approval. The plan shall be based on Society of Vertebrate Paleontology (SVP) guidelines and meet all regulatory requirements. The County-approved paleontologist shall have a Master’s Degree or Ph.D. in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Plan shall identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered. The Plan shall detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential. The Plan shall also detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

The Plan shall outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the “deeper” sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

The Plan shall define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

**During construction**, the County Environmental Monitor shall verify compliance with approved Plan.

86. **MM PA-1.2 - Paleontology Construction Monitoring.** Based on the Paleontological Monitoring and Treatment Plan (Mitigation Measure PA-1.1, Paleontological Monitoring and Treatment Plan), the Applicant shall conduct full-time monitoring by a County-approved paleontological monitor as specified in the Plan. This shall include monitoring during rough grading and trenching in areas determined to have moderate to high paleontological sensitivity and which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored by a County-approved paleontological monitor on a part-time basis (as determined by the County-approved Paleontologist).

The Qualified Monitor shall have a B.A. in Geology or Paleontology and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined by the County-approved Paleontologist.

**During construction**, as applicable, compliance will be verified by the County Environmental Monitor.

87. **MM PA-1.3 - Paleontological data recovery. Prior to final inspection** If avoidance of significant paleontological resources is not feasible during grading, treatment (including recovery, specimen preparation, data analysis, curation, and reporting) shall be carried out by the Applicant, in accordance with the approved Paleontological Monitoring and Treatment Plan per Mitigation Measure PA-1.1 (Paleontological Monitoring and Treatment Plan).

**During construction**, as applicable, compliance will be verified by the County Environmental Monitor.

88. **MM PA-1.4 - Construction Personnel Training. Prior to the initiation of construction or ground-disturbing activities**, all construction personnel conducting rough grading shall be trained regarding the recognition of possible subsurface paleontological resources and protection of all paleontological resources during construction grading. The Applicant shall complete training for all applicable personnel. Training shall inform all applicable personnel of the procedures to be followed upon the discovery of paleontological materials.

All personnel shall be instructed that unauthorized collection or disturbance of protected fossils on- or offsite by the Applicant, its representatives, or employees will not be allowed. Violators shall be subject to prosecution under the appropriate State and federal laws. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order. The following issues shall be addressed in training or in preparation for construction:

- a. All construction contracts shall include clauses that require grading personnel to attend training so that they are aware of the potential for inadvertently exposing subsurface paleontological resources, their responsibility to avoid and protect all such resources, and the penalties for collection, vandalism, or inadvertent destruction of paleontological resources.
- b. A County-approved paleontologist shall provide a background briefing for supervisory personnel describing the potential for exposing paleontological resources, the location of

any potential paleontological resources, and procedures and notifications required in the event of discoveries by project personnel or paleontological monitors. Supervisory personnel shall enforce restrictions on collection or disturbance of fossils.

- c. Upon discovery of paleontological resources by paleontologists or construction personnel, work in the immediate area of the find shall be diverted until cleared by the project paleontologist. Once the find has been inspected and a preliminary assessment made by the paleontologist, the County will be notified. The Applicant shall then proceed with data recovery in accordance with the approved Treatment Plan.
- d. **Prior to final inspection or occupancy, whichever occurs first**, the paleontologist shall prepare a final report to be submitted to the County that summarizes impacts to paleontological resources, describes impact minimization efforts, and provides the results of all data recovery efforts.

**During construction**, compliance will be verified by the County Environmental Monitor, including verification that appropriate training is developed and given to all grading personnel.

## **GEOLOGY & SOILS**

89. **MM GE-1.1 - Protect disturbed soil from erosion during project construction. Prior to issuance of construction permits**, the Applicant shall submit to the County Public works for review and approval of a sedimentation and erosion control plan which identifies how disturbed surface soils will be stabilized to prevent wind and water erosion during construction and immediately after construction until the revegetation activities are begun. This shall include temporary measures to be installed during the rainy season. Wind erosion control measures that may be included in the plan include, but are not limited to use of mulch, soil stabilizers, and temporary revegetation (all compatible with project area sensitive species). The plan may also include standard provisions for dust control by water truck or periodic application of soil stabilizers during construction. This Plan shall also address measures to be used **during the Operations phase**.

**During construction**, the County Environmental Monitor shall work with County Public Works to verify that approved sedimentation and erosion control measures relating to wind and water erosion have been implemented or are being incorporated.

90. **At the time of application for construction permits**, the Applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
  - a. Limits of the 100 year flood inundation and any other flood hazard combining designation information.
  - b. Complete drainage calculations for county Public Works review and approval.
  - c. Retention / Detention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
  - d. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
  - e. Permanent erosion control devices shall be installed **prior to or concurrently with on-site grading activities**.
  - f. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.

g. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

91. **Stormwater Pollution Prevention Plan. Prior to issuance of construction permits**, the Applicant shall provide the County evidence that a stormwater pollution prevention plan has been prepared meeting RWQCB standards.

92. **MM GE-2.1 - Reduce effects of groundshaking. Prior to issuance of construction permits**, the design-level geotechnical investigations performed by the Applicant shall include site-specific seismic analyses to evaluate ground accelerations for design of project components. Based on these findings, project structure designs shall be modified/strengthened, as deemed appropriate by the project engineer, if the anticipated seismic forces are found to be greater than standard design load stresses on project structures. Study results and proposed design modifications shall be provided to the Department of Planning and Building for review before final project design and **prior to construction permit issuance**.

**During construction**, the County Environmental Monitor shall work with the County Building Inspector to verify that approved seismic measures are followed or incorporated.

93. **MM GE-2.2 - Conduct landslide survey and protect against slope instability.** A landslide survey of any steep hillside areas shall be conducted in and adjacent to areas of planned construction and of installation of solar arrays. The survey will identify areas with the potential for unstable slopes, landslides, earth flows, debris flows, and seismically induced slope failure hazards. If the results of the landslide survey indicate the presence of slopes likely to fail and cause damage to these structures, appropriate support and protection measures shall be designed and implemented to minimize potential damage. These design measures may include, but are not limited to, retaining walls, re-engineered slopes, removal of potentially unstable materials, and avoidance of areas below highly unstable areas. Study results and proposed design modifications shall be provided to the Department of Planning and Building for review before final project design and **prior to construction permit issuance. Prior to final inspection or occupancy, whichever occurs first**, the County Building Division shall verify that all elements comply with approved plans and Uniform Building Code.

**During construction**, the County Environmental Monitor shall work with the County Building Inspector to verify that approved landslide protection measures are followed or incorporated.

94. **MM GE-4.1 - Conduct geotechnical studies to assess problem soil characteristics. Prior to issuance of construction permits**, the design-level geotechnical studies to be performed by the Applicant shall identify the presence, if any, of potentially detrimental soil chemicals, such as chlorides and sulfates. Appropriate design measures for protection of reinforcement, concrete, and metal-structural foundation components against corrosion shall be utilized, such as use of corrosion-resistant materials and coatings, increased thickness of project components exposed to potentially corrosive conditions, and use of passive and/or active cathodic protection systems. The geotechnical studies shall also identify areas with potentially expansive or collapsible soils and include appropriate design features, including excavation of potentially expansive or collapsible soils during construction and replacement with engineered backfill, ground-treatment processes, and redirection of surface water and drainage away from expansive foundation soils. Studies shall conform to industry standards of care and American Society for Testing and Materials (ASTM) standards for field and laboratory testing. Study results and proposed solutions shall be provided to the Department of Planning and Building for review and approval **prior to construction permit issuance**.

95. **MM GE-3.1 - Avoid placement of project structures within active fault zones. Prior to final project design and construction permit issuance**, the Applicant shall perform a fault

evaluation study to confirm the location of mapped traces of active and potentially active fault strands of the San Andreas Fault Zone along the transmission line alignment. The study would identify mapped fault locations at the transmission line crossing and determine locations for structures that would avoid mapped fault traces. Final project design shall be planned so as to locate towers or other project structures as far as feasible outside the areas of mapped fault traces. Compliance with this measure shall be documented to San Luis Obispo County in a report submitted for review at least 60 days **prior to the start of construction**.

**During construction**, the County Environmental Monitor will verify inclusion of required elements on Gen-Tie Line and Caliente Switching Station design plans in consultation with PG&E and/or the CPUC. Building inspector will inspect for compliance with approved plans.

96. **MM GE-6.1 - Design of onsite sewage disposal system by professional engineer. Prior to construction permit issuance**, subsurface exploration and percolation testing shall be performed in accordance with the County Department of Planning and Building requirements and under the supervision of a professional engineer licensed in California. The design of the onsite sewage disposal system shall be prepared by the professional engineer in accordance with established County guidance. Approval of the siting and final design and compliance with this measure will include obtaining the required County building permits **prior to the start of construction**.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with the Building Division.

97. **MM GE-6.2 - Design of onsite brine management system by professional engineer. Prior to construction permit issuance**, a professional engineer licensed in California shall design for County approval an onsite brine management system, if used. Approval of the siting and final design and compliance with this measure will include obtaining the required County building permits **prior to the start of construction**. The management system shall include means for preventing brine from being spread on unprotected ground surfaces or entering the groundwater, and from wildlife and birds entering the ponds. The design and operation of the brine management system shall satisfy all requirements of the Central Coast Regional Water Quality Control Board. Any brine removed from the ponds shall be hauled to an appropriately licensed facility for disposal. **Prior to construction permit issuance**, the Applicant shall provide a copy of an approved Waste Discharge permit from RWQCB.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with the Building Division and RWQCB.

## **HAZARDS & HAZARDOUS MATERIAL**

98. **MM HZ-1.1 - Develop and implement site-specific spill response plan. Prior to construction permit issuance**, the Applicant shall submit to the County for review and approval a site-specific spill response plan that shall include the following elements:

a. **General information:**

- i. Name and location of facility
- ii. Description of facility operations
- iii. General manager and emergency coordinator names and phone numbers (home, work, pager, and mobile contact information)
- iv. Description of what is stored at the facility (contents and volume)
- v. Site diagram showing:

- ❖ Hazardous materials storage areas
  - ❖ Drains (storm and sanitary)
  - ❖ Surface waters
  - ❖ Buildings
  - ❖ Surrounding neighborhood
- b. **Prevention:** A description of prevention measures to be taken at the project site, such as secondary containment, employee training, and proper storage. Products shall be kept in their original containers with the original manufacturer's label and resealed when possible, and the manufacturer's recommendation for proper disposal shall be followed. The site superintendent shall perform routine inspections to ensure that all materials onsite are being stored and disposed of in an appropriate fashion.
- c. **Preparedness:** A description of the planned onsite equipment for spill response and its location. Spill clean-up materials and equipment appropriate to the type and quantity of hazardous materials shall be located onsite and personnel made aware of their location. Key employees shall be trained in spill response procedures in accordance with local, State, and federal regulations. Material safety data sheets (MSDSs) shall be kept onsite during construction and operation of the solar farm. Spill response materials including brooms, dust pans, mops, rags, gloves, absorbent pads/pillows/socks, sand/absorbent litter, sawdust, and plastic and metal containers will be kept onsite. The spill response plan shall also specify:
- i. The Applicant's health and safety training plan, Department of Transportation–required training, and spill response training
  - ii. Local, State, and federal regulatory agency reporting procedures and phone numbers, as well as emergency response contractor contact information and local hospital contact information
- d. **Response Procedures:** An outline of emergency response procedures, including physical spill clean-up procedures, reporting requirements, and stabilization techniques. Spill guidelines shall include the following:
- i. All spills shall be immediately cleaned up upon discovery
  - ii. The spill area shall be kept well ventilated and personnel shall wear the appropriate protective clothing to prevent injury when cleaning up a spill
  - iii. Reportable quantities of spills of hazardous materials shall be reported to the appropriate local, State, and federal authorities
  - iv. All vehicles leaking oil or fluids shall be scheduled for maintenance, and drip plans shall be placed under the leak when parked prior to the maintenance event
- e. A description of spill prevention and response measures for transportation of substation transformer oil to and from the project site. Spill guidelines shall include the following:
- i. The transformer oil transportation route shall be mapped with all navigable or potentially navigable waters adjacent to or perpendicular to the route
  - ii. A list of contact information for the appropriate local, State, and federal authorities shall be located in the transportation vehicle(s) at all times
  - iii. Transformer oil spills during transportation shall be immediately reported to the appropriate local, State, and federal authorities

The spill response plan shall be implemented during both construction and operation. In addition, during the life of project operation, the project shall not use any hazardous materials

not specified in the plan or in greater quantities than specified, unless approved in advance by the County Environmental Health Services Division and the County Department of Planning and Building.

**During construction**, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Spill Response Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

99. **MM HZ-1.2 - Develop and implement a hazardous materials business plan. Prior to issuance of the construction permit**, in accordance with the California Health and Safety Code, the Applicant shall prepare a hazardous materials business plan and submit it to the County Environmental Health Services Division for review and approval. The hazardous materials business plan shall delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies, including fires. The Applicant shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.

**During construction**, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

100. **MM HZ-1.3 - Develop and implement a hazardous waste management plan. Prior to issuance of the construction permit**, the Applicant shall prepare a hazardous waste management plan to ensure proper storage, transport, and disposal of hazardous waste generated at the project site during construction and operation. The Applicant shall submit the plan to the County Environmental Health Services Division for review and approval. At a minimum, the hazardous waste management plan shall address:

- a. Waste determination (22 CCR §66262.11);
- b. On-site container/tank management (22 CCR §66265.171 - .191);
- c. Proper disposal (22 CCR §66266.3, HSC §25250.4);
- d. Accumulation times (22 CCR §66262.34);
- e. Contingency plans (22 CCR §66265.50); and
- f. The plan shall comply with all future revisions and updates to the regulations cited in this condition.

**During construction**, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

101. **MM HZ-1.4 - Develop and implement spill prevention, control, and countermeasures plans. Prior to issuance of the construction permit**, the Applicant shall prepare a spill prevention, control, and countermeasures plan for the storage and use of transformer oil, gasoline, or diesel fuel at the site in quantities of 660 gallons or greater. The plans shall include design features of the project that will contain accidental releases of petroleum and vegetable oil products from onsite fuel tanks and transformers. The plans shall be submitted in advance to the U.S. Environmental Protection Agency, the California Environmental Protection Agency, and the County Environmental Health Services Division for their review and approval **prior to permit issuance for construction-related elements** (e.g., motor

vehicle fuel), and 30 days **prior to energizing the project or final inspection**, whichever comes first, for operational elements (e.g., substation transformer oil).

**During construction**, the County Environmental Monitor shall work with the Environmental Health Division, in consultation with U.S. Environmental Protection Agency, and the California Environmental Protection Agency, to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

102. **MM HZ-1.5 - Use licensed herbicide applicator.** During the construction and operational phases of the project, the contractor or personnel applying herbicides shall have all the appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the product manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets (MSDSs) for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and waterbodies, herbicides shall not be applied directly to wildlife, products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed, and herbicides shall not be applied within 50 feet of any surface waterbody when water is present. Herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.

Prior to any herbicide application, the herbicide applicator shall contact the County Environmental Monitor to show where work will be done and to receive information/ training about potentially sensitive biological resources that may be within the area to be sprayed and methods to apply to minimize those impacts. **Prior to construction permit issuance**, a Worker's Training Manual shall be prepared for the County Environmental Monitor's review that includes a provision on herbicide application. Once facility operation commences, this Manual shall be given to any herbicide applicator and followed prior to spraying.

103. **MM HZ-1.6 - Ensure proper disposal or recycling of photovoltaic panels and support structures. Prior to construction permit issuance**, the Applicant shall submit a recycling and disposal plan for photovoltaic panels and support structures for County review and approval, in order that project structures not pose a risk to human health or the environment **after project decommissioning**. The plan shall specify how these project components will be disposed of in a manner that will not pose a risk to human health or the environment, and the costs of such disposal.

Refer to Condition #12 for the setting aside of adequate funding to insure proper decommissioning.

104. **MM HZ-5.1 - Develop and implement a fire safety plan. Prior to construction permit issuance**, the Applicant shall obtain a Cal Fire-approved fire safety plan for use during construction and operation. The fire safety plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:
- a. All internal combustion engines, stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.
  - b. Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. Said vehicle types shall maintain their factory-installed (type) muffler in good condition.
  - c. Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees.

- d. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.
- e. Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires in order to prevent them from growing into more serious threats.
- f. Applicant shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.
- g. Smoking shall be prohibited in wildland areas and shall be limited to paved areas or areas cleared of all vegetation. Smoking shall be prohibited within 30 feet of any combustible material storage area (including fuels, gases, and solvents).
- h. During project operation, the approved fire plan shall be implemented.

**During construction**, the County Environmental Monitor shall work with the Cal Fire/ San Luis Obispo County Fire Department to verify that the approved Plan is followed or incorporated. Cal Fire/San Luis Obispo County Fire Department to verify compliance post-construction.

105. **MM HZ-5.2 - Cease work during times of high wildfire risk. Prior to construction permit issuance**, the Applicant shall work with CalFire/County Fire to develop a process during 'Red Flag Warning' times (as issued by the National Weather Service (NWS) for the project area defined as "San Luis Obispo County Interior Valleys"), where the Applicant will cease work during construction and operation, as determined necessary by CalFire/County Fire. As approved by CalFire/County Fire, exceptions may be made for emergency construction and maintenance activities. This provision shall be clearly stated in the fire safety plan, and submitted to the County **prior to construction permit issuance**. The Emergency Response Liaison (see MM HZ-6.1) shall be in regular contact with CalFire/County Fire to ensure implementation of the approved process. Should a comparable alternative be proposed by the Applicant, the County Planning Department and CalFire/County Fire must review and approve prior to implementation.

**During construction**, County Environmental Coordinator will ensure that an effective system of information transfer is in place between the Emergency Response Liaison and CalFire/County Fire, which shall be established **prior to construction**.

106. **MM HZ-5.3 - Install electrical safety signage. Prior to energization or final inspection, whichever occurs first**, the Applicant shall install electrical safety signage on all solar arrays in the immediate vicinity of all wiring and on all electrical conduit using weather-resistant and fade-proof materials. The purpose of this measure is to reduce the risk of electric shock and fire. Warning signs shall be designed to be evident to any person tampering with, working on, or dismantling project photovoltaic panels. Signs shall read: "CAUTION: Solar PV Wiring May Remain Energized After Disconnection During Daylight Hours. Tampering With Wiring May Result in ELECTRIC SHOCK or FIRE. Death or Serious Injury May Result. Do Not Expose Wires to Vegetation or Other Flammable Materials."

**Prior to final inspection**, compliance will be verified by the County Environmental Monitor.

107. **MM HZ-6.1 - Coordinate traffic during emergencies. Prior to construction work commencing**, the Applicant shall designate an Emergency Response Liaison (e.g., onsite construction manager, resident engineer, etc.) to coordinate the reduction of project-related traffic for the duration of any emergency at or nearby the project site. The Carrizo Plain Fire Station/Cal Fire, the San Luis Obispo County Sheriff's Department, and the California

Highway Patrol shall be provided with the construction schedule and the onsite contact information for the Liaison **prior to construction**.

At all times during construction, the Liaison shall be immediately reachable. The Liaison shall have radio contact with project construction vehicles at all times to coordinate traffic reduction measures. In addition, the Liaison shall coordinate with the Carrizo Plain Fire Station/Cal Fire, the San Luis Obispo County Sherriff's Department, and the California Highway Patrol to establish emergency procedures for access to the project site in the event of emergency.

Establishment of a Liaison during construction shall be verified by County Department of Planning and Building.

108. **MM HZ-6.2 - Provide helicopter landing areas onsite. Prior to commencement of construction/ground disturbing activities**, the Applicant shall work with the County fire department/CalFire to provide temporary helicopter landing zones near areas of active construction. On-site supervisory construction personnel shall be made aware of these locations. As applicable, these areas shall be designed in accordance with the Federal Aeronautics Administration and County requirements for emergency facilities/helipads.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with CalFire.

109. **MM HZ-7.1 - Sample and test contaminated soil.** During construction and all ground-disturbing activities, if any construction personnel observe visual or olfactory evidence of contamination or if soil contamination is otherwise suspected, work near the excavation site shall be terminated and the work area cordoned off. Samples shall be collected by an OSHA-trained individual with a minimum of 40 hours hazardous material site worker training. Laboratory data from suspected contaminated material shall be reviewed by the contractor's Health and Safety Officer. If the sample testing determines that contamination is not present, work may proceed at the site. However, if contamination is detected above regulatory limits, the County Environmental Health Services Division shall be notified. All actions related to encountering unanticipated hazardous materials at the site shall be documented and submitted to the County Environmental Health Services Division.

Applicant's Health & Safety Officer shall apprise County Environmental Monitor should contamination incidents arise. When thresholds are exceeded, County Environmental Health Services Division shall verify proper protocol has been followed.

110. **MM HZ-7.2 - Prohibit standing water and trash piles. During construction and operation**, in order to eliminate potential disease vectors at the site, the Applicant shall ensure that trash is stored in closed containers and removed from the site at regular intervals. Open containers shall be inverted and construction ditches shall not be allowed to accumulate water. Construction and maintenance operations shall not generate standing water, except for reverse osmosis evaporation ponds. Naturally occurring depressions, drainages, and pools at the site shall not be drained or filled without consulting with the appropriate resource agency (San Luis Obispo County, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game) and obtaining the appropriate permits.

**During construction**, compliance will be verified by the County Environmental Monitor. Operations manager shall conduct regular inspections, especially after rain events occurring at the beginning of each rainy season.

111. **MM HZ-7.3 - Ensure proper handling of livestock.** Prior to livestock grazing on the project site, to substantially reduce the risk of livestock transmitting anthrax to personnel, the Applicant shall ensure that all personnel are trained to be aware of the risk of naturally

occurring anthrax being transmitted to humans from a diseased animal carcass. In addition, the following practices shall be followed:

- a. Only trained livestock handlers shall handle livestock at the project site.
- b. Animal carcass disposal shall follow accepted practice if the death is potentially related to anthrax.
- c. All suspected cases of anthrax shall be immediately reported to the animal's veterinarian, the San Luis Obispo County Agricultural Commissioner, County Planning and the California Department of Food and Agriculture's Animal Health and Food Safety Services – Animal Health Branch.
- d. Livestock carcasses shall be handled only by properly trained livestock handlers, veterinarians, or health officials.
- e. If livestock carcasses must be temporarily stored at the project site overnight, all carcasses shall be covered with thick plastic and secured from being accessed by scavenging wildlife.
- f. Livestock carcasses shall not be temporarily stored on the project site during a rain storm.
- g. Livestock carcasses shall not be allowed to remain unsecured on the project site overnight in order to avoid scavengers and pets opening a potentially diseased carcass.
- h. Livestock carcasses shall be burned or removed and properly disposed as soon as possible after the death of the animal. Disposal shall be coordinated with the San Luis Obispo County Agricultural Commissioner.

## LAND USE

112. **MM LU-1.1 - Establish construction liaison.** During construction, all ground disturbing activities, and until one year after construction is complete, the Applicant shall provide a toll-free general phone number, and retain a local public liaison. The name and contact information of the public liaison shall be made available to all "potentially affected property owners," including all occupied properties within 3 miles around project boundaries and properties along approved truck haul routes. The toll-free access number and the identified local public liaison shall act as points of contact between property owners and construction crews. The local public liaison shall be available both in person and by phone, as necessary, for at least 30 days **prior to the start of any construction-related activities** and for up to one year following construction. During construction, the local public liaison shall respond to all construction-related questions and concerns within 72 hours. Post-construction responses shall be made within one week.

Monthly for the duration of construction, and for one year following the completion of construction, the Applicant shall generate a liaison summary of all comments received and how these issues were addressed. The compliance documentation shall also include the name and address of the person (if known) contacting the local public liaison and the date of contact. The compliance documentation shall be submitted to the County Department of Planning and Building throughout the duration of construction and for one year following construction.

**During construction**, compliance will be verified by the County Environmental Monitor.

113. **MM LU-1.2 - Provide advance notification of construction.** **Prior to and during construction**, the Applicant shall give at least 30 days advance notice of the start of any construction-related activities to "potentially affected property owners." The notification shall include the toll-free general phone number and contact information for the local public liaison (Mitigation Measure LU-1.1, Establish construction liaison). Notification shall be provided by:

(1) mailing notices to all “potentially affected property owners”; and (2) placing notices in local newspapers. Compliance documentation shall be submitted to the County Department of Planning and Building at least two weeks **prior to the start of construction**.

The Applicant shall provide the Department of Planning and Building with a map and list of all property owners to whom notices were sent **prior to construction**.

114. **MM LU-1.3 - Provide quarterly construction updates.** Following publication/transmittal of the advance notification of construction (Mitigation Measure LU-1.2, Provide advance notification of construction), the Applicant shall provide all “potentially affected property owners” with updates and changes to all of the information provided in the pre-construction notification. The updates shall be provided every quarter for the duration of all construction-related activities. The updates shall continue to provide the toll-free number and the name and phone number of the local public liaison to respond to all construction-related questions and concerns. The local public liaison shall continue to respond to all questions and complaints within a 72-hour period during construction and within one week for post-construction activities (Mitigation Measure LU-1.1, Establish construction liaison).

**During construction**, compliance will be verified by the County Environmental Monitor.

## **NOISE**

115. **MM NS-1.1 - Limit noisy onsite construction activities.** During ground disturbing activities, heavy equipment operation and noisy construction work at the project site shall be restricted to the following hours:

October 1 through May 31 - Monday through Friday 7:00 a.m. to 6:00 p.m.

June 1 through September 30 – Monday through Friday 5:00 a.m. to 9:00 p.m. All construction activities between 5 am and 7 am shall not result in noise exceeding 45 dBA at the perimeter property boundaries.

Saturday and Sunday 8:00 a.m. to 5:00 p.m.

Every first and third Sunday shall not include any noisy activities. Noisy construction refers to any onsite activity that would be likely to exceed the County’s limits for daytime noise levels (maximum noise level of 70 dBA, maximum impulsive noise level of 65 dBA, hourly noise level of 50 dBA Leq) at the project’s property line. Onsite 24-hour security/surveillance activities, however, are not limited to these hours. When construction will occur within 3,700 feet from the project’s property line, the Applicant shall monitor continuous noise levels during construction at the project’s property line and report monitoring results to the County Environmental Monitor. Should maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are installed to meet these thresholds. Any measure installed shall remain in good working order during the duration of the noise-making activity. County Environmental Monitor shall review Applicant’s reports to verify compliance with these requirements. .

**During construction**, compliance will be verified by the County Environmental Monitor.

116. **MM NS-1.2 - Provide advance notice of construction. Prior to and during construction, decommissioning and ground disturbing activities,** the Applicant shall provide advance notice of construction for each phase of construction (Phases 1, 2 and 3) and decommissioning between two and four weeks **prior to construction or decommissioning activities**, respectively, to all land owners and residents located within 3,700 feet of the project phase boundary. The notices shall be mailed directly to land owners and residents as well as posting signs at the project site in areas accessible to the public. The announcement shall state where and when construction would occur; provide tips on reducing noise intrusion (e.g., closing windows facing the planned construction); and provide a point of contact for any

noise complaints. The Applicant shall provide to the County Environmental Monitor within 48 hours of any complaints received, a report that documents the complaints and the strategy for resolution of any noise complaints. The County Environmental Monitor shall verify implementation of agreed upon strategy.

**Prior to construction**, compliance will be verified by the County Environmental Monitor on implementation of agreed upon noise attenuation strategy, as applicable.

117. **MM NS-1.3 - Shield primary construction staging area.** Prior to using noisy stationary equipment during construction and decommissioning activities, the Applicant or its construction contractor shall install adequate temporary noise barriers around the primary construction staging area to reduce noise levels associated with the concrete batch plant, deliveries to this area, and construction equipment staging to meet County thresholds (Nighttime maximum noise level of 65 dBA; maximum impulsive noise level of 60 dBA, hourly noise level of 45 dBA Leq at the project's property line). This measure shall be implemented for primary construction staging areas located within 3,700 feet of the project's property line. The Applicant shall retain a qualified individual to monitor noise levels during construction at the closest residence to the primary construction staging areas and report monitoring results to the County Environmental Monitor. Should maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are installed to meet these thresholds. Any measure installed shall remain in good working order during the duration of the noise-making activity.

**During construction**, compliance will be verified by the County Environmental Monitor.

118. **MM NS-1.4 - Implement noise-reducing features and practices to reduce construction and operational noise.** Prior to and during construction, operations, decommissioning, and ground disturbing activities, the Applicant shall employ and clearly specify in its contractors' specifications and operations manuals the following noise-suppression techniques to minimize the impact of temporary noise associated with construction, operations, and decommissioning activities:
- a. Trucks and other engine-powered equipment shall include noise reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
  - b. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements (see Air Quality mitigation measures).
  - c. Truck engine exhaust ("jake") brake use shall be limited to emergencies.
  - d. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. These settings shall be retained for the life of the project. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.
  - e. Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.
  - f. Radios and other "personal equipment" shall be kept at the lowest most reasonably effective volume.
  - g. Automobiles or light trucks used onsite for routine operational activities, including security patrols, shall generate noise levels not exceeding County stationary source standards of less than 70 dBA Lmax daytime and 65 dBA Lmax nighttime at the project's property line such as by utilizing electric vehicles and limiting vehicle speeds to 15 miles per hour or less (except in cases of emergency). Within 90 days of the start of operation, the

Applicant shall demonstrate that these standards are met, and they are not met, the Applicant shall develop alternate means of completing the operational activities that generate excessive noise.

**During construction**, the County Environmental Monitor shall work with onsite resident engineer to verify adherence to these measures. If electric vehicles are utilized, the Applicant shall submit to the County Environmental Monitor, upon request, the purchase and maintenance records, including mileage records, for each electric vehicle utilized for the project.

119. **MM NS-4.1 - Limit panel washing activity hours.** During operation, panel washing activities shall be limited to the hours of 10:00 a.m. to 5:00 p.m. when occurring within 1,100 feet of the Solar Generation Facility's property line. The County shall monitor noise levels at the project's property line. Should maximum, impulsive, or hourly noise level thresholds be exceeded, all noise-related work shall stop until adequate noise attenuation measures are installed to meet these thresholds (such as the use of non-noise generating applications (e.g., hand washing)). Any measure installed shall remain in good working order during the duration of the noise-making activity.

**During operation**, should complaints be received the County shall conduct noise monitoring to determine compliance, as needed.

120. **Inverter Housing. Prior to final inspection**, the County Environmental Monitor shall verify that all inverters are housed within metal enclosures to reduce noise, and are compliant with County Noise Ordinance and Element requirements (based on the Final EIR (Section C.11), inverters will need to be at least 100 feet from the perimeter property boundaries to meet the 50 dBA threshold). Inverters shall be off and silent after dark.

## **POPULATION & HOUSING**

121. **MM PH-2.1 - Develop and implement Worker Housing Program. Prior to issuance of construction permits**, the Applicant shall coordinate with San Luis Obispo County to develop and implement a Worker Housing Program that would include:
- a. Projection of the peak need for worker housing in relation to San Luis Obispo County's existing demand for temporary accommodations, with particular attention paid to seasonal housing.
  - b. Classification of workers' housing needs based on the duration of their work on the project:
    - i. Hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month shall be identified by coordinating with San Luis Obispo County and the San Luis Obispo and Paso Robles–Atascadero Chambers of Commerce.
    - ii. Real estate agents available to find longer-term housing rentals, mobile homes, and RV parks shall be identified in coordination with San Luis Obispo County and the San Luis Obispo and Paso Robles–Atascadero Chambers of Commerce.
  - c. Development of protocols for the Applicant to reserve or coordinate the reservation of temporary accommodations.
  - d. Recreational campsites and other facilities deemed unsuitable for worker housing shall be identified and the Applicant, through its hiring process, shall subsequently ensure that construction personnel are aware that the Carrizo Plains National Monument camping grounds are available only to CPNM visitors and are prohibited for use as residential support.

- e. Formalization of a free shuttle bus program from San Luis Obispo and Paso Robles–Atascadero to and from the project site, and shall also take workers to specific onsite work areas.
- f. Implementation of a paid parking permit system limiting the number cars driven by individuals to the project site and checked daily by monitors both onsite as well as in the immediate vicinity of the site.
- g. Development of a complete set of “Rules and Regulations” governing the Temporary Construction Worker Accommodations Area (TCWAA), including all provisions defined in APMs TCWAA-1 through TCWAA-5. These shall be submitted to the County for review and approval before the start of construction. The Applicant shall maintain a signed copy of the Rules and Regulations for each occupant of the TCWAA, acknowledging the occupant’s commitment to abide by all rules.

The Applicant shall submit a draft Worker Housing Program, to be approved by the County, **prior to the issuance of construction permits.**

**During construction,** the County Environmental Monitor shall periodically verify the Applicant’s compliance with this program. Should any worker be cited for illegal camping, a copy of this citation will be provided to the Environmental Monitor.

## **PUBLIC SERVICES**

122. **MM PS-1.1 - Provide and maintain emergency access onsite. Prior to the issuance of construction permits,** the Applicant shall include and maintain the following features in the design of the CVSR, which shall be shown on all applicable construction plans.

- a. For all potentially habitable buildings, one, possibly two interior (as recommended by Cal Fire), fire-rated stairwell access(es) to the roof for structures taller than 16 feet shall be shown on applicable plans;
- b. For all potentially habitable buildings, structure(s) shall be sprinklered, per current Uniform Fire Code requirements;
- c. For interior roads, the following shall be shown on all applicable plans: adequate widths and vertical clearances shall be provided for fire and life safety vehicles; all-weather access to all interior areas;
- d. Perimeter all-weather access shall be provided around entire developed site and shown on all applicable plans; and
- e. Due to the long distance to any medical facility, the Applicant shall provide for temporary helicopter landing zones near construction areas on the project site; as applicable, they shall be designed in accordance with the Federal Aeronautics Administration and County requirements for emergency facilities/helipads.
- f. Compliance with all requirements in the Commercial Fire Review for DRC2008-00097.

**Prior to final inspection,** implementation of these measures shall be verified by Cal Fire, in consultation with the County Environmental Monitor, as needed.

**During construction,** compliance will be verified by the County Environmental Monitor.

123. **MM PS-1.2 - Sheriff Department Access Review. Prior to the issuance of construction permits,** the San Luis Obispo County Sheriff’s Department shall review and provide input on landscape plans and architectural elevations in relation to the following issues: access for patrol vehicles and deputies on-foot, proper illumination of entryways and parking areas.

**Prior to final inspection**, compliance will be verified by the San Luis Obispo County Sheriff's Department, in consultation with the County Department of Planning and Building.

124. **MM PS-2.1 - Recycle at least 50 percent of construction waste. Prior to issuance of construction permit**, the list of available recyclers shall be placed on all applicable construction plans. The Applicant, and all successors-in interest, shall provide to all contractors the list of companies that offer recycling services or drop box services.

The Applicant shall provide the San Luis Obispo County "Recycling Required at Construction Sites" pamphlet to all contractors **prior to commencement of construction work**.

During construction, collectively, the Applicant and all contractors shall recycle at least 50 percent of waste generated by the project's construction activity. A signed recycling area shall be established onsite and maintained in a manner to not attract sensitive wildlife. Waste includes anything discarded from the site, such as wood scraps, cardboard, flashing, paint or other finishing products, tools, drywall, concrete, asphalt, plastic bags, remnants of insulation, etc. In addition, construction recycling shall capture 90% steel and concrete wastes.

**During construction**, compliance will be verified by the County Environmental Monitor.

125. **MM PS-2.2 - Provide documentation of construction and demolition waste recycling. Prior to final inspection or occupation, whichever occurs first**, documentation shall be provided to the San Luis Obispo County Department of Planning and Building and Public Works that at least 50 percent (by weight) of the construction or demolition (applies if demolition is 1,000 square feet or larger) waste has been recycled. Failure to comply will result in fines as noted in County Code section 8.12.485.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with Public Works.

126. **MM PS-2.3 - Obtain weekly garbage service. Prior to issuance of construction permits**, the Applicant shall either obtain weekly garbage service from the local, permitted, franchised collection company or establish an onsite solid waste disposal program to establish a recycling program and weekly visits to the landfill. This shall be kept in a clean, good-working order and in a manner that discourages wildlife from entering.

**During construction**, compliance will be verified by the County Environmental Monitor.

## **RECREATION**

127. **MM RC-3.1 - Develop and implement construction-phase CPNM camping restrictions.** At least 90 days **prior to the start of construction**, the Applicant shall contact the CPNM land manager to confirm that the project's construction workforce has been instructed not to use the CPNM's camping grounds for temporary housing. The Applicant, through its hiring/contracting process, shall subsequently ensure that construction personnel are aware that the CPNM camping grounds are available only to CPNM visitors and are prohibited for use as residential support. Compliance documentation shall be submitted to the County Department of Planning and Building at least 30 days **prior to the start of construction**.

**Prior to construction**, compliance will be verified by the County Environmental Monitor.

128. **MM-RC-3.2 - Establish CPNM construction liaison.** The Applicant shall give at least 30 days advance notice of the start of any construction-related activities to the CPNM land manager and BLM Bakersfield Field Office. The notification shall include the identification of a designated liaison to act as the primary point of contact for the CPNM during all phases of construction. The construction liaison shall respond to all construction-related questions and concerns communicated by the CPNM within a 72-hour period during construction. As part of its compliance documentation for MM LU-1.1, the Applicant shall submit all questions and

concerns expressed by the CPNM, including all actions taken to rectify and/or address these questions and concerns, to the County Department of Planning and Building at one-month intervals for the duration of construction.

**Prior to construction**, compliance will be verified by the County Environmental Monitor.

## **TRANSPORTATION**

129. **MM TR-1.1 - Prepare and implement traffic control and management plan. Prior to construction permit issuance**, the Applicant shall apply for an Encroachment Permit from Caltrans for implementation of a Traffic Control and Management Plan (TCMP) . The TCMP shall, at a minimum:

- a. Implement Truck Option 3, as identified in Section C.14 of the FEIR.
- b. Define the locations of project access points and locations of any temporary lane closures;
- c. Identify and make provision for circumstances requiring the use of flag persons, warning signs, lights, barricades, cones, etc. to provide safe work areas in the vicinity of the project site and to warn, control, protect, and expedite vehicular and pedestrian traffic;
- d. Include signage placed along all proposed construction haul routes and alternate haul routes at appropriate intervals notifying drivers of the presence of construction traffic on those roadways;
- e. Identify temporary alternative routes for construction-related truck and shuttle traffic in the event of a temporary closure of the selected construction route;
- f. Include signage placed along the south and north shoulders of Highway 58 at appropriate intervals (as recommended in Part 7 of Traffic Control for School Areas of the California Manual on Uniform Traffic Control Devices) in the vicinity of Carissa Plains Elementary School and McKittrick Elementary School notifying drivers of the school entrance and school traffic;
- g. Prohibit onsite construction activities on the day of the Wildflower Ride during each year of construction, regardless of which Truck Route Option is selected. The project Applicant shall coordinate with San Luis Obispo Bike Club in January of each year of construction to determine the date of the Wildflower Ride for that year and shall confirm the date and the prohibition of Project construction activities with the Department of Planning and Building at least 30 days prior to the Wildflower Ride;
- h. Construct standard driveway connections between Highway 58 and the mine entrance (should the mine be approved) and between Highway 58 and the main project entrance.
- i. Place steel rumble plates at mine (should the mine be approved) and project entrances to reduce the potential for gravel, dirt, and debris to enter Highway 58.

The TCMP shall include a Truck and Bus Safety Plan ensuring that:

- j. Construction truck deliveries along Highway 41/46 shall be during off peak hours (i.e., trucks traveling via Highway 41/46 must arrive after 10:00 a.m. and depart no later than 3:00 p.m.) and no truck deliveries on weekends;
- k. Designated worker pick-up and drop-off areas are located onsite and do not result in construction-related shuttle buses parking or queuing along Highway 58;
- l. All vendors and suppliers creating construction worker traffic adhere to the prohibition of buses over 40 feet in length on Highway 58;

- m. Drivers of all delivery trucks and passenger buses used for construction worker shuttles shall keep a travel log documenting the arrival and departure times as well as the route traveled from I-5 or U.S. 101 to the project and back to I-5 or U.S. 101. Travel logs for buses shall include the number of passengers per trip. Travel logs shall be made available to the San Luis Obispo County Department of Planning and Building upon request.
- n. The Applicant shall provide the financial incentive of a free lunch to construction employees who use the free shuttles, utilize existing rideshare programs, appoint an onsite rideshare coordinator to assist matching employees to carpools and take other measures to ensure that
  - a. At least 75% of employees reach the project site other than in a single-occupant motor vehicle (e.g., on the bus/shuttle, in a carpool, or do not commute to the site due to temporary residency at the on-site TWCAA); and
  - b. At least 50% of construction workforce utilizes the shuttles.

The Applicant shall provide monthly documentation to the San Luis Obispo County Department of Planning and Building of this condition's compliance within 30 days of the end of each calendar month.

- o. The Applicant provides funding for up to two additional CHP units or CHP Commercial Officers to patrol Highway 58 between I-5 and the project site between 8 a.m. and 5 p.m. on weekdays through the entire construction duration. The precise number and timing of additional patrols shall be coordinated with CHP and San Luis Obispo County to adequately address potential safety impacts. (Applicant shall coordinate contribution of fair-share funding [should other development be approved in the area with similar construction traffic needs] for these patrols based on coordination with CHP and San Luis Obispo County.) Verification by CHP that payment has been made shall be **prior to issuance of construction permit**;
- p. All construction truck and bus drivers are: 1) informed of the additional CHP patrols; 2) informed of and required to adhere to the designated traffic haul routes; and 3) subject to an enforcement program that requires drivers that do not adhere to designated haul routes are subject to fines payable to the County of San Luis Obispo.
- q. The Applicant shall implement an outreach campaign (signage, direct mail, website, recorded telephone update line, newspaper notices, etc.) to notify the public of potential delays during times when truck escorts are proposed. Truck escorts would be planned according to a set schedule so that area residents could avoid traveling this portion of Highway 58 during those periods.

The TCMP shall address guided tours at the Carrizo Plain National Monument to minimize impacts on visitors of scheduled activities. The project CPNM construction liaison shall coordinate with the CPNM Goodwin Education Center in December of each year of construction to determine the dates and times of the guided tours for the following year. The liaison shall coordinate construction traffic such that no undue delay on Highway 58 due to construction vehicles would result in visitors missing the guided tours, and shall report this construction traffic to the Goodwin Education Center staff. Coordination may include but shall not be limited to delaying the start of construction on Saturdays when guided tours are offered until after 10 a.m. and/or timing road closures to avoid impacts to visitors. The Applicant shall confirm the dates of the guided tours and the coordination plan with the Goodwin Education Center at least 30 days prior to the start of the guided tours. The measures included in the TCMP shall be consistent with the guidelines outlined in the Standard Specifications for Public Works Construction, the U.S. Department of Transportation's

Manual on Uniform Traffic Control Devices (MUTCD), and the Work Area Traffic Control Handbook (WATCH). Copies of the TCMP shall be provided to Caltrans (District 5 and District 6) and the San Luis Obispo County Department of Public Works for approval and issuance of an Encroachment Permit at least 30 days **prior to the start of construction**.

Required elements of the TCMP shall be added to all applicable construction plans and installed **prior to commencement of construction/ground disturbing activities and during construction**, as applicable.

**During construction**, the County Environmental Monitor shall work with the San Luis Obispo County Department of Public Works and Caltrans Districts 5 and 6 to verify that the approved Plan is followed or incorporated. County Planning to verify compliance **post-construction**.

Compliance with measures to minimize impact on the CPNM visitation shall be verified by the County Environmental Monitor, in consultation with the CPNM Goodwin Education Center. In addition, the County Environmental Monitor shall periodically check for compliance **during construction** during April and May.

130. **MM TR-1.2 - Repair roadway damage.** The Applicant shall be responsible for restoring all public roads, easements, rights-of-way (ROWs) and infrastructure (such as signs, utility poles, and cattle guards) within the public road ROWs that have been damaged due to project-related construction activities or traffic through implementation of a Road Restoration Plan (RRP). Restoration shall be to original or near-original condition and undertaken in a timely manner, in consultation and to the satisfaction of San Luis Obispo County and/or Caltrans, as appropriate. At a minimum, the RRP shall:

- a. Provide a video log of the proposed haul route.
- b. Determine the current Pavement Condition Index (PCI) of the haul route roadways.
- c. Identify roadway operational constraints specific to the proposed haul route and provide corrective recommendations.
- d. Propose locations to place traffic axle counters to measure project related traffic.
- e. Identify the funding mechanism for identified roadway upgrades and ongoing maintenance. The proposed energy projects impacting the roadway segments will be responsible for all costs. Should more than one energy project be using the same road within a similar window of time, a cost sharing program shall be developed.
- f. Identify post-construction traffic impacts associated with employee commuting, tourism, truck deliveries and major facility maintenance activities.
- g. Ensure all identified operational corrective recommendations, as identified in the RRP, shall be completed **prior to commencement of project-related construction activities** (including gravel roads under jurisdiction of the California Valley Community Services District).

At least 30 days **prior to the start of construction mobilization**, the Applicant shall establish baseline road conditions by photographing, videotaping or otherwise documenting existing conditions of all affected public roads, easements, and ROW segment(s), intersections, as well as cattle guards installed within public rights of way, and shall provide the County of San Luis Obispo and Caltrans (if applicable) with a copy of these documents. The Applicant shall enter into a Roadway Repair agreement with the County Public Works Department, in a form acceptable to County Counsel, secure an Encroachment Permit and post a cash damage bond. Additionally, the Applicant shall identify roadway operational constraints along the proposed haul routes, recommend corrective measures, and secure an encroachment permit to perform the corrective work to ensure construction vehicles can

safely navigate the haul routes without off-tracking or damaging existing infrastructure. All corrective road work shall be completed **prior to the start of mobilization**.

**Prior to final inspection or occupancy, whichever occurs first**, the Applicant shall meet with the County of San Luis Obispo and Caltrans (if applicable) to review the baseline road conditions and identify sections of public ROW that may have been damaged by the project work forces. At that time, the project owner shall establish a schedule to complete the repairs or compensate the County in accordance with the Roadway Repair Agreement. Following completion/compensation of the identified public ROW repairs, the project owner shall provide a letter to the County of San Luis Obispo Planning Director signed by the County of San Luis Obispo Public Works Director and Caltrans stating their satisfaction with the repairs.

Compliance will be verified by Department of Planning and Building, in consultation with the San Luis Obispo County Department of Public Works and/or Caltrans.

131. **MM TR-2.1 - Prepare and implement annual school bus traffic plan. Prior to issuance of the construction permit**, the Applicant shall submit a school bus traffic plan to the San Luis Obispo County Department of Planning for review and approval that provides a process for all project related construction traffic to follow which maximizes the safety, and minimizes delays of Atascadero USD school buses on Routes 4, 5, and 7.

Annually, and no later than July 1 of any given year during project construction, the Applicant shall coordinate with Atascadero USD staff to obtain the school bus route schedule for the upcoming school year, and then if necessary, instruct all construction-related employees, especially truck operators, of the revised hours or routes, and times to avoid these sections of roadways. The Applicant shall submit documentation of coordination and resulting schedule revisions to the Department of Planning and Building.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with Atascadero USD.

132. **MM TR-4.1 - Comply with FAA Advisory Circular 70/7460-1. Prior to issuance of the construction permit** for the solar project, generation-tie line or area where 230 kV transmission poles will be constructed, the Applicant shall work with the Federal Aviation Administration (FAA) to resolve any adverse effects on aeronautical operations. Documentation of FAA consultation, incorporation of any design features required as a result of the aeronautical study, and resolution of issues shall be submitted to the Department of Planning and Building.

During construction of the project, the Applicant shall comply with all applicable requirements to satisfy an FAA Determination of No Hazard to Air Navigation.

**During construction**, compliance will be verified by the County Environmental Monitor.

## **WATER RESOURCES**

133. **MM WR-1.1 - Develop a water supply contingency plan for construction. Prior to issuance of construction permits**, the Applicant shall prepare a Contingency Plan to drill and construct a second supply well in the event daily yields of Well 2008-325 are inadequate or become inadequate to meet the project requirements. The plan shall identify the well site, proximity to private wells, estimated total depth, well screen depth, diameter, estimated yield and water quality, and time required to have the well drilled, constructed, developed and fully operational. The plan shall also specify when the second supply well shall be used, what conditions would trigger necessary use of the second supply well, the person responsible for determining when to utilize the second supply well, and how such use shall be reported. Additionally, the plan shall identify procedures to identify the presence of the Upper and

Lower Aquifers and to use annular seals that prevent the hydraulic connection between these two aquifers of differing water quality.

**During construction**, the Applicant shall monitor drawdown and production conditions, and as warranted, install a second well that will be capable of producing daily yields sufficient to supplement Well 2008-325 in meeting construction water demand, as needed. The Applicant shall provide this information to the County Environmental Monitor to verify compliance.

134. **MM WR-1.2 - Prepare & Implement Groundwater Monitoring and Reporting Plan. Prior to issuance of construction permits**, a Groundwater Monitoring and Reporting Plan shall be prepared by a County-approved geologist or hydrogeologist and submitted by the Applicant to the County for review and approval. The Plan shall provide detailed methodology for monitoring background and site groundwater levels, water quality, and flow.

Monitoring shall be performed during pre-construction, construction, and project operation with the intent to establish pre-construction and project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the project supply wells and near potentially impacted existing private wells. The monitoring wells shall include locations up-gradient, lateral, and down-gradient of all project supply wells and a minimum of three offsite down-gradient wells. Water quality monitoring shall include annual sampling and testing for Total Dissolved Solids (TDS), which include minerals, salts, and metals dissolved in water. Water quality samples shall be drawn from project supply wells, one up-gradient well, and a minimum of two down-gradient offsite wells.

The Plan shall include a schedule for submittal of both quarterly (construction only) and annual (construction and operation) monitoring data reports by the Applicant to SLO County.

During the project construction period, quarterly water level monitoring data reports shall be submitted to SLO County Department of Planning and Building for review and approval. In addition, for at least the first 5 years of the project from the initiation of project construction, annual summary reports shall also be submitted to SLO County Department of Planning and Building for review and approval. At a minimum, these annual summary reports shall include:

- a. daily usage, monthly range, and monthly average of daily water usage in gallons per day;
- b. total water used on a monthly and annual basis in acre-feet;
- c. summary of all water level and water quality data; and
- d. identification of trends that indicate potential for offsite wells to experience deterioration of water level or water quality.

Based on the results of the quarterly and annual trend analyses during the first 5 years of the project from the initiation of project construction, the Applicant shall determine if the project pumping has resulted in water level decline of 5 feet or more below the baseline trend at nearby private wells. If drawdown of 5 feet or more occurs at offsite wells, the Applicant shall immediately reduce groundwater pumping until water levels stabilize or recover, sustaining drawdown of less than 5 feet. Alternatively, the Applicant shall provide compensation to the well owner, including reimbursement of increased energy costs, deepening the well (if appropriate/feasible) or pump setting, or development of a new well.

After the first 5 years of project, the Applicant and San Luis Obispo County shall jointly evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and determine if monitoring frequencies, laboratory testing program, or procedures should be revised or eliminated.

**During construction and project operations**, San Luis Obispo County Department of Planning and Building will review submitted data monitoring reports for compliance. Following

review and approval of the fifth annual summary report, the County shall determine whether groundwater wells surrounding the project site are affected by project activities in a way that requires additional mitigation and, if so, shall determine what measures are needed.

135. **MM WR-1.3 - Install pervious and/or high-roughness groundcover where applicable.** **Prior to the issuance of construction permits**, the Applicant shall submit a drainage design and hydrologic and hydraulic analysis to the County of San Luis Obispo Department of Planning and Building and Public Works for review and approval. In the design plans, groundcover for the new substation shall be comprised of a pervious and/or high-roughness material (for example, gravel) to the maximum extent feasible, in order to ensure maximum percolation of rainfall after construction. Detention/retention basins shall be installed to reduce local increases in runoff, particularly on frequent runoff events (up to 10-year frequency). Downstream drainage discharge points shall be provided with erosion protection and designed such that flow hydraulics exiting the site mimics the natural condition as much as possible.

**During construction**, the County Environmental Monitor shall work with the County Public Works Department to verify that the approved Plan is followed or incorporated. County Public Works Department to verify compliance post-construction.

136. **MM WR-1.4 - Construction site dewatering management.** If groundwater is unexpectedly encountered during project construction, dewatering activities shall be performed in compliance with applicable State and local regulatory requirements. These operations shall include, as applicable, the use of sediment traps and sediment basins in accordance with the California Stormwater Quality Association (CASQA) Handbook for Construction or other similar guidelines, as approved by the County. The project Applicant shall notify the Central Coast Regional Water Quality Control Board (RWQCB) and County at the onset of dewatering and submit written description of all executed dewatering activities, including steps taken to return encountered groundwater to the subsurface, upon the completion of dewatering activities at the affected site(s).

**During construction**, compliance will be verified by the County Environmental Monitor.

137. **MM WR-1.5 - Design onsite drainage improvements to maximize groundwater recharge.** **Prior to approval of construction plans**, the Applicant shall design onsite drainage improvements (and include on all applicable construction plans) to include the following components to maximize groundwater basin recharge:

- a. Drainage from impervious surfaces (e.g., roads, driveways, buildings) shall be directed to a common drainage basin;
- b. The project shall be designed with as few basins as possible for the entire development and maintain them free of tamarisk;
- c. Where feasible, mass grading and contouring shall be done in a way to direct surface runoff towards the above-referenced basins (and/or closed depressions).

**During construction**, the County Environmental Monitor shall work with the County Public Works Department to verify that the approved Plan is followed or incorporated. County Public Works Department to verify compliance post-construction.

138. **MM WR-1.6 - Develop master Drought Water Management and Water Conservation Education Programs.** **Prior to construction permit issuance**, a master Drought Water Management Program shall be prepared by the Applicant and submitted to the County for approval. The plan shall provide guidelines on how all future water use will be managed during "severe" drought year(s).

During construction and operation, these measures would go into effect during periods of “severe” drought. Once it is determined that a “severe” drought condition exists, restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the “severe” drought condition no longer exists. This plan shall include, but is not necessarily limited to:

- a. The definition of a “severe” drought year (as defined by NOAA’s Palmer Drought Severity method or other similarly recognized methodology);
- b. Identification of general measures available to reduce water usage for future development (to be refined as needed for each use approved);
- c. Identification of specific measures to be applied for landscape watering;
- d. Determination of appropriate early triggers to determine when “severe” drought conditions exist and process for initiating additional water conservation measures.

In addition to the Drought Water Management Program and **prior to construction permit issuance**, the Applicant shall develop, and submit to the County for approval, a master Water Conservation Education Program for all future operators/employees for use during drought periods. Such a program shall be developed by an appropriate expert for each onsite activity using water. Once the program is developed, the Applicant shall also include the means by which this information will be disseminated to any future operators.

For any year that a “severe drought” state has been recognized, the Applicant shall submit a letter to the County by November 1 of that year identifying what measures were implemented to conserve water and to provide water conservation education, as well as the effectiveness of such measures.

139. **MM WR-1.7 - Use low-water landscaping.** Per Land Use Ordinance (LUO) Title 22, Section 22.16.030 and **prior to construction permit issuance**, the Applicant shall demonstrate in its landscaping plan that all onsite landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all irrigation shall employ low water use techniques (e.g., drip irrigation) and (2) landscaping will use low-water, native plants where feasible.

**Prior to final inspection**, compliance will be verified by the County Environmental Monitor.

140. **MM WR-2.1 - Demonstrate compliance with water quality permits. Prior to construction permit issuance**, the Applicant shall submit satisfactory evidence to the San Luis Obispo County Department of Planning and Building that all of the agencies listed below had been contacted and whether or not the contacted agency required a permit associated with the project. Permits may include, but are not limited to, a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG), a Clean Water Act Section 404 permit from the United States Army Corps of Engineers (USACE), a Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with construction activities, including a Stormwater Pollution Prevention Plan (SWPPP) with Best Management Practices (BMPs) for stormwater management, and/or a Clean Water Act Section 401 certification from the Central Coast Regional Water Quality Control Board (RWQCB).

Where a permit is required, the Applicant shall provide a copy of all the conditions required by that agency to the County Department of Planning and Building. The County shall review these conditions for consistency with proposed plans and County conditions.

Additionally, after review and approval of all required water quality permits, the Applicant shall maintain and make available onsite at all times an approved copy of all required permits.

141. **MM WR-2.2 - Prepare & Implement a Road Drainage Plan.** The Applicant shall submit a Road Drainage Plan to the San Luis Obispo County Department of Planning and Building **prior to issuance of construction permits** to ensure that water/flooding features relating to elevated roads are designed to avoid flooding. The Road Drainage Plan shall identify the precise location of all planned access and spur road construction activities, including improvements to existing roads. The Road Drainage Plan shall also identify the specific improvements/modifications that would be undertaken at each location or road segment, including the planned width of each completed segment, the engineered limits of cut and fill, the location of any drainage and/or sensitive habitat within 100 feet of either edge of the planned access or spur road, and the location and construction details of any new or modified stream crossings or drainage diversion structures. Should the road plan propose a “cut” or “fill” of more than 12 inches, or the movement of more than 50 cubic yards of material, the Road Drainage Plan shall be submitted in the form of a grading permit application to the San Luis Obispo County Engineering and Survey Services Division for review and approval.

Approval of the Road Drainage Plan is required **prior to the initiation of any roadwork.**

**During construction,** the County Environmental Monitor shall work with the County Public Works Department to verify that the approved Plan is followed or incorporated. County Public Works Department to verify compliance post-construction.

142. **MM WR-2.3 - Construct during the dry season. Prior to construction permit issuance,** drainage control and erosion control Best Management Practices (BMPs) shall be shown on all applicable construction plans.

During construction, all grading activities shall occur during the dry season months, which are typically May through October. Alternatively, settling ponds, as required, shall be installed on the construction site with sufficient capacity to contain expected runoff during a rainfall event and located to be able to catch all runoff from the ‘active’ area. Appropriate Best Management Practices in keeping with the State Water Board Construction General Permit, General Order No. 2010-0014-DWQ, shall be implemented to prevent excessive rilling in active areas of the project site. **During construction,** the Applicant shall determine when one of the aforementioned conditions is present, and shall be responsible for suspending construction activities within the affected area until the rainfall event has ceased and repairs to the rutting and/or rilling damage have been implemented. Approved drainage control and erosion control Best Management Practices (BMPs) shall be in place prior to the typical wet season months (November 1). Compliance will be verified by the County Environmental Monitor.

143. **MM WR-3.1 - Minimize sedimentation. Prior to issuance of construction permits,** a Sedimentation and Erosion Control Plan shall be prepared by Applicant and approved by the County, per SLO County Land Use Ordinance Section 22.52.090, and as a supplement to the project’s required SWPPP, to minimize potential downstream sedimentation. This Plan shall include measures to minimize the potential for project sediment to leave the project site and its components shall be incorporated into all applicable construction plans.

At a minimum, the Plan shall include a measure to require during construction the placement of straw wattles (or comparably effective devices on the downslope sides of the proposed work area to direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery of a breach so sedimentation control devices remain in good working order during the entire construction phase.

**During construction,** the County Environmental Monitor shall work with County Public Works to verify that approved sedimentation and erosion control measures relating to wind and water erosion have been implemented or are being incorporated.

144. **MM WR-4.1 - Minimize disturbance within stream channels.** Prior to the issuance of **construction permits**, where the placement of project features would disturb streambeds, ephemeral washes, or other sensitive hydrologic resources, the placement of such infrastructure (including roads) shall be adjusted to the extent feasible on project design plans to avoid such impacts.

During construction, construction traffic routes shall be clearly marked with temporary markers such as easily visible flagging, as needed to minimize disturbance of streambeds, ephemeral washes, or other sensitive hydrologic resources. Where it is not feasible for access roads to avoid streambed crossings, such crossings shall be built at right angles to the streambeds. Streambed crossings or roads constructed parallel to streambeds may require review and approval of necessary permits from the U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG), and State Water Resources Control Board (SWRCB)/Central Coast Regional Water Quality Control Board (RWQCB) (see Mitigation Measure WR-2.1).

**During construction**, the County Environmental Monitor shall work with County Public Works to verify that measures to minimize disturbance of streambeds, ephemeral washes, or other sensitive hydrologic resources have been implemented or are being incorporated.

145. **MM WR-5.1 - Accidental spill control and environmental training.** Prior to any ground **disturbing activities**, the Construction Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in compliance with the Clean Water Act and MM WR-2.1 (Demonstrate compliance with water quality permits) and shall include procedures for quick and safe cleanup of accidental spills. The Construction SWPPP shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction, and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. The SWPPP shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, would be permitted.

Additionally, **prior to and during construction**, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response measures, and SWPPP measures, to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction, operations, and maintenance activities. The Construction SWPPP shall be retained onsite to use prior to any storm events and/or other incidents that could impact water quality.

**During construction**, compliance will be verified by the County Environmental Monitor, in consultation with the local SWPPP authority at the time of construction (RWQCB or County Department of Planning and Building).

146. **MM WR-5.2 - No storage of fuels and hazardous materials near sensitive water resources.** Prior to construction permit issuance, the Applicant shall identify the location of all fuels and hazardous materials storage areas on construction plans submitted to the County for approval. Storage of fuels and hazardous materials shall be prohibited within 200 feet of surface water features and private groundwater supply wells, and within 400 feet of community or municipal groundwater supply wells (if it is determined that such wells exist on or in close proximity to the project site).

**During construction**, the County Environmental Monitor shall work with the Environmental Health Division to verify that the approved Plan is followed or incorporated. Environmental Health Division to verify compliance post-construction.

147. **MM WR-5.3 - Maintain vehicles and equipment.** During construction/ground disturbing activities and operation, all vehicles and equipment, including all hydraulic hoses, shall be

maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground, and to ensure that any leaks or spills during maintenance or storage can be easily and properly removed.

**During construction**, compliance will be verified by the County Environmental Monitor.

## **OTHER**

### **Renewable Energy Education Center**

148. **Within eighteen (18) months of the effective date of this permit**, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, providing for one of the following options:

- a. Contributing \$250,000 (in cash or in kind) for the design, construction, operation and maintenance of a Renewable Energy Education Center to be located at a site to be agreed upon by the County and Applicant, in consultation with the ultimate owner and operator of the facility. The location of the Renewable Energy Education Center could include the North County Campus of Cuesta College, another similar educational facility within the County, or a location within the Carrizo Plains area. The Agreement shall include the following provisions:
  - i. If the location is on County-owned land, a lease agreement for the land shall be entered into between the operator of the facility and the County, executed by the Chair of the County Board of Supervisors and in a form approved by County Counsel, for a term of no more than 28 years and shall provide for full payment upon commencement of the lease. The lease shall further provide that the information shall be educational only and not promotional in nature.
  - ii. Elements of the facility would include:
    1. Kiosk or facility to provide educational information regarding renewable energy;
    2. Displays or examples of renewable energy technology (e.g., small solar panel array on a tracker unit, etc.);
    3. The use of green building design features;
    4. Appropriate on-site or nearby public facilities such as passenger vehicle and school bus parking, and rest room accommodations.
  - iii. Informational signage at other locations within the County.
- b. Contributing \$250,000 by the Applicant to the County to be used at the County's sole discretion toward maintenance of the Simmler Community Building located in the Carrizo Plains.

The agreement shall not commit the County to approval of, or constitute the approval of, the Renewable Energy Education Center or eliminate the County's ability to disapprove the facility, to impose mitigation measures on the facility, or otherwise to exercise its discretion with respect to the approval of such a facility. Any such facility shall be required to obtain all applicable permits and approvals required for its development.

149. **Prior to construction permit issuance**, all outstanding invoices from any County Department shall be paid in full for services rendered processing this land use permit.

# Attachment 1 – Applicant Proposed Measures (Excerpted from Final EIR)

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM Number	Issue Area
<b>Aesthetics</b>	
APM AES-1	<p>Specific design features intended to reduce visual intrusiveness include:</p> <ul style="list-style-type: none"> <li>• Preservation of adjacent lands for agricultural and conservation purposes, retaining the natural landscape along the north side of State Highway 58, back-dropped by the Temblor Range, as proposed on Sheet C1.0 of the Application.</li> <li>• Setback of 255 feet from State Highway 58 to nearest points on arrays, and 1,037 feet to substation structure.</li> <li>• Landscaping, entrance treatments, fencing plan, and other features to provide an aesthetic treatment, as proposed on Sheets L1.0 and following of the Application).</li> <li>• Use of minimum necessary nighttime lighting for security purposes, designed to eliminate glare or spillover to areas outside of the project site.</li> </ul>
<b>Air Quality</b>	
APM AIR-1	<p>Current plans for project implementation incorporate several features to minimize air emissions. The details for these measures will be developed during project review and final project design. They include:</p> <ul style="list-style-type: none"> <li>• Use of on-site Portland cement concrete batch plants to manufacture the building and equipment foundations on-site reduces transport truck trips.</li> <li>• The use of busses and/or van pools to transport workers during construction phases.</li> <li>• Dust control during construction by applying water as necessary, and during the life of the project by retaining grassland vegetation beneath arrays and along interior access rows.</li> <li>• The incorporation of energy conservation features into the building design.</li> </ul>
<b>Biological Resources</b>	
APM BIO-1	Pre-construction biological clearance surveys will be performed at all activity areas to minimize impacts on special-status plants or wildlife species.
APM BIO-2	Every effort will be made to minimize vegetation removal and permanent loss at activity sites. If necessary, native vegetation will be flagged for protection. A Project revegetation plan has been prepared for areas of native habitat temporarily affected during construction.
APM BIO-3	Construction crews will avoid affecting wetlands, streambeds, and banks of any streams to the extent feasible.
APM BIO-4	Construction and Operations crews will be directed to use Best Management Practices (BMPs) where applicable, such as for prevention of soil erosion and sedimentation of streams and introduction and spread of invasive plant species. These measures will be identified prior to construction and incorporated into the construction and maintenance operations.
APM BIO-5	Biological monitors will be assigned to the Project. The monitors will be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, or unique resources will be avoided to the fullest extent possible. Where appropriate, monitors will flag the boundaries of areas where activities need to be restricted to protect native plants and wildlife, or special-status species. These restricted areas will be monitored to ensure their protection during construction.
APM BIO-6	A Worker Environmental Education Program (WEEP) will be prepared and all construction crews and contractors will be required to participate in WEEP training prior to starting work on the Project. The WEEP training will include a review of the special-status species and other sensitive resources that exist in the Project area, the locations of the sensitive biological resources, their legal status and protections, and measures to be implemented for avoidance of these sensitive resources. A record of all personnel trained will be maintained.
APM BIO-7	The Applicant will conduct Project-wide raptor surveys and remove trees, if necessary, outside of the nesting season (1 February – 31 August). If a tree or pole containing a raptor nest must be removed during the nesting season, The Applicant will confirm that the nest is vacant prior to its removal or maintain a buffer adequate to avoidance disturbance of the nest while it contains eggs or young.
APM BIO-8	All transmission and sub-transmission towers and poles will be designed to be raptor-safe in accordance with the Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee [APLIC] 2006).

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM BIO-9	Supplemental trap surveys for San Joaquin antelope squirrel will be conducted on the main Project site in spring 2010 at six locations, focused on approximately 330 acres of suitable habitat. Each 30-acre trap grid will be surveyed for two survey periods of 5 consecutive days to minimize bias due to effects of season, elevation, and temperature. Grids will be surveyed in random order, and no single grid will be surveyed during consecutive survey periods.
APM BIO-10	New light sources will be minimized, and lighting will be designed (e.g., using downcast lights) to limit the lighted area to the minimum necessary.
APM BIO-11	Supplemental rare plant surveys based on CDFG survey guidelines will be conducted in spring 2010 on the main Project site to provide updated data on potential rare plant occurrences since 2009-2010 has been a wet year. Surveys will be conducted during up to three time periods to capture the different flowering periods of special-status plants that have a potential to occur along the alignment. The exact timing of the surveys will depend on the amount and timing of precipitation events during the winter and spring of 2010. Global positioning system (GPS) coordinates will be recorded for all target special-status plants identified along the Project route. On the reconductoring component, surveys will be conducted for rare plants, and focused habitat assessments for a variety of special-status wildlife species and sensitive habitats will be conducted, in 2010.
APM BIO-12	Because 2009-2010 rainfall has resulted in ponding on the site, reconnaissance-level, wet-season surveys for federally listed branchiopods following federal protocols will be conducted during spring 2010 in all suitable water bodies within the CVSR Project site.
APM BIO-13	The Applicant will implement a pronghorn-friendly fencing plan that 1) identifies and maintains likely and feasible movement pathways, 2) removes non-essential interior fencing, 3) involves retaining and constructing fencing to deter pronghorn antelope from entering the site of the arrays, and 4) incorporates fencing modifications designed to enable movement by pronghorn antelope through the Project site. A Project fencing plan has been prepared.
APM BIO-14	Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.
APM BIO-15	Vehicles will not exceed a speed limit of 15 mph in the ROWs or on unpaved roads within sensitive land-cover types.
APM BIO-16	No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
APM BIO-17	All trash, food items, and human-generated debris shall be properly contained and/or removed from the site.
APM BIO-18	The development of new access and ROW roads for reconductoring activities will be minimized, and clearing vegetation and blading for temporary vehicle access will be avoided to the extent practicable.
APM BIO-19	Development on the main Project site will maintain existing hydrologic patterns with respect to runoff supporting seasonal wetlands.
APM BIO-20	The Applicant will prepare and implement a Habitat Management Plan for the main Project site that will describe the management for sensitive biological resources that will occur on the site.
APM BIO-21	Dust suppression will occur during all construction and reconductoring activities as needed.
APM BIO-22	No firearms will be allowed on the project site, unless otherwise approved for security personnel.
APM BIO-23	To prevent harassment or mortality of special-status animals, or destruction of their habitats by dogs or cats, no pets should be permitted on project sites.
APM BIO-24	All food-related trash items including wrappers, cans, bottles, and food scraps, will be disposed of and removed from the site each day. Food items may attract coyotes and domestic dogs consequently exposing special-status animals to increased risk of predation. No deliberate feeding of wildlife will be allowed.
APM BIO-25	Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. This is necessary to minimize the possibility of contamination of habitat or primary or secondary poisoning of badgers and other predators utilizing adjacent habitats, and the depletion of American badger prey. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFG. If rodent control must be conducted the use should be restricted to interiors of building and zinc phosphide should be used because of lower risk of poisoning San Joaquin kit fox and American badgers.
APM BIO-26	A representative shall be appointed as the contact for any employee or contractor who inadvertently kills or injures a special-status species, or finds a dead, injured or entrapped individual. The representative will be identified during the employee education program. The representative's name and telephone number will be provided to the USFWS, CDFG, and County.

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM BIO-27	Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, will report the incident to the representative immediately. The representative will contact the USFWS, CDFG, and County by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification will be provided in writing within three working days of the incident or finding. Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be turned over immediately to CDFG for care, analysis, or disposition.
APM BIO-28	During the site disturbance and/or construction phase, grading and construction activities after dusk will be prohibited unless coordinated through the County. If such activity is necessary, one or more on-site monitors shall be required to ensure special-status species active at night are avoided.
APM BIO-29	Avoid areas of relatively high sensitivity, including: <ul style="list-style-type: none"><li>• Atriplex scrub habitat, Interior Coast Range scrub and Wildflower Field, Retired dry-farmed field, (all north of State Highway 58) (See Sheet G1.4 in the Application)</li><li>• Alkali sink habitat (south of Highway 58) (See Sheet G1.4 in the Application)</li><li>• Lower elevation areas that contribute drainage to offsite vernal pools (Northern Claypan Vernal Pool habitat)</li><li>• Dry drainages (See Sheet C4.8 in the Application)</li></ul>
APM BIO-30	Retain land within the High Plains Ranch II, LLC parcels for continued agricultural and conservation purposes.
APM BIO-31	Design array foundations and supporting structures to preserve most of existing grassland ground cover and habitat for prey species of the San Joaquin kit fox (SJKF).
APM BIO-32	Fencing program includes fences designed to allow passage by SJKF and their prey species. (See Sheet L2.1 in the Application)
APM BIO-33	Re-vegetation plan incorporates California annual grassland species on areas of temporary disturbance. (See Sheet L5.0 of the Application)

**Botanical Resources - Wildflower Field**

APM M BIO-1	The Applicant will preserve and manage Wildflower Fields that remain within the BSA outside the solar arrays, especially the area that exists in the southwestern corner of the site within the Alkaline Seasonal Wetlands – Wildflower Field complex. Thus, approximately 108 acres of Wildflower Fields community will be preserved and managed in preservation areas within the BSA.
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**Special Status Plants**

APM M BIO-2	<p>Before any ground disturbance has occurred, and under suitable environmental conditions, protocol-level surveys for the annual and perennial special-status plant species will be conducted by a qualified botanist within the impact areas on the main Project site and the reconductoring component. Such surveys are scheduled to be conducted in the spring of 2010 by ICF in the reconductoring component and by H. T. Harvey &amp; Associates on the main Project site. Standards for conducting protocol-level surveys for special-status plants indicate that surveys must be accomplished in a floristic manner, generally requiring numerous visits by a qualified botanist during the growing season and blooming period for the species. This approach is required to identify all species and be reasonably certain the presence of an ephemeral, rare annual plant population may be detected. These surveys must be accomplished during a year in which rainfall totals are at least 80% of average and in which the temporal distribution of rainfall is not highly abnormal (e.g., with the vast majority of rainfall occurring very early or late in the season) to be reasonably certain of the presence/absence of rare plant species, unless surveys of reference populations document that precipitation conditions would not have adversely affected the detectability of the species. Based on precipitation levels as of early February 2010, plant surveys in 2010 would be conducted under suitable conditions for detecting special-status plants on the Project site, especially when combined with the negative results of surveys during the drier year of 2009.</p> <p>Any populations of special-status found during surveys will be fully described, mapped, and a CNPS Field Survey Form or written equivalent shall be prepared. During these field surveys, any occurrences of <i>Camissonia</i> will also be noted to provide information on the locations of potential habitat for the Kern primrose sphinx moth (as described in Section 11.2.1 below).</p> <p>If none of the special-status plant species (including federal, State, and CNPS-listed plants) are located within the Project site after completion of protocol-level field surveys conducted during a year of suitable rainfall conditions (as described above), then no further mitigation measures are necessary.</p>
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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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APM M BIO-3	<p>If any of the CNPS-listed plant species are found within or directly adjacent to the proposed work area, a species-specific determination of potential significance will be conducted for each plant species by a qualified plant ecologist. If Project activities will result in the loss of (a) suitable habitat for less than 5% of the known individual plants of the species documented as occurring within 50 miles of the impact location, if known, or (b) less than 5% of the known populations of the species if the total number of individuals is unknown, then impacts will be deemed less than significant and no further mitigation measures will be required. This impact would be considered less than significant because regional populations will remain abundant following project implementation and the project will not substantially reduce the number or range of these species.</p> <p>If project activities will result in loss of habitat for more than 5% of the known populations or individuals of these species regionally documented as occurring within 50 miles of the impact location, the Project proponent shall implement the measures below.</p> <p>It is likely that if found, impacts to small populations of List 4 species would be considered less-than-significant. These plant species are widely distributed, with many known, extant populations occurring in many counties. In other cases, the species are considered to be more rare but the amount of suitable habitat present on-site is limited, meaning that any potentially present populations are likely to be small in size and therefore impacts to these would likely also be less-than-significant. However, impacts to populations of more restricted, rare, or declining species are likely to be considered significant unless mitigated. Finally, for those species that have a potential to occur on-site as a large population due to the abundance of potentially suitable habitat on-site, impacts to a large population of so-called "watch-list" (i.e., CNPS List 3 and 4) species may be considered significant unless mitigated. Special-status plants located under solar arrays will be considered impacted, and while attempts will be made to protect and maintain their presence under the arrays, compensatory mitigation would still be provided.</p> <p>Due to the regional rarity of the three species that are listed under the Federal and/or California Endangered Species Acts, if any of these species are found to be present, any adverse effects on these species will be considered potentially significant and the following mitigation measures will be implemented.</p>
APM M BIO-4	<p>Potentially significant impacts to special-status plants shall be avoided to the extent feasible. In consultation with a plant ecologist, the project shall to the extent feasible be redesigned, constructed, and operated to reasonably avoid direct and indirect impacts to special-status plant populations.</p> <p>Populations of special-status plant species located within temporary construction areas shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. If complete avoidance of direct impacts to special-status plants is feasible, then no compensatory mitigation (APM BIO-6) will be required.</p>
APM M BIO-5	<p>Indirect impacts to special-status plant species that will not be directly impacted will be minimized by the creation of a buffer zone around areas of known occurrence, both during and after construction. The buffer zone will be of sufficient size to eliminate potential disturbance to the plants from human activity and other potential sources of disturbance that may negatively affect the population. The size of the buffer will depend upon the proposed use of the immediately adjacent lands, and will include consideration of the plants' ecological requirements (i.e., sunlight, moisture, shade tolerance, edaphic physical and chemical characteristics) that are identified by a plant ecologist based upon the growth requirements of the species. When necessary, temporary fences will be constructed between populations and Project activities.</p>

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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APM M BIO-6 To compensate for permanent impacts to special-status species, habitat (which may include preservation areas within the BSA or mitigation lands outside of the main Project site) that are not already public land shall be preserved and managed in perpetuity at a 1:1 mitigation ratio (one acre preserved for each acre impacted). Impacts could include direct impacts resulting from loss of habitat or indirect impacts if a significant population or portion thereof is unable to be avoided. While the plants would be monitored to determine their response to indirect impacts such as shading and other land use changes as part of the invasive species management program (APM BIO-8) and on-site habitat management plan (APM BIO-20), shading impacts are assumed to be great enough to require compensatory mitigation as described below. The preserved habitat for a significantly impacted plant species shall be of equal or greater habitat quality to the impacted areas in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and will contain verified extant populations of the special-status plants impacted. The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A conservation easement could be held by CDFG or an approved land management entity and shall be recorded within a time frame agreed upon by CDFG.

A Habitat Mitigation and Monitoring Plan will be developed, submitted to the County of San Luis Obispo for approval, and implemented for the mitigation lands. That plan will include, at a minimum, the following information:

- A summary of habitat impacts and the proposed mitigation
- A description of the location and boundaries of the mitigation site and description of existing site conditions
- A description of measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special-status species
- A description of management and maintenance measures (e.g., managed grazing, fencing maintenance, etc.)
- A description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.
- A contingency plan for mitigation elements that do not meet performance or final success criteria within 5 years; this plan will include specific triggers for remediation if performance criteria are not being met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) will occur.

Significant temporary impacts to special-status plants will be mitigated at a ratio of 0.5:1 (mitigation lands: impacted lands), using the approach described above. If under appropriate rainfall conditions, the species impacted does not appear in the impacted area within 2 years following revegetation, mitigation shall be increased to 1:1 (mitigation lands: impacted lands).

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APM M BIO-7 A Worker Environmental Education Program will be presented to construction crews by a qualified biologist(s) provided by the Applicant. This program will consist of a brief "tailgate" training session for all personnel who work on aspects of the Project that occur in or near natural habitats on the main Project site and the reconducting component. Printed training materials and briefings shall include a discussion of special-status species, including special-status plants, for which avoidance and minimization measures are required; a contact person in the event of the discovery of sensitive species on the site; and a review of avoidance and minimization requirements. Training sessions shall be conducted by a qualified biologist. Maps showing the location of special-status plants and/or wildlife or other construction limitations will be provided to the environmental monitors and construction crews prior to construction activities. As part of the environmental training, contractors and heavy equipment operators shall be provided with literature and photographs or illustrations of potentially occurring special-status plant and/or wildlife species so they will be able to identify and avoid harming them during construction.

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**Invasive Plants**

APM M BIO-8 An Invasive Species Control Plan for the CVSR Project will be developed prior to construction and approved by the County of San Luis Obispo. The comprehensive Invasive Species Control Plan is intended to prevent the introduction or spread of nonnative invasive plant species. This Plan will address the entire Project area, and may be integrated with another habitat management plan (e.g., a plan for management of on-site conservation lands). The Invasive Species Control Plan will describe BMPs to avoid the unintentional introduction of invasive species to the site; describe monitoring measures to ensure that any invasions are detected before they become substantial; describe species-specific control measures that will be implemented if invasions occur; and describe the process by which the Plan will be implemented (e.g., the entity responsible for implementing it, funding mechanisms, and reporting procedures). The Plan will be developed to work in concert with the on-site habitat management plan (APM BIO-20), as in many cases, intense infestations may be avoided through responsible range management, including the appropriate stocking of susceptible rangelands.

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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**Kern Primrose Sphinx Moth**

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- APM M BIO-9 The Project proponent may either assume presence of the Kern primrose sphinx moth in sandy washes containing *Camissonia* or conduct focused surveys for the species. There is no USFWS-approved protocol for conducting surveys for this species. Based on the methods in Jump et al. (2006) and information from the USFWS's 5-year status review of the species, focused surveys would be performed during the flight season for the species, which is during late January to late February (possibly to late March during cooler years) on the main portion of the Project site and March through early April in the foothill portions of the reconductoring site. Surveys would be conducted in all sandy washes or other areas where populations of *Camissonia* are located within the Project's impact areas. A qualified entomologist will survey for sphinx moths in these areas during the day, and when the temperature exceeds 60° Fahrenheit, and identify such moths to species. If no sphinx moths are detected, then the species will be presumed absent and no further measures are necessary. If presence is assumed, or if surveys detect the Kern primrose sphinx moth, the following measures will be implemented in occupied or presumed occupied areas.
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- APM BIO-10 To the extent feasible, individual *Camissonia* plants, and particularly concentrations of these plants, will be avoided. In the reconductoring component, temporary staging, access, tension, and pull sites, as well as replacement tower sites, should be sited so as to avoid impacts to *Camissonia*. On the main Project site, both temporary and permanent impacts to these plants will be avoided to the extent feasible (e.g., by routing access areas around *Camissonia*).
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- APM M BIO-11 If complete avoidance of *Camissonia* plants cannot be achieved, compensatory mitigation for impacts to areas supporting this species' primary host plant will be implemented. Areas occupied by *Camissonia* and impacted by the Project will be mitigated at a 2:1 ratio (on an individual plant basis) for temporary impacts (i.e., 1:1 mitigation by revegetation in place and 1:1 mitigation outside the impact areas) and a 3:1 ratio for permanent impacts. The mitigation ratios will be determined on the basis of the abundance of individual plants. The mitigation areas must provide habitat with *Camissonia*, must be of equal or greater habitat quality compared to the impacted habitat, and must be located within the range of the Kern primrose sphinx moth. These mitigation lands must be preserved in perpetuity, and must be managed in accordance with a Habitat Mitigation and Monitoring Plan that includes, at a minimum, the information described above for APM BIO-6 (with particular focus on enhancement and management for the Kern primrose sphinx moth and its habitat).
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- APM M BIO-12 The Worker Environmental Education Program described in M BIO-7 above shall include the Kern primrose sphinx moth as well.
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**Blunt-nosed Leopard Lizard**

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- APM M BIO-13 For all areas of the Proposed Project covered by the 2007 PG&E San Joaquin Valley Operation & Maintenance Habitat Conservation Plan, all avoidance and minimization measures stipulated in that document shall be fully implemented and shall supersede any analogous measures recommended herein.
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- APM M BIO-14 To the extent feasible, areas providing suitable habitat for the blunt-nosed leopard lizard will not be impacted, even temporarily, by reconductoring activities. A qualified biologist will stake and flag an exclusion zone of 50 feet around any potentially occupied habitat. If complete avoidance of such habitat is feasible, then no additional measures need to be implemented. If avoidance of such habitat is not feasible, then impacts to suitable habitat will be minimized, and the following measures will be implemented.
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- APM M BIO-15 Within 30 days prior to reconductoring activities, a qualified biologist will walk the worksite looking for burrows that may provide refugia for the blunt-nosed leopard lizard. If appropriately sized burrows are located on the Project site, additional protocol surveys would be necessary to determine presence/absence of the species. Protocol surveys involve systematic searches for active blunt-nosed leopard lizard burrows in all habitat at the worksite and within 30 feet of it. Biologists will conduct burrow searches by systematically walking 30- to 100-foot-wide transects throughout the area. Transect width will be adjusted based on vegetation height and topography. If protocol surveys are conducted and no blunt-nosed leopard lizards are detected, no further measures are necessary. If protocol surveys are not conducted, or if such surveys identify blunt-nosed leopard lizards, the habitat will be considered occupied and the following measures will be implemented.
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- APM M BIO-16 A qualified biologist will conduct preconstruction surveys immediately prior to (i.e., the morning of the commencement of) reconductoring activities performed in potential blunt-nosed leopard lizard habitat. If any leopard lizards are detected, they will be monitored to ensure that they are not impacted by reconductoring activities. If such activities must occur in occupied areas, the lizards will be moved out of harm's way by the qualified biologist (with USFWS and CDFG authorization).
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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM BIO-17	If, in the opinion of the qualified biologist, barrier fencing will help to prevent impacts to blunt-nosed leopard lizards without causing undue impact to this species' habitat, such fencing will be constructed around the worksite to prevent entry by lizards. The area where fencing will be constructed will be inspected prior to installation; then, 36-inch tall silt fencing will be installed around the work area, and buried to a depth of 6 inches. No monofilament plastic will be used for erosion control in the vicinity of this species. Barrier fencing will be removed upon completion of work.
APM M BIO-18	For construction activities proposed to occur within habitats potentially occupied by blunt-nosed leopard lizard, the Applicant shall hire a qualified biologist to monitor for the presence of this species, which could be harmed during construction. The monitor shall be responsible for ensuring that impacts to blunt-nosed leopard lizards will be avoided. The biological monitor shall have the authority to stop the work of the construction crews if the monitor believes the work may injure or kill blunt-nosed leopard lizard. If a blunt-nosed leopard lizard is observed during construction activities, work shall only be allowed to resume when the lizard has departed the work area of its own volition or when the biologist has moved the lizard out of harm's way (with authorization from the USFWS and CDFG).
APM M BIO-19	No permanent impacts to blunt-nosed leopard lizard habitat are anticipated. However, if suitable habitat for this species is temporarily impacted, such impacts will be mitigated at a 1.1: 1 ratio. In situ revegetation of the habitat that is temporarily impacted will account for 1: 1 mitigation, while 0.1:1 mitigation (i.e., 0.1 acres mitigation for each acre temporarily impacted) will occur off-site through the preservation and management of habitat for this species. Off-site mitigation may occur at an established conservation bank approved for blunt-nosed leopard lizard, or a conservation easement may be established for preservation of habitat of equal or greater quality, compared to the impacted habitat, at another location. On-site revegetation of temporarily impacted blunt-nosed leopard lizard habitat will be implemented based on a mitigation plan prepared by a qualified restoration ecologist.
APM M BIO-20	The Worker Environmental Education Program described in APM BIO-7 above shall include the blunt-nosed leopard lizard as well.
<b>Coast Horned Lizard and San Joaquin Coachwhip</b>	
APM M BIO-21	A qualified biologist will conduct preconstruction surveys immediately prior to (i.e., the morning of the commencement of) construction or reconducting activities to detect and relocate any coast horned lizards or San Joaquin coachwhips within the area of disturbance. If any individuals are detected, they will be relocated by the qualified biologist to a safe location within nearby suitable habitat.
APM M BIO-22	A qualified biologist will monitor construction activities for the presence of these species. The monitor shall be responsible for ensuring that impacts to individuals of these species are avoided to the extent feasible. If any individuals are detected, they will be relocated by the qualified biologist to a safe location within nearby suitable habitat.
APM M BIO-23	The Worker Environmental Education Program described in M BIO-7 above shall include the coast horned lizard and San Joaquin coachwhip as well.
<b>Western Spadefoot</b>	
APM M BIO-24	To the extent feasible, seasonal wetlands providing suitable breeding habitat for the western spadefoot will not be impacted, even temporarily, by reconducting activities. If complete avoidance of such habitat is feasible, then no additional measures need to be implemented. If avoidance of such habitat is not feasible, then impacts to suitable habitat will be minimized, and the following measures will be implemented.
APM M BIO-25	If western spadefoot breeding habitat cannot be avoided, work within this habitat shall be conducted outside the breeding season of adult western spadefoot and the subsequent developmental period of larvae. Therefore, any work within seasonal wetlands providing potential habitat for this species should be conducted only when such wetlands are completely dry, and only during the period 1 April – 31 January.
APM M BIO-26	If breeding habitat of this species is temporarily impacted, the habitat will be restored to its original conditions immediately following the completion of impacts. Revegetation will occur in accordance with a revegetation plan prepared by a qualified restoration ecologist.
APM M BIO-27	The Worker Environmental Education Program described in APM BIO-7 above shall include the coast horned lizard and San Joaquin coachwhip as well.
<b>Silvery Legless Lizard</b>	
APM M BIO-28	To the extent feasible, impacts to areas providing high-quality habitat for legless lizards (i.e., friable soils with some moisture) will be avoided or minimized during reconducting activities. If complete avoidance of suitable habitat for this species is feasible, then no additional measures need to be implemented. If avoidance of such habitat is not feasible, then impacts to suitable habitat will be minimized, and the following measures will be implemented.

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM M BIO-29	A qualified biologist will conduct preconstruction surveys immediately prior to (i.e., the morning of the commencement of) construction or reconducting activities to detect and relocate any legless lizards within the area of disturbance. If any individuals are detected, they will be relocated by the qualified biologist to a safe location providing suitable habitat outside the Project's impact area.
APM M BIO-30	A qualified biologist will monitor construction activities for the presence of this species. The monitor shall be responsible for ensuring that impacts to individuals of these species are avoided to the extent feasible. If any individuals are detected, they will be relocated by the qualified biologist to a safe location providing suitable habitat outside the Project's impact area.
APM M BIO-31	If suitable habitat of this species is temporarily impacted, the habitat will be revegetated to its original conditions immediately following the completion of impacts. Revegetation will occur in accordance with a revegetation plan prepared by a qualified restoration ecologist.
APM M BIO-32	The Worker Environmental Education Program described in M BIO-7 above shall include the silvery legless lizard as well.

**California Condor**

APM BIO-33	All fuels, fluids, and components with hazardous materials/wastes will be handled in accordance with applicable regulations. All such materials will be kept in segregated storage with secondary containment as necessary. Records of storage and inspection will be maintained and will provide for proper offsite disposal. Hazardous materials will be stored in a neat, orderly manner in their appropriate containers in an enclosed and secured location such as portable outdoor hazardous materials storage cabinets equipped with secondary containment to prevent contact with rainwater. The portable hazardous materials storage cabinets may be moved with each block of development, as deemed necessary.
APM M BIO-34	Project personnel shall collect all litter, small artificial items, and food waste from the Project area on a daily basis.
APM M BIO-35	Project personnel will monitor all areas within 1/4-mi around the solar arrays on a regular basis (i.e., several times per week) for any dead animals, including wild animals or grazing animals such as cattle, goats, or sheep that are being used for vegetation management on the site. Any animals found dead will be removed immediately to avoid attracting condors to the vicinity of the arrays.

**Special-status Birds that Breed in Low Numbers on or near the Site**

APM M BIO-36	In order to avoid disturbance to nesting birds, construction activities shall be avoided during the breeding season (1 February to 31 August), to the extent practicable, in areas where special-status species have a high probability of nesting.
APM M BIO-37	If seasonal avoidance of nesting birds is not feasible and construction and removal activities are scheduled to occur during the breeding season, a qualified ornithologist shall conduct pre-construction surveys for nesting birds. Surveys shall be conducted in areas within 1/4-mi (for golden eagles), 250 ft (for other raptors and tricolored blackbird colonies), or 50 ft (for other non-raptors) of any new (i.e., not currently ongoing) construction or reconducting activity. If breeding birds with active nests are found within their respective distances from a proposed activity that could result in disturbance of the nesting birds, a biological monitor shall establish a buffer around the nest. The width of this buffer (generally equaling the survey distances listed above) will be determined by the qualified biologist. No new activities will be allowed within the buffer until the young have fledged from the nest or the nest fails for reasons unrelated to the Project.

**Burrowing Owl**

APM M BIO-38	Pre-construction surveys for burrowing owls will be completed in construction areas in conformance with the California Burrowing Owl Consortium's 1995 protocol, which is recommended by the CDFG. Because owls are known to occupy the site and are likely to occur within the reconducting component, these surveys will be conducted no more than 15 days prior to the start of construction to minimize the probability of movement of owls into a given construction area. Project construction will be phased, and thus these surveys will focus on areas where construction activities are close to commencement, and include areas within 250 ft of such construction. These surveys will determine whether burrowing owls are occupying an area where Project construction activities are proposed. If no burrowing owls or occupied burrows are observed in or within 250 ft of the construction area, no further measures are required.
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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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APM M BIO-39	If owls are located on or within 250 ft of an area where construction is scheduled to commence, a qualified biologist will determine the best course of action based on the location of the owl burrow relative to the construction area and the season. For burrowing owls present during the non-breeding season (generally 1 September to 31 January), a 150-ft buffer zone will be maintained around the occupied burrow(s), if practicable. If such a buffer is not practicable, then a buffer adequate to avoid injury or mortality of owls will be maintained if, in the biologist's opinion, the benefits of allowing the owls to remain near the construction activity outweighs any risk to individual owls. If there is any danger that owls will be injured or killed as a result of construction activity, the birds will be evicted as described for M BIO-40, below. During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new activity will be permissible, will be maintained between Project activities and occupied burrows. Owls present on site after 1 February will be assumed to be nesting unless evidence indicates otherwise. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.
APM M BIO-40	If construction will directly impact occupied burrows, or if in the opinion of the qualified biologist eviction of owls immediately outside the construction area is necessary to avoid the risk of injury or mortality, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the non-breeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading. To avoid the potential for owls evicted from a burrow to occupy other burrows within the impact area, one-way doors will be placed in all potentially suitable burrows within the impact area when eviction occurs.
APM M BIO-41	Surveys conducted in 2009 identified four nests on the main Project site, all south of State Highway 58. Although only one of the nests was located within one of the proposed solar arrays, two other nests were located very close to the edges of proposed arrays, and all four pairs likely foraged within proposed arrays. Although burrowing owls are expected to remain on the site following construction of the arrays, using the ample conservation areas outside the arrays, it is possible that up to four pairs of owls could be displaced (possibly to less desirable areas) as a result of construction or presence of the arrays. Therefore, compensatory mitigation for such impacts will be provided in the form of habitat preservation and management for up to four pairs of burrowing owls in conservation areas on the main Project site but outside the solar arrays and all areas that are periodically impacted by O&M activities. The mitigation lands will be of equal or greater habitat quality compared to the impacted habitat. In accordance with California Burrowing Owl Consortium (1995) guidelines, an area of 6.5 acres per pair, or 26 acres for four pairs of owls, will be preserved and managed for this species. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species, such as special-status plants, San Joaquin kit fox, or GKR.
<b>Le Conte's Thrasher</b>	
APM M BIO-42	In order to minimize disturbance to Le Conte's thrashers and fragmentation of Le Conte's thrasher habitat, reconducting activities shall avoid impacts to saltbush scrub habitats to the extent possible.
APM M BIO-43	In order to avoid disturbance to nesting Le Conte's thrashers, construction activities in and within 100 ft of potential nesting habitat for this species shall be avoided during the breeding season (15 March to 31 August), to the extent practicable.
APM M BIO-44	If avoidance of breeding-season activities in or within 100 ft of suitable thrasher habitat is not feasible, a qualified ornithologist shall conduct pre-construction surveys for nesting Le Conte's thrashers. Surveys shall be conducted in areas within 100 feet of tower sites, laydown/staging areas, substation sites, and access road/spur road locations. If breeding Le Conte's thrashers with active nests are found, a biological monitor shall establish a 100-foot buffer around the nest, and no reconducting activities will be allowed within the buffer until the young have fledged from the nest or the nest fails.
APM M BIO-45	Though permanent impacts to Le Conte's thrasher habitat are not anticipated, temporary habitat impacts could adversely affect this species, since it could take considerable time for habitat revegetation efforts to replace suitable habitat for Le Conte's thrashers. Therefore, if suitable habitat for this species is temporarily impacted, such impacts will be mitigated at a 3:1 ratio. In situ revegetation of the habitat that is temporarily impacted will account for 1:1 mitigation, while 2:1 mitigation (i.e., 2 acres mitigation for each acre temporarily impacted) will occur off-site through the preservation and management of habitat for this species. Such mitigation habitat will be of equal or greater habitat quality compared to the impacted habitat. On-site revegetation of temporarily impacted Le Conte's thrasher habitat will be implemented based on a mitigation plan prepared by a qualified restoration ecologist.

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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**San Joaquin Kit Fox**

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APM M BIO-46	Habitat subject to permanent alteration or project-related disturbance has been minimized through Project design. Permanent loss of habitat to facilities, solar array construction, and project-related disturbance will be mitigated in the form of providing habitat preservation, enhancement, and management in perpetuity at a ratio of not less than 2:1 and not greater than 3:1 for all impacted acreage; the final mitigation ratio will be determined by the County, in consultation with the USFWS and CDFG, based on an analysis of the quality (i.e., biological functions and values) of the mitigation land (a lower ratio is appropriate for higher quality mitigation land). If monitoring does not detect continued kit fox use of the site following completion of construction, then the total mitigation requirement will be increased by 1:1 for the acreage of the solar array footprint.
APM M BIO-47	Speed limit signs, imposing a speed limit of 20 miles per hour, will be installed on the project site prior to initiation of site disturbance and/or construction. To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited.
APM M BIO-48	During the site construction phase, grading and construction activities after dusk will be prohibited unless coordinated through the County. If such activity is necessary, one or more on-site monitors shall be required to ensure San Joaquin kit fox and other special-status species active at night are avoided.
APM M BIO-49	Prior to initiation of site disturbance and/or construction, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training will include kit fox natural history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The Applicant will notify the County prior to this meeting. A San Joaquin kit fox fact sheet will also be developed prior to the training, and will be distributed at the training program to all contractors, employers and other personnel involved with the construction of the project. Completion of the training program will be documented for personnel associated with the project.
APM M BIO-50	All excavation, steep-walled holes or trenches in excess of two feet in depth will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Excavations will also be inspected for entrapped San Joaquin kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any San Joaquin kit fox discovered will be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
APM M BIO-51	San Joaquin kit fox are attracted to den-like structures such as pipes and may enter stored pipe and may be trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-in or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and/or CDFG has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, and left alone until the San Joaquin kit fox has escaped.

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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APM M BIO-52	<p>Disturbance to all San Joaquin kit fox dens will be avoided to the maximum extent possible. Protection provided by San Joaquin kit fox dens for use as shelter, escape, cover, and reproduction is vital to the survival of San Joaquin kit foxes. For kit foxes, the ecological value of potential, known, and natal/pupping dens differs, and therefore each den type requires the appropriate level of protection. Limited destruction of San Joaquin kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed.</p> <ul style="list-style-type: none"><li>• <b>Potential Dens:</b> If a take authorization/permit has been obtained from the USFWS and CDFG, den destruction may proceed without monitoring unless other restrictions were issued with the take authorization/permit. If no take authorization/permit has been issued, then potential dens should be monitored as if they were known dens. If any den was considered to be a potential 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 destruction shall cease and the USFWS shall be notified immediately.</li><li>• <b>Known Dens:</b> Known dens occurring within the footprint of the activity must be monitored for three days with tracking medium or an infrared beam camera to determine the current use. If no San Joaquin kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use. If San Joaquin kit fox activity is observed at the den during this period, the den should be monitored for at least five consecutive days from the time of the 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 its entrance(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied may the den be excavated under the direction of a qualified biologist. If the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a qualified biologist, it is temporarily vacant, for example during the animal's normal foraging activities. The USFWS and CDFG encourages hand excavation, but realizes that soil conditions may necessitate the use of excavating equipment. However, extreme caution must be exercised under these circumstances.</li><li>• Destruction of the den should be accomplished by careful excavation until it is certain that no San Joaquin kit fox are present. The den should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox is discovered inside the den, the excavation activity will cease immediately and monitoring of the den as described above will be resumed. Destruction of the den may be completed when, in the judgment of a qualified biologist, the animal has escaped from the partially destroyed den.</li><li>• <b>Natal/pupping Dens:</b> Natal or pupping dens that are occupied will not be destroyed until the pups and adults have vacated and then only after consultation with the USFWS and CDFG. Project activities at these den sites will be postponed if deemed necessary to avoid disturbance.</li></ul>
APM M BIO-53	<p>Construction and other project activities should be prohibited or greatly restricted within these exclusion zones, to the extent practicable. The configuration of exclusion zones around San Joaquin kit fox dens should have a radius measured outward from the entrance or cluster of entrances. The following radii are minimums, and if they cannot be followed, the USFWS, CDFG, and County must be contacted:</p> <ul style="list-style-type: none"><li>• Potential den – 50 feet</li><li>• Known den – 100 feet</li><li>• Natal/pupping den – USFWS must be contacted</li><li>• Atypical den – 50 feet (occupied and unoccupied)</li></ul> <p>Known den: To ensure protection, the exclusion zone should be demarcated by exclusion fencing that encircles each den at the appropriate distance and does not prevent access to the den by San Joaquin kit fox. Exclusion zone fencing should be maintained until all construction-related or operational disturbances have been terminated. At that time, all fencing will be removed to avoid attracting subsequent attention to the dens.</p> <p>Potential and Atypical dens: Placement of 4 to 5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.</p> <p>Only essential vehicle and foot traffic on existing roads within the exclusion zone should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited within the exclusion zones.</p>
APM M BIO-54	<p>Escape dens shall be installed in areas between the arrays identified as "less permeable" to facilitate movement of individuals through these areas. The number and placement of these temporary shelters will be determined during consultation with USFWS and CDFG. Depending on local terrain and array layout, typically one escape den is installed every ¼ mile along existing maintenance roads. Escape den entrances should measure 8 inches across with rebar installed to restrict the opening to 6 inches to prevent use by badgers or coyotes. The 8 inch diameter PVC pipe should be at least 25 feet long, placed flat on the ground surface, and covered with soil for thermal protection.</p>

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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APM M BIO-55 Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. will be recontoured if necessary, and revegetated to pre-project conditions, according to the Project Revegetation Plan. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated.

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**Giant Kangaroo Rat**

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APM M BIO-56 Habitat subject to permanent alteration or project-related disturbance has been minimized through project design. Permanent loss of habitat to facilities, solar array construction, and project-related disturbance will be mitigated in the form of providing habitat preservation, enhancement, and management in perpetuity at a ratio of not less than 2:1 and not greater than 3:1 for all impacted acreage; the final mitigation ratio will be determined by the County, in consultation with the USFWS and CDFG, based on an analysis of the quality (i.e., biological functions and values) of the mitigation land (a lower ratio is appropriate for higher quality mitigation land). If monitoring does not detect continued GKR occupation of the site following completion of construction, then the total mitigation requirement will be increased by 1: 1 for the acreage of the solar array footprint.

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APM M BIO-57 To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited. Occupied burrow precincts in areas adjacent to construction zones should be flagged or fenced and construction and other project activities should be prohibited or greatly restricted within these exclusion zones. Only essential vehicle and foot traffic on existing roads within the exclusion zone will be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity will be prohibited within the exclusion zones.

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APM M BIO-58 Prior to initiation of site disturbance and/or construction, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., GKR). At a minimum, as the program relates to the GKR, the training will include GKR natural history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The Applicant will notify the County prior to this meeting. A GKR fact sheet shall will also be developed prior to the training, and will be distributed at the training program to all contractors, employers and other personnel involved with the construction of the project. Completion of the training program will be documented for personnel associated with the project.

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APM M BIO-59 Occupied GKR precincts will be avoided wherever possible during construction particularly during placement of ground screws or helical piles, trenching, and operation of heavy equipment or vehicles. Where active precincts cannot be avoided, live traps will be used to capture GKR(s) from the impacted burrow precinct. If the disturbance is temporary (< 1 day) trapped GKR may be held under suitable conditions, during the period of disturbance, and then released at the same location at which they were trapped. For instances where the disturbance is longer term or permanent, GKR will be trapped and relocated to either unoccupied burrow precincts, located as near by as possible in areas that will not be disturbed or transferred to a receptor site, which may require the use of artificially created burrow precincts within managed mitigation lands.

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APM M BIO-60 All excavation, steep-walled holes or trenches in excess of 6 inches in depth shall will 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 dirt fill or wooden planks. Trenches will also be inspected for entrapped GKR each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped GKR. Any GKR discovered will be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and held under suitable conditions until it can be released at nightfall.

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APM M BIO-61 Managed livestock grazing will be used to maintain low-height grassland vegetation on the site for the benefit of GKR. Managed livestock grazing will be conducted in accordance with the Project Grazing Plan.

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APM M BIO-62 Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. will be recontoured if necessary, and revegetated to promote revegetation of the area to pre-project conditions, according to the Project Revegetation Plan. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated.

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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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**San Joaquin Antelope Squirrel**

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- APM M BIO-63 Habitat occupied by San Joaquin antelope squirrel will be avoided during the construction of the facilities and the arrays. Areas adjacent to construction zones will be flagged or fenced and construction and other project activities will be prohibited or greatly restricted within these exclusion zones. Only essential vehicle and foot traffic on existing roads within the exclusion zone will be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity will be prohibited within the exclusion zones.
- APM M BIO-64 To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic will be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited.
- APM M BIO-65 Prior to initiation of site disturbance and/or construction, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin antelope squirrel). At a minimum, as the program relates to the San Joaquin antelope squirrels, the training will include San Joaquin antelope squirrel natural history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The Applicant will notify the County prior to this meeting. A San Joaquin antelope squirrel fact sheet will also be developed prior to the training, and will be distributed at the training program to all contractors, employers and other personnel involved with the construction of the project. Completion of the training program will be documented for personnel associated with the project.
- APM M BIO-66 To prevent entrapment of San Joaquin antelope squirrels, all excavation, steep-walled holes or trenches in excess of 12 inches in depth shall will be covered when not in use by plywood or similar materials, or provided with one or more escape ramps constructed of earth dirt fill or wooden planks. Trenches will also be inspected for entrapped San Joaquin antelope squirrels prior to onset of field activities and immediately prior to covering with plywood. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped San Joaquin antelope squirrels. Any San Joaquin antelope squirrels discovered all be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and released at a safe nearby location.
- APM M BIO-67 Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. will be recontoured if necessary, and revegetated to promote revegetation of the area to pre-project conditions, according to the Project revegetation plan. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated, including targeting and planting revegetation areas that would support saltbush scrub communities that San Joaquin antelope squirrels utilize.
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**Tipton Kangaroo Rat**

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- APM M BIO-68 Habitat subject to permanent alteration or project-related disturbance should be minimized. To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited. Occupied burrows in areas adjacent to construction zones should be flagged or fenced and construction and other project activities should be prohibited or greatly restricted within these exclusion zones. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited within the exclusion zones.
- APM M BIO-69 Prior to initiation of site disturbance and/or construction, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., Tipton kangaroo rats). At a minimum, as the program relates to the Tipton kangaroo rat, the training will include Tipton kangaroo rat natural history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The Applicant will notify the County prior to this meeting. A Tipton kangaroo rat fact sheet shall will also be developed prior to the training, and will be distributed at the training program to all contractors, employers and other personnel involved with the construction of the project. Completion of the training program will be documented for personnel associated with the project.
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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

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- APM M BIO-70 To prevent entrapment of Tipton kangaroo rats, all excavation, steep-walled holes or trenches in excess of 6 inches in depth will 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 dirt fill or wooden planks. Trenches will also be inspected for entrapped Tipton kangaroo rats each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped Tipton kangaroo rats. Any Tipton kangaroo rats discovered will be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and held under suitable conditions until it can be released at nightfall.
- APM M BIO-71 Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc. will be recontoured if necessary, and revegetated to promote revegetation of the area to pre-project conditions, according to the Project Revegetation Plan. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated.
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**American Badger**

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- APM M BIO-72 Habitat subject to permanent alteration or project-related disturbance has been minimized through project design. Permanent loss of habitat to facilities, solar array construction, and project-related disturbance will be mitigated in the form of providing habitat preservation, enhancement, and management in perpetuity at a ratio of 1:1 for all impacted acreage. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species, such as special-status plants, San Joaquin kit fox, or GKR.
- APM M BIO-73 Speed limit signs imposing a speed limit of 15 miles per hour will be installed on the project site prior to initiation of site disturbance and/or construction. To minimize disturbance of areas outside of the construction zone, all project-related vehicle traffic should be restricted to established roads, construction areas, and other designated areas. These areas will be included in preconstruction surveys and, to the extent possible, should be established in locations disturbed by previous activities to prevent further impacts. Off-road traffic outside of designated project areas will be prohibited.
- APM M BIO-74 Prior to initiation of site disturbance and/or construction, all personnel associated with the project will attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., American badger). At a minimum, as the program relates to the badger, the training will include American badger natural history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The Applicant will notify the County prior to this meeting. An American badger fact sheet will also be developed prior to the training, and will be distributed at the training program to all contractors, employers and other personnel involved with the construction of the project. Completion of the training program will be documented for personnel associated with the project.
- APM M BIO-75 To prevent entrapment of American badger, all excavation, steep-walled holes or trenches in excess of two feet in depth will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of dirt fill or wooden planks. Trenches will also be inspected for entrapped badger each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped American badger. Any badger discovered will be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- APM M BIO-76 Disturbance to all American badger dens will be avoided to the maximum extent possible. Protection provided by badger dens for use as shelter, escape, cover, and reproduction is vital to the survival of badgers. Dens determined to be occupied between March 1 and June 30 will be avoided to protect adults and nursing young. If a potentially active den is found in a construction area a burrow probe will be used to determine the presence of badgers. Alternatively, den openings may be monitored with tracking medium or an infrared beam camera for three consecutive nights to determine the current use. Inactive dens will be blocked or excavated to prevent use during construction. If an active den is found it should be flagged with a buffer of 50 ft where construction activities and other project activities should be prohibited or greatly restricted. Only essential vehicle and foot traffic on existing roads within the exclusion zone should be permitted. Otherwise, all construction, vehicle operation, material storage, or any other type of surface-disturbing activity should be prohibited within the exclusion zones.
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**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

**Pallid Bat**

APM M BIO-77	<p>A survey for roosting bats should be conducted during the maternity season (1 March to 31 July) prior to any removal of structures or trees, particularly trees 12 inches in diameter at 4.5 feet above grade with loose bark or other cavities. Trees and structures must be surveyed by a qualified bat biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle bats). If no active roosts are found, then no further action is required. If active maternity roosts are absent, but a hibernaculum (i.e., a non-maternity roost) is present, then APM BIO-78 is not necessary, but APM BIO-79 and APM APBIO-80 are required.</p> <p>If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost should be avoided (i.e., not removed) by the Proposed Project, if feasible. If avoidance of the maternity roost is not feasible, the bat biologist should survey (through the use of radio telemetry or other means) for nearby alternative maternity colony sites. If the bat biologist determines that there are alternative roost sites used by the maternity colony, then it will not be necessary to provide mitigation roosting habitat (i.e., APM BIO-78 would not apply though APM BIO-79 and APM BIO-80 would still apply). However, if there are no alternative roost sites used by the maternity colony, APM BIO-78 is required.</p>
APM M BIO-78	<p>If a maternity roost will be impacted by the Proposed Project, and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony shall be provided on, or in close proximity to, the Proposed Project site no less than three months prior to the eviction of the colony. By making the roosting habitat available prior to eviction (APM BIO-80, below), the colony will have a better chance of finding and using the roost. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. The CDFG should also be notified of any hibernacula or active nurseries within the construction zone.</p>
APM M BIO-79	<p>A qualified bat biologist will conduct a pre-activity (e.g., vegetation removal, grading) survey for roosting bats within 15 days prior to any grading of rocky outcrops or removal of trees (particularly trees 12 inches in diameter at 4.5 feet above grade with loose bark or other cavities) whether the colony surveys (APM BIO-77) detected bats or not. Bats can change roosts and, particularly if a colony roost is located under APM BIO-77 and excluded under APM BIO-80, may find alternate habitat in other potential roosting habitat on the site. Activities that would result in disturbance to active roosts will not proceed prior to completing the surveys. If no active roosts are found, then no further action is required. If a maternity roost that was not identified previously is detected, a qualified bat biologist would determine the extent of construction-free protective zones around active nurseries since some special-status species are known to abandon young when disturbed.</p>
APM M BIO-80	<p>If non-breeding bat hibernacula are found in trees scheduled to be removed or in crevices in rock outcrops within the grading footprint, the individuals should be safely evicted, under the direction of a qualified bat biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one-way doors). In situations requiring one-way doors, a minimum of one week should pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one-way doors is not necessary in the judgment of the qualified bat biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal). These actions should allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.</p> <p>If an active maternity roost is located on the Project site, and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 July) using the exclusion techniques described above.</p>

**Cultural Resources**

APM CULT-1	<p>Although no significant archaeological deposits are anticipated, the age of the ranch house indicates that there is a potential for buried historic archaeological features and/or materials. The project proponent has agreed to avoid this resource and will create a buffer of 100 feet around the ranch house complex. Any ground disturbance within this buffer will be monitored by a qualified archaeologist. Based on this avoidance, monitoring, and limited data potential, no test excavations are recommended prior to construction. Should a project design change result in ground disturbance closer than 100 feet to the homestead complex, archaeological monitoring will be required.</p>
APM CULT-2	<p>Should unanticipated archaeological artifacts or features be encountered, a qualified archaeologist will be retained to evaluate the find.</p>

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM CULT-3	Although no prehistoric artifacts or features were identified by the survey, Pleistocene to recent alluvium is located 2,000 to 7,000 feet on either side of Carissa Highway (Hwy 58) and has the potential for buried cultural resources to varying depths due to the young age (10,000 years to present) of the deposits (Smith, 1964). LSA recommends that the distribution of Pleistocene to recent alluvium be plotted on the main project map and that any trenching or other ground disturbance in areas covered by this alluvium be monitored by a qualified archaeologist.
APM CULT-4	With the assistance of a qualified archaeologist, the project proponent will make the construction crews aware of the possibility of historic and prehistoric cultural resources on the project and will establish protocols for treating unanticipated discoveries.
APM CULT-5	If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**Hazards and Hazardous Materials**

APM HAZ-1	All fuels, fluids, components with hazardous materials/wastes will be handled in accordance with applicable regulations. All such materials will be kept in segregated storage with secondary containment as necessary. The Applicant will maintain all records of storage and inspection and will provide for proper offsite disposal.
APM HAZ-2	Circulation and access for fire protection purposes will be provided; with road widths and design consistent with County Fire Department requirements. (see Sheet C3.0 in the Application for locations of roadways)

**Public Services and Facilities**

APM PSU-1	Construction debris and waste from buildings and other improvements will be recycled.
APM PSU-2	An on-site septic system and leach field will meet all specifications of the County Health Department and the Regional Water Quality Control Board. (See Sheets C4.4 & A1.0 of the Application)

**Fire and Fuels Management**

APM FIRE-1	The O&M building and Visitor Center will have fire sprinklers and a pressurized fire system.
APM FIRE -2	The required volume of water for fire use will be based on the number and sizes of structures, occupancy rating and material composition. The proposed water tank is sized consistent with the recommendations of Cal Fire based on the proposed use of the property. Due to standard pre-formed tank sizes, there will be substantial excess capacity in the 271,000-gallon water tank which will be made available for off-site fire fighting if needed. Hydrants will be placed consistent with Cal Fire requirements to allow use of the water supply both on and offsite in emergency situations.
APM FIRE -3	Standard defensible space requirements will be maintained surrounding any welding or digging operations.
APM FIRE -4	The main access road and the external fire roads are 24 feet in width and serve to separate approximately 95 percent of the site from adjacent grasslands and also break the site into smaller spaces that will aide in the control of grass fires.
APM FIRE -5	All maintenance trucks will be equipped with a small water tank and pump.

**Traffic and Transportation**

APM TRA-1	The Applicant proposes to offer the financial incentive of a free lunch to the Applicant's and contractors employees who use the shuttle.
APM TRA -2	The Applicant will commit to a requirement in the project conditions of approval that will require 75 percent of specified employee groups during the construction phase of the project to utilize the shuttle (based on a weighted average over a calendar quarter).
APM TRA -3	The Applicant will implement a permit system (if necessary) to restrict onsite parking to assist in reaching this goal and will work with the Highway Patrol to limit parking in accord with State law along the State Highway 58 CVSR frontage.
APM TRA -4	The Applicant will take advantage of the rideshare program administered by the San Luis Obispo council of Governments (SLOCOG) and Kern Council of Governments (Kern COG) and will appoint an on-site rideshare coordinator to assist in matching employees for carpools.

**Table B-12. Applicant Proposed Measures (APMs) for the Solar Generation Facility and Gen-Tie Line**

APM TRA -5 The Applicant will implement an outreach campaign (signage, direct mail, website, recorded telephone update line, newspaper notices, etc.) to notify the public of potential delays during times when truck escorts are proposed.

**Temporary Construction Worker Accommodations Area (TCWAA)**

APM TCWAA-1 The TCWAA can accommodate only recreational vehicles or travel trailers. Everyone is expected to keep their site clean and orderly. All trash should be bagged and brought to dumpsters. There is no trash pickup at individual sites. All sewer lines must be free from leaks and have a "do-nut" or threaded attachment into the sewer. Units installed for over 90 days must install rigid conduit for sewage disposal per State regulations. Alcoholic beverages are allowed only at your space. We do not allow clotheslines and please do not wash autos or RV's with a hose to conserve water in the desert environment. Due to noise, generators are only to be used during emergencies. Oil changes and other such types of vehicle maintenance are not allowed but other minor fixes may be permitted. Check with the office before performing any vehicle maintenance or repair. If there are any problems or damages at your site please inform us immediately.

APM TCWAA-2 **BE CONSIDERATE** - No loud music. Quiet hours are from 10:00 PM to 7:00 AM. Outside RV lights are not to be left on after 9:00 PM.

APM TCWAA-3 **DRIVING AND PARKING** - Observe a safe speed and watch for pedestrians, construction equipment, delivery trucks and wildlife. Drive on the roads only. Do not use pull-thru spaces for short cuts. Park in your own area or assigned spot. Do not park in open spaces without prior office approval. Visitor parking in designated areas only.

APM TCWAA-4 **PROHIBITED ITEMS** - Absolutely no use of firearms, explosives, drugs, or fireworks is allowed in the TCWAA or on the CVSR property. Dogs and other pets are not allowed.

**APM TCWAA-5 General Measures to Protect Biological Resources**

- To prevent harassment or mortality of special-status animals, or destruction of their habitats by dogs or cats, no pets will be permitted on the CVSR site, including the 50-unit TCWAA that Project personnel will use as temporary housing during construction.
- No rodenticides will be used on the Project site to avoid the potential for poisoning of giant kangaroo rats and San Joaquin antelope squirrels and to avoid the secondary poisoning of San Joaquin kit foxes, California condors, and other predators and scavengers. The rodenticide ban will also be applied to temporary residential facilities in the TCWAA.
- No rodent trapping (live or lethal) will be permitted on the CVSR site, including within the residential facilities or the utility building associated with the TCWAA.
- Information about the ban of rodenticides and rodent traps, and their potential effects on sensitive wildlife species in the region, will be provided to occupants of the TCWAA. This information will be posted in the Operations and Maintenance facility as well.
- Signs prohibiting the recreational use of on-site conservation lands by TCWAA occupants and other CVSR personnel will be installed at all potential public entrances to these lands and at quarter-mile intervals along existing and future roads adjacent to onsite conservation land borders. Sign maintenance will be part of the ongoing maintenance activities.
- There will be no common areas designated or used for social or recreational activities by occupants of the TCWAA.

