ATTACHMENT 1

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20___

PRESENT: Supervisors

ABSENT:

RESOLUTION NO._____

RESOLUTION DENYING THE APPEAL OF SIERRA CLUB, AFFIRMING THE PLANNING COMMISSION'S DECISION, AND APPROVING CONDITIONAL USE PERMIT DRC2014-00016

The following resolution is now offered and read:

WHEREAS, on February 10, 2015, the County of Monterey, acting as Lead Agency for purposes of the California Environmental Quality Act ("CEQA") in reviewing the California Flats Solar Project ("Project"), duly considered and certified the Final Environmental Impact Report and approved the Project; and

WHEREAS, on April 9, 2015, the Planning Commission of County of San Luis Obispo, a permitting agency and Responsible Agency under CEQA, duly considered and relied upon the Final Environmental Impact Report certified by Monterey County, and approved Conditional Use Permit DRC2014-00016 for the Project; and

WHEREAS, Sierra Club has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 16, 2015, and determination and decision was made on June 16, 2015; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission on April 9, 2015 should be affirmed.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That the Final Environmental Impact Report prepared by Monterey County is complete and adequate and has been prepared in accordance with the provisions of the California Environmental Quality Act.

3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.

4. That the proposed project and uses are consistent with the San Luis Obispo County General Plan.

10. That the appeal filed by Sierra Club is hereby denied, the decision of the Planning Commission is hereby affirmed, and Conditional Use Permit DRC2014-00016 (California Flats Solar Project) is hereby approved subject to the modified conditions of

approval and Mitigation Monitoring and Reporting Program set forth in Exhibits B and D attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: June 3, 2015

ATTACHMENT 1

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By_____
Deputy Clerk.

FINDINGS - EXHIBIT A
FINDINGS FOR CONDITIONAL USE PERMIT
DRC2014-00016

Environmental Determination

A. The County, as a Responsible Agency, finds that the Final Environmental Impact Report (FEIR) previously certified by Monterey County on February 10, 2015, is adequate for the purposes of the County's compliance with CEQA for issuance of a Conditional Use Permit to improve an existing agriculture road and construct staging areas for construction operations (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The County also finds that no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. Mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to aesthetics; agricultural resources; air Quality; biological resources; cultural Resources; geological resources; greenhouse gas emissions/climate change; hazardous materials; hydrology/water Resources; land Use; noise; public services; transportation/circulation; and temporary housing impacts. Applicable mitigation measures as contained in the FEIR are and included as conditions of approval. A Statement of Overriding Considerations was determined necessary for significant and unavoidable (Class 1) impacts associated with Traffic and Air Quality associated with temporary construction activities and post-project decommissioning activities.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code, including provisions of Section 22.32.060 - Photovoltaic Generating Facilities.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the access road would not be accessible to the general public. In addition, numerous conditions are required relating to worker safety protection and neighborhood compatibility to address air quality, noise, hazardous materials, and traffic. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is the widening of an existing access road that would not conflict with existing activities along and served by the access road.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. Project-generated traffic during the construction (and decommissioning) phase would result in the incremental increase of traffic on segment of SR 46 between SR 41 and Branch Road that currently operates at an unacceptable LOS E. This added traffic to an already congested roadway was identified in the Project EIR as a significant and unavoidable impact on traffic but it was not identified as a potentially significant impact related to safety. In addition, a number conditions are required to minimize traffic congestion and improve overall roadway safety. The affected agencies with oversight of the applicable roads and highways (i.e., Caltrans and County Public Works) have been consulted on potential impacts, and the means in which to provide for adequate safety and capacity needs during construction and operation have been included as part of the conditions of approval. The temporary traffic related impacts would be outweighed by the benefits of the project as discussed in Exhibit D. Long term operational impacts would be minimal because the project would generate very few trips once construction is complete.

H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because Phase I Cultural and Paleontological Resource Surveys have been prepared in consultation with tribal members and mitigation measures, including preparation of a monitoring plan, have been included as conditions of approval in Exhibit C.

The following conditions are listed by category or issue area. Exhibit D 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 California Flats Solar, LLC (the project applicant), a wholly owned subsidiary of First Solar, Inc. However, 'Applicant' shall also refer to any successor in interest for the life of the project. The "project" refers only to the portion of the project within San Luis Obispo, unless otherwise specified. The "county" refers to the County of San Luis Obispo. The "Planning and Building Department" refers to the County of San Luis Obispo Planning and Building Department.

Approved Development

1. This Conditional Use Permit authorizes the following, as shown on Exhibits contained herein:
    a. Construction, maintenance, and operation of a primary access road to the CalFlats Solar facility -- during both construction and project operation – via improvements to an existing 5.6-mile private ranch road from SR 41, approximately 3.3 miles of which is located in San Luis Obispo County.
    b. Widening of the existing 3.3 mile agricultural road to a maximum of 30 feet and construction of turnouts to accommodate emergency vehicles within the 30-foot wide road alignment.
    c. Replacement, enlargement and improvements to existing culverts that traverse the existing 3.3 mile agricultural road.
    d. Construction of two temporary staging areas 4.0 acres and 0.5 acres in size, respectively, adjacent to Highway 41.
    e. Relocation of the existing access gate further from Highway 41 to accommodate truck queuing outside of the SR 41 right-of-way while the gate is being unlocked and opened.

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 unless the condition relates solely to pre- construction and construction activities and must be satisfied prior to obtaining a construction permit. These conditions will apply to decommissioning as required by the County. 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. Within ten (10) days of final approval of this conditional use permit, the applicant shall, as a condition of approval, enter into an agreement, in a form approved by County Counsel and executed by the Chair of the Board of Supervisors, providing for the defense and indemnity, at the applicant's sole expense, against any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to or arising out of the approval or implementation of this minor use permit. The agreement shall provide that the applicant shall indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement.

GENERAL

5. Prior to issuance of a construction permit for a particular project phase, the Applicant shall provide satisfactory evidence that a conveyance has been made or landowner consent has been documented for all properties involved with that phase of the DRC2008-00009 development, which clearly conveys that all of the Conditions o f Approval shall run with the land for the life of the project.

6. 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.

7. Local Hire. The Applicant shall make efforts to employ local hire residents of both San Luis Obispo County and Monterey County with adequate experience and qualifications, during construction and operations to the extent practical. Within 60 days of project approval, or such later time as approved by the County, the Applicant shall demonstrate advertising and publication of jobs that will be locally available.

8. Prior to issuance of construction permits, the applicant shall provide funding for San Luis Obispo County to retain an environmental compliance monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures (herein incorporated as conditions of approval). The compliance monitor shall be responsible for assisting the County in verifying condition compliance and mitigation monitoring for all applicable pre-construction, construction, and post-construction activities of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building. The compliance monitor will be responsible for reviewing pre-construction, construction, and post-construction documentation, including, but not limited to, pre-construction surveys, construction-phase monitoring, and post-construction monitoring, submitted to the County by qualified professionals retained by the applicant in accordance with the

applicable Conditions of Approval. The monitor shall be under contract to San Luis Obispo County, unless San Luis Obispo County and Monterey County mutually agree to share the monitor in which case the monitor may be under contract with either County. In either case, all efforts shall be made to coordinate monitoring of the project components in both County jurisdictions. The compliance monitor will prepare a working monitoring plan that implements the conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations consistent with the MMRP; (2) lines of communication and reporting methods; (3) compliance verification procedures; (4) reporting procedures for verification of construction crew training conducted by qualified professionals retained by the applicant in accordance with the requirements of the EIR; and (5) actions to be taken in the event of noncompliance. The Applicant and qualified consultants retained by the Applicant shall be responsible for maintaining on-going monitoring data (e.g., biological, cultural, etc.) on the project site for the duration of construction; on-going monitoring data shall be available for inspection upon request from the County's compliance monitor. Costs of the monitor, and any County administrative fees, shall be paid by the Applicant. The Applicant shall also be responsible for obtaining qualified professionals (e.g., botanist, wildlife biologist, cultural resource expert, etc.) in accordance with the requirements of applicable conditions of approval. The identified qualified professionals shall be listed on Monterey County's list of approved consultants and shall be approved by San Luis Obispo County. The compliance monitor will coordinate with applicant's representative and identified qualified professionals to ensure compliance with all applicable conditions of approval.

ENVIRONMENTAL CONDITIONS

The following conditions apply to the approved development. Please refer to attached Mitigation Monitoring and Reporting Program for timing and agency or County responsibilities associated with each of these measures.

9. **MM AES-1 Temporary Fencing at SR 41 Staging Areas.** The applicant shall install opaque temporary fencing at construction staging areas within 0.5 miles of SR 41. The placement and design of temporary fencing shall be sufficient to obstruct views of any construction activities from the perspective of motorists on SR 41. Fencing shall be erected for the duration of construction activities at staging areas within 0.5 mile of SR 41.

10. **MM AES-3 Minimize Construction Lighting.** Prior to issuance of construction permits, the applicant shall prepare a Construction Lighting Plan showing night lighting for construction and parking areas on construction plans and submit to the Planning Department for review and approval. Night lighting of construction and parking areas shall be minimized in both brightness and extent to the maximum extent possible, consistent with the safety needs of the facility. All lighting shall be shielded, with all direct lighting limited to within the parking or construction area, and with no upwardly directed lighting. Security lighting for construction storage areas shall also be hooded and directed down and into the site, with no off-site light trespass. This requirement shall be specified in contracts with contractors and

subcontractors that may require nighttime construction lighting. The Plan shall include the location, type, and wattage of all external light fixtures and include catalog sheets of each fixture. The approved Construction Lighting Plan shall be incorporated into the construction plans submitted to Planning Department for the project.

11. **MM AQ-2(a) Dust Control Measures**. The project applicant and/or contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the San Luis Obispo County Planning Department for review and approval that include the following measures on all plans and specifications:

    - The grading plan design shall minimize the amount of disturbed area to the extent feasible**;**
    - Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
    - In order to avoid long distances and associated travel time between source wells and the work area, the project applicant shall employ the use of on-site temporary pipelines, stand tanks or other measures to reduce water truck travel on unstable, disturbed surfaces;
    - To best address fugitive dust proximal to workers, the project applicant shall establish clear boundaries for the assignment of dust control as between the principal contractor and subcontractors. The subcontractors shall be required to maintain dust control in their work area. Maps showing each contractor's area of responsibility for dust control shall be distributed as work areas change. These maps shall be given to each water truck driver in an effort to reduce duplication of efforts while assuring full coverage. Water trucks will be assigned to specific crews or areas. In addition, each water truck driver shall be equipped with a radio to respond to any area that is experiencing dust or equipment operations that require additional dust suppression measures;
    - The project applicant shall maintain a 15 mph speed limit on roads where water application is the sole form of dust control, and shall post signs to remind workers throughout the work areas. The project applicant shall monitor to ensure compliance with the speed limit. As an additional measure, all of the cart operators shall be required to complete a cart training course prior to operation of carts on site;
    - Water truck operations shall adjust their spraying methods according to the conditions. For example, during windy conditions trucks should point the water spray downward. In silty soils, trucks should use light front spray followed by the heavier back spray. In clay soils, a heavy spray is applied well before traffic is expected in the area. This set of techniques shall be conveyed to new water truck operators when they arrive to the work site;
    - Where access by water trucks is limited by structures or conditions, hand-operated water tanks (i.e. water buffalos) shall be used to provide dust

control. Hand-operated water tanks can be used to apply water directly to the work area by crew members;

- Heavy construction equipment traveling on unstabilized roads on the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads;
- All dirt stock pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the proposed Habitat Restoration and Revegetation Plan [refer to Biology Mitigation Measure B-2(b)] shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All roads shall be stabilized using gravel, non-toxic chemical soil binders (e.g., latex acrylic copolymer), jute netting, or other methods approved in advance by the Planning Department. If necessary, the Planning Department may refer to the list of approved dust control suppressants in the SLOAPCD *CEQA Air Quality Handbook* Technical Appendix 4.3. For all structure pads and other areas to be paved, seeding or soil binders shall be used if construction or paving will not occur within 10 days of grading;
- Install track-out control devices where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep paved/unpaved roadways boundaries (e.g. project entrance roadways) at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a site dust manager and up to four 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% opacity, and to prevent transport of dust offsite. As necessary, the monitor shall have the authority to require additional dust control measures be implemented. The monitor shall file monthly reports to the Planning Department, including a daily log documenting monitoring activities, exceedances, and measures taken to reduce dust emissions. Their duties shall include weekdays, holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Planning Department and the APCD Compliance Division prior to the start of any grading, earthwork or demolition. In addition, the log of monitoring activities shall be provided to APCD for confirmation that dust control measures are meeting the requirements of Rule 402.

12. **MM AQ-2(b) Emission-Reduction Measures for Construction Equipment.** The Project Applicant and/or Contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the Project Applicant and/or Contractor shall

submit construction drawings to the San Luis Obispo County Planning Department for review and approval that include the following measures on all plans and specifications:

- Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment (applicable to northernmost edge of the project site only), including:
    - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    - Diesel idling within 1,000 feet of sensitive receptors is not permitted; and,
    - Signs that specify the no idling requirements must be posted and enforced at the construction site.

- Operational NO_X and Diesel PM Emissions Reduction Measures for Construction Equipment
    - All construction equipment shall be maintained in proper tune according to manufacturer's specifications;
    - All off-road and portable diesel powered equipment shall be fueled with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
    - Use of on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines;
    - On- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
    - Use of electrically-powered equipment when feasible;
    - Gasoline-powered equipment shall be substituted in place of diesel-powered equipment, where feasible; and
    - If available, use of alternatively fueled construction equipment on-site, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

13. **MM AQ-2(c) Tier 3 Construction Equipment**. All off-road construction diesel engines not registered under the California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower (hp) or more, shall meet, at a minimum, the Tier 3 California Emissions Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless such engine is not available for a particular item of equipment.

    Construction or trucking companies with fleets that that do not have engines in their fleet that meet the Tier 3 standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance. If a Tier 3 (or equivalent alternative compliance) engine is not available for any off-road engine larger than 50 hp, that engine will have tailpipe retrofit controls that reduce exhaust emissions of NO_X and PM to no more than Tier 2 emission levels. Tier 1 engines will be allowed on a case-by-case basis only

when the project applicant has documented that no Tier 2 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete project construction. This shall be documented with signed written correspondence by the appropriate construction contractor along with documented correspondence with at least two construction equipment rental firms. A list of the construction equipment used on-site and the associated EPA Tier shall be submitted to the County Planning Department quarterly to verify implementation of measure.

14. **MM AQ-6(a) Valley Fever Management Plan**. The project applicant shall identify and retain a licensed occupational medicine physician (M.D.) specializing in pulmonary epidemiology, subject to approval by the County Health Department (Health Officer), to assist with the development and implementation of a Valley Fever Management Plan (VFMP). The VFMP shall include a job hazard analysis [in compliance with California Occupational Safety and Health Administration (Cal/OSHA) regulations] for any worker that will be exposed to dust. The VFMP shall further include specific measures to reduce the potential for exposure to Valley Fever. The project applicant and the Health Department may consult with APCD and the Cal/OSHA Compliance Program as needed in identifying a specialist M.D. and in developing the VFMP.

    Prior to issuance of grading permits, the applicant shall submit the VFMP to the County Health Department for review and approval. The VFMP shall identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize worker and public exposure to dust potentially containing the *Coccidioides* spore. Measures in the VFMP may include the following:

    - 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.
    - Provide communication methods, such as two-way radios, for use in enclosed cabs.
    - Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with N-100 or P-100 filters to be used during any worker collocation with surface disturbance activities if determined to be needed based upon the applicable job hazard analysis.
    - Workers that are required to use respirators as determined by a job hazard analysis shall be medically evaluated, fit-tested, and properly trained on the use of the respirators, and a respiratory protection program shall be implemented in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
    - Provide separate, clean eating areas with hand-washing facilities.
    - Thoroughly clean construction tools, equipment, and vehicles with water before they are moved offsite to other work locations.
    - Equipment inspection and washing stations shall be established and manned at each construction equipment access/egress point. Spot examination of construction equipment for water washing via portable equipment in accordance with SWPPP BMPs shall be performed in order to prevent track-out of transport of material potentially carrying the *Coccidioides* spore.
    - Suitable coveralls and change facilities shall be made available to all on-site workers. Workers performin work in areas where fresh ground disturbance presents a risk of

exposure to the Coccicioides spore shall be required to change clothes after work every day before leaving the work site, to prevent distribution of *Coccidioides* to non-endemic areas, as determined to be needed based upon the applicable job hazard analysis.

- Establish sub-contract language clearly indicating that all subcontractors are obligated to comply fully with the meaning and intent of Title 8 California Code of Regulations Sections 5141 and 5144, subject to audit and contract enforcement by the applicant.
- Establish and execute auditing protocols to ensure subcontractor compliance with all provisions of the VFMP and provide monthly audit summary data, potential deviations noted and corrective actions implemented to the County Health and Planning Departments.
- Each primary employer of contracted workers shall be required by the terms and conditions of their contract for services to retain and consult with an Occupational Medicine Professional, licensed by either the Medical Board of California or the Osteopathic Board of California to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. Reporting of symptoms of Valley Fever and diagnosed cases of Valley Fever must occur consistent with County and State requirements.

15. **MM AQ-6(b) Additional Valley Fever Dust Suppression Measures.** Dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities at all times. The additional dust suppression measures shall be incorporated into the Final Construction Management Plan. The Final Construction Management Plan shall be submitted to the County Planning Department for review and approval prior to commencing ground disturbing activities (e.g., grading, filling, trenching).

16. **MM AQ-6(c) County Health Department Notification.** The project applicant shall notify the County Health and Planning Department not more than 60 nor less than 30 days before construction activities commence to allow the Health Officer opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.

17. **MM AQ-6(d) Valley Fever Worker Training Program and Safety Measures**. Prior to any project grading activity, the primary project construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers, and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure AQ-6(a). Prior to initiating any grading, the project applicant shall provide the County Health and

Planning Departments with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to County Planning that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).

18. **MM AQ-6(e) Valley Fever Information Handout.** The applicant shall 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 infection 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 surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.

19. **MM AQ-9 Construction Management Plan Requirements**. The Final Construction Management Plan (CMP) proposed as Applicant Proposed Measure 2 (APM-2) shall include the following construction emissions reduction measures, recommended by SLOAPCD:
    - Best Available Control Technology for Construction equipment (BACT) measures to reduce construction emissions, which can include:
        - Repowering equipment with the cleanest engines available;
        - Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm
    - Schedule activities to minimize the amount of large construction equipment operating simultaneously during any given time period; and
    - Scheduling of construction truck trips during non-peak hours to reduce peak hour emissions.

    The CMP shall be submitted to the County Planning Department for review and approval.

20. **MM B-1(a) Nested Compensatory Mitigation.** The applicant shall provide conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to vegetative communities and listed or special status plants and wildlife for the portion of the project within San Luis Obispo County. The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than those specified in mitigation measures B-1(e), B-1(j), B-1(n), B-1(v), B-1(z), and B-1(cc). Compensatory mitigation for multiple species may be combined to mitigate for impacts to multiple species simultaneously (i.e. nested compensatory mitigation). Areas proposed for preservation and serving as compensatory mitigation for special status plant species impacts must contain verified extant populations of the

special status plant species that would be impacted by the project. Areas proposed for preservation and serving as compensatory mitigation for special status wildlife species impacts must contain habitat value and function consistent with the conditions necessary to support viable populations of the special status species for which impacts are being mitigated (i.e. suitable vegetation communities, suitable breeding and nesting habitat and microhabitat conditions, including appropriate aquatic habitat for impacts to aquatic species or disturbances to aquatic habitat). Preservation lands must also be within known species ranges and known occurrences of local populations of the species for which impacts are being mitigated. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The applicant shall either provide conservation easements or provide funds for the acquisition of such easements to a qualified easement holder as defined below. The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

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

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project.

The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and 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 conservation easement holder in consultation with the County.

The primary purpose of the conservation 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. Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above), be subject to the management requirements outlined in the HMMP (see measure B-1[b]), and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original

holder is dissolved.

Land Acquisition Requirements. The following factors shall 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 potential ources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be either "suitable habitat" or "enhanced habitat":

Suitable Habitat. To meet the requirements for suitable habitat that provides equal or greater habitat value for special status animal species than the impacted habitat, the habitat must:

1. provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
2. 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;
3. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
4. not be located on land that is currently publicly held for resource protection.

Enhanced Habitat. If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. is within an area with potential to contribute to habitat connectivity and build linkages between known San Joaquin kit fox populations;
2. consists of actively farmed land or other land containing degraded habitat that will support enhancement;
3. supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. cannot be located on land that is currently held publicly for resource protection; and
5. does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

Enhanced Habitat Standards. For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of annual grasslands, other grassland vegetation, suitable aquatic habitat, suitable foraging habitat (e.g. habitat is within 10 miles of known nesting golden eagles) or other habitat characteristics (e.g. suitable burrows for burrowing owls, small mammal

burrows in upland habitat for California tiger salamander, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied.

Mitigation Timing: The applicant shall calculate the total acreages required to meet all compensatory mitigation obligations for portions within San Luis Obispo County and submit these totals to the County prior to the issuance of grading permits. The applicant shall then obtain County approval of the location of mitigation lands, the holder of conservation 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 the first of the project's final inspections, or within 18 months after issuance of grading permits, whichever comes first. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection. **Monitoring**: The County shall review documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS.

21. **MM B-1(b) Habitat Mitigation and Monitoring Plan.** To ensure the success of compensatory mitigation sites required for compensation of permanent impacts to vegetative communities and listed or special status plants and wildlife, the applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be submitted to the County within 12 months after the issuance of the grading permit. The HMMP shall include, at a minimum, the following information:

    1. a summary of habitat and species impacts and the proposed mitigation for each element;
    2. a description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
    3. a description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
    4. identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
    5. a description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
    6. in areas subject to grazing management, compilation of a dedicated, site-specific managed grazing plan, prepared by a Certified Rangeland Manager, for grassland habitats within the mitigation site(s), employing Residual Dry Matter (RDM) monitoring, and a description of the adaptive management scheme for this plan;
    7. a description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
    8. a contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers

for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur; this contingency plan shall identify associated follow-up monitoring needs beyond the initial three years post-construction if remedial actions are required;

9. a requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least three years post-construction or until success of the compensatory lands (especially enhanced habitats) as described in the HMMP can be shown; during this period, regular reporting shall be provided to the County;
10. reporting shall include:
    a) an annual monitoring report to be submitted to the County; and
    b) for any species listed under the FESA or CESA, demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

Mitigation Timing: The HMMP shall be submitted by the applicant to the County, and be approved by the County prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first. **Monitoring**: The County shall ensure that all components of the HMMP are fully implemented by the applicant.

22. **MM B-1(c) Pre-Construction Special Status Plant Surveys.** Prior to initial ground disturbance, all temporary and permanent disturbance areas. The surveys shall be conducted in accordance with accepted protocols established by the USFWS, CDFW, and CNPS. The surveys shall be floristic in nature and shall be timed to coincide with the bloom period for the target species identified in the Rare Plant Survey report (see Appendix E.6). All special status plant species observed shall be fully described and mapped on a site-specific aerial image. All special status plant species observation information shall be submitted to the CNDDB. If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur.

In addition, if there is a lapse in time of greater than two years between the completed protocol surveys in 2013 and the initiation of ground disturbance, all temporary and permanent disturbance areas shall be resurveyed to confirm the populations of special status plant species previously documented on-site, to provide updated and current information on rare plant occurrences necessary to the Habitat Mitigation Plan (see below). The largest extent of special status plant species documented shall be used to determine the mitigation requirements, regardless of which year the survey was conducted.

Mitigation Timing: The applicant shall contract for seasonally-timed pre-construction special status plant species. The applicant shall submit documentation to the County documenting the result so the preconstruction surveys. **Monitoring**: The County shall ensure that the surveys are completed by

the applicant prior to issuing grading permits.

23. **MM B-1(d) Special Status Plant Species Avoidance and Minimization.** Federally- and state-listed plant species were not identified during 2013 protocol survey; however, if they are identified during future survey efforts within the project site, as conducted under B-1(a), complete avoidance shall be required. The project Applicant shall, in consultation with a qualified plant ecologist, design, construct, and operate the project to completely avoid impacts to all populations of California jewelflower and San Joaquin woollythreads within the project impact area or within 50 feet of the project impact area. Impacts to all other (CRPR 1B and 4) special status plant species shall be avoided or minimized to the greatest extent feasible.

    All known special status plant populations present within the limits of disturbance, or within 100 feet of the limits of disturbance shall be clearly depicted on Project plan sets. Prior to ground disturbance or vegetation removal in areas where special-status plant populations are to be avoided, the limits of work shall be visibly delineated with highly visible orange construction fencing or flagging. Visible delineation markers shall be required where special status plants to be avoided occur within 50 feet of general Project construction access areas and array installation, or within 100 feet of grading. The avoidance buffers shall be designated Environmentally Sensitive Areas (ESAs) and shall also be shown on Project plan sets. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. All ESA fencing shall be maintained intact and in good condition throughout the duration of construction.

    Mitigation Timing: project site plans shall be amended by the applicant to show ESAs prior to issuance of grading permits. ESA fencing shall be installed by the applicant prior to initiation of all other construction activities, including ground disturbance and staging. **Monitoring**: The County shall ensure that the project site plans show ESAs and that ESA fencing is properly installed. The County shall ensure that ESA fencing is maintained throughout the duration of construction.

24. **MM B-1(e) Compensatory Mitigation for Special Status Plant Species.** Where direct impacts to special status plants cannot be avoided through redesign of project elements, to compensate for significant impacts on special status plant species, offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acres preserved for each occupied acres affected) up to the significance threshold, that is more than 10% of the population for CRPR 1B species, or more than 30% of the population for CRPR 4 species. For example, for a CRP-ranked 1B species where 15% of the known population is impacted, mitigation must be provided at 1:1 equivalent of 5% of that population; for CRPR 4 species, all impacts beyond 30 percent of the known population must be mitigated at a 1:1 ratio). Areas proposed for preservation and serving as compensatory mitigation for special status plant impacts must contain verified extant populations of the special status plant species, of similar size and quality, and equal or greater density to the populations that would be impacted by the project, and should be consistent with the USFWS

Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible.

Preservation of offsite local populations within 5 miles of the project site would ensure that although the project could impact many individuals of CRPR 1B and 4 species, the project would not result in extirpation of these species from the region, and conserved populations would benefit long-term survival of these species statewide.

Locations of suitable mitigation sites must be identified within 5 miles of the, and a technical report must be submitted demonstrating that the same species, approximate number of individuals, and same acreage of suitable habitat as would be impacted would be preserved. Suitable sites must have similar associate species, soils, and lack extensive populations of noxious weeds. Because populations of annual plants can fluctuate from year to year and are difficult to census over large areas, estimated population of the target species at mitigation sites may vary by up to 10 percent from impacted population estimates, provided calculations are based on population estimates conducted following 2009 CDFW-approved botanical survey protocol. The technical report must identify a species-by-species accounting of individuals and acreage impacted; locations, acreages, and individuals at each proposed mitigation site; botanical survey dates, personnel, mapping and population estimation techniques used to demonstrate site suitability as mitigation for special status plant impacts.

If possible, compensatory mitigation areas shall be located as close to the project site as feasible, but must also be protected from Project-related ground disturbance by a species- and impact-specific buffer developed by a qualified plant ecologist familiar with the project actions and with the habitats and plant species present on the project site. This buffer must take into account the following potential indirect impacts that could occur to the preserved populations:

1. potential shading, or alteration of existing light regimes, by nearby infrastructure;
2. potential for alteration of drainage patterns that could affect the hydrology of habitat occupied by the preserved population;
3. potential for overspray of herbicides used during site vegetation management; *and*,
4. potential for ongoing dust deposition on the preserved population, sufficient to coat foliage or reproductive structures and substantially interfere with photosynthesis or pollination.

Compensatory mitigation areas for special status plants can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

If sufficient acreage of suitable quality as previously discussed cannot be protected to conserve CRPR 1B species at a minimum one to one ratio for individuals and acreage impacted, and to conserve CRPR 4 species impacted beyond the 30%

threshold, the deficit between available suitable mitigation sites and required mitigation numbers and acreage shall be made up through active restoration. A special status plant mitigation restoration plan will be prepared, if needed, to identify suitable locations, methods, and success criteria for special status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan must at a minimum require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers impacted plants within five years.

If compensatory mitigation for special status plants will involve restoration, then the applicant shall scrape and collect topsoil and/or duff from impact areas that support rare plants, to be used in compensatory mitigation site restoration. Seed may also be collected from impact areas. Before project-related activities commence and once on-site special status plants go to seed, areas of proposed site grading where special status plants have been recorded shall be scraped to collect the seeds and topsoil/duff for redistribution on compensatory lands. A qualified botanist shall determine the most suitable locations for the topsoil/duff to be distributed on the compensatory lands, which may include but not be limited to creation of "wetland" depressions for those plants associated with wetlands, seeps, vernal pools or other mesic sites with clay soils, and determining correct soil types or topographic aspect to support each plant species. Scraping will not be conducted for soils in vernal pools that could contain federally listed invertebrates unless permitted to do so by the United States Fish and Wildlife Service (USFWS).

Sites used for restoration can be located on suitable habitat as outlined in measure B-1(a) for nested mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: A technical report as described above that identifies the total number of plants and acreage impacted and required for mitigation, sites identified for mitigation through conservation, and the special status plant restoration plan, if applicable, must be submitted to the County prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. The applicant shall then obtain County approval of the restoration plan, if applicable, and the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. All other timing shall be consistent with measure B-1(a).

25. **MM B-1 (f) Preconstruction Surveys for American Badger.** No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers within suitable habitat on the project site and in the access road/Hwy 41 improvement areas. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to

determine current use. Potential (inactive) dens within the limits of disturbance shall be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the project Applicant shall implement measure B-1(g).

26. **MM B-1(g) American Badger Avoidance and Minimization.** If suitable American badger dens are identified within the disturbance footprint, the den openings shall be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. If the den is not in use, it shall be excavated and collapsed to ensure that no animals are present in the den.

    If the den is occupied during the non-maternity period and avoidance is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

    American badger dens determined to be occupied during the breeding season (15 February through 30 June) shall be flagged, and ground-disturbing activities avoided, within 100 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use.

    If a potential den is located outside of the disturbance footprint but within 500 feet of ground disturbing activities (including staging areas), the dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet around the den, designating the area an ESA. If the den is to be completely enclosed by fencing the fencing must be installed in a manner that allows badger to move through the fencing at-will. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. The fencing shall be maintained in good condition and shall remain in place until all construction activities are completed within 500 feet of the den.

    Mitigation Timing: The applicant shall submit documentation that either no occupied American badger dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding dens prior to issuance of grading permits. **Monitoring**: The County shall ensure that the applicant is in compliance with American badger impact avoidance and minimization measures.

27. **MM B-1(h) Preconstruction Surveys for San Joaquin Kit Fox.** No more than 30 days before the start of construction activities, the project Applicant shall retain a qualified biologist to conduct pre-construction surveys. All areas within the active limits of work, plus a 500-foot buffer (where the project Applicant has access), shall

be surveyed, and all known and potential San Joaquin kit fox dens (i.e., suitably sized dens occurring within suitable habitat) shall be mapped. The entire project site will not be disturbed simultaneously; therefore, pre-construction surveys shall be staggered and occur only in areas scheduled for construction, at most 30 days prior to disturbance in those areas. If present, active San Joaquin kit fox dens shall be flagged, and ground-disturbing activities shall be avoided as described in measure B-1(i), below.

28. **MM B-1(i) San Joaquin Kit Fox Den Avoidance and Minimization Measures.** When a suitable subterranean hole (den or burrow) is discovered within the project site, a qualified biologist will determine if the hole is occupied by a kit fox. Den entrances at least 4 inches in diameter, but not greater than 20 inches, qualify as suitable for kit fox use. The biologist will check to see if the den continues to extend underground at a 6-inch diameter. If the opening narrows quickly to 2-3 inches, then the hole will be considered unusable by kit foxes (it is likely being used by a California ground squirrel and would require extensive modification to be usable by a kit fox). If the den(s) can be immediately identified as recently used by kit fox based on qualifying signs such as kit fox tracks, scat, and a fresh soil apron extending 4-6 feet from the den entrance, then no further investigation will be conducted and the hole will be considered an occupied den.

    Dens with proper dimensions but no obvious sign will require further investigation. A remote motion-sensing camera will be deployed for at least five (5) days to document whether the hole is being used by kit fox. If, after 5 days, no kit foxes are detected and the hole has remained unchanged (no new tracks or excavations are observed), the den will be deemed unoccupied. The den will be considered occupied if a kit fox is photographed using the den frequently or if recent sign is found.

Per the USFWS Standard Recommendations (2011), the following definitions will apply:

1. "Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radio telemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox.
2. "Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.
3. "Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den.

4. "Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

The applicant shall establish buffers around occupied dens within the project site under the following conditions for the construction and operation phases of the project:

Construction Phase

1. Occupied dens detected during pre-construction surveys or during construction monitoring will be fenced or flagged at the appropriate buffer distance (described below), to prevent access to the occupied den by construction equipment or non-biologist personnel.
2. Upon completion of construction activities in proximity to a den, all fencing/flagging will be removed to avoid attracting subsequent attention to the dens.
3. All onsite flagging and buffer delineations will be well maintained for the duration of activity in proximity to the den or until the den is determined to be unoccupied, whichever comes first.
4. The following radii will be the San Joaquin kit fox buffer distances in effect within the project site during project construction:
   a. Occupied den – 100 feet
   b. Occupied natal/pupping den – 500 feet
   c. Occupied atypical den – 50 feet
   d. Reduced speeds
5. Within the buffers, only essential vehicle and foot traffic will be permitted.
6. Otherwise, all construction, vehicle operation, material storage, and any other type of surface-disturbing activity will be prohibited within the buffers.
7. All reductions to established restrictive buffer areas (i.e. changes in total area by reducing the radii of the buffer or modifying the circular shape of the buffer) or allowance of additional activities within the restrictive buffers based on specific circumstances (i.e. vegetation, topography, acclimation to existing conditions, or frequency, intensity, or duration of anthropogenic activities) must be authorized by an agency-approved kit fox biologist and by the County compliance monitor. Agency approval of the biologist must be provided in writing by the agencies after review of the biologist's resume. All authorized reductions to restrictive buffer areas must be reported in writing to the USFWS and CDFW per the requirements of the federal and/or state take authorizations if specified, or within 24 hours of implementing the change if not specified in the take authorization(s).

Operations Phase / Routine Activities

1. Because routine O&M activities are minimally disruptive and any San Joaquin kit fox that may occur on the site will have habituated to similar levels of activity, restricted kit fox buffer zone entry for normal O&M activities is generally allowable following specific guidelines (see below).
2. Routine O&M activities include (but are not limited to) system maintenance/repair, testing and visual inspections, monitoring of overall system operational status, meter reading, security surveys and actions, and supervision of these activities and plant operation.

3. For normal O&M activities, buffer zones within the project site will have restricted entry as follows:
    a) Potential or unoccupied dens (50-ft buffer):
        i. No restrictions on entry except that the activity may not cause the destruction of the den.
    b) Occupied dens (100-ft buffer) and occupied atypical dens (50-ft buffer):
        i. No activity that would destroy the den may occur, until it is determined to be unoccupied.
        ii. No activity that may harm a San Joaquin kit fox will proceed until the San Joaquin kit fox is out of harm's way without harassment.
        iii. No vehicle parking/refueling will occur within the buffer.
        iv. Through-vehicle access allowed on established routes for normal O&M activities.
        v. Access may be allowed on foot or with light-duty vehicles/equipment only (e.g. panel washing equipment) for normal O&M activities if San Joaquin kit foxes are not observed above ground.
        vi. Any activity that would cause strong ground vibrations may not occur within the buffer zone until the den is no longer occupied.
        vii. In emergencies or urgent operational necessity, project personnel conducting normal O&M activities may slowly and carefully approach the work area near the den with a San Joaquin kit fox above ground, unless continuation of the activity would harm the San Joaquin kit fox or den.
    c) Natal den without pups (200-ft buffer):
        i. No restrictions apply to entries into buffer area around an unoccupied natal den unless the activity would cause the destruction of the den.
        ii. Same restrictions apply as for occupied dens with 100-ft buffers, as per above.
    d) Natal den with pups (500-ft buffer):
        i. No activity that would destroy the den may occur until the den is determined to be unoccupied.
        ii. No activity that may harm a San Joaquin kit fox will proceed until the den is unoccupied and the San Joaquin kit foxes are out of harm's way without harassment.
        iii. No vehicle parking/stopping/refueling will occur within the buffer.
        iv. Through-vehicle access allowed on established routes for normal O&M activities.
        v. No work will occur within 100 ft of natal dens except in emergencies or urgent operational necessity.
            - In emergencies or urgent operational necessity, project personnel may slowly and carefully approach the work area near the den, unless continuation of the activity may harm a San Joaquin kit fox or den.
        vi. No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground.

vii. Access may be allowed on foot up to 100 ft from a natal den for normal O&M activities if no San Joaquin kit fox are above ground.

viii. The fewest number of personnel and only equipment or vehicles essential to the work to be done may approach a den (within the constraints listed above); work must be completed, and personnel leave the area, as quickly as possible.

ix. Any activity that would cause strong ground vibrations may not occur within a buffer zone until the den or burrow is no longer occupied.

Operations Phase/Extended Activities

1. Specific den disturbance avoidance procedures for ground-disturbing, mowing, and extended maintenance activities will be developed, in consultation with a Designated Biologist(s)
2. Per the USFWS Standard Recommendations (2011), a Designated Biologist means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists will be submitted to the Service for review and approval prior to any survey or monitoring work occurring.
3. At a minimum, the following procedures will be followed on the project site:
    a) No work will be allowed to occur within 200 ft of currently occupied natal dens except in emergencies or urgent operational necessity.
    b) Work that would cause strong ground vibrations may not occur within a buffer zone until such time as the den is no longer occupied.
    c) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 100 ft of a non-natal San Joaquin kit fox den or 50 ft of an atypical kit fox den when the Designated Biologist(s) has determined it is not occupied (may be temporarily unoccupied).
    d) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 200 ft of a San Joaquin kit fox natal den when the Designated Biologist(s) has determined it is not occupied.
    e) The fewest number of personnel and only equipment or vehicles essential to the work to be done will approach a den. Work will be completed, and personnel will leave the area, as quickly as possible.
    f) Reduced speed requirements for vehicles.

All Project Phases

The applicant shall minimize impacts on known dens through the following procedures:

1. Protect in place if construction would not directly affect the known den on the project site as follows:

a) Protect in place will occur immediately after a three-day period of camera monitoring indicating the den is unoccupied, as described above.
b) A one-way San Joaquin kit fox door or an alternative approved exclusionary device will be installed on the currently unoccupied den, and the tracking medium or infrared camera will be left in place for two more days to monitor potential activity at the den.
c) If San Joaquin kit fox activity is observed at the den during this monitoring period, the exclusionary device will be removed and the den will be monitored for at least five additional consecutive days, starting from the time of the observation.
d) 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.
e) When the den is determined to be unoccupied it will be protected in place under the direction of a qualified biologist. If an animal is still attempting to access the den after five or more consecutive days of plugging and monitoring, the den may have to be excavated (procedure described below).

2. Excavate dens when construction at the known den site is unavoidable as follows:
    a) If necessary, destruction of the den will occur immediately after the three-day monitoring period, when the den is temporarily vacant (for example, during the animal's normal foraging activities), to preclude subsequent use.
    b) Destruction of the den will be accomplished by careful excavation until the den is fully excavated.
    c) Hand excavation of dens is encouraged; however, soil conditions may necessitate the use of excavating equipment.
    d) Extreme caution will be exercised during any den excavation activities and will only be conducted under the direct supervision of a qualified biologist.
    e) The fully excavated den will be filled with dirt and compacted to ensure that kit foxes cannot re-enter or use the den during the construction period.
    f) 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 resume.
    g) Destruction of the den may be completed when, in the judgment of a qualified biologist, the animal has escaped from the partially destroyed den.
    h) The camera monitoring and/or burrow-probing procedures employed to determine occupancy prior to excavation will also be used to verify that there is not a second fox inside the den.
3. Postpone work near, and impacts to, natal/pupping dens on the project site as follows:
    a) Natal or pupping dens (dens in which young are reared) that are occupied will not be destroyed or protected in place until the pups and adults have vacated.
    b) Project activities within the restricted-activity buffer zones will be modified or postponed if necessary to avoid disturbance, as determined by a qualified biologist. As described above, the following buffer zones apply only for natal dens:
        i. Construction Phase – 500 Ft
        ii. Operations Phase / Normal Activity - No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-

duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground.

c) After the pups have vacated the den, the procedure for excavation or protection in place (outlined above for known dens) will be implemented.

Mitigation Timing: The applicant shall submit documentation to the County that either no occupied SJKF dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of occupied or active breeding dens prior to the start of active construction. If occupied dens cannot be avoided the applicant will provide documentation that an Incidental Take Permit has been issued by CDFW (CESA/CFGC Sections 2081(b) and 2081(c)) and a Biological Opinion has been issued by the USFWS (FESA Section 7). **Monitoring**: The County shall ensure that the applicant is in compliance with all SJKF impact avoidance and minimization measures.

29. **MM B-1 (j) Compensatory Habitat Mitigation for San Joaquin Kit Fox**. To mitigate for the loss of San Joaquin kit fox habitat from the installation of all new facilities, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

    To mitigate for the impacts to San Joaquin kit fox habitat, the project applicant shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

    Compensatory mitigation areas for San Joaquin kit fox can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for San Joaquin kit fox shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

    Mitigation Timing: Identification of the total acreage for mitigation of San Joaquin kit fox must be submitted to the county prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

30. **MM B-1(k) Remove Wild Animal And Livestock Carcasses**. To minimize potential for attracting predators of San Joaquin kit fox, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Applicant on a weekly basis during construction and operation. During construction, any road kill within the project site shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are

required, including but not necessarily limited to a state scientific collection permit pursuant to Fish and game Code Section 2081.

31. **MM B-1 (l) Preconstruction Surveys for Burrowing Owl**. No more than 14 days before the start of initial ground disturbing activities, a qualified ornithologist(s) shall conduct focused, pre-construction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFG 2012). Preconstruction surveys shall be consistent with CDFW-recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012; Appendix B), and be conducted on foot such that 100% of the survey area is visible, and shall cover the entire limits of disturbances plus a 500-foot buffer. If the project is developed in phases, the preconstruction surveys shall be timed to coincide with the start of each phase, rather than the entire site being surveyed at one time. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of the survey finds shall be submitted to the County prior to initiation of construction activities.

    If suitable burrows for burrowing owls are identified during preconstruction surveys, mitigation measure B-1(m) shall be implemented.

    Mitigation Timing: The applicant will contract for preconstruction burrowing owl surveys to be conducted prior to construction of the project and shall submit documentation to the County that surveys have been completed prior to the start of initial ground-disturbing activities. **Monitoring**: The County shall ensure that applicant is in compliance with all burrowing owl impact avoidance and minimization measures.

32. **MM B-1(m) Burrowing Owl Avoidance and Minimization Measures.** If suitable burrows for burrowing owls are found during preconstruction surveys on the project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012; Appendix B). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist in the same manner as described under B-1(g).

    If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.

    1. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies, through noninvasive methods, that either (1) the burrow is not being used for breeding, (2) a previously active nest has failed and the burrow is no longer active, or (3) all juveniles from the occupied burrow are foraging independently and capable of independent survival and the burrow is no longer an active nest burrow. Owls present after 1 February shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until 31 August or, based upon monitoring evidence, until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

2. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012; Appendix B):

Time of Year	Level of Disturbance		
	Low	Med	High
April 1 – Aug 15	200 meters	500 meters	500 meters
Aug 16 – Oct 15	200 meters	200 meters	500 meters
Oct 16 – Mar 31	50 meters	100 meters	500 meters

The appropriateness of using reduced buffer distances or burrow-specific buffer distances shall be established on a case-by-case basis by a qualified ornithologist in consultation with CDFW, and shall depend on existing conditions (e.g., vegetation/topographic screening and current disturbance regimes). If necessary, buffer distances shall be carefully reassessed and relaxed or modified, based on future development plans (e.g., increased or intensified construction activities), by a qualified biologist who may consult with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through construction of project or until construction activities are no longer occurring in the vicinity of the burrow.

3. During the nonbreeding season (generally 1 September–31 January), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County prior to implementation.

   The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:

   a) Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and

installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

b) Passive relocation of burrowing owls shall be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW, and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

Mitigation Timing: The applicant shall submit preconstruction survey documentation to the County that either no occupied burrowing owl burrows were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding burrows prior to issuance of grading permits. **Monitoring**: The County shall ensure that the applicant is in compliance with burrowing owl impacts avoidance and minimization measures.

33. **MM B-1(n) Compensatory Habitat Mitigation for Burrowing Owl**. To mitigate for the loss of burrowing owl habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

    To mitigate for the impacts to burrowing owl habitat within the SDAs, the project Applicant shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

    Compensatory mitigation areas for burrowing owl can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for burrowing owl shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

    Mitigation Timing: Identification of the total acreage for mitigation of burrowing owl must be submitted to the county prior to the issuance of grading permits. All other timing shall be consistent with measure B-1(a).

34. **MM B-1(o) Preconstruction Surveys for Coachwhip and Coast Horned Lizard.** The project Applicant shall retain a qualified biologist (i.e., a biologist approved by CDFW to handle these species) to conduct pre-construction surveys immediately before initial ground disturbance (i.e., the morning of the commencement of disturbance). If San Joaquin coachwhips or coast horned lizards are found in the area of disturbance, the biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of

habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

Mitigation Timing: The applicant will contract for preconstruction coachwhip and coast horned lizard surveys to be conducted prior to construction of the project. **Monitoring**: The County shall ensure that the surveys are completed prior to issuing grading permits.

35. **MM B-1(p) Wildlife-Friendly Fence Design**. The fencing around the perimeter of the staging areas shall be designed to allow passage by SJKF, American badger, and their prey species, by incorporating either standard deer fencing installed so that the larger openings occur at the bottom or chain link fencing with the bottom edge raised 5 to 7 inches above the ground for the entire length, to allow for unimpeded movement of SJKF and American badger through the site. Interior fencing may be designed such that it is installed four to five inches above ground.

    Mitigation Timing: The Wildlife-friendly fence design plans shall be submitted by the applicant to the County, CDFW, and USFWS for review and approv by the County prior to issuance of grading permits. **Monitoring**: The County shall ensure that an approved wildlife-friendly fence design is included in final project design.

36. **MM B-1(q) Bat Preconstruction Surveys and Avoidance.** A qualified biologist shall conduct an acoustic survey during the maternity season (1 March to 31 July) before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities. An additional survey for non-maternity roosts shall be conducted not less than 30 days prior to the start of construction. If no active roosts are found, no further action shall be required.

    If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by Project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. Reduced avoidance buffers can be established through consultation with CDFW. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

    If active non-maternity bat roosts (e.g., bachelor colonies, hibernacula) are found in trees scheduled to be removed or in rocky crevices within the grading footprint, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be

sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

Mitigation Timing: The applicant shall submit documentation to the County that either no special status bats were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to special status bats prior to the start of construction activity. **Monitoring**: The County shall ensure that the applicant is in compliance with special status bat impacts avoidance and minimization measures.

37. **MM B-1(r) Preconstruction Surveys for Raptors and Other Special Status Bird Species.** Not more than 30 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting raptors. Not more than 14 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting MBTA/state regulated birds. The survey for the presence of nesting raptors, including golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird species shall include the disturbance footprint plus a 300-foot buffer. The surveys shall be repeated during the breeding season for each subsequent year of construction to ensure that ongoing construction activities avoid impacts to nesting birds.

    If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 0.5 mile for fully protected and state-listed raptors (such as white-tailed kite, bald eagle and Swainson's hawk). The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

    For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged.

    Mitigation Timing: The applicant shall submit documentation to the County that either no raptors or other special status birds were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance

of impacts to raptors and other special status birds prior to the start of construction activity. If results of the preconstruction surveys for raptors or other special status birds identify any state listed or state fully protected species, a preconstruction survey report will also be provided to CDFW prior to the start of construction. **Monitoring**: The County shall ensure that the applicant is in compliance with raptor and special status bird impacts avoidance and minimization measures.

38. **MM B-1(s) Special Status Bird Species Impact Avoidance and Minimization.** The following avoidance and minimization measure shall be implemented to protect special status bird species from impacts due to project implementation.
    1. Cap Vertical Pipes and Piles**.** To prevent cavity-dwelling and -nesting birds from entering open vertical pipes and piles, all open vertical pipes and piles shall be capped or otherwise modified to prevent use by birds. Caps or other modifications shall be put in place before or immediately after pipe or pile installation. All caps or other exclusionary modifications shall be maintained for the duration of construction and operation. A qualified biologist shall periodically monitor the site to ensure that all pipes or piles are appropriately capped.
    2. Avian/Power Line Collision Avoidance and Minimization**.** Install bird flight diverters in accordance with the Avian Power Line Interaction Committee (APLIC) guidelines for reducing avian collisions with power lines. The applicant shall construct the 230-kV transmission line in accordance with the applicable measures for installing bird flight diverters, of the most recent APLIC guidelines for minimizing avian collisions (Reducing Avian Collisions with Power Lines; APLIC 2012). Details of design components shall be indicated on all construction plans. The applicant shall monitor for new versions of the APLIC collision 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. All bird flight diverters shall be maintained for the duration of construction and operation.
    3. Avian Electrocution Avoidance and Minimization**.** Implement Project-specific design measures in accordance with the APLIC guidelines for minimizing avian electrocutions. The applicant shall construct and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC guidelines for minimizing avian electrocutions (Avian Protection Plan Guidelines; APLIC 2006). Specific APLIC guidelines to be incorporated into the design of the transmission lines to minimize avian electrocutions shall include the following:
        a) Design the tops of structures to be safe for perching raptors.
        b) Provide 60 inches separation between energized conductors and
            i. energized conductors,
            ii. grounded or neutral conductors,
            iii. pole line hardware that could provide a perch or nesting place, and
            iv. overhead shield wires, including optical ground wire shield wire.
        c) Ensure that all exposed jumper cables are completely covered with a cover of a qualified insulation rating.
        d) Ensure insulation of all energized arresters with covers and insulated cables.

Details of design components shall be indicated on all construction plans. The applicant shall 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.

Mitigation Timing: The applicant shall submitted documentation to the County, that avian impact avoidance and minimization features have been incorporated into the project design prior to issuance of construction or electrical permits that incorporate the guidelines permits. Biological monitoring reports (see B-1[ee]) will include discussions of monitoring of vertical pipes and pilings and that these features were capped to ensure avoidance of impacts to avian species during construction. **Monitoring**: The County shall ensure that all avian impact avoidance and minimization design features have been included in project design by the applicant.

39. **MM B-1(t) Preconstruction Surveys and Avoidance of Western Pond Turtle.** Preconstruction surveys shall be conducted for western pond turtle prior to initiation of construction activities, including mobilization and staging, when suitable climatic conditions are present (e.g. rain, moisture). If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed for western pond turtles. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they shall be moved to a suitable location outside the disturbance footprint. The candidate sites for relocation shall be identified prior to start of construction and shall be located within similar size and type of habitat within the same drainage in which the individual was observed. If any pond turtle nests with eggs are found, the nests shall remain undisturbed until the eggs have hatched, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated by a qualified biologist to a suitable location outside the impact area. Egg relocation areas shall be identified by a qualified biologist based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection.

    A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

    Mitigation Timing: The applicant shall submit documentation to the County that no aquatic special status species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity. **Monitoring**: The County shall ensure that the applicant is in compliance with aquatic special status species impact avoidance and minimization measures.

40. **MM B-1(u) Preconstruction Surveys and Avoidance of Western Spadefoot.** Before the start of construction, a qualified biologist shall conduct a preconstruction survey in and around areas of proposed disturbance during the time of year in which this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat. During construction, and

based on rainfall and temperatures (generally best between February and April), the qualified biologist shall conduct surveys in all appropriate aquatic breeding habitats and in adjacent upland habitats in the project impact area that are within 1200 feet of appropriate aquatic breeding habitats. If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur. Surveys shall include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. If western spadefoot toads are detected within the area of disturbance, the qualified biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the range of western spadefoot toad. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

Mitigation Timing: The applicant shall submit preconstruction survey documentation to the County that no western spadefoot were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to western spadefoot prior to the start of construction activity. **Monitoring**: The County shall ensure that the applicant is in compliance with western spadefoot impact avoidance and minimization measures.

41. **MM B-1(v) Compensatory Mitigation for Western Spadefoot Toad**. If occupied breeding (aquatic) habitat for western spadefoot toad is detected and would be permanently affected, compensatory mitigation shall be implemented as follows:

    Permanently affected occupied breeding habitat shall be replaced at a 2:1 ratio (mitigation area: affected area). To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as California red-legged frog and western pond turtle.

    Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoot toad shall not be disturbed or affected until replacement breeding habitat has been created. Once the replacement habitat is created, during surveys, all western spadefoot toad adults, tadpoles, and egg masses detected in the impact area shall be moved to the created pool habitat. If construction impacts on occupied breeding ponds would occur during the dry season, the replacement habitat must be in place prior to the beginning of the next wet season. Surveys in the vicinity of the affected pond shall take place during the wet season, and all western spadefoot toads detected shall be moved to the replacement habitat.

    The mitigation breeding habitat shall be monitored and maintained until it is shown to be successful habitat for western spadefoot toad, or up to five years, whichever is shorter. Provision to make adjustments to remediate problems shall also be included in the HMMP in measure B-1(b).

Compensatory mitigation areas for western spadefoot can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for western spadefoot shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: Identification of the total acreage for mitigation for western spadefoot must be submitted to the county prior to the issuance of grading permits. All other timing to be consistent with measure B-1(a).

42. **MM B-1(w) California Tiger Salamander and California Red-Legged Frog Relocation Sites.** Prior to the initiation of any other protective measures, a qualified biologist (i.e., biologist approved by USFWS and/or CDFW to translocate California tiger salamander (CTS) and California red legged frog (CRLF)) shall, in consultation with USFWS and/or CDFW as applicable, identify appropriate relocation sites for any adult, juvenile, and larval CTS and CRLF that may be observed during the pre-construction survey or monitoring activities described below and need to be moved from within the limits of direct impact disturbance. Relocation or other take (e.g. entrapment) of CTS and CRLF can only be conducted by an authorized biologist and the project must have been issued the requisite take authorizations from CDFW and/or USFWS as applicable before any relocation activity can commence.

    Mitigation Timing: The applicant shall submit to the County documentation that CDFW and/or USFWS approved relocation sites for CTS and CRLF have been identified prior to issuance of grading permits. **Monitoring**: The County shall ensure that CDFW- and USFWS-approved relocation sites have been identified by the applicant.

43. **MM B-1(x) California Red-Legged Frog Construction Barriers.** Before any ground disturbance within 200 feet of identified red-legged frog breeding and aquatic non-breeding habitats, temporary barriers shall be constructed between the limits of disturbance and these identified habitats to minimize the potential for California red-legged frogs to enter the project footprint during construction. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of disturbance. These barriers shall be inspected daily by construction personnel and maintained and repaired as necessary for the duration of construction to ensure that they are functional and are not a hazard to red-legged frogs on the outer side of the fence.

    The qualified biologist shall monitor fence installation for presence of California red-legged frog. Any individuals detected during these surveys shall be moved to a safe location (e.g., aquatic pool habitat) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS to handle red-legged frogs. Such fencing might not be feasible for in-stream work or work in very rocky areas.

Mitigation Timing: The applicant shall submit to the County documentation that fencing has been installed prior to ground disturbing activity. **Monitoring**: The County shall ensure that CRLF fencing is in place prior to the start of ground disturbing activity.

44. **MM B-1(y) Construction Timing, Preconstruction Surveys and Avoidance Measures for California Red-Legged Frog.** To avoid disturbing breeding frogs and to avoid potential spills into known breeding sites when eggs and tadpoles are present, construction activities shall be performed during the dry season to the extent practicable. Construction activities in or within 200 feet of occupied CRLF breeding habitat shall occur during the July–November period, if feasible, to avoid the period when red-legged frogs are breeding and the period when eggs or larvae are most likely to be present.

    Preconstruction surveys shall be conducted for CRLF prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed. CRLF surveys shall consist of one nighttime survey and one daytime survey conducted by a qualified biologist within a 48-hour period before the onset of construction activities. If CRLF of any life stage are found, they shall be moved to the designated relocation sites identified under B-1(w).

    To minimize impacts to California red-legged frog dispersing to breeding sites, during the breeding season (November through April), in areas within 200 feet of California red-legged frog aquatic habitat construction and construction-related activities shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April, when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS to handle red-legged frogs shall be present to monitor the activity for California red-legged frog. If a California red-legged frog is detected during this monitoring, it shall be moved to the pre-determined salvage site established under measure B-1(w). If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur.

    A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

    Mitigation Timing: The applicant shall submit documentation to the County that no aquatic special status species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity. **Monitoring**: The County shall ensure that the applicant is in compliance with aquatic special status species impact avoidance and minimization measures.

45. **MM B-1(z) Compensatory Mitigation for California Red-Legged Frog.** Compensatory mitigation shall be required for impacts to suitable habitat for CRLF. To mitigate for the permanent loss of CRLF upland habitat within one mile of

known breeding habitat, the project Applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at a 2:1 ratio (preserved habitat: affected habitat within one mile of known breeding habitat).

The compensatory mitigation must provide equal or greater habitat value than the project site. If the compensatory mitigation provides suitable breeding habitat for these species, the overall acreage for upland mitigation habitat shall be reduced by two times the acreage of the suitable breeding habitat (overall acres of upland required – [2 * suitable breeding habitat acres]).

Compensatory mitigation areas for CRLF can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CRLF shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: Identification of the total acreage for mitigation for California red-legged frog must be submitted to the county prior to the issuance of grading permits, or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

46. **MM B-1(aa) California Tiger Salamander Construction Barriers.** Prior to any ground disturbance, temporary one-way barriers approved by both USFWS and CDFW shall be constructed on the project site limits of disturbance wherever these limits intersect uplands located within 0.35 mile of the identified suitable breeding habitat of the project site. No barrier fence shall be installed along the Access Road. The purpose of the barriers shall be to allow California tiger salamanders to exit the project site but minimize the potential for them to enter the project site impact areas from these potential breeding locations. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface and installed to allow salamanders to exit but not enter the area of disturbance by providing a one-way door, funnel, ramp, or similar device, every 100 feet. The ends of each barrier shall extend 50 feet beyond the 0.35-mile distance and hook away from the limits of disturbance if the limits of disturbance extend beyond the 0.35-mile distance. This barrier shall be installed prior to the start of the breeding season that precedes the start of construction to allow adult salamanders moving to the breeding ponds during this breeding season to exit the project site to breed but not re-enter the project site to seek refugia. During the breeding season, this barrier shall be inspected daily by construction personnel and maintained and repaired to determine if it is functioning properly and is not a hazard to tiger salamanders on the outer side of the fence. Damage observed at any time shall be reported so that repairs are made as necessary for the duration of construction to ensure that it is functional. A qualified biologist shall monitor fence installation for presence of California tiger salamanders. Any individual detected during this monitoring or at any time within construction limits shall be moved to a safe location identified in measure B-1(w) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS and CDFW to handle the

tiger salamanders. This barrier shall be removed within 30 days after completion of construction.

Within 0.35 mile of the identified suitable breeding habitat of the project site, where installation of a silt fence is not feasible, ground-disturbing construction activities shall be limited to the non-breeding season to the extent practicable, and nighttime construction activities shall be minimized during the breeding season. In particular, to minimize impacts to California tiger salamanders that are dispersing to and from breeding sites during the breeding season (October through March), ground-disturbing construction activities along the access road shall be limited to the non-breeding season, to the extent practicable. In addition, in areas within 0.35 mile of potential California tiger salamander breeding habitat that have not been fenced, construction and construction-related activities, such as deliveries, shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS and CDFW to handle tiger salamander shall be present to monitor the activity area for California tiger salamander. If a California tiger salamander is detected during this monitoring, it shall be moved to the pre-determined salvage site (as identified in mitigation measure B-1(w)).

47. **MM B-1(bb) California Tiger Salamander Daily Pre-activity Surveys.** During the winter and spring breeding season (October through April), a qualified biologist (i.e., a biologist approved by USFWS and CDFW to handle CTS or someone working under such a biologist) shall conduct a daily pre-activity survey of active construction areas within 0.35 mile of potential breeding ponds to detect any dispersing CTS. These surveys shall be conducted each morning prior to the initiation of construction in the area where construction is to occur. The qualified biologist shall inspect under all equipment or material stored in the area or to be moved, and along the barrier fence for California tiger salamanders. Any individual detected during these pre-activity surveys shall be moved to a designated relocation sites identified under B-1(w). If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur.

    Mitigation Timing: The applicant shall report results of daily pre-activity surveys within the biological monitoring reports required in measure B-1(ee) and submit these reports to the County as described in measure B-1(ee). **Monitoring**: The County shall review monitoring reports to ensure that the applicant is in compliance with all mitigation measures related to CTS daily pre-activity surveys.

48. **MM B-1(cc) Compensatory Mitigation for California Tiger Salamander.** Compensatory mitigation shall be required for impacts to suitable habitat for CTS upland habitat from all new facilities, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at the following ratios (preserved habitat: affected habitat): 2:1 for areas within 4,925 feet of a breeding pond, 1:1 for areas located between 4,925 feet and 6,125 feet of a

suitable breeding pond, and 0.5:1 for areas located between 6,125 feet and 1.3 miles from a potential breeding pond.

Compensatory mitigation areas for CTS can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CTS shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

Mitigation Timing: Identification of the total acreage for mitigation for California tiger salamander must be submitted to the county prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).

49. **MM B-1(dd) Vernal Pool Branchiopod Avoidance and Mitigation.** Wetlands found to contain populations of listed branchiopods on the project site and within 250 feet of the project site shall be avoided by implementing a buffer of 250 feet between the habitat and all grading, where feasible. This condition may be modified in consultation with USFWS if the water body is located upslope of the grading area or a reduced buffer would be sufficient for avoidance given existing site-specific conditions (such as proximity to existing roads). Roads to be widened that are directly adjacent to these wetlands shall be widened to the side away from the wetland where feasible. The road shall also be graded to drain runoff to the side away from the wetland. Project elements that do not substantially affect drainage patterns (such as areas where no grading is necessary) shall be located at least 50 feet from the wetlands found to contain listed branchiopods. If avoidances buffers cannot be maintained, any construction activity within the buffer area must be monitored by a qualified biologist to ensure no direct impacts to listed branchiopods. If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur.

    If full avoidance of occupied habitat is not feasible, impacts to habitat occupied by listed branchiopods shall be mitigated as follows:

    1. 2:1 preservation of occupied habitat (preservation mitigation area: impact area) and 1:1 creation of suitable wetland habitat (creation mitigation area: impact area) for direct impacts, or
    2. 1:1 preservation of occupied habitat (preservation mitigation area: impact area) for indirect impacts.

    Mitigation shall include preservation of occupied wetland habitats supporting the affected species. This habitat can be preserved in an offsite location and managed in accordance with the HMMP (B-1(d)). Alternatively, mitigation requirements can be satisfied by purchasing credits at a conservation bank approved by USFWS for these species. If the compensatory mitigation acreage provides suitable mitigation for other species, such as the San Joaquin kit fox or other species, the compensatory mitigation acreage may be used to provide mitigation for multiple species.

Mitigation Timing: The applicant shall include details on vernal pool branchiopod avoidance measures in biological monitoring status reports that are to be submitted to the County as outlined in B-1(u). **Monitoring**: The County shall ensure that the applicant is in compliance with vernal pool branchiopod impact avoidance and minimization measures.

50. **MM B-1(ee) Construction Biological Monitoring.** Before the start of ground disturbance or site mobilization activities, qualified biologists shall be retained by the applicant. The applicant shall ensure that each qualified biologist has demonstrated expertise with the listed and/or special status plants, terrestrial mammals, birds, reptiles, and invertebrates of the region, such as San Joaquin kit fox, California red-legged frog, and burrowing owl. Expertise must include the ability to recognize listed/special status and common species of the region, as well as sign, including scat, pellets, tracks, hair, fur, feathers, dens, and burrows. One or more of the qualified biologists shall also, as necessary, have the ability to monitor, relocate, handle, and collect species, as authorized by CDFW and USFWS through the use of a Memorandum of Understanding (MOU), scientific collecting/incidental take permit, and/or federal take permit. The qualified biologist(s) shall be present during initial ground-disturbing activities immediately adjacent to or within habitat that supports populations of listed or special status species.

    If a listed or special status species is encountered during Project construction, the following protocol shall be implemented:

    1. All work that could result in death, direct injury, disturbance, or harassment of the individual animal shall immediately cease and the qualified biologist shall be contacted; and
    2. The qualified biologist shall remove the individual animal to an appropriate relocation site outside the project impact areas, or the individual animal shall be allowed to leave unimpeded.

    Construction shall resume, as directed by the qualified biologist(s), as soon as the individual animal either leaves or is removed from the area.

    Mitigation Timing: The applicant shall submit documentation to the County demonstrating that the applicant has contracted with County approved biologists to conduct biological monitoring and that these biologists have been approved by CDFW and USFWS (as required) prior to issuance of a grading permit. The applicant shall also report results of daily biological monitoring activity to the County (through the Environmental Compliance Manager) on a monthly and annual basis through the preparation and submission of monthly summary monitoring reports, and annual monitoring reports. During construction, the annual written report shall describe the status of project construction, as well as the compliance and current implementation status of construction-related biological mitigation measures and general biological measures. The report shall be submitted to the County no later than 15 February of the following year. **Monitoring**: The County shall ensure that the applicant's biological monitors are approved by CDFW and USFWS and shall review monitoring reports to ensure

that the applicant is in compliance with all mitigation measures related to biological monitoring activities.

51. **MM B-1(ff) Special Status Animal Species General Avoidance Measures and Construction Best Management Practices.** The following general avoidance measures and Best Management Practices (BMPs) shall be implemented to avoid and minimize impacts to special status animal species. If any measures are not effective in their intent, they can be modified as required by the County.
    1. Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by stakes, flags, or another clearly identifiable system.
    2. To minimize disturbance of areas outside the project site, all construction and operation vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas shall be included in pre-construction surveys and, to the extent possible, shall be established in locations disturbed by previous activities to prevent further impacts.
    3. Construction and operation vehicles shall observe a 20 mile-per-hour (MPH) speed limit during daylight hours within Project areas, except on county roads and state and federal highways. During limited nighttime activities, all construction and operation vehicles shall observe a 10 MPH speed limit. Speed limit signs shall be installed at the project site entrance from the driveway, every one mile along the project site access road, and at the end points of the driveway upon initiation of site disturbance and/or construction. One electronic speed monitoring sign shall be placed in both directions, at the approximate midpoint of the driveway.
    a) Due to the length of the approximately 5.6-mile-long driveway, USFWS recommended 20 MPH speed limits would be prohibitively slow and would negatively impact construction duration. Therefore, vehicles utilizing the access road (or “driveway”) will observe a 25 MPH speed limit during daylight hours (7 AM–5 PM between 1 October and 31 May; and 7 AM–7 PM between 1 June and 30 September) and will observe a 20 MPH speed limit during the hours of 5 AM–7 AM and 5 PM/7PM–9 PM. During limited nighttime activities (9 PM–5 AM) within the driveway, all construction and operation vehicles shall observe a 10 MPH speed limit. These speed limits shall be lowered as applicable by the County and its Monitor if any animal species are present near the road.
    4. All construction pipes, culverts, or similar structures greater than four inches in diameter, or greater than 1.5 inches in diameter within areas where CTS or CRLF may be present, stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the pipe is subsequently moved, buried, capped, or otherwise used.
    5. Materials that could provide shelter/nesting habitat for birds during the nesting season may be covered with netting or treated with other exclusion methods, where feasible and appropriate, to prevent birds from constructing nests. In addition, materials such as wooden pallets, wooden power poles, and metal tubing, providing nesting and shelter habitat for birds during the nesting season and artificial refugia for other special-status species shall be thoroughly inspected before use.
    6. If encountered, wildlife within the project site shall be allowed to escape unimpeded, removed by a qualified biologist and placed in a designated safe area away from construction activities, or left in place when required by regulations, policies, permits, and/or conditions of approval. If wildlife

removal by a qualified biologist is required, the qualified biologist shall be approved or permitted by CDFW and USFWS, as and if required by law, prior to removing such species.

7. To prevent entrapment of special-status wildlife, all excavations (e.g., steep-walled holes, or trenches) more than six inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend. The lids of the holes/trenches must be lifted during all inspections to ensure that no animals are trapped. During the month of May excavations and trenches two-feet deep or greater shall be covered with plywood or similar materials when not in use, any excavations or trenches that cannot be covered when not in use shall be monitored daily to prevent entrapment of pronghorn calves. All excavations more than six inches deep shall be inspected daily for entrapped wildlife before construction activities begin and once immediately before being covered with plywood. Before excavations are filled, they shall be thoroughly inspected for entrapped wildlife. Any wildlife discovered shall be allowed to escape unimpeded before field activities resume or shall be removed from excavated areas by a qualified biologist and released at a safe nearby location.
8. Avoidance and minimization of impacts on sensitive biological resources within active construction areas shall be aided through identification of ESAs with flagging or fencing.
9. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources.
10. Disturbance of ponds and in-stream pools shall be avoided to the extent practicable. When feasible, and to the extent practicable, all in-stream work shall occur during the dry season.
11. To the extent practicable, existing mammal burrows shall be preserved in place.
12. No vehicles or equipment shall be refueled or undergo maintenance within 100 feet of a jurisdictional waters feature. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.
13. All general trash, food-related trash items (wrappers, cans, bottles, food scraps, cigarettes, etc.), *microtrash* (nails, bits of metal and plastic, small construction debris, etc.), and other human-generated debris scheduled to be removed shall be stored in animal-proof containers and removed from the site on a regular basis (weekly during construction, and at least monthly during operations). No deliberate feeding of wildlife or domestic animals shall be allowed.
14. To minimize potential for attracting predators that could impact special status animal species, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Applicant on a weekly basis during construction and operation. During construction, any road kill within the project site or Access Road shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required.

15. New light sources shall be minimized, and lighting shall be designed (e.g., using shielding and/or downcast lights) to limit the lighted area to the minimum necessary.
16. Use of chemicals, fuels, lubricants, or biocides shall 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. Use of first- and second-generation rodenticides shall not be permitted except for the limited use of zinc phosphide, or a rodenticide approved by the County, and only after other means of pest control (e.g. rodent traps) have proven to be ineffective.
17. To prevent harassment and mortality of listed, special status, and common wildlife species and destruction of their habitats, no domesticated animals shall be permitted on the project site, with the exception of grazing animals prescribed for vegetation management and trained working animals used specifically for livestock management or species surveys (e.g., horses, livestock working dogs, scent tracking dogs).
18. No firearms shall be allowed on the project site, unless otherwise approved for security personnel.

Mitigation Timing: The applicant shall include details on special status animal species general avoidance measures and construction BMPs in biological monitoring status reports that are to be submitted to the County as outlined in B-1(ee). **Monitoring**: The County shall ensure that the applicant is in compliance with special status animal species general avoidance measures and construction BMPs.

52. **MM B-1(gg) Worker Environmental Awareness Program.** The applicant shall retain qualified biologists to prepare a Worker Environmental Awareness Program (WEAP) that shall be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This presentation shall explain to construction personnel how best to avoid the accidental take of listed and impacts to other special status species during construction. The program shall consist of a brief presentation explaining listed and other special status species concerns to all personnel involved in the project. The program shall include a description of special status species potentially on the project site and their habitat needs; an explanation of the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and California Fish and Game Code; specific mitigation measures applicable to listed and other special status species; and the penalties for take.

    The program shall also explain to construction personnel how to avoid impacts to jurisdictional waters, including wetlands. The program shall include a description of jurisdictional waters on the site, specifically permitted impacts to jurisdictional waters, measures to protect waters to be avoided, and maps showing the location of jurisdictional waters and permitted impacts. The program shall be recorded electronically, and all future facility employees shall be required to review the recording before the initiation of work on the project site.

The WEAP shall be implemented by the applicant before the start of ground disturbance and shall be continued through the construction phase for all construction personnel. A separate WEAP shall be implemented by the applicant before project operation, for all permanent project employees. This program shall include all the information above, as applicable to project operations.

Mitigation Timing: The WEAP shall be submitted by the applicant to the County for approval prior to issuance of grading permits, and all staff must complete WEAP training prior to conducting any work on the project site. **Monitoring**: The County shall ensure that all components of the WEAP training are fully implemented by the applicant.

53. **MM B-2(b) Habitat Restoration and Revegetation Plan.** Restore temporarily impacted habitats to prevent loss or degradation of sensitive communities and to preserve habitat functions and values for special status animal species. Areas where temporary, construction-related impacts have taken place shall be restored in accordance with a Habitat Restoration and Revegetation Plan (HRRP). The plan shall prescribe restoration actions needed to treat disturbed soils and vegetation, in order to restore disturbed areas. Only areas that were graded (i.e., where the soil resources were removed and replaced) shall be subject to active restoration; however, the vegetation in the temporarily disturbed areas on the project site and in the Access Road shall be monitored to ensure success, maintenance, and/or establishment of target habitat. The applicant shall contract a qualified restoration biologist, knowledgeable in grassland and wetland habitat restoration to developed the HRRP.

    The HRRP shall set forth trigger points to identify where restoration shall be required in response to construction-related impacts. It shall also explicitly detail the process or processes required to restore habitats. The HRRP shall, at a minimum, include the following Project-specific information and sections:

    1. Soils and Seed Bank Management
        a) A soil baseline study shall be conducted, by a qualified restoration ecologist with soils expertise, to inform soil requirements relative to habitat restoration for temporarily disturbed areas of the site. The results of this study shall be included in the HRRP and will be used to inform the development of a topsoil harvest and stockpiling plan outlined in the HRRP, and will outline methods for preserving the seed bank present in the removed topsoil.
        b) The HRRP shall include details for topsoil salvage, if needed, and proper storage, and shall identify areas within the construction footprint where topsoil is present, supports native vegetation or common non-native grasses characteristic of the grasslands on the site, does not support dense weed infestations, and can be salvaged and stockpiled for later replacement following ground-disturbing activities. The soil baseline study shall characterize topsoil by its depth to impervious layer, nutrient levels, texture, organic matter, permeability, and water-holding capacity.
        c) The HRRP shall also identify areas where topsoil stockpiling and replacement would not be warranted due to low development of the existing seed bank and organic material. The harvesting,

stockpiling, and spreading of topsoil and seed bank shall also be monitored by a qualified restoration ecologist with a soils background.

d) The HRRP shall require that at least 6 inches of topsoil be salvaged from the areas identified in the plan. These stockpiles shall not be mixed with spoil material, trash, materials such as road base or aggregate, or topsoil containing heavy weed seed banks. The allowable duration for stockpiling and management of stockpiles that will maintain healthy soil conditions shall be stipulated in the HRRP. The HRRP shall stipulate BMPs to discourage erosion of the topsoil stockpiles, including planting cover crops, roughening the pile, using fiber rolls, employing temporary stabilization measures, or other measures, as determined by the potential for erosion of the pile from rain and wind.

e) All redistribution of stored topsoil shall be completed prior to final site inspection (for the close of Project construction work).

f) Soils temporarily disturbed by trenching activities shall be replaced immediately to the extent practicable following placement of cables, and the amount of time open trenches are left on site shall be minimized to the extent practical.

g) Areas where substantial soil compaction has occurred shall be treated with light ripping or other methods intended to rectify compaction, as recommended by the qualified restoration ecologist. The HRRP shall outline the methods for assessing whether substantial compaction requiring active restoration has occurred, based on information gathered in the soil baseline study.

h) No fertilization of disturbed soils shall be prescribed unless recommended by the qualified restoration ecologist. As appropriate, highly disturbed soils lacking topsoil replacement may be amended with certified weed-free mulch.

i) For wetlands and stream habitats where needs differ from the soil restoration needs in upland soils, the HRRP shall stipulate measures to completely restore fragile soils in wetlands and to maintain existing streambed substrate characteristics following restoration of these habitats after temporary disturbance.

2. Temporary Disturbance Mapping

a) The HRRP shall include detailed figures showing the areas proposed to be temporarily disturbed during Project construction. Such figures shall be updated as needed to reflect design changes and areas requiring active restoration actions.

3. Supplemental Restoration Actions

a) The HRRP will stipulate specific performance criteria that identify when areas require additional methods beyond topsoil replacement and soil restoration. In areas requiring active reseeding beyond topsoil replacement, the species composition proposed for reseeding shall be substantially similar to or improve on pre-construction vegetation community composition, excluding invasive non-native species and rare plant species. The latter may have very specific microhabitat requirements that may not be possible to

replicate after disturbance. A range of seeding palettes will be stipulated in the HRRP, and these shall differ as needed between various habitat types. For example, native perennial grasses shall be required as a component of the palette for impacted areas of serpentine bunchgrass grasslands or Valley needlegrass grasslands. Non-native species that are dominant within and characteristic of disturbed habitats may be included, as long as they are not specifically prohibited by the project Vegetation and Invasive Species Management Plan (see measure B-2[c] below). The intent of the seeding palettes shall be to maintain or increase native species coverage, reduce establishment of damaging invasive species, and preserve current wetland vegetation types present on the site. A description of the preferred methods for planting (e.g., hydroseeding, drill seeding, aerial broadcast seeding, or others) within differing habitats or impact types shall be provided, as well as details regarding irrigation, if needed. If seed is to be collected for redistribution from onsite species, collection protocols and areas shall be outlined.

4. Monitoring
    a) All areas subject to temporary disturbance and requiring restoration actions under the HRRP shall be monitored by a qualified restoration ecologist so that restoration success can be determined and relevant recommendations can be made for successful habitat establishment. Monitoring shall consist of both qualitative and quantitative assessment programs.
    b) Both qualitative and quantitative monitoring shall be required in all restored areas for at least two years following construction. Failure to meet pre-defined success criteria after two years of at least average annual rainfall will trigger remedial actions; however, as vegetation growth is lower during below-average rainfall years failure to meet success criteria during years with lower than average rainfall will simply entail a longer monitoring duration until it can be determined that the restoration success requires remedial actions and the site is not simply being affected by below-average rainfall. Average rainfall is defined in this context as the 30-year average for the site (1981–2010), established by the Parameter-elevation Regressions on Independent Slopes Model (PRISM) Climate Group, or 13.12 inches per year (PRISM 2013). The actual annual rainfall must be measured using an onsite rain gauge, and if the actual measured precipitation does not meet this level by the end of the rainy season, these monitoring results will still be reported, but monitoring will continue until the monitoring data set includes at least two years in which this precipitation level is met or until success criteria are met in two monitoring years.
    c) Qualitative survey results shall discuss species composition, growth and survivorship, germination success, invasive plant infestations, and areas where restoration was not successful in re-establishing adequate vegetation cover to prevent erosion and sedimentation-related impacts. Qualitative monitoring shall occur on a quarterly

basis for the first year. This timing shall allow remedial actions to be identified and enacted as necessary following restoration to achieve success criteria in advance of the final success/failure determination. Monitoring reports shall be submitted to the County every six months (after two qualitative monitoring events) for the first year following restoration. Qualitative monitoring shall then occur once per year in conjunction with quantitative monitoring until two years of average rainfall have occurred or until successful restoration is achieved via attainment of the pre-defined success criteria.

d) Quantitative monitoring shall occur annually for years one and two, or longer until pre-defined success criteria are met in two years of monitoring as described above. As described above, failure to meet success criteria during below-average rainfall years will lengthen monitoring duration, but will not necessarily require the commencement of remedial actions until and unless it is determined in a year with normal precipitation these criteria are still not being met. In year one, quantitative monitoring shall take place in January, April, and July. In year two and in any subsequent years that this monitoring is required due to low rainfall and/or failure to meet success criteria, monitoring shall occur in May.

e) The HRRP will establish pre-defined success criteria for both qualitative and quantitative monitoring activities. A qualified restoration ecologist shall use baseline vegetation data from the impact areas or from reference areas to set comparative success criteria across the site. The success criteria will be defined separately for each habitat type. These criteria will: 1) identify the duration of monitoring sufficient to indicate that the restoration habitat is on a clear trajectory toward successful establishment if this differs from the minimum two years required (e.g., if a given habitat takes six years to reach full maturity, one might monitor it for three years to establish the restoration trajectory), 2) specify interim quantitative habitat performance criteria that can be used to track habitat development at intervals during the monitoring period- these may either be predetermined based on a vegetation survey of the impacted habitat or may be tied to reference sites, 3) specify final quantitative success criteria for each habitat that indicate that the habitat is likely to ultimately develop functions and values comparable to the impacted habitat, and 4) specify final qualitative and quantitative success criteria that demonstrate that the restoration areas exhibit minimal erosion and that invasive plant species cover does not exceed that of reference habitats.

f) Quantitative monitoring shall be conducted in one-square-meter quadrats and shall include the following data at a minimum:
    i. Species composition and cover data
    ii. Bare ground cover data
    iii. Canopy height
    iv. Hydric soil indicators (in wetlands)

g) These data shall be used to measure and report native species coverage, native and non-native species recruitment, and hydrology within restored wetlands, and to compare these to the pre-established success criteria. Based on these results, the restoration ecologist shall make specific recommendations for remedial actions, if required. Reports shall be submitted to the County twice annually for the first year of monitoring (by 31 January and by 31 July) and once annually by 31 January during all subsequent years of monitoring. Each HRRP monitoring report shall include the following information at a minimum:

1. The name, title, and company of all persons involved in restoration monitoring and report preparation
2. Maps or aerials showing restoration areas, transect locations, and photo documentation locations
3. An explanation of the methods used to perform the work
4. An assessment of the treatment success

Mitigation Timing: The HRRP shall be submitted by the applicant to the County for review and approved by the County prior to issuance of grading permits.
Monitoring: The County shall ensure that all components of the HRRP are fully implemented by the applicant.

54. **MM B-2(c) Project Vegetation and Invasive Species Management Plan.** Before the construction permit is issued, the applicant shall retain a qualified restoration or plant ecologist with rangeland management experience to prepare a Project-specific Vegetation and Invasive Species Management Plan (PVIMP), to be administered during operation of the project in the array fields and other applicable areas of the project site. The comprehensive plan shall be intended to maintain acceptable fuel loads and prevent the introduction or spread of non-native invasive species associated with the disturbance resulting from the project.

The PVIMP shall be an adaptive management tool. Vegetation management strategies and weed control efficacy shall be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy shall be implemented based on results, experience, and the latest research. If grazing is not feasible on the project site, comparable alternative methods of vegetation management (e.g., mowing) may be used.

The PVIMP shall also describe BMPs to avoid the unintentional introduction of invasive species to and from the site, describe monitoring measures to ensure that any invasions are detected before they become substantial, and describe species-specific control measures that shall be implemented if invasions occur.

The PVIMP shall be submitted to the County, CDFW, and USFWS prior to construction, and shall address the entire project site. This submittal shall further describe the process by which the PVIMP shall be implemented (e.g., the entity responsible for implementing it, funding mechanisms, and reporting procedures). The PVIMP shall include, but is not limited to, the following:

1. detailed measures to promote the persistence of native grassland species, including listed and rare plant species in the vicinity of, but not removed by, the project;
2. a description of exclusion fencing, if warranted to protect avoided riparian habitats and jurisdictional waters within the arrays;
3. in areas subject to grazing management, development of an RDM monitoring plan that shall inform adaptive management and the rates, timing, and duration of livestock grazing actions planned from year to year, determined by annual climatic patterns and the response of herbaceous vegetation to impacts from the solar panels and plant operations (e.g., panel washing);
4. a plan for adaptive strategies to manage grazing or other vegetation management actions to benefit native wildlife and vegetation and avoid or minimize the establishment of invasive weeds, to the degree practicable;
5. a description of alternate acceptable vegetation control methods and triggers for their use, including weed whacking, mowing, herbicides, and others;
6. a description of annual monitoring stipulated for weeds within the project site and measures for controlling weeds, both prior to ground disturbance and annually during operation of the project;
7. a plan for the use and application of herbicides, which may be prescribed only by a licensed Pest Control Advisor and applied only by a licensed applicator; specific prohibitions on herbicide use and application (e.g., no application of herbicides when winds are in excess of 10 MPH or within 50 feet of wetlands) including prohibition near amphibian habitat shall be included;
8. a detailed plan for the washing of all ground-disturbing equipment before it is transported to the site or is used at another site, and for washing equipment within the site if it has worked in infested areas before being used elsewhere on the site;
9. a detailed plan for preventing the spread of New Zealand mud snails within the site; the plan shall include thorough washing of equipment and the footwear of construction personnel, or drying for two weeks following work in wetted stream channels that may support the species; and
10. details for placing and maintaining an onsite wash station for washing heavy equipment that has worked in infested areas before moving elsewhere on the site, and performance criteria for the control and disposal of wash water and collected sediment; and treatment and disposal requirements for weed-infested topsoil.

Mitigation Timing: The PVIMP shall be submitted by the applicant to the County, CDFW, and USFWS for review and approved by the County prior to issuance of grading permits. **Monitoring**: The County shall ensure that all components of the PVIMP are fully implemented by the applicant.

55. **MM B-2(e) Riparian/Stream Habitat Setbacks.** As discussed above, some improvements near and within riparian habitats and streams would be necessary to construct road and fence crossings, stabilize banks, and construct other Project improvements. In other locations, where complete avoidance of reaches of

perennial and intermittent streams is proposed, Project activities and Project work limits shall include a standard 50-foot setback from the top of bank or the outer dripline of the riparian canopy of the avoided stream reaches. The 50-foot setback shall apply to the avoided reach length. In isolated locations it may be necessary to place structures within 50 feet of the avoided drainage and a full 50-foot setback is not feasible, a minimum 25-foot setback shall be observed from avoided perennial or intermittent riparian habitat in all locations (i.e., work limits may come no closer than 25 feet from the top of bank or the outer canopy dripline in any specific area along the avoided reach). Where existing roads occur parallel to and within 50 feet of avoided perennial or intermittent streams, it will be impossible to maintain a 50-foot average setback or even a 25-foot minimum setback, because even to realign the road, work near the avoided streams would be required. In these cases, Project activities and Project work limits shall be set back 10 feet from the top of bank. All work that must occur within the 50-foot setback shall be monitored by an authorized biologist to ensure direct impacts to sensitive habitat are minimized, and all impacts to special status species are avoided. Riparian setbacks and all riparian habitat to be avoided by the project shall be fenced or flagged before construction occurs in adjacent areas. A biological monitor shall be present to ensure compliance with off-limits areas.

Mitigation Timing: The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all riparian habitat prior to issuance of grading permits. **Monitoring**: The County shall ensure that the applicant is in compliance with riparian habitat impact avoidance and minimization measures.

56. **MM B-2(f) Stream Channel Avoidance and Minimization.** To prevent high-velocity water flow from causing bank downcutting at downstream locations, any improvements related to road realignment, widening, or the ability of the road to convey heavy equipment for construction shall be designed to minimize alterations to natural flow patterns and capacity, consistent with the design-level drainage analysis.

    Improved outfalls, channel stabilization, rock weirs, rock cross vanes, and other measures associated with crossing improvements shall be installed as necessary, but the use of large riprap shall be avoided or minimized to the extent feasible.

    Grade-control structures and structures such as weirs shall be designed in consultation with a qualified geomorphologist, to determine the least amount of fill and structures needed to achieve stabilization goals, and to ensure that stabilization structures and improvements shall not themselves cause additional unwanted channel instability. Similarly, rerouted drainages shall be assessed by a qualified geomorphologist or hydrologist to ensure that drainage patterns downstream of the rerouted reach shall not be affected. Where present, cobble substrates within the reaches of streams to be rerouted shall be collected and replaced within the rerouted reaches.

    Construction will not occur within wetted channels. For construction that must occur in streams carrying active flows, the stream habitat and water quality in the

stream shall be protected through dewatering. Any construction that must occur in these habitats in the wet season (typically, 15 October to 15 April) will take place only when soils are not wetted (i.e., not during or after storm events, allowing for a sufficient drying period after rain events), and construction shall not occur when rain is forecast to occur with a 30% or greater chance within the next 24 hours. Sufficient erosion control materials must be kept on the site and be ready for installation in case construction must cease in streams due to a forecast rain event, as per the project-specific Storm Water Pollution Prevention Plan (SWPPP).

Mitigation Timing: The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all stream channels prior to issuance of grading permits. **Monitoring**: The County shall ensure that the applicant is in compliance with stream channel impact avoidance and minimization measures.

57. **MM B-2(g) Directional Boring Avoidance and Minimization.** As discussed above, directional boring, or in some cases, overhead lines, shall be used in place of open trenching wherever open trenching would require grading of banks to access steep, deeply incised drainages. Wherever directional boring is to occur, a frac-out plan shall be developed and implemented to avoid potential water quality impacts related to this activity. If frac-out occurs, the affected stream reach shall be restored to pre-existing conditions, and the impact shall be mitigated as per mitigation measure B-2(j).

    Mitigation Timing: The Frac-out Plan shall be submitted by the applicant to the County for approval prior to issuance of grading permits. **Monitoring**: The County shall ensure that all components of the Frac-out Plan are fully implemented by the applicant.

58. **MM B-2(h) Show streams and riparian habitat, and associated setbacks, on construction drawings.** To facilitate site management and ensure avoidance of these sensitive features, all streams and riparian habitat shall be clearly delineated on plan sets. The plan sets shall also show avoided reaches and setbacks adjacent to Project improvements. Additionally, all riparian and stream locations subject to impacts shall be clearly delineated on Project plan sets. The plan sets shall depict temporary, construction-related low-water road crossings through intermittent and ephemeral streams, as well as crossings through minor drainages between panel blocks needed for operational access to the arrays; these crossing types would require no improvement such as grading or aggregate placement. Zones within solar arrays where ephemeral streams and associated riparian habitat would be impacted for solar panel footing placement, where access would be required along the length of the stream, shall also be depicted. Any subsets of these impacted reaches where slopes are too steep to move equipment across safely or without excessive bank damage, or areas that cannot be safely crossed without the aid of planned improvements such as culverted temporary fill, shall be depicted and flagged on the ground; access shall not be allowed in these areas unless by way of the planned improvements. No construction- or operation related vehicular access shall occur through riparian or stream habitats on the site outside of the designated crossing and temporary impact zones.

Mitigation Timing: Construction drawings depicting stream and riparian setbacks shall be submitted by the applicant to the County, for approval prior to issuance of grading permits. **Monitoring**: The County shall ensure that all stream and riparian setbacks have been appropriately established by the applicant.

59. **MM B-2(i) Riparian/Stream Mitigation.** Perennial stream/channel wetlands and associated riparian habitat shall be preserved and enhanced to compensate for permanent impacts to riparian and stream habitats, in a manner that achieves no net loss in acreage or function, and should be consistent with the USFWS Recover Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible. Enhancement of the preserved habitat shall be site-specific, according to opportunities available at the preservation site and may include riparian vegetation plantings, weed removal, and alteration in grazing management such as changes in stocking, timing, or installation of riparian exclusion fencing. Permanent impacts to perennial streams and the associated riparian habitat shall be mitigated at a 3:1 ratio (linear feet of stream and associated riparian corridor preserved and enhanced: linear feet of perennial stream and associated riparian corridor impacted); impacts to intermittent streams shall be mitigated at a 2:1 ratio (linear feet preserved and enhanced: linear feet impacted); and impacts to ephemeral streams shall be mitigated at a 1:1 ratio (linear feet preserved: linear feet impacted). The design, monitoring schedule, and success criteria for the mitigation site shall be described in a Project Wetland Mitigation and Monitoring Plan (described in detail in mitigation measure B-3(d), below) that demonstrates no net loss in acreage or function. Preserved riparian corridors, and any surrounding uplands above the top of bank within the area to be preserved, shall be placed in a conservation easement or similar legal mechanism and managed in perpetuity.

    Mitigation Timing: The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands consistent with the timing outlined in mitigation measure B-1(a). **Monitoring:** Monitoring for riparian/stream mitigation shall be consistent with the monitoring conditions outlined in mitigation measure B-1(a).

60. **MM B-3(a) Wetland Avoidance and Minimization.** Impacts to wetlands and other waters shall be avoided to the extent feasible. In consultation with a wetland ecologist, the project shall be designed, constructed and operated to avoid and minimize impacts to wetlands and other waters to the extent feasible, which may include minor changes to the panel layout and roadway configurations to avoid wetlands. General Project staging and laydown activities shall not occur within wetlands during construction. To avoid unnecessary egress into wetlands, all wetlands in the project impact area shall be clearly shown on Project plans and the limits marked with highly visible flagging, rope, or similar materials in the field. Access allowed within these features for the purposes of construction in and near such features (e.g., road crossings, pile placement, trenching) shall be clearly delimited on Project plan sets, and these allowed work limits shall also be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits. Where necessary, silt fencing or other measures may be used to

protect adjacent wetlands from sediment transport or other indirect impacts that could result from adjacent construction. During the operation of the solar facility, maintenance activities shall not be staged within wetlands. Wetlands and other waters within construction areas that are to be avoided shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. All jurisdictional wetlands and waters shall be clearly shown on Project plan sets.

Mitigation Timing: The applicant shall submit documentation to the County that appropriate wetland avoidance and minimization measures have been implemented prior to issuance of grading permits. **Monitoring**: The County shall ensure that the applicant is in compliance with wetland impact avoidance and minimization measures.

61. **MM B-3(c) Monitor Well Impacts to Wetlands.** In the event that the hydrologic study cannot rule out permanent or temporary impacts to New Well 1 (only if relocated to San Luis Obispo County) lasting longer than one rainy season, or to other groundwater-fed wetlands at new well locations, wetland dewatering impacts monitoring shall be included in the Construction Management Plan. Under this plan, the potentially affected features shall be monitored to determine the extent of adverse effects and duration of loss of, or reduction in, wetland functions and values. The monitoring plan shall require, at a minimum:
    1. ambient monitoring, including groundwater monitoring conducted to establish a baseline of the conducted to establish current conditions in the year prior to Project implementation;
    2. compliance monitoring, to determine the spatial extent (as defined per USACE routine delineation methods) and duration of hydrological interruption impacts to wetland vegetation and hydrology in the affected wetland and any streams fed by the wetlands; and
    3. post-closure monitoring conducted for one year after the well is abandoned, or until a 90% success criterion has been met, to quantify groundwater levels after use of the well ceases and confirm that wetland acreage, functions, and values provided by the affected wetlands have returned to within 10% of pre-Project conditions (established during baseline monitoring and as per the USACE-approved Project wetland delineation mapping of the feature shown on Figure 4.4-2a).

    As part of the monitoring plan, quarterly reports shall be provided to the County on observed hydrological impacts. Compensatory mitigation shall be provided per mitigation measure B-3(d) based on the extent and duration of wetland impacts quantified through monitoring.

    Mitigation Timing: The applicant shall submit documentation that either all impacts to wetlands from well development have been avoided or compensatory mitigation measures have been implemented prior to the first of the project's final inspections, or within 12 months of issuance of grading permits, whichever comes first. The applicant shall also submit quarterly monitoring reports to the County, RWQCB, and/or USACE. **Monitoring**: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to

wetland impacts from well development.

62. **MM B-3(d) Wetland Habitat Mitigation.** To compensate for permanent impacts to wetlands on site, offsite wetlands shall be created, preserved, and managed in perpetuity at a 2:1 mitigation ratio (acres created and preserved: acre impacted). Permanent loss includes all wetlands affected by permanent fill placement (which may occur, for example, from mass grading or new road or structure placement, including panel footing placement). In the areas of seasonal wetlands under solar panels (i.e., not the area affected by fill placement but the remainder of the wetland area under the array), some degradation of the wetland is expected; however, it is also anticipated that these areas would continue to provide residual wetland functions and values in at least a portion of the affected wetland. As such, these areas shall be mitigated through creation of offsite wetlands at a 1.5:1 ratio (acres created and preserved: acre impacted). Permanent impacts to wetlands within streams that will be affected by construction of road crossings (see Impact B-2) shall be mitigated by creating off-site wetlands at a 1:1 ratio; these areas shall also be mitigated through preservation and management of riparian and stream habitat (see mitigation measure B-2[i]). By concurrently providing 1:1 wetland creation mitigation for such impacts, no net loss of wetlands will occur, and lost values and functions will be compensated (Table 4.4-9).

    Temporary impacts to wetlands and other waters shall be mitigated through onsite restoration as described in mitigation measure B-2(b) (HRRP), if impacts are restored within a single year, with most restoration expected to occur at the onset of the rainy season to enhance germination success (i.e., areas impacted in a given year must be restored prior to 1 March of the following year to be considered temporary and require no additional mitigation). Areas of construction access-related temporary impacts that cannot be restored prior to 1 March the following year and would remain exposed during the dry season shall be restored the following fall. Compensatory mitigation for such long-term temporarily impacted areas shall be provided at the offsite location at a ratio of 0.5:1 of wetland creation (acres created and preserved off site: acres temporarily impacted for more than one rainy season). Impact areas left unrestored for two rainy seasons shall be compensated off site at a 1:1 ratio, and additionally shall be restored on site. Temporary impacts to groundwater-fed wetlands due to hydrological interruption from a new well(s) shall be determined per mitigation measure B-3(c) and shall be mitigated off site at a ratio of 1:1 if success criteria are met and the wetlands are restored to pre-Project function within three years of the date of well construction. If functions and values are lost for more than three years, the impacts shall be considered permanent, and compensatory mitigation shall be provided at a 2:1 ratio (Table 4.4-9). Permanent impacts to any streams fed by such wetlands shall be mitigated as per mitigation measure B-2(i).

    Table 4.4-9 (next page) provides a summary of the various mitigation ratio requirements for each impact type. The permanent protection and management of the constructed mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase.

Table 4.4-9
Mitigation Ratios for Wetland Impacts (Ratios to Be Applied to Actual Impacts Determined from Construction Plans and Well Monitoring)

Impact Type	Wetland Type and Action	Mitigation Ratio (Acres Created and Preserved to Acres Impacted)
Permanent fill	Seasonal wetland and perennial marsh impacts due to fill placement and loss (including panel footing areas)	2:1
Permanent shading	Seasonal wetland impacts from solar panel shading and placement (not including panel footing areas)	1.5:1
Permanent fill for road crossings	In-stream wetland impacts from road crossing construction	1:1
Temporary access (unrestored for longer than one rainy season)	Seasonal wetland and perennial marsh impacts from construction access not restored before 1 March of year following impact (but restored before two rainy seasons)	0.5:1
Temporary access (unrestored for more than two rainy seasons)	Seasonal wetland and perennial marsh impacts from construction access restored after two rainy seasons	1:1
Temporary dewatering (less than three years)	Groundwater-fed wetlands temporarily dewatered by new construction wells for three years or less	1:1
Permanent dewatering (greater than three years)	Groundwater-fed wetlands temporarily dewatered by new construction wells for more than three years, or failure to meet success criteria after three years following construction of well	2:1

A project-specific Wetland Mitigation and Monitoring Plan (WMMP) shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:

1. wetlands and waters impacts summary (as described by MM B-48 and this measure) and habitat mitigation actions;
2. goals of the restoration to achieve no net loss;
3. a map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; and
4. a detailed description of the mitigation design, including:
5. location of the new wetlands;
6. proposed site construction schedule;
7. description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site;
8. a detailed description of the steps required for site preparation and a conceptual grading plan—a formal package for plan sets, specs, and estimates for the grading and mitigation construction work shall be prepared based on the concepts set forth in the WMMP no fewer than fifteen days prior to starting work at the mitigation site;

9. a description of recommended soil amendments and other site preparation;
10. development of a planting plan including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application;
11. maintenance plan for the created wetlands and riparian plantings;
12. a description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within ten years of restoration, and others;
13. monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met;
14. a list of reporting requirements and reporting schedule; and
15. a contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and ten years for riparian enhancement; this plan shall 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) shall occur.

Mitigation Timing: The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation 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 consistent with the timing outlined in mitigation measureB-1(a). The applicant shall consult with CDFW on the requirement for Lake and Streambed Alteration Agreement (LSAA; Fish and Game Code 1600) for waters subject to CDFW jurisdiction. **Monitoring:** Monitoring for wetland mitigation shall be consistent with the monitoring conditions outlined in mitigation measureB-1(a).

63. **MM B-4(a) Pronghorn Calving Ground Avoidance and Minimization.** Disturbance of pronghorn calving grounds shall be avoided to the extent practicable. No pronghorn calves have been observed on the project site to date. Preconstruction surveys for calving pronghorn shall be conducted within the calving season (1 April through 30 June), and if calves are detected, a 0.25-mile limited activity buffer shall be established to ensure that the calves and doe are not distressed. The buffer distance may be modified in consultation with CDFW. The buffer shall be flagged with material highly visible to construction personnel, and maintained as necessary. Construction may resume within the buffer when directed by the qualified biologist.

Mitigation Timing: The applicant shall submit documentation to the County and CDFW that either no calving pronghorn were present on the site at the time of preconstruction surveys, or that all avoidance measures have been implemented for avoiding impacts to calving pronghorn. **Monitoring**: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn calving.

64. **MM B-4(b) Pronghorn-Friendly Fence Design.** As part of the management of mitigation sites required in mitigation measure B-1(a), new pronghorn-friendly fencing shall be installed to improve the movement of pronghorn both on and through mitigation sites where applicable. This requirement shall not apply to existing fencing or fencing installed to preclude cattle from sensitive resources such as restored or protected wetland or riparian habitats. The HMMP (mitigation measure B-1[b]) for these sites shall contain the following requirements:
    1. Identification of likely and feasible pronghorn movement pathways on the mitigation sites;
    2. Removal of nonessential fencing on the mitigation sites where not in conflict with adjacent land management practices;
    3. Incorporation of measures to increase visibility of existing fencing (high-visibility wire, PVC covers, vinyl markers, flagging, etc.), as appropriate;
    4. Incorporation of fencing modifications, where not in conflict with adjacent land management practices, such as replacing barbed wire with smooth wire on the lower and possibly upper wires of the fence), designed to enable movement by pronghorn through the likely and feasible pathways on mitigation sites;
    5. Placement of fencing at potential risk areas to encourage movement away from dangerous roads; and
    6. A schedule for implementing the above measures and financial assurances to implement the required enhancement.

    Mitigation Timing: The applicant shall submit documentation that to the County and CDFW that pronghorn-friendly fence design has been incorporated into the HMMP concurrently with submittal of the HMMP as noted in Measure B-1(b) (prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first). **Monitoring**: The County shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn movement.

65. **MM CR-1(a) Archaeological Site Avoidance.** Wherever feasible, direct impacts on National Register of Historic Places(NRHP)/California Register of Historic Resources (CRHR)-eligible archaeological sites shall be avoided. Avoidance shall be accomplished by preventing any direct ground disturbance of the resource. If impacts to all or any of these resources cannot be avoided, as determined by the applicant with concurrence from the Planning Department, the boundaries of the NRHP/CRHR-eligible sites shall be marked in the field by a Registered Professional Archaeologist prior to ground disturbance with exclusionary fencing, lath, flagging tape, or some other combination of material that is highly visible, durable, and which construction and management personnel can recognize as marking an exclusion zone where no earth disturbance or other activity shall occur. Exclusion zones shall be inspected weekly by an archaeological monitor or other environmental inspector to ensure that they are being honored, remain effective, and in place. If complete avoidance is not feasible, mitigation measures CR-1(b) and CR-1(c) shall apply.

66. **MM CR-1(b) Site Capping and Data Indexing**. If direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, placement of chemically neutral, culturally sterile, nonreactive fill on top of the sites, rather than cutting into the cultural deposits, shall be required, when determined feasible by the County Planning Department. Because sites on which fill would be placed would no longer be accessible to research, a data indexing program shall be implemented to characterize the nature of the portions of the site to be buried (if they have not been sampled previously). The indexing program shall include mapping the location of surface artifacts within the proposed areas of fill; surface collection of those artifacts; and excavation of a small sample, determined by a Registered Professional Archaeologist, of the cultural deposit to characterize the nature of the buried deposit. All earth disturbances associated with placement of the fill shall also be monitored by a qualified archaeological monitor under the direction of a Registered Professional Archaeologist, as well as a tribal consultant if the site is of Native American origin, to prevent any residual impact associated with the loss of research data. Cultural materials recovered during the data indexing program shall be curated at an appropriate archaeological curation facility and copies of all reports shall be provided to the Planning Department and the Central Coast Information Center (CCIC). The reports shall include detailed geospatial data regarding the locations of capped sites and these data shall be used to avoid new impacts during decommissioning.

67. **MM CR-1(c) Data Recovery Excavation.** If avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, the project applicant shall complete a Phase III data recovery excavation program for significant cultural resources that would be impacted prior to project disturbance. Phase III data recovery shall be directed by a Registered Professional Archaeologist and include the preparation of a work plan/research design, fieldwork, laboratory analysis of recovered artifacts and ecofacts, special studies if appropriate, the preparation of a technical report, and curation of recovered materials. The Research Design shall be reviewed and approved by the County Planning Department prior to its implementation. A tribal consultant shall be present for all data recovery excavations of sites of Native American origin.

68. **MM CR-1(d) Archaeological Resource Worker Environmental Awareness Program.** Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities. The WEAP training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A WEAP acknowledgment form must be signed by all workers who receive the training.

69. **MM CR-1(e) Archaeological Resource Construction Monitoring.** 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 is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved 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.

70. **MM CR-1(f) Native American Construction Monitoring.** A tribal consultant (Native American monitor) shall be retained by the Applicant to be present during all earth moving activities that have the potential to affect prehistoric archaeological sites. The Native American monitor shall prepare daily logs and submit weekly updates to Planning.

71. **MM CR-2 Previously Unidentified Archaeological Resources**. If previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the Applicant and the County Planning Department and project archaeologist shall be notified immediately. The project archaeologist, at the Applicant's expense, will assess the content, age, association, and integrity of the find and the Applicant shall provide the Planning Department with sufficient information to determine whether the resource is a CRHR-eligible resource. If the Planning Department determines that the resource is not CRHR eligible or that it is CRHR eligible, but that additional data recovery would only yield redundant information, no additional mitigation will be required and construction can proceed. If the Planning Department determines that the resource is CRHR eligible and that the discovery has significant historical associations or could yield additional scientific information about local or regional history or prehistory that has not been recovered during prior investigations, the Applicant shall implement MM-CR-1(a)-(c) and if of Native American origin CR-1(e).

    If the site is determined insignificant, no further mitigation shall be required. However, archaeological and Native American monitoring may still be required in the vicinity of the site in accordance with mitigation measures CR-1(e) and CR-1(f).

72. **MM CR-4(a) Paleontological Resource Mitigation Plan.** Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project by a qualified professional paleontologist as defined by the Society of

Vertebrate Paleontology (SVP, 2010). The PRMP should include a map identifying the locations where monitoring is required, provide protocols for construction monitoring and the recovery of significant fossils, identify the Project Paleontologist and on-site monitors, and make provisions for fossil preparation, curation, and reporting. The PRMP shall be reviewed and approved by the Planning Department prior to its implementation.

73. **MM CR-4(b) Paleontological Resource Construction Monitoring.** Full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity. All work shall be conducted by a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP (mitigation measure CR-4a). Monitoring efforts can be reduced or eliminated at the discretion of the Project Paleontologist if, after 50 % of the excavations are completed, no fossil resources are encountered. If deemed appropriate by the Project Paleontologist, part-time monitoring or spot checking may occur during the construction of the project in areas underlain by Quaternary surficial alluvial sediments to determine if underlying sensitive geologic units are being impacted by construction and at what depth.

    If significant fossils are unearthed during construction, paleontological recovery shall be carried out. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification to the lowest taxonomic level and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings by the Project Paleontologist with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to the County and the curation facility, and its submission shall signify completion of the program to mitigate impacts to paleontological resources.

74. **MM HAZ-3 Locate Underground Utilities.** To identify and avoid subsurface utility lines at the project site, Underground Service Alert shall be consulted immediately prior to construction. In addition, a private utility locator service shall be consulted immediately prior to start of construction in order to determine the location of any existing underground utilities, including, but not limited to, the underground gas line. Construction plans shall be submitted to PG&E and any other identified utilities for review and comment for grading or excavation proposed within 25 feet of known underground utility lines. The applicant shall submit proof of underground utility location and PG&E plan submittal to the County Planning Department prior to issuance of grading permits.

75. **MM HAZ-4(a) Final Fuel Management Plan.** Prior to the issuance of any construction permit, the applicant shall submit a Final Fuel Management Plan to the County Planning Department for review and approval. The Final Fuel Management Plan shall be prepared in consultation with the Fire Protection District and/or CAL FIRE. The Final Fuel Management Plan shall identify emergency access routes, vegetation management measures (e.g. grazing, disking, mowing), road maintenance requirements, fuel modification zones and defensible spaces

around structures, applicable emergency response procedures (e.g. notification requirements), and vehicle restrictions during the fire hazard season. Fuel protection zones, including defensible spaces and firebreaks, shall be established and maintained throughout the duration of the project in accordance with state and County minimum clearances and fuel modification standards.

76. **MM HAZ-4(b) Emergency Access.** The applicant shall be responsible for maintaining adequate emergency access throughout the duration of project construction, operation, and decommissioning in accordance with the Final Fuel Management Plan. All access gate lock codes, combinations, and/or Knox box codes shall be provided to the San Luis Obispo County Emergency Operations Dispatch prior to construction. Also prior to construction, a 24-hour contact person with access to all access gates shall be identified and the contact number provided to the San Luis Obispo County Emergency Operations Dispatch.

77. **MM HYD-2(a) Accidental Spill Control and Environmental Training.** Prior to the issuance of any grading and/or building permit, the project applicant shall submit a Spill Response Plan and Spill Prevention, Control and Countermeasure Plan to the County for review and approval. The Spill Response Plan (SRP) in combination with the Spill Prevention, Control and Countermeasure (SPCC) Plan to be prepared for the proposed project shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC 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 clean-up of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response 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 Hazardous Materials Response Plan (HMRP) proposed as part of the project [applicant proposed measure (APM) 6] shall incorporate all of the elements of this mitigation measure. The County shall be responsible for reviewing the applicant's proposed HMRP to confirm that it incorporates the requirements of this mitigation measure.

78. **MM HYD-2(b) Maintain Vehicles and Equipment.** All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the applicant to County Planning on a monthly basis for the duration of project construction.

79. **MM PS-1(a) Construction Management Plan.** The applicant shall include measures that reduce the demand for fire protection services during project construction in the final Construction Management Plan subject to the review and approval of CAL FIRE or the Fire Protection District as applicable. Applicable measures shall include but not be limited to on-site fire suppression, including on-site fire suppression equipment and fire suppression training for on-site personnel. The construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures, for the

duration of construction. Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services.

80. **MM PS-1(b) Emergency Response Training.** During project construction and operation, on-site staff shall receive emergency response training and shall be informed of all emergency response procedures on a minimum annual basis. Prior to operation of the project, the applicant shall consult with San Luis Obispo County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities. In addition, on-site fire suppression equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.

81. **MM PS-1(c) Fire Protection during Construction.** Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services during the non-peak fire season for the duration of project construction via provision of sufficient funding and other measures necessary to keep the CAL FIRE Parkfield substation operational during the non-peak fire season. The measures to assure sufficient fire protection services in accordance with existing standards shall be subject to the review and approval of CAL FIRE and may include but not be limited to the following: funding for provision for fire personnel, purchase of on additional patrol/rescue vehicle, and/or provision of a helicopter landing space in consultation with CAL FIRE, the use of which will be restricted to emergency use only. A copy of the final, executed agreement shall be submitted to the County prior to the issuance of a construction permit.

82. **MM T-2 Friday Peak Hour Control Measures – Construction Phase.** All project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Truck delivery and construction workers bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. Vehicle destinations shall be identified by vehicle badges. The flagman shall identify these vehicles and direct them to make an eastbound left out movement from the project access road onto SR 41 east.

83. **MM T-4 Friday Peak Hour Control Measures – Operation Phase**. Until the completion of Caltrans improvements to the intersection of SR 41/46, all project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Employees bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. The flagman shall identify these vehicles and direct them to make a left out movement from the project access road onto SR 41 east.

84. **MM T-7 Park and Ride Facility Siting.** Any proposed park and ride facilities shall be sited in already developed parking lots designed to accommodate large numbers of vehicles (e.g. shopping center locations). All vehicles shall be required to park in designated parking spaces. No permanent new lighting shall be installed. The location of the park and ride facilities within these existing parking lots shall be sited in an area located away from residences and other sensitive receptors to limit nighttime disturbance from noise.

    Selection of the park and ride lots shall consider the existing and projected traffic conditions in the surrounding area and the proposed park and ride lots shall not be located on roadway segments and near intersections currently experiencing deficient Levels of Service, as defined either by Caltrans, a county or a city, as applicable, unless a supporting traffic study prepared by a qualified transportation planner or engineer shows that impacts to traffic conditions would not occur.

85. **MM LT-1 Worker Housing Program.** Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program prepared by a professional relocation firm to San Luis Obispo County for review and coordination with Monterey County that would include:

    1. Projection of the peak need for worker housing in relation to existing demand for temporary accommodations, with particular attention paid to seasonal housing;
    2. Classification of workers' housing needs based on the duration of their work on the project; and
    3. Identification of dwelling units, hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month.

    The applicant (or relocation firm) shall reserve or coordinate the reservation of temporary accommodations for employees relocating from outside the local area.

CEQA FINDINGS - EXHIBIT C
DRC2014-00016

I. PROJECT DESCRIPTION

The California Flats Solar project (Cal Flats) is primarily located in southeast Monterey County, approximately seven miles southeast of the community of Parkfield and 25 miles northeast of the City of Paso Robles, near the boundaries of San Luis Obispo, Kings and Fresno counties. Monterey County is the Lead Agency and San Luis Obispo County is a Responsible Agency. The project was unanimously approved by the Monterey County Board of Supervisors on February 10, 2015. However, a 3.3 mile portion of the proposed access road to the main solar array facility and a construction staging area would be located in northeastern San Luis Obispo County, which requires approval by San Luis Obispo County as a Responsible Agency. The findings herein are applicable to the portions of the project in San Luis Obispo County.

The proposed primary access road to the Cal Flats Solar facility during both construction and project operation would be an existing 5.6-mile private ranch road from SR 41, approximately 3.3 miles of which is located in San Luis Obispo County. Currently, this private ranch road is approximately 15 to 20 feet wide, with the narrowest sections near each of the ten (10) existing drainage crossings. The Cal Flats project would require improvements to accommodate an increased volume of traffic, construction vehicles, and large delivery vehicles. These improvements would include: widening the access road from 30 feet, resurfacing with aggregate material, increasing the size of the existing culverts to better match the existing channel capacity and to accommodate the added width (if needed) of the access road. In addition, the access road must include turnouts to accommodate emergency vehicle access. Turnouts would be constructed within the boundaries of the 30-foot wide access road alignment. In addition, an existing access gate would be relocated further north from SR 41 (i.e. interior to the site) to accommodate truck queuing outside of the SR 41 right-of-way while the gate is being unlocked and opened. The project also includes two temporary staging arears near SR 41, 4.0 acres and 0.5 in size. The full project is described in more detail in the staff report accompanying these findings.

The CEQA findings herein are intended to be for the portion of the project within San Luis Obispo County; however, some aspects of the project in Monterey County are included by reference as applicable due to their relationship to the portions of the project in San Luis Obispo County.

II. THE RECORD

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearings on the project.
2. The California Flats Solar Project Final EIR (February 2015), which incorporates and includes the Draft EIR by reference.
3. The California Flats Solar Project Conditional Use Permit application and supporting materials.
4. The California Flats Solar Project Staff Report prepared for the Planning Commission.
5. Matters of common knowledge to the Commission which it considers, such as:

a. The County General Plan, including the land use maps and elements thereof;

b. The text of the Land Use Element;

c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.

d. The County of San Luis Obispo Environmental Quality Act Guidelines;

e. The County Annual Resources Summary Report;

f. The Clean Air Plan;

g. The SLO County Public Facilities Financing Plan;

h. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;

i. The Countywide Smart Growth Ordinance;

j. The Countywide Growth Management Ordinance;

k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;

l. Additional documents referenced in the Final EIR for the California Flats Solar Project.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission certifies the following with respect to the California Flats Solar Project Final EIR:

A. The Planning Commission has reviewed and considered the California Flats Solar Project Final EIR as prepared and previously certified on February 10, 2015 by Monterey County.

B. The Final Environmental Impact Report for the California Flats Solar Project has been completed in compliance with the California Environmental Quality Act.

C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the California Flats Solar Project.

D. The California Flats Solar Project Final EIR reflects the independent judgment of the Planning Commission, acting as a responsible agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. Aesthetics (Class III): No Class III Aesthetic impacts pertaining to the proposed access road and staging areas.

B. Agricultural Resources (Class III):

1. **Impact AG-2: Permanent conversion of adjacent farmland to non-agricultural use.** Construction, operation, and potential future decomissioning of the proposed project would not result in the permanent conversion of adjacent farmland (i.e., Prime, Unique, or Statewide Importance) to a non-agricultural use. The project could indirectly affect adjacent agricultural use due to temporary construction-related effects, but the proposed project would not impair agricultural use, including grazing, of nearby properties such that adjacent Farmland would be converted to a non-agricultural use.

C. Air Quality (Class III):

1. **Impact AQ-4: Exposure of sensitive receptors to localized pollutants.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations associated with construction dust, carbon monoxide hotspots, toxic air contaminants, or naturally-ocurring asbestos.

2. **Impact AQ-5: Odors.** Land uses typically producing objectionable odors include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project does not include any uses that would be associated with objectionable odors. The nearest residences are located north of the northwestern corner of the project site and the prevailing winds of the area are westerly to northwesterly. Therefore, winds would generally carry odors in the opposite direction of the nearest residential units. Given the large project area and strong prevailing winds, the minimal odors from the project site would be dispersed and would not create significant objectionable odors at nearby residences.

3. **Impact AQ-8: Conflicts with adopted Air Quality Management Plan.** Minor improvements to, and use of, the access road would not create any new land uses and there are no changes to existing land uses within the South Central Coast Air Basin (SCCAB), which is in the San Luis Obispo Air Pollution Control District's (SLOAPCD's) jurisdictional area. Construction activities associated with the project would not result in any issues related to implementation of the SLOAPCD AQMP due to the temporary nature of construction activities and the fact that these types of activities are accommodated in the AQMPs' emission inventories. During the operational phase the project would result in a net reduction in criteria pollutant emissions (including ozone precursors and particulate matter), and therefore, a net benefit to the overall air quality in the SCCAB.

D. Biological Resources (Class III): No Class III Biological Resources impacts pertaining to the proposed access road would occur.

E. Cultural and Paleontological Resources (Class III):

1. **Impact CR-3: Potential to unearth or adversely impact previously unidentified human remains.** No cemeteries are known to occur within or adjacent to the proposed project area. While unlikely, ground disturbing construction activities, such as excavation, trenching, and grading, have the potential to uncover human remains. Compliance with California Health and Safety Code Section 7050.5 would reduce impacts to a less than significant level.

G. Geology/Soils (Class III):

1. **Impact GEO-1: Surface rupture, strong seismic shaking, and seismic-related ground failure.** Compliance with all applicable provisions of federal, state, and local construction and design standards would reduce impacts related to fault rupture, seismic groundshaking and seismic-related ground failure to a less than significant level.

2. **Impact GEO-3: Soil erosion and loss of top soil.** Project construction, operation, and decommissioning could result in soil erosion or loss of topsoil. However, compliance with the NPDES construction stormwater program and implementation of measures promoting infiltration, as identified in a final, design-level drainage analysis, would minimize erosion.

3. **Impact GEO-4: Expansive soils**. Portions of the project area contain expansive soils, which could expose people or structures to potential substantial adverse effects. Potential impacts would be addressed through the compliance with the applicable

requirements of the California Building Code (CBC) and standard County of Monterey policies, which require site-specific geotechnical analysis.

H. Greenhouse Gas Emissions/Climate Change (Class III):

1. **Impact GHG-2: Conflict with applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.** The County of San Luis Obispo adopted its County EnergyWise Plan (Climate Action Plan) on November 22, 2011. In general, San Luis Obispo County addresses GHGs through energy conservation. Also, the proposed project would result in an approximate 202,513 MT CO_2E annual offset of GHGs and other emissions that would have resulted from producing an equivalent amount of electricity from fossil fuel-fired electric generators (primarily from those within San Luis Obispo County). Therefore, the project would help attain, and would not hinder, San Luis Obispo County's as well as the State GHG reduction goals. The proposed project would result in minor roadway improvements within San Luis Obispo County and would result in an overall net reduction of GHG emissions. Overall, potential impacts associated with county plans and policies would be less than significant.

I. Hazards and Hazardous Materials (Class III):

1. **Impact HAZ-1: Exposure to agricultural chemicals in on-site soils.** Agricultural use of the project site and the larger Jack Ranch has been limited primarily to cattle grazing, with a limited amount (approximately 38.7 acres) of irrigated crop production in the westernmost portion of the utility corridor. In addition, the Jack Ranch raises grass-fed beef, which does not use pesticides, herbicides, or fertilizers to maintain cattle stocks and does not use feed pens or cattle stalls. According to the Monterey County Agricultural Commissioner, no pesticide or herbicide use is reported on the project site or adjacent parcels (Monterey County Agricultural Commissioner, 2013). Based on historical and current land use on the project site, no residual pesticides, herbicides, or other contaminants are anticipated to be found in the soil and/or groundwater. The likelihood that construction workers, operational staff, and/or adjacent sensitive receptors could be exposed to residual agricultural chemicals in on-site soils is minor.
2. **Impact HAZ-2: Use, storage, and/or transport of hazardous materials.** No hazardous waste is expected to be generated during construction; however, construction equipment uses various hazardous materials (diesel fuel, oil, solvents, etc.) and these materials would be disposed of off-site in accordance with all applicable laws pertaining to the handling and disposal of hazardous waste. Compliance with existing laws and regulations governing the transport, use and storage of hazardous materials and wastes as well as use of appropriately trained employees for PV module installation would reduce impacts related to exposure of the public or environment to hazardous materials to less than significant.
3. **Impact HAZ-6: Exposure to anthrax, coccidiosis, and/or anaplasmosis.** Development on an active cattle ranch could expose workers and nearby sensitive receptors to diseases transmitted from the cattle grazing operations, including anthrax, coccidiosis, and/or anaplasmosis. Anthrax hazards would be substantially reduced by ensuring that livestock handling is limited to trained personnel, carcass disposal is immediate and follows accepted practices, and personnel are trained to understand the risk of handling animal carcasses, which are considered standard grazing management procedures. The project would not increase the number of cattle on the project site, increase overcrowded conditions, or expose employees to infected raw meat or cat feces. As such, transmission of coccidiosis from cattle to humans is not anticipated. Cattle to human transmission of anaplasmosis is not expected on the project site.

I. Hydrology and Water Quality (Class III):

1. **Impact HYD-1: Degrade water quality due to erosion and sedimentation associated with temporary ground-disturbing activities.** Construction and operation of the project could result in potential impacts to water quality in connection with ground disturbing activities during construction and operation (e.g., grading, maintenance, erosion control). Earth-moving activities including grading and clearing of vegetation could potentially result in soil erosion and sedimentation that could affect water quality. Compliance with the required SWPPP and County of San Luis Obispo requirements would avoid or minimize potential impacts to water quality related to erosion and sedimentation.
2. **Impact HYD-3: Deplete groundwater supplies or interfere with groundwater recharge.** The proposed project would require up to 494 acre-feet of water during construction and up to 5 acre-feet per year (AFY) during operation. This groundwater demand would have little to no impact on the aquifer, representing between 1% and 0.0001% of the net available recharge depending on the phase of the project. The Cholame Valley Groundwater Basin is not in overdraft and not above its safe yield. Construction and operation of the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. In addition, the proposed project would have sufficient water supplies available from existing resources and no new or expanded entitlements would be needed.
3. **Impact HYD-4: Increase flooding or erosion downstream.** The project would alter the existing drainage pattern of the site through the introduction of impervious surfaces and project infrastructure. The introduction of impervious surfaces and other project features, such as access roads, could increase the rate and/or amount of surface runoff. Compliance with recommendations in the design-level drainage analysis and existing regulations would result in impacts related to increased erosion downstream that are less than significant.
4. **Impact HYD-5: Flooding hazards.** The project site is not within an identified 100-year flood plain and there are no rivers on the project site. However, there are numerous, small, predominately ephemeral drainages that transect the project site and Cottonwood Creek crosses the southern portion of the project site. The small on-site drainages generally convey stormwater flows across the site. While the project has been designed to minimize and/or avoid altering the existing drainages, some of the drainages would be altered to accommodate the project and there would be some improvements constructed within 50 feet from the top of the bank of these drainages. In addition, project improvements, including a road crossing, would be constructed within 50 feet of Cottonwood Creek. To ensure the improvements are consistent with the requirements of Chapter 16.16 of the Monterey County Code, the design-level drainage analysis prepared by the applicant in accordance with APM-11 and consistent with the requirements outlined in the *Preliminary Drainage Report* (RBF 2013) and *Preliminary Drainage Analysis Addendum* (Wallace Group 2014) prove, to the satisfaction of the Monterey County Water Resources Agency, that any improvements within 50 feet from the top of bank of on-site drainages would not result in significant flood- or erosion-related hazards, and that these improvements would not affect the existing capacity of the affected watercourse, as required by Chapter 16.16 of the Monterey County Code. Implementation of the recommendations contained in the design-level drainage analysis would ensure that impacts are less than significant

J. Land Use and Planning (Class III):

1. **Impact LU-1: Policy consistency.** Based on the current project design and following implementation of the mitigation measures identified throughout this EIR, the proposed

project would be consistent with applicable policies of the County of San Luis Obispo General Plan.

K. Noise (Class III):

1. **Impact N-1: Construction-related noise.** Operation of heavy equipment during project construction and decommissioning would result in a temporary noise level increase that could disturb nearby sensitive receptors. Compliance with Monterey County noise protection policies S-7.9 and S-7.10 would ensure that this would be a less than significant impact.
2. **Impact N-2: Short-term traffic noise.** Project construction and decommissioning would result in a short-term increase in vehicle trips to and from the project site that could increase traffic noise on area highways. However, this noise is not expected to result in a substantial increase in ambient noise levels on the project site or on affected off-site roadways that would impact nearby sensitive noise receptors.
3. **Impact N-3: Long-term operational noise.** The project would add sources of long-term operational noise to the project site. However, this noise is not expected to result in a substantial increase in ambient noise levels on the project site that would impact nearby sensitive noise receptors.
4. **Impact N-4: Long-term traffic noise.** The project would incrementally increase long-term traffic on regional highways during operation of the solar facility. However, this additional traffic would be minimal, and would not substantially increase ambient noise levels.

L. Public Services and Utilities (Class III):

1. **Impact PS-2: Demand for law enforcement.** The proposed project would substantially increase activity temporarily during construction. The project would also incrementally increase demand for police protection services during construction, and to a substantially lesser degree, during operation at a site located in a relatively undeveloped area of the County. The increase in activity is not expected to impede police emergency response times from the South County Station.
2. **Impact PS-3: Demand for solid waste services**. The proposed project would generate solid waste during project construction, operation, and decommissioning. Solid waste generated during project construction and operation would not exceed the capacity of the landfills which would potentially serve the site. Solid waste generated during project decommissioning would be accommodated by landfills in existence at the time and would be disposed of in accordance with applicable laws and regulations.

M. Transportation/Traffic (Class III):

1. **Impact T-6: Emergency vehicle access**. Proposed access and internal site roadway widths would be sufficient to accommodate emergency vehicle access. However, the gates located at the entrances to the site and along the internal access roads could impede emergency vehicle access. Compliance with existing local requirements would ensure that impacts remain less than significant.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Aesthetics (Class II)

1. **Impact AES-1: Scenic vistas.** The project site is not located within view of a designated state scenic highway; however, construction of the project would temporarily alter

motorists' views from SR 41, which provides scenic vistas in the vicinity of the site. With the implementation of mitigation, this impact would be significant, but can be reduced to be less than significant (Class II).

a. **Mitigation**

AES-1 Temporary Fencing at SR 41 Staging Area. The applicant shall install opaque temporary fencing at construction staging areas within 0.5 mile of SR 41. The placement and design of temporary fencing shall be sufficient to obstruct views of any construction activities from the perspective of motorists on SR 41. Fencing shall be erected for the duration of construction activities at staging areas within 0.5 mile of SR 41.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive evidence** – As discussed on pages 4.1-21 to 4.1-22 of the Draft EIR and amended on page 4-28 of the Final EIR.

2. **Impact AES-2: Visual Character.** Construction and operation of the proposed project would visually transform the existing character of the project site from a rural, ranching landscape, to a renewable energy development with associated infrastructure. Although operation of the project would not permanently substantially degrade the existing character or quality of the area, as viewed from a public viewing area, construction staging areas along SR 41 would temporarily alter rural views for motorists. With the implementation of mitigation, this impact would be significant, but can be reduced to be less than significant (Class II).

a. **Mitigation**

AES-1 Temporary Fencing at SR 41 Staging Area (summary text above).

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive evidence** – As discussed on pages 4.1-22 to 4.1-24 of the Draft EIR and amended on pages 4-28 to 4-29 of the Final EIR.

3. **Impact AES-3: Lighting.** The project would include external safety lighting and permanent lighting at the O&M facility, switching station, substations and main project entry location at SR 41. Operational lighting plans will be required as a standard condition of approval. Temporary construction lighting also may be necessary. Nighttime lighting at the project site during construction, operation, and decommissioning has the potential to be visually intrusive in the landscape. With the implementation of mitigation, this impact would be significant, but can be reduced to be less than significant (Class II).

a. **Mitigation**

AES-3 Minimize Construction Lighting. Prior to issuance of construction permits, the applicant shall prepare a Construction Lighting Plan showing night lighting for construction and parking areas on construction plans and submit to the RMA Planning Department for review and approval. Night lighting of construction and parking areas shall be minimized in both brightness and extent to the maximum extent possible, consistent with the safety needs of the facility. All lighting shall be shielded, with all direct lighting limited to within the parking or construction area, and with no upwardly directed lighting. Security lighting for construction storage areas shall also be hooded and directed down and into the site, with no off-site light

trespass. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Plan shall include the location, type, and wattage of all external light fixtures and include catalog sheets for each fixture. The approved Construction Lighting Plan shall be incorporated into the construction plans submitted to the County for the project.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive evidence** – As discussed on pages 4.1-25 to 4.1-26 of the Draft EIR and amended on page 4-29 of the Final EIR.

B. Agricultural Resources (Class II): No Class II Agricultural Resources impacts pertaining to the proposed access road.

C. Air Quality (Class II):

1. **Impact AQ-6: Valley fever.** Construction activities could generate dust and expose sensitive receptors to potential health hazards associated with the Coccidioides fungus (Valley Fever). However, mitigation measures would reduce potential impacts to a less than significant level (Class II).

   a. **Mitigation**

   AQ-6(a) Valley Fever Management Plan. The project applicant shall identify and retain a licensed occupational medicine physician (M.D.) specializing in pulmonary epidemiology, subject to approval by the Monterey County Health Department (Health Officer), to assist with the development and implementation of a Valley Fever Management Plan (VFMP). The VFMP shall include a job hazard analysis [in compliance with California Occupational Safety and Health Administration (Cal/OSHA) regulations] for any worker that will be exposed to dust. The VFMP shall further include specific measures to reduce the potential for exposure to Valley Fever. The project applicant and the Monterey County Health Department may consult with MBUAPCD and the Cal/OSHA Compliance Program as needed in identifying a specialist M.D. and in developing the VFMP.

   Prior to issuance of grading permits, the applicant shall submit the VFMP to the Monterey County Health Department for review and approval. The VFMP shall identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize worker and public exposure to dust potentially containing the *Coccidioides* spore. Measures in the VFMP may include the following:

   - 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.
   - Provide communication methods, such as two-way radios, for use in enclosed cabs.
   - Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with N-100 or P-100 filters to be used during any worker collocation with surface disturbance activities if determined to be needed based upon the applicable job hazard analysis.
   - Workers that are required to use respirators as determined by a job hazard analysis shall be medically evaluated, fit-tested, and properly trained on the use of the respirators, and a respiratory protection program shall be implemented in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).
   - Provide separate, clean eating areas with hand-washing facilities.

- Thoroughly clean construction tools, equipment, and vehicles with water before they are moved offsite to other work locations.
- Equipment inspection and washing stations shall be established and manned at each construction equipment access/egress point. Spot examination of construction equipment for water washing via portable equipment in accordance with SWPPP BMPs shall be performed in order to prevent track-out of transport of material potentially carrying the *Coccidioides* spore.
- Suitable coveralls and change facilities shall be made available to all on-site workers. Workers performin work in areas where fresh ground disturbance presents a risk of exposure to the Coccicioides spore shall be required to change clothes after work every day before leaving the work site, to prevent distribution of *Coccidioides* to non-endemic areas, as determined to be needed based upon the applicable job hazard analysis.
- Establish sub-contract language clearly indicating that all subcontractors are obligated to comply fully with the meaning and intent of Title 8 California Code of Regulations Sections 5141 and 5144, subject to audit and contract enforcement by the applicant.
- Establish and execute auditing protocols to ensure subcontractor compliance with all provisions of the VFMP and provide monthly audit summary data, potential deviations noted and corrective actions implemented to the Department of Environmental Health and Planning Department.
- Each primary employer of contracted workers shall be required by the terms and conditions of their contract for services to retain and consult with an Occupational Medicine Professional, licensed by either the Medical Board of California or the Osteopathic Board of California to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. Reporting of symptoms of Valley Fever and diagnosed cases of Valley Fever must occur consistent with County and State requirements.

AQ-6(b) Additional Valley Fever Dust Suppression Measures. Dust suppression measures (such as additional water or the application of additional soil stabilizer) shall be implemented prior to and immediately following ground disturbing activities at all times. The additional dust suppression measures shall be incorporated into the Final Construction Management Plan. The Final Construction Management Plan shall be submitted to the County Planning Department for review and approval prior to commencing ground disturbing activities (e.g., grading, filling, trenching).

AQ-6(c) Monterey County Health Department Notification. Monterey County Health Department Notification. The project applicant shall notify the Monterey County Health Department (Health Officer) and the Planning Department not more than 60 nor less than 30 days before construction activities commence to allow the Health Officer opportunity to provide educational outreach to community members and medical providers, as well as enhanced disease surveillance in the area both during and after construction activities involving grading.

AQ-6(d) Valley Fever Worker Training Program and Safety Measures. Prior to any project grading activity, the primary project construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware

of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers, and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure AQ-6(a). Prior to initiating any grading, the project applicant shall provide the Planning Department and the Monterey County Health Department with copies of all educational training material for review and approval. No later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to the Planning Department that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).

AQ-6(e) Valley Fever Information Handout. The applicant shall work with a medical professional, in consultation with the Monterey 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 infection 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 surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.3-32 through 4.3-36 of the Draft EIR and amended on pages 4-46 through 4-50 of the Final EIR.

D. Biological Resources (Class II)

1. **Impact B-1: Special-status species.** Implementation of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. With the implementation of mitigation, this impact would be significant, but can be reduced to be less than significant (Class II).

   a. **Mitigation –**

   B-1(a) Nested compensatory mitigation. The applicant shall provide conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts to vegetative communities and listed or special status plants and wildlife. The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than those specified in mitigation measures B-1(e), B-1(j), B-1(n), B-1(v), B-1(z), and B-1(cc). Compensatory mitigation for multiple species may be combined to mitigate for impacts to multiple species simultaneously (i.e. nested compensatory mitigation). Areas proposed for preservation and serving as compensatory mitigation for special status plant species impacts must contain verified extant populations of the special status plant species that would be impacted by the project. Areas proposed for preservation and serving as compensatory mitigation for special status wildlife species impacts must contain habitat value and function consistent with the

conditions necessary to support viable populations of the special status species for which impacts are being mitigated (i.e. suitable vegetation communities, suitable breeding and nesting habitat and microhabitat conditions, including appropriate aquatic habitat for impacts to aquatic species or disturbances to aquatic habitat). Preservation lands must also be within known species ranges and known occurrences of local populations of the species for which impacts are being mitigated. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The applicant shall either provide conservation easements or provide funds for the acquisition of such easements to a qualified easement holder as defined below. The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;

Adopted the Land Trust Alliance’s Standards and Practices; and
A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project.

The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and 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 conservation easement holder in consultation with the County.

The primary purpose of the conservation 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. Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above), be subject to the management requirements outlined in the HMMP (see measure B-1[b]), and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

Land Acquisition Requirements. The following factors shall 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 potential ources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be either "suitable habitat" or "enhanced habitat":

Suitable Habitat. To meet the requirements for suitable habitat that provides equal or greater habitat value for special status animal species than the impacted habitat, the habitat must:

1. provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
2. 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;
3. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
4. not be located on land that is currently publicly held for resource protection.

Enhanced Habitat. If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. is within an area with potential to contribute to habitat connectivity and build linkages between known San Joaquin kit fox populations;
2. consists of actively farmed land or other land containing degraded habitat that will support enhancement;
3. supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. cannot be located on land that is currently held publicly for resource protection; and
5. does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

Enhanced Habitat Standards. For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of annual grasslands, other grassland vegetation, suitable aquatic habitat, suitable foraging habitat (e.g. habitat is within 10 miles of known nesting golden eagles) or other habitat characteristics (e.g. suitable burrows for burrowing owls, small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied.

B-1(b) Habitat Mitigation and Monitoring Plan. To ensure the success of compensatory mitigation sites required for compensation of permanent impacts to vegetative communities and listed or special status plants and wildlife, the applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be submitted to the County within 12 months after the issuance of the grading permit. The HMMP shall include, at a minimum, the following information:

11. a summary of habitat and species impacts and the proposed mitigation for each element;
12. a description of the location and boundaries of the mitigation site(s) and description of existing site conditions;

13. a description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
14. identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
15. a description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
16. in areas subject to grazing management, compilation of a dedicated, site-specific managed grazing plan, prepared by a Certified Rangeland Manager, for grassland habitats within the mitigation site(s), employing Residual Dry Matter (RDM) monitoring, and a description of the adaptive management scheme for this plan;
17. a description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
18. a contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur; this contingency plan shall identify associated follow-up monitoring needs beyond the initial three years post-construction if remedial actions are required;
19. a requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least three years post-construction or until success of the compensatory lands (especially enhanced habitats) as described in the HMMP can be shown; during this period, regular reporting shall be provided to the County;
20. reporting shall include:
    c) an annual monitoring report to be submitted to the County; and
    d) for any species listed under the FESA or CESA, demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

B-1(c) Pre-Construction Special Status Plant Surveys. Prior to initial ground disturbance, all temporary and permanent disturbance areas. The surveys shall be conducted in accordance with accepted protocols established by the USFWS, CDFW, and CNPS. The surveys shall be floristic in nature and shall be timed to coincide with the bloom period for the target species identified in the Rare Plant Survey report (see Appendix E.6). All special status plant species observed shall be

fully described and mapped on a site-specific aerial image. All special status plant species observation information shall be submitted to the CNDDB.

In addition, if there is a lapse in time of greater than two years between the completed protocol surveys in 2013 and the initiation of ground disturbance, all temporary and permanent disturbance areas shall be resurveyed to confirm the populations of special status plant species previously documented on-site, to provide updated and current information on rare plant occurrences necessary to the Habitat Mitigation Plan (see below). The largest extent of special status plant species documented shall be used to determine the mitigation requirements, regardless of which year the survey was conducted.

B-1(d) Special Status Plant Species Avoidance and Minimization. Federally- and state-listed plant species were not identified during 2013 or 2014 protocol survey; however, if they are identified during future survey efforts within the project site, as conducted under B-1(c), complete avoidance shall be required. The project Applicant shall, in consultation with a qualified plant ecologist, design, construct, and operate the project to completely avoid impacts to all populations of California jewelflower and San Joaquin woollythreads within the project impact area or within 50 feet of the project impact area. Impacts to all other (CRPR 1B and 4) special status plant species shall be avoided or minimized to the greatest extent feasible.

All known special status plant populations present within the limits of disturbance, or within 100 feet of the limits of disturbance shall be clearly depicted on Project plan sets. Prior to ground disturbance or vegetation removal in areas where special-status plant populations are to be avoided, the limits of work shall be visibly delineated with highly visible orange construction fencing or flagging. Visible delineation markers shall be required where special status plants to be avoided occur within 50 feet of general Project construction access areas and array installation, or within 100 feet of grading. The avoidance buffers shall be designated Environmentally Sensitive Areas (ESAs) and shall also be shown on Project plan sets. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. All ESA fencing shall be maintained intact and in good condition throughout the duration of construction.

B-1(e) Compensatory Mitigation for Special Status Plant Species. Where direct impacts to special status plants cannot be avoided through redesign of project elements, to compensate for significant impacts on special status plant species, offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acres preserved for each occupied acres affected) up to the significance threshold, that is more than 10% of the BSA population for CRPR 1B species, or more than 30% of the BSA population for CRPR 4 species. For example, for a CRP-ranked 1B species where 15% of the known BSA population is impacted, mitigation must be provided at 1:1 equivalent of 5% of that BSA population; for CRPR 4 species, all impacts beyond 30 percent of the known BSA population must be mitigated at a 1:1 ratio). Areas proposed for preservation and serving as compensatory mitigation for special status plant impacts must contain verified extant populations of the special status plant species, of similar size and quality, and equal or greater density to the populations that would be impacted by the project, and should be consistent with the USFWS Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible.

Preservation of offsite local populations within 5 miles of the project site would ensure that although the project could impact many individuals of CRPR 1B and 4 species, the project would not result in extirpation of these species from the region,

and conserved populations would benefit long-term survival of these species statewide.

Locations of suitable mitigation sites must be identified within 5 miles of the BSA, and a technical report must be submitted demonstrating that the same species, approximate number of individuals, and same acreage of suitable habitat as would be impacted would be preserved. Suitable sites must have similar associate species, soils, and lack extensive populations of noxious weeds. Because populations of annual plants can fluctuate from year to year and are difficult to census over large areas, estimated population of the target species at mitigation sites may vary by up to 10 percent from impacted population estimates, provided calculations are based on population estimates conducted following 2009 CDFW-approved botanical survey protocol. The technical report must identify a species-by-species accounting of individuals and acreage impacted; locations, acreages, and individuals at each proposed mitigation site; botanical survey dates, personnel, mapping and population estimation techniques used to demonstrate site suitability as mitigation for special status plant impacts.

If possible, compensatory mitigation areas shall be located as close to the project site as feasible, but must also be protected from Project-related ground disturbance by a species- and impact-specific buffer developed by a qualified plant ecologist familiar with the project actions and with the habitats and plant species present on the project site. This buffer must take into account the following potential indirect impacts that could occur to the preserved populations:

5. potential shading, or alteration of existing light regimes, by nearby infrastructure;
6. potential for alteration of drainage patterns that could affect the hydrology of habitat occupied by the preserved population;
7. potential for overspray of herbicides used during site vegetation management; *and*,
8. potential for ongoing dust deposition on the preserved population, sufficient to coat foliage or reproductive structures and substantially interfere with photosynthesis or pollination.

Compensatory mitigation areas for special status plants can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

If sufficient acreage of suitable quality as previously discussed cannot be protected to conserve CRPR 1B species at a minimum one to one ratio for individuals and acreage impacted, and to conserve CRPR 4 species impacted beyond the 30% threshold, the deficit between available suitable mitigation sites and required mitigation numbers and acreage shall be made up through active restoration. A special status plant mitigation restoration plan will be prepared, if needed, to identify suitable locations, methods, and success criteria for special status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan must at a minimum require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers impacted plants within five years.

If compensatory mitigation for special status plants will involve restoration, then the applicant shall scrape and collect topsoil and/or duff from impact areas that support rare plants, to be used in compensatory mitigation site restoration. Seed may also be collected from impact areas. Before project-related activities commence and once on-site special status plants go to seed, areas of proposed site grading where special status plants have been recorded shall be scraped to collect the seeds and topsoil/duff for redistribution on compensatory lands. A qualified botanist shall determine the most suitable locations for the topsoil/duff to be distributed on the compensatory lands, which may include but not be limited to creation of "wetland" depressions for those plants associated with wetlands, seeps, vernal pools or other mesic sites with clay soils, and determining correct soil types or topographic aspect to support each plant species. Scraping will not be conducted for soils in vernal pools that could contain federally listed invertebrates unless permitted to do so by the United States Fish and Wildlife Service (USFWS).

Sites used for restoration can be located on suitable habitat as outlined in measure B-1(a) for nested mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(f) Preconstruction Surveys for American Badger. No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers within suitable habitat on the project site and in the access road/Hwy 41 improvement areas. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance shall be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the project Applicant shall implement measure B-1(g).

B-1(g) American Badger Avoidance and Minimization. If suitable American badger dens are identified within the disturbance footprint, the den openings shall be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. If the den is not in use, it shall be excavated and collapsed to ensure that no animals are present in the den.

If the den is occupied during the non-maternity period and avoidance is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 30 June). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

American badger dens determined to be occupied during the breeding season (15 February through 30 June) shall be flagged, and ground-disturbing activities avoided, within 100 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use.

If a potential den is located outside of the disturbance footprint but within 500 feet of ground disturbing activities (including staging areas), the dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet

around the den, designating the area an ESA. If the den is to be completely enclosed by fencing the fencing must be installed in a manner that allows badger to move through the fencing at-will. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. The fencing shall be maintained in good condition and shall remain in place until all construction activities are completed within 500 feet of the den.

B-1(h) Preconstruction Surveys for San Joaquin Kit Fox. No more than 30 days before the start of construction activities, the project Applicant shall retain a qualified biologist to conduct pre-construction surveys. All areas within the active limits of work, plus a 500-foot buffer (where the project Applicant has access), shall be surveyed, and all known and potential San Joaquin kit fox dens (i.e., suitably sized dens occurring within suitable habitat) shall be mapped. The entire project site will not be disturbed simultaneously; therefore, pre-construction surveys shall be staggered and occur only in areas scheduled for construction, at most 30 days prior to disturbance in those areas. If present, active San Joaquin kit fox dens shall be flagged, and ground-disturbing activities shall be avoided as described in measure B-1(i), below.

B-1(i) San Joaquin Kit Fox Den Avoidance and Minimization Measures. When a suitable subterranean hole (den or burrow) is discovered within the project site, a qualified biologist will determine if the hole is occupied by a kit fox. Den entrances at least 4 inches in diameter, but not greater than 20 inches, qualify as suitable for kit fox use. The biologist will check to see if the den continues to extend underground at a 6-inch diameter. If the opening narrows quickly to 2-3 inches, then the hole will be considered unusable by kit foxes (it is likely being used by a California ground squirrel and would require extensive modification to be usable by a kit fox). If the den(s) can be immediately identified as recently used by kit fox based on qualifying signs such as kit fox tracks, scat, and a fresh soil apron extending 4-6 feet from the den entrance, then no further investigation will be conducted and the hole will be considered an occupied den.

Dens with proper dimensions but no obvious sign will require further investigation. A remote motion-sensing camera will be deployed for at least five (5) days to document whether the hole is being used by kit fox. If, after 5 days, no kit foxes are detected and the hole has remained unchanged (no new tracks or excavations are observed), the den will be deemed unoccupied. The den will be considered occupied if a kit fox is photographed using the den frequently or if recent sign is found.

Per the USFWS Standard Recommendations (2011), the following definitions will apply:

5. "Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit fox. Evidence of use may include historical records, past or current radio telemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox.
6. "Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use.

7. "Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den.
8. "Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

The applicant shall establish buffers around occupied dens within the project site under the following conditions for the construction and operation phases of the project:

Construction Phase

8. Occupied dens detected during pre-construction surveys or during construction monitoring will be fenced or flagged at the appropriate buffer distance (described below), to prevent access to the occupied den by construction equipment or non-biologist personnel.
9. Upon completion of construction activities in proximity to a den, all fencing/flagging will be removed to avoid attracting subsequent attention to the dens.
10. All onsite flagging and buffer delineations will be well maintained for the duration of activity in proximity to the den or until the den is determined to be unoccupied, whichever comes first.
11. The following radii will be the San Joaquin kit fox buffer distances in effect within the project site during project construction:
    a. Occupied den – 100 feet
    b. Occupied natal/pupping den – 500 feet
    c. Occupied atypical den – 50 feet
12. Within the buffers, only essential vehicle and foot traffic will be permitted.
13. Otherwise, all construction, vehicle operation, material storage, and any other type of surface-disturbing activity will be prohibited within the buffers.
14. All reductions to established restrictive buffer areas (i.e. changes in total area by reducing the radii of the buffer or modifying the circular shape of the buffer) or allowance of additional activities within the restrictive buffers based on specific circumstances (i.e. vegetation, topography, acclimation to existing conditions, or frequency, intensity, or duration of anthropogenic activities) must be authorized by an agency-approved kit fox biologist. Agency approval of the kit biologist must be provided in writing by the agencies after review of the biologist's resume. All authorized reductions to restrictive buffer areas must be reported in writing to the USFWS and CDFW per the requirements of the federal and/or state take authorizations if specified, or within 24 hours of implementing the change if not specified in the take authorization(s).

Operations Phase / Routine Activities

4. Because routine O&M activities are minimally disruptive and any San Joaquin kit fox that may occur on the site will have habituated to similar levels of activity, restricted kit fox buffer zone entry for normal O&M activities is generally allowable following specific guidelines (see below).

5. Routine O&M activities include (but are not limited to) system maintenance/repair, testing and visual inspections, monitoring of overall system operational status, meter reading, security surveys and actions, and supervision of these activities and plant operation.

6. For normal O&M activities, buffer zones within the project site will have restricted entry as follows:

   e) Potential or unoccupied dens (50-ft buffer):

      i. No restrictions on entry except that the activity may not cause the destruction of the den.

   f) Occupied dens (100-ft buffer) and occupied atypical dens (50-ft buffer):

      i. No activity that would destroy the den may occur, until it is determined to be unoccupied.

      ii. No activity that may harm a San Joaquin kit fox will proceed until the San Joaquin kit fox is out of harm's way without harassment.

      iii. No vehicle parking/refueling will occur within the buffer.

      iv. Through-vehicle access allowed on established routes for normal O&M activities.

      v. Access may be allowed on foot or with light-duty vehicles/equipment only (e.g. panel washing equipment) for normal O&M activities if San Joaquin kit foxes are not observed above ground.

      vi. Any activity that would cause strong ground vibrations may not occur within the buffer zone until the den is no longer occupied.

      vii. In emergencies or urgent operational necessity, project personnel conducting normal O&M activities may slowly and carefully approach the work area near the den with a San Joaquin kit fox above ground, unless continuation of the activity would harm the San Joaquin kit fox or den.

   g) Natal den without pups (200-ft buffer):

      i. No restrictions apply to entries into buffer area around an unoccupied natal den unless the activity would cause the destruction of the den.

      ii. Same restrictions apply as for occupied dens with 100-ft buffers, as per above.

   h) Natal den with pups (500-ft buffer):

      i. No activity that would destroy the den may occur until the den is determined to be unoccupied.

      ii. No activity that may harm a San Joaquin kit fox will proceed until the den is unoccupied and the San Joaquin kit foxes are out of harm's way without harassment.

iii. No vehicle parking/stopping/refueling will occur within the buffer.

iv. Through-vehicle access allowed on established routes for normal O&M activities.

v. No work will occur within 100 ft of natal dens except in emergencies or urgent operational necessity.

- In emergencies or urgent operational necessity, project personnel may slowly and carefully approach the work area near the den, unless continuation of the activity may harm a San Joaquin kit fox or den.

vi. No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground.

vii. Access may be allowed on foot up to 100 ft from a natal den for normal O&M activities if no San Joaquin kit fox are above ground.

viii. The fewest number of personnel and only equipment or vehicles essential to the work to be done may approach a den (within the constraints listed above); work must be completed, and personnel leave the area, as quickly as possible.

ix. Any activity that would cause strong ground vibrations may not occur within a buffer zone until the den or burrow is no longer occupied.

Operations Phase/Extended Activities

4. Specific den disturbance avoidance procedures for ground-disturbing, mowing, and extended maintenance activities will be developed, in consultation with a Designated Biologist(s)

5. Per the USFWS Standard Recommendations (2011), a Designated Biologist means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists will be submitted to the Service for review and approval prior to any survey or monitoring work occurring.

6. At a minimum, the following procedures will be followed on the project site:

   a) No work will be allowed to occur within 200 ft of currently occupied natal dens except in emergencies or urgent operational necessity.

   b) Work that would cause strong ground vibrations may not occur within a buffer zone until such time as the den is no longer occupied.

   c) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 100 ft of a non-natal San Joaquin kit fox den or 50 ft of an atypical kit fox

den when the Designated Biologist(s) has determined it is not occupied (may be temporarily unoccupied).

d) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 200 ft of a San Joaquin kit fox natal den when the Designated Biologist(s) has determined it is not occupied.

e) The fewest number of personnel and only equipment or vehicles essential to the work to be done will approach a den. Work will be completed, and personnel will leave the area, as quickly as possible.

f) Reduced speed requirements for vehicles.

All Project Phases

The applicant shall minimize impacts on known dens through the following procedures:

4. Protect in place if construction would not directly affect the known den on the project site as follows:

   a) Protect in place will occur immediately after a three-day period of camera monitoring indicating the den is unoccupied, as described above.

   b) A one-way San Joaquin kit fox door or an alternative approved exclusionary device will be installed on the currently unoccupied den, and the tracking medium or infrared camera will be left in place for two more days to monitor potential activity at the den.

   c) If San Joaquin kit fox activity is observed at the den during this monitoring period, the exclusionary device will be removed and the den will be monitored for at least five additional consecutive days, starting from the time of the observation.

   d) 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.

   e) When the den is determined to be unoccupied it will be protected in place under the direction of a qualified biologist. If an animal is still attempting to access the den after five or more consecutive days of plugging and monitoring, the den may have to be excavated (procedure described below).

5. Excavate dens when construction at the known den site is unavoidable as follows:

   a) If necessary, destruction of the den will occur immediately after the three-day monitoring period, when the den is temporarily vacant (for example, during the animal's normal foraging activities), to preclude subsequent use.

   b) Destruction of the den will be accomplished by careful excavation until the den is fully excavated.

   c) Hand excavation of dens is encouraged; however, soil conditions may necessitate the use of excavating equipment.

d) Extreme caution will be exercised during any den excavation activities and will only be conducted under the direct supervision of a qualified biologist.

e) The fully excavated den will be filled with dirt and compacted to ensure that kit foxes cannot re-enter or use the den during the construction period.

f) 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 resume.

g) Destruction of the den may be completed when, in the judgment of a qualified biologist, the animal has escaped from the partially destroyed den.

h) The camera monitoring and/or burrow-probing procedures employed to determine occupancy prior to excavation will also be used to verify that there is not a second fox inside the den.

6. Postpone work near, and impacts to, natal/pupping dens on the project site as follows:

a) Natal or pupping dens (dens in which young are reared) that are occupied will not be destroyed or protected in place until the pups and adults have vacated.

b) Project activities within the restricted-activity buffer zones will be modified or postponed if necessary to avoid disturbance, as determined by a qualified biologist. As described above, the following buffer zones apply only for natal dens:

i. Construction Phase – 500 Ft

ii. Operations Phase / Normal Activity - No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground.

c) After the pups have vacated the den, the procedure for excavation or protection in place (outlined above for known dens) will be implemented.

B-1(j) Compensatory Habitat Mitigation for San Joaquin Kit Fox. To mitigate for the loss of San Joaquin kit fox habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

To mitigate for the impacts to San Joaquin kit fox habitat within the SDAs, the project applicant shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

Compensatory mitigation areas for San Joaquin kit fox can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for San Joaquin kit fox shall be consistent with the

conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(k) Remove Wild Animal And Livestock Carcasses. To minimize potential for attracting predators of San Joaquin kit fox, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Applicant on a weekly basis during construction and operation. During construction, any road kill within the project site shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required, including but not necessarily limited to a state scientific collection permit pursuant to Fish and game Code Section 2081.

B-1 (l) Preconstruction Surveys for Burrowing Owl. No more than 14 days before the start of initial ground disturbing activities, a qualified ornithologist(s) shall conduct focused, pre-construction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFG 2012). Preconstruction surveys shall be consistent with CDFW-recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012; Appendix B), and be conducted on foot such that 100% of the survey area is visible, and shall cover the entire limits of disturbances plus a 500-foot buffer. If the project is developed in phases, the preconstruction surveys shall be timed to coincide with the start of each phase, rather than the entire site being surveyed at one time. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of the survey finds shall be submitted to the County prior to initiation of construction activities.

If suitable burrows for burrowing owls are identified during preconstruction surveys, mitigation measure B-1(m) shall be implemented.

B-1(m) Burrowing Owl Avoidance and Minimization Measures. If suitable burrows for burrowing owls are found during preconstruction surveys on the project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012; Appendix B). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist in the same manner as described under B-1(g).

If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.

4. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies, through noninvasive methods, that either (1) the burrow is not being used for breeding, (2) a previously active nest has failed and the burrow is no longer active, or (3) all juveniles from the occupied burrow are foraging independently and capable of independent survival and the burrow is no longer an active nest burrow. Owls present after 1 February shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until 31 August or, based upon monitoring evidence, until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

5. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012; Appendix B):

Time of Year	Level of Disturbance		
	Low	Med	High
April 1 – Aug 15	200 meters	500 meters	500 meters
Aug 16 – Oct 15	200 meters	200 meters	500 meters
Oct 16 – Mar 31	50 meters	100 meters	500 meters

The appropriateness of using reduced buffer distances or burrow-specific buffer distances shall be established on a case-by-case basis by a qualified ornithologist in consultation with CDFW, and shall depend on existing conditions (e.g., vegetation/topographic screening and current disturbance regimes). If necessary, buffer distances shall be carefully reassessed and relaxed or modified, based on future development plans (e.g., increased or intensified construction activities), by a qualified biologist who may consult with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through construction of project or until construction activities are no longer occurring in the vicinity of the burrow.

6. During the nonbreeding season (generally 1 September–31 January), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County prior to implementation.

   The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:

   c) Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any

required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

d) Passive relocation of burrowing owls shall be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW, and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

B-1(n) Compensatory Habitat Mitigation for Burrowing Owl. To mitigate for the loss of burrowing owl habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site.

To mitigate for the impacts to burrowing owl habitat within the SDAs, the project Applicant shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.

Compensatory mitigation areas for burrowing owl can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for burrowing owl shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(o) Preconstruction Surveys for Coachwhip and Coast Horned Lizard. The project Applicant shall retain a qualified biologist (i.e., a biologist approved by CDFW to handle these species) to conduct pre-construction surveys immediately before initial ground disturbance (i.e., the morning of the commencement of disturbance). If San Joaquin coachwhips or coast horned lizards are found in the area of disturbance, the biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

B-1(r) Preconstruction Surveys for Raptors and Other Special Status Bird Species. Not more than 30 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting raptors. Not more than 14 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct

preconstruction surveys for nesting MBTA/state regulated birds. The survey for the presence of nesting raptors, including golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird species shall include the disturbance footprint plus a 300-foot buffer. The surveys shall be repeated during the breeding season for each subsequent year of construction to ensure that ongoing construction activities avoid impacts to nesting birds.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 0.5 mile for fully protected and state-listed raptors (such as white-tailed kite, bald eagle and Swainson's hawk). The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged.

B-1(t) Preconstruction Surveys and Avoidance of Western Pond Turtle. Preconstruction surveys shall be conducted for western pond turtle prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed for western pond turtles. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they shall be moved to a suitable location outside the disturbance footprint. The candidate sites for relocation shall be identified prior to start of construction and shall be located within similar size and type of habitat within the same drainage in which the individual was observed. If any pond turtle nests with eggs are found, the nests shall remain undisturbed until the eggs have hatched, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated by a qualified biologist to a suitable location outside the impact area. Egg relocation areas shall be identified by a qualified biologist based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection.

A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

B-1(u) Preconstruction Surveys and Avoidance of Western Spadefoot. Before the start of construction, a qualified biologist shall conduct a preconstruction survey in and around areas of proposed disturbance during the time of year in which this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat. During construction, and based on rainfall and temperatures (generally best between February and April), the qualified biologist shall conduct surveys in all appropriate aquatic breeding habitats and in adjacent

upland habitats in the project impact area that are within 1200 feet of appropriate aquatic breeding habitats. Surveys shall include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. If western spadefoot toads are detected within the area of disturbance, the qualified biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the range of western spadefoot toad. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.

B-1(v) Compensatory Mitigation for Western Spadefoot Toad. If occupied breeding (aquatic) habitat for western spadefoot toad is detected and would be permanently affected, compensatory mitigation shall be implemented as follows:

Permanently affected occupied breeding habitat shall be replaced at a 2:1 ratio (mitigation area: affected area). To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as California red-legged frog and western pond turtle.

Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoot toad shall not be disturbed or affected until replacement breeding habitat has been created. Once the replacement habitat is created, during surveys, all western spadefoot toad adults, tadpoles, and egg masses detected in the impact area shall be moved to the created pool habitat. If construction impacts on occupied breeding ponds would occur during the dry season, the replacement habitat must be in place prior to the beginning of the next wet season. Surveys in the vicinity of the affected pond shall take place during the wet season, and all western spadefoot toads detected shall be moved to the replacement habitat.

The mitigation breeding habitat shall be monitored and maintained until it is shown to be successful habitat for western spadefoot toad, or up to five years, whichever is shorter. Provision to make adjustments to remediate problems shall also be included in the HMMP in measure B-1(b).

Compensatory mitigation areas for western spadefoot can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for western spadefoot shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(w) California Tiger Salamander and California Red-Legged Frog Relocation Sites. Prior to the initiation of any other protective measures, a qualified biologist (i.e., biologist approved by USFWS and/or CDFW to translocate CTS and CRLF) shall, in consultation with USFWS and/or CDFW as applicable, identify appropriate relocation sites for any adult, juvenile, and larval CTS and CRLF that may be observed during the pre-construction survey or monitoring activities described below and need to be moved from within the limits of direct impact disturbance. Relocation or other take (e.g. entrapment) of CTS and CRLF can only be conducted by an authorized biologist and the project must have been issued the requisite take authorizations from CDFW and/or USFWS as applicable before any relocation activity can commence.

B-1(x) California Red-Legged Frog Construction Barriers. Before any ground disturbance within 200 feet of identified red-legged frog breeding and aquatic non-

breeding habitats, temporary barriers shall be constructed between the limits of disturbance and these identified habitats to minimize the potential for California red-legged frogs to enter the project footprint during construction. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of disturbance. These barriers shall be inspected daily by construction personnel and maintained and repaired as necessary for the duration of construction to ensure that they are functional and are not a hazard to red-legged frogs on the outer side of the fence.

The qualified biologist shall monitor fence installation for presence of California red-legged frog. Any individuals detected during these surveys shall be moved to a safe location (e.g., aquatic pool habitat) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS to handle red-legged frogs. Such fencing might not be feasible for in-stream work or work in very rocky areas.

B-1(y) Construction Timing, Preconstruction Surveys and Avoidance Measures for California Red-Legged Frog. To avoid disturbing breeding frogs and to avoid potential spills into known breeding sites when eggs and tadpoles are present, construction activities shall be performed during the dry season to the extent practicable. Construction activities in or within 200 feet of occupied CRLF breeding habitat shall occur during the July–November period, if feasible, to avoid the period when red-legged frogs are breeding and the period when eggs or larvae are most likely to be present.

Preconstruction surveys shall be conducted for CRLF prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed. CRLF surveys shall consist of one nighttime survey and one daytime survey conducted by a qualified biologist within a 48-hour period before the onset of construction activities. If CRLF of any life stage are found, they shall be moved to the designated relocation sites identified under B-1(w).

To minimize impacts to California red-legged frog dispersing to breeding sites, during the breeding season (November through April), in areas within 200 feet of California red-legged frog aquatic habitat construction and construction-related activities shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April, when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS to handle red-legged frogs shall be present to monitor the activity for California red-legged frog. If a California red-legged frog is detected during this monitoring, it shall be moved to the pre-determined salvage site established under measure B-1(w).

A final report outline the preconstruction survey results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.

B-1(z) Compensatory Mitigation for California Red-Legged Frog. Compensatory mitigation shall be required for impacts to suitable habitat for CRLF. To mitigate for the permanent loss of CRLF upland habitat within one mile of known breeding habitat, the project Applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at a 2:1 ratio (preserved habitat: affected habitat within one mile of known breeding habitat).

The compensatory mitigation must provide equal or greater habitat value than the project site. If the compensatory mitigation provides suitable breeding habitat for

these species, the overall acreage for upland mitigation habitat shall be reduced by two times the acreage of the suitable breeding habitat (overall acres of upland required – [2 * suitable breeding habitat acres]).

Compensatory mitigation areas for CRLF can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CRLF shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(aa) California Tiger Salamander Construction Barriers. Prior to any ground disturbance, temporary one-way barriers approved by both USFWS and CDFW shall be constructed on the project site limits of disturbance wherever these limits intersect uplands located within 0.35 mile of the identified suitable breeding habitat of the project site. No barrier fence shall be installed along the access road. The purpose of the barriers shall be to allow California tiger salamanders to exit the project site but minimize the potential for them to enter the project site impact areas from these potential breeding locations. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface and installed to allow salamanders to exit but not enter the area of disturbance by providing a one-way door, funnel, ramp, or similar device, every 100 feet. The ends of each barrier shall extend 50 feet beyond the 0.35-mile distance and hook away from the limits of disturbance if the limits of disturbance extend beyond the 0.35-mile distance. This barrier shall be installed prior to the start of the breeding season that precedes the start of construction to allow adult salamanders moving to the breeding ponds during this breeding season to exit the project site to breed but not re-enter the project site to seek refugia. During the breeding season, this barrier shall be inspected daily by construction personnel and maintained and repaired to determine if it is functioning properly and is not a hazard to tiger salamanders on the outer side of the fence. Damage observed at any time shall be reported so that repairs are made as necessary for the duration of construction to ensure that it is functional. A qualified biologist shall monitor fence installation for presence of California tiger salamanders. Any individual detected during this monitoring or at any time within construction limits shall be moved to a safe location identified in measure B-1(w) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS and CDFW to handle the tiger salamanders. This barrier shall be removed within 30 days after completion of construction .

Within 0.35 mile of the identified suitable breeding habitat of the project site, where installation of a silt fence is not feasible, ground-disturbing construction activities shall be limited to the non-breeding season to the extent practicable, and nighttime construction activities shall be minimized during the breeding season. In particular, to minimize impacts to California tiger salamanders that are dispersing to and from breeding sites during the breeding season (October through March), ground-disturbing construction activities along the access road shall be limited to the non-breeding season, to the extent practicable. In addition, in areas within 0.35 mile of potential California tiger salamander breeding habitat that have not been fenced, construction and construction-related activities, such as deliveries, shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS and CDFW to handle tiger salamander shall be present to monitor the activity area for California tiger salamander. If a California tiger salamander is detected during this monitoring, it

shall be moved to the pre-determined salvage site (as identified in mitigation measure B-1(w)).

B-1(bb) California Tiger Salamander Daily Pre-activity Surveys. During the winter and spring breeding season (October through April), a qualified biologist (i.e., a biologist approved by USFWS and CDFW to handle CTS or someone working under such a biologist) shall conduct a daily pre-activity survey of active construction areas within 0.35 mile of potential breeding ponds to detect any dispersing CTS. These surveys shall be conducted each morning prior to the initiation of construction in the area where construction is to occur. The qualified biologist shall inspect under all equipment or material stored in the area or to be moved, and along the barrier fence for California tiger salamanders. Any individual detected during these pre-activity surveys shall be moved to a designated relocation sites identified under B-1(w). If suitable climatic conditions do not allow for surveys, the applicant shall coordinate with the County and applicable agencies to determine when surveying may occur.

B-1(cc) Compensatory Mitigation for California Tiger Salamander. Compensatory mitigation shall be required for impacts to suitable habitat for CTS upland habitat from all new facilities, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at the following ratios (preserved habitat: affected habitat): 2:1 for areas within 4,925 feet of a breeding pond, 1:1 for areas located between 4,925 feet and 6,125 feet of a suitable breeding pond, and 0.5:1 for areas located between 6,125 feet and 1.3 miles from a potential breeding pond.

Compensatory mitigation areas for CTS can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CTS shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).

B-1(ee) Construction Biological Monitoring. Before the start of ground disturbance or site mobilization activities, qualified biologists shall be retained by the applicant. The applicant shall ensure that each qualified biologist has demonstrated expertise with the listed and/or special status plants, terrestrial mammals, birds, reptiles, and invertebrates of the region, such as San Joaquin kit fox, California red-legged frog, and burrowing owl. Expertise must include the ability to recognize listed/special status and common species of the region, as well as sign, including scat, pellets, tracks, hair, fur, feathers, dens, and burrows. One or more of the qualified biologists shall also, as necessary, have the ability to monitor, relocate, handle, and collect species, as authorized by CDFW and USFWS through the use of a Memorandum of Understanding (MOU), scientific collecting/incidental take permit, and/or federal take permit. The qualified biologist(s) shall be present during initial ground-disturbing activities immediately adjacent to or within habitat that supports populations of listed or special status species.

If a listed or special status species is encountered during Project construction, the following protocol shall be implemented:

3. All work that could result in death, direct injury, disturbance, or harassment of the individual animal shall immediately cease and the qualified biologist shall be contacted; and
4. The qualified biologist shall remove the individual animal to an appropriate relocation site outside the project impact areas, or the individual animal shall be allowed to leave unimpeded.

Construction shall resume, as directed by the qualified biologist(s), as soon as the individual animal either leaves or is removed from the area.

B-1(ff) Special Status Animal Species General Avoidance Measures and Construction Best Management Practices. The following general avoidance measures and Best Management Practices (BMPs) shall be implemented to avoid and minimize impacts to special status animal species.

19. Prior to ground disturbance, all permanent and temporary disturbance areas shall be clearly delineated by stakes, flags, or another clearly identifiable system.

20. To minimize disturbance of areas outside the project site, all construction and operation vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas shall be included in pre-construction surveys and, to the extent possible, shall be established in locations disturbed by previous activities to prevent further impacts.

21. Construction and operation vehicles shall observe a 20 mile-per-hour (MPH) speed limit during daylight hours within Project areas, except on county roads and state and federal highways. During limited nighttime activities, all construction and operation vehicles shall observe a 10 MPH speed limit. Speed limit signs shall be installed at the project site entrance from the driveway, every one mile along the project site access road, and at the end points of the driveway upon initiation of site disturbance and/or construction. One electronic speed monitoring sign shall be placed in both directions, at the approximate midpoint of the driveway.

    b) Due to the length of the approximately 5.6-mile-long driveway, USFWS recommended 20 MPH speed limits would be prohibitively slow and would negatively impact construction duration. Therefore, vehicles utilizing the access road (or “driveway”) will observe a 25 MPH speed limit during daylight hours (7 AM–5 PM between 1 October and 31 May; and 7 AM–7 PM between 1 June and 30 September) and will observe a 20 MPH speed limit during the hours of 5 AM–7 AM and 5 PM/7PM–9 PM. During limited nighttime activities (9 PM–5 AM) within the driveway, all construction and operation vehicles shall observe a 10 MPH speed limit. These speed limits shall be lowered as applicable by the County and its Monitor if any animal species are present near the road.

22. All construction pipes, culverts, or similar structures greater than four inches in diameter, or greater than 1.5 inches in diameter within areas where CTS or CRLF may be present, stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the pipe is subsequently moved, buried, capped, or otherwise used.

23. Materials that could provide shelter/nesting habitat for birds during the nesting season may be covered with netting or treated with other exclusion methods, where feasible and appropriate, to prevent birds from constructing nests. In addition, materials such as wooden pallets, wooden power poles, and metal tubing, providing nesting and shelter habitat for birds during the nesting season and artificial refugia for other special-status species shall be thoroughly inspected before use.

24. If encountered, wildlife within the project site shall be allowed to escape unimpeded, removed by a qualified biologist and placed in a designated safe area away from construction activities, or left in place when required by regulations, policies, permits, and/or conditions of approval. If wildlife removal by a qualified biologist is required, the qualified biologist shall be approved or permitted by CDFW and USFWS, as and if required by law, prior to removing such species.

25. To prevent entrapment of special-status wildlife, all excavations (e.g., steep-walled holes, or trenches) more than six inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend. The lids of the holes/trenches must be lifted during all inspections to ensure that no animals are trapped. During the month of May excavations and trenches two-feet deep or greater shall be covered with plywood or similar materials when not in use, any excavations or trenches that cannot be covered when not in use shall be monitored daily to prevent entrapment of pronghorn calves. All excavations more than six inches deep shall be inspected daily for entrapped wildlife before construction activities begin and once immediately before being covered with plywood. Before excavations are filled, they shall be thoroughly inspected for entrapped wildlife. Any wildlife discovered shall be allowed to escape unimpeded before field activities resume or shall be removed from excavated areas by a qualified biologist and released at a safe nearby location.

26. Avoidance and minimization of impacts on sensitive biological resources within active construction areas shall be aided through identification of ESAs with flagging or fencing.

27. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources.

28. Disturbance of ponds and in-stream pools shall be avoided to the extent practicable. When feasible, and to the extent practicable, all in-stream work shall occur during the dry season.

29. To the extent practicable, existing mammal burrows shall be preserved in place.

30. No vehicles or equipment shall be refueled or undergo maintenance within 100 feet of a jurisdictional waters feature. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.

31. All general trash, food-related trash items (wrappers, cans, bottles, food scraps, cigarettes, etc.), microtrash (nails, bits of metal and plastic, small construction debris, etc.), and other human-generated debris scheduled to be removed shall be stored in animal-proof containers and removed from the site on a regular basis (weekly during construction, and at least monthly during operations). No deliberate feeding of wildlife or domestic animals shall be allowed.

32. To minimize potential for attracting predators that could impact special status animal species, Project personnel shall monitor the project site for

animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Applicant on a weekly basis during construction and operation. During construction, any road kill within the project site or Access Road shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required.

33. New light sources shall be minimized, and lighting shall be designed (e.g., using shielding and/or downcast lights) to limit the lighted area to the minimum necessary.
34. Use of chemicals, fuels, lubricants, or biocides shall 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. Use of first- and second-generation rodenticides shall not be permitted except for the limited use of zinc phosphide, or a rodenticide approved by the County, and only after other means of pest control (e.g. rodent traps) have proven to be ineffective.
35. To prevent harassment and mortality of listed, special status, and common wildlife species and destruction of their habitats, no domesticated animals shall be permitted on the project site, with the exception of grazing animals prescribed for vegetation management and trained working animals used specifically for livestock management or species surveys (e.g., horses, livestock working dogs, scent tracking dogs).
36. No firearms shall be allowed on the project site, unless otherwise approved for security personnel.

B-1(gg) Worker Environmental Awareness Program. The applicant shall retain qualified biologists to prepare a Worker Environmental Awareness Program (WEAP) that shall be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This presentation shall explain to construction personnel how best to avoid the accidental take of listed and impacts to other special status species during construction. The program shall consist of a brief presentation explaining listed and other special status species concerns to all personnel involved in the project. The program shall include a description of special status species potentially on the project site and their habitat needs; an explanation of the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and California Fish and Game Code; specific mitigation measures applicable to listed and other special status species; and the penalties for take.

The program shall also explain to construction personnel how to avoid impacts to jurisdictional waters, including wetlands. The program shall include a description of jurisdictional waters on the site, specifically permitted impacts to jurisdictional waters, measures to protect waters to be avoided, and maps showing the location of jurisdictional waters and permitted impacts. The program shall be recorded electronically, and all future facility employees shall be required to review the recording before the initiation of work on the project site.

The WEAP shall be implemented by the applicant before the start of ground disturbance and shall be continued through the construction phase for all

construction personnel. A separate WEAP shall be implemented by the applicant before project operation, for all permanent project employees. This program shall include all the information above, as applicable to project operations.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.4-84 through 4.4-155 of the Draft EIR and amended on pages 4-77 through 4-106 of the Final EIR.

2. **Impact B-2: Riparian habitat or other senstive natural community.** Implementation of the proposed project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. With implementation of mitigation measures, the project would result in Class II, significant but mitigable impacts related to sensitive natural communities.

a. **Mitigation –**

B-2(b) Habitat Restoration and Revegetation Plan. Restore temporarily impacted habitats to prevent loss or degradation of sensitive communities and to preserve habitat functions and values for special status animal species. Areas where temporary, construction-related impacts have taken place shall be restored in accordance with a Habitat Restoration and Revegetation Plan (HRRP). The plan shall prescribe restoration actions needed to treat disturbed soils and vegetation, in order to restore disturbed areas. Only areas that were graded (i.e., where the soil resources were removed and replaced) shall be subject to active restoration; however, the vegetation in the temporarily disturbed areas on the project site and in the Access Road shall be monitored to ensure success, maintenance, and/or establishment of target habitat. The applicant shall contract a qualified restoration biologist, knowledgeable in grassland and wetland habitat restoration to develop the HRRP.

The HRRP shall set forth trigger points to identify where restoration shall be required in response to construction-related impacts. It shall also explicitly detail the process or processes required to restore habitats. The HRRP shall, at a minimum, include the following Project-specific information and sections:

5. Soils and Seed Bank Management

j) A soil baseline study shall be conducted, by a qualified restoration ecologist with soils expertise, to inform soil requirements relative to habitat restoration for temporarily disturbed areas of the site. The results of this study shall be included in the HRRP and will be used to inform the development of a topsoil harvest and stockpiling plan outlined in the HRRP, and will outline methods for preserving the seed bank present in the removed topsoil.

k) The HRRP shall include details for topsoil salvage, if needed, and proper storage, and shall identify areas within the construction footprint where topsoil is present, supports native vegetation or common non-native grasses characteristic of the grasslands on the site, does not support dense weed infestations, and can be salvaged and stockpiled for later replacement following ground-disturbing activities. The soil baseline study shall characterize topsoil by its depth to impervious layer, nutrient levels, texture, organic matter, permeability, and water-holding capacity.

l) The HRRP shall also identify areas where topsoil stockpiling and replacement would not be warranted due to low development of the existing seed bank and organic material. The harvesting, stockpiling, and spreading of topsoil and seed bank shall also be monitored by a qualified restoration ecologist with a soils background.

m) The HRRP shall require that at least 6 inches of topsoil be salvaged from the areas identified in the plan. These stockpiles shall not be mixed with spoil material, trash, materials such as road base or aggregate, or topsoil containing heavy weed seed banks. The allowable duration for stockpiling and management of stockpiles that will maintain healthy soil conditions shall be stipulated in the HRRP. The HRRP shall stipulate BMPs to discourage erosion of the topsoil stockpiles, including planting cover crops, roughening the pile, using fiber rolls, employing temporary stabilization measures, or other measures, as determined by the potential for erosion of the pile from rain and wind.

n) All redistribution of stored topsoil shall be completed prior to final site inspection (for the close of Project construction work).

o) Soils temporarily disturbed by trenching activities shall be replaced immediately to the extent practicable following placement of cables, and the amount of time open trenches are left on site shall be minimized to the extent practical.

p) Areas where substantial soil compaction has occurred shall be treated with light ripping or other methods intended to rectify compaction, as recommended by the qualified restoration ecologist. The HRRP shall outline the methods for assessing whether substantial compaction requiring active restoration has occurred, based on information gathered in the soil baseline study.

q) No fertilization of disturbed soils shall be prescribed unless recommended by the qualified restoration ecologist. As appropriate, highly disturbed soils lacking topsoil replacement may be amended with certified weed-free mulch.

r) For wetlands and stream habitats where needs differ from the soil restoration needs in upland soils, the HRRP shall stipulate measures to completely restore fragile soils in wetlands and to maintain existing streambed substrate characteristics following restoration of these habitats after temporary disturbance.

6. Temporary Disturbance Mapping

a) The HRRP shall include detailed figures showing the areas proposed to be temporarily disturbed during Project construction. Such figures shall be updated as needed to reflect design changes and areas requiring active restoration actions.

7. Supplemental Restoration Actions

b) The HRRP will stipulate specific performance criteria that identify when areas require additional methods beyond topsoil replacement and soil restoration. In areas requiring active reseeding beyond topsoil replacement, the species composition proposed for reseeding shall be substantially similar to or improve on pre-construction vegetation community composition, excluding invasive non-native species and rare

plant species. The latter may have very specific microhabitat requirements that may not be possible to replicate after disturbance. A range of seeding palettes will be stipulated in the HRRP, and these shall differ as needed between various habitat types. For example, native perennial grasses shall be required as a component of the palette for impacted areas of serpentine bunchgrass grasslands or Valley needlegrass grasslands. Non-native species that are dominant within and characteristic of disturbed habitats may be included, as long as they are not specifically prohibited by the project Vegetation and Invasive Species Management Plan (see measure B-2[c] below). The intent of the seeding palettes shall be to maintain or increase native species coverage, reduce establishment of damaging invasive species, and preserve current wetland vegetation types present on the site. A description of the preferred methods for planting (e.g., hydroseeding, drill seeding, aerial broadcast seeding, or others) within differing habitats or impact types shall be provided, as well as details regarding irrigation, if needed. If seed is to be collected for redistribution from onsite species, collection protocols and areas shall be outlined.

8. Monitoring

   h) All areas subject to temporary disturbance and requiring restoration actions under the HRRP shall be monitored by a qualified restoration ecologist so that restoration success can be determined and relevant recommendations can be made for successful habitat establishment. Monitoring shall consist of both qualitative and quantitative assessment programs.

   i) Both qualitative and quantitative monitoring shall be required in all restored areas for at least two years following construction. Failure to meet pre-defined success criteria after two years of at least average annual rainfall will trigger remedial actions; however, as vegetation growth is lower during below-average rainfall years failure to meet success criteria during years with lower than average rainfall will simply entail a longer monitoring duration until it can be determined that the restoration success requires remedial actions and the site is not simply being affected by below-average rainfall. Average rainfall is defined in this context as the 30-year average for the site (1981–2010), established by the Parameter-elevation Regressions on Independent Slopes Model (PRISM) Climate Group, or 13.12 inches per year (PRISM 2013). The actual annual rainfall must be measured using an onsite rain gauge, and if the actual measured precipitation does not meet this level by the end of the rainy season, these monitoring results will still be reported, but monitoring will continue until the monitoring data set includes at least two years in which this precipitation level is met or until success criteria are met in two monitoring years.

   j) Qualitative survey results shall discuss species composition, growth and survivorship, germination success, invasive plant infestations, and areas where restoration was not successful in re-establishing adequate vegetation cover to prevent erosion and sedimentation-related impacts. Qualitative monitoring shall occur on a quarterly basis for the first year. This timing shall allow remedial actions to be identified and enacted as necessary following restoration to achieve success criteria in advance of the final success/failure determination. Monitoring reports shall be

submitted to the County every six months (after two qualitative monitoring events) for the first year following restoration. Qualitative monitoring shall then occur once per year in conjunction with quantitative monitoring until two years of average rainfall have occurred or until successful restoration is achieved via attainment of the pre-defined success criteria.

k) Quantitative monitoring shall occur annually for years one and two, or longer until pre-defined success criteria are met in two years of monitoring as described above. As described above, failure to meet success criteria during below-average rainfall years will lengthen monitoring duration, but will not necessarily require the commencement of remedial actions until and unless it is determined in a year with normal precipitation these criteria are still not being met. In year one, quantitative monitoring shall take place in January, April, and July. In year two and in any subsequent years that this monitoring is required due to low rainfall and/or failure to meet success criteria, monitoring shall occur in May.

l) The HRRP will establish pre-defined success criteria for both qualitative and quantitative monitoring activities. A qualified restoration ecologist shall use baseline vegetation data from the impact areas or from reference areas to set comparative success criteria across the site. The success criteria will be defined separately for each habitat type. These criteria will: 1) identify the duration of monitoring sufficient to indicate that the restoration habitat is on a clear trajectory toward successful establishment if this differs from the minimum two years required (e.g., if a given habitat takes six years to reach full maturity, one might monitor it for three years to establish the restoration trajectory), 2) specify interim quantitative habitat performance criteria that can be used to track habitat development at intervals during the monitoring period- these may either be predetermined based on a vegetation survey of the impacted habitat or may be tied to reference sites, 3) specify final quantitative success criteria for each habitat that indicate that the habitat is likely to ultimately develop functions and values comparable to the impacted habitat, and 4) specify final qualitative and quantitative success criteria that demonstrate that the restoration areas exhibit minimal erosion and that invasive plant species cover does not exceed that of reference habitats.

m) Quantitative monitoring shall be conducted in one-square-meter quadrats and shall include the following data at a minimum:

v. Species composition and cover data

vi. Bare ground cover data

vii. Canopy height

viii. Hydric soil indicators (in wetlands)

n) These data shall be used to measure and report native species coverage, native and non-native species recruitment, and hydrology within restored wetlands, and to compare these to the pre-established success criteria. Based on these results, the restoration ecologist shall make specific recommendations for remedial actions, if required. Reports shall be submitted to the County twice annually for the first year of monitoring (by 31 January and by 31 July) and once annually by 31 January during all subsequent years of monitoring. Each HRRP monitoring report shall include the following information at a 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

iv. An assessment of the treatment success

B-2(c) Project Vegetation and Invasive Species Management Plan. Before the construction permit is issued, the applicant shall retain a qualified restoration or plant ecologist with rangeland management experience to prepare a Project-specific Vegetation and Invasive Species Management Plan (PVIMP), to be administered during operation of the project in the array fields and other applicable areas of the project site. The comprehensive plan shall be intended to maintain acceptable fuel loads and prevent the introduction or spread of non-native invasive species associated with the disturbance resulting from the project.

The PVIMP shall be an adaptive management tool. Vegetation management strategies and weed control efficacy shall be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy shall be implemented based on results, experience, and the latest research. If grazing is not feasible on the project site, comparable alternative methods of vegetation management (e.g., mowing) may be used.

The PVIMP shall also describe BMPs to avoid the unintentional introduction of invasive species to and from the site, describe monitoring measures to ensure that any invasions are detected before they become substantial, and describe species-specific control measures that shall be implemented if invasions occur.

The PVIMP shall be submitted to the County, CDFW, and USFWS prior to the construction, and shall address the entire project site. This submittal shall further describe the process by which the PVIMP shall be implemented (e.g., the entity responsible for implementing it, funding mechanisms, and reporting procedures). The PVIMP shall include, but is not limited to, the following:

11. detailed measures to promote the persistence of native grassland species, including listed and rare plant species in the vicinity of, but not removed by, the project;
12. a description of exclusion fencing, if warranted to protect avoided riparian habitats and jurisdictional waters within the arrays;
13. in areas subject to grazing management, development of an RDM monitoring plan that shall inform adaptive management and the rates, timing, and duration of livestock grazing actions planned from year to year, determined by annual climatic patterns and the response of herbaceous vegetation to impacts from the solar panels and plant operations (e.g., panel washing);
14. a plan for adaptive strategies to manage grazing or other vegetation management actions to benefit native wildlife and vegetation and avoid or minimize the establishment of invasive weeds, to the degree practicable;
15. a description of alternate acceptable vegetation control methods and triggers for their use, including weed whacking, mowing, herbicides, and others;
16. a description of annual monitoring stipulated for weeds within the project site and measures for controlling weeds, both prior to ground disturbance and annually during operation of the project;

17. a plan for the use and application of herbicides, which may be prescribed only by a licensed Pest Control Advisor and applied only by a licensed applicator; specific prohibitions on herbicide use and application (e.g., no application of herbicides when winds are in excess of 10 MPH or within 50 feet of wetlands) including prohibition near amphibian habitat shall be included;
18. a detailed plan for the washing of all ground-disturbing equipment before it is transported to the site or is used at another site, and for washing equipment within the site if it has worked in infested areas before being used elsewhere on the site;
19. a detailed plan for preventing the spread of New Zealand mud snails within the site; the plan shall include thorough washing of equipment and the footwear of construction personnel, or drying for two weeks following work in wetted stream channels that may support the species; and
20. details for placing and maintaining an onsite wash station for washing heavy equipment that has worked in infested areas before moving elsewhere on the site, and performance criteria for the control and disposal of wash water and collected sediment; and treatment and disposal requirements for weed-infested topsoil.

B-2(e) Riparian/Stream Habitat Setbacks. Some improvements near and within riparian habitats and streams would be necessary to construct road and fence crossings, stabilize banks, and construct other Project improvements. In other locations, where complete avoidance of reaches of perennial and intermittent streams is proposed, Project activities and Project work limits shall include a standard 50-foot setback from the top of bank or the outer dripline of the riparian canopy of the avoided stream reaches. The 50-foot setback shall apply to the avoided reach length. In isolated locations it may be necessary to place structures within 50 feet of the avoided drainage and a full 50-foot setback is not feasible, a minimum 25-foot setback shall be observed from avoided perennial or intermittent riparian habitat in all locations (i.e., work limits may come no closer than 25 feet from the top of bank or the outer canopy dripline in any specific area along the avoided reach). Where existing roads occur parallel to and within 50 feet of avoided perennial or intermittent streams, it will be impossible to maintain a 50-foot average setback or even a 25-foot minimum setback, because even to realign the road, work near the avoided streams would be required. In these cases, Project activities and Project work limits shall be set back 10 feet from the top of bank. All work that must occur within the 50-foot setback shall be monitored by an authorized biologist to ensure direct impacts to sensitive habitat are minimized, and all impacts to special status species are avoided. Riparian setbacks and all riparian habitat to be avoided by the project shall be fenced or flagged before construction occurs in adjacent areas. A biological monitor shall be present to ensure compliance with off-limits areas.

B-2(f) Stream Channel Avoidance and Minimization. To prevent high-velocity water flow from causing bank downcutting at downstream locations, any improvements related to road realignment, widening, or the ability of the road to convey heavy equipment for construction shall be designed to minimize alterations to natural flow patterns and capacity, consistent with the design-level drainage analysis.

Improved outfalls, channel stabilization, rock weirs, rock cross vanes, and other measures associated with crossing improvements shall be installed as necessary, but the use of large riprap shall be avoided or minimized to the extent feasible.

Grade-control structures and structures such as weirs shall be designed in consultation with a qualified geomorphologist, to determine the least amount of fill and structures needed to achieve stabilization goals, and to ensure that stabilization structures and improvements shall not themselves cause additional unwanted channel instability. Similarly, rerouted drainages shall be assessed by a qualified geomorphologist or hydrologist to ensure that drainage patterns downstream of the rerouted reach shall not be affected. Where present, cobble substrates within the reaches of streams to be rerouted shall be collected and replaced within the rerouted reaches.

Construction will not occur within wetted channels. For construction that must occur in streams carrying active flows, the stream habitat and water quality in the stream shall be protected through dewatering. Any construction that must occur in these habitats in the wet season (typically, 15 October to 15 April) will take place only when soils are not wetted (i.e., not during or after storm events, allowing for a sufficient drying period after rain events), and construction shall not occur when rain is forecast to occur with a 30% or greater chance within the next 24 hours. Sufficient erosion control materials must be kept on the site and be ready for installation in case construction must cease in streams due to a forecast rain event, as per the project-specific Storm Water Pollution Prevention Plan (SWPPP).

B-2(h) Show streams and riparian habitat, and associated setbacks, on construction drawings. To facilitate site management and ensure avoidance of these sensitive features, all streams and riparian habitat shall be clearly delineated on plan sets. The plan sets shall also show avoided reaches and setbacks adjacent to Project improvements. Additionally, all riparian and stream locations subject to impacts shall be clearly delineated on Project plan sets. The plan sets shall depict temporary, construction-related low-water road crossings through intermittent and ephemeral streams, as well as crossings through minor drainages between panel blocks needed for operational access to the arrays; these crossing types would require no improvement such as grading or aggregate placement. Zones within solar arrays where ephemeral streams and associated riparian habitat would be impacted for solar panel footing placement, where access would be required along the length of the stream, shall also be depicted. Any subsets of these impacted reaches where slopes are too steep to move equipment across safely or without excessive bank damage, or areas that cannot be safely crossed without the aid of planned improvements such as culverted temporary fill, shall be depicted and flagged on the ground; access shall not be allowed in these areas unless by way of the planned improvements. No construction- or operation related vehicular access shall occur through riparian or stream habitats on the site outside of the designated crossing and temporary impact zones.

B-2(i) Riparian/Stream Mitigation. Perennial stream/channel wetlands and associated riparian habitat shall be preserved and enhanced to compensate for permanent impacts to riparian and stream habitats, in a manner that achieves no net loss in acreage or function, and should be consistent with the USFWS Recover Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible. Enhancement of the preserved habitat shall be site-specific, according to opportunities available at the preservation site and may include riparian vegetation plantings, weed removal, and alteration in grazing management such as changes in stocking, timing, or installation of riparian exclusion fencing. Permanent impacts to perennial streams and the associated riparian habitat shall be mitigated at a 3:1 ratio (linear feet of stream and associated riparian corridor preserved and enhanced: linear feet of perennial stream and associated riparian corridor impacted); impacts to intermittent streams shall be mitigated at a 2:1 ratio (linear feet preserved and

enhanced: linear feet impacted); and impacts to ephemeral streams shall be mitigated at a 1:1 ratio (linear feet preserved: linear feet impacted). The design, monitoring schedule, and success criteria for the mitigation site shall be described in a Project Wetland Mitigation and Monitoring Plan (described in detail in mitigation measure B-3(d), below) that demonstrates no net loss in acreage or function. Preserved riparian corridors, and any surrounding uplands above the top of bank within the area to be preserved, shall be placed in a conservation easement or similar legal mechanism and managed in perpetuity.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.4-155 through 4.4-173 of the Draft EIR and amended on pages 4-106 through 4-110 of the Final EIR.

3. **Impact B-3: Wetlands.** The Implementation of the proposed project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. With implementation of mitigation measures, the project would result in Class II, significant but mitigable impacts related to wetlands.

a. **Mitigation –**

B-3(a) Wetland Avoidance and Minimization. Impacts to wetlands and other waters shall be avoided to the extent feasible. In consultation with a wetland ecologist, the project shall be designed, constructed and operated to avoid and minimize impacts to wetlands and other waters to the extent feasible, which may include minor changes to the panel layout and roadway configurations to avoid wetlands. General Project staging and laydown activities shall not occur within wetlands during construction. To avoid unnecessary egress into wetlands, all wetlands in the project impact area shall be clearly shown on Project plans and the limits marked with highly visible flagging, rope, or similar materials in the field. Access allowed within these features for the purposes of construction in and near such features (e.g., road crossings, pile placement, trenching) shall be clearly delimited on Project plan sets, and these allowed work limits shall also be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits. Where necessary, silt fencing or other measures may be used to protect adjacent wetlands from sediment transport or other indirect impacts that could result from adjacent construction. During the operation of the solar facility, maintenance activities shall not be staged within wetlands. Wetlands and other waters within construction areas that are to be avoided shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. All jurisdictional wetlands and waters shall be clearly shown on Project plan sets.

B-3(d) Wetland Habitat Mitigation. To compensate for permanent impacts to wetlands on site, offsite wetlands shall be created, preserved, and managed in perpetuity at a 2:1 mitigation ratio (acres created and preserved: acre impacted). Permanent loss includes all wetlands affected by permanent fill placement (which may occur, for example, from mass grading or new road or structure placement, including panel footing placement). In the areas of seasonal wetlands under solar panels (i.e., not the area affected by fill placement but the remainder of the wetland area under the array), some degradation of the wetland is expected; however, it is also anticipated that these areas would continue to provide residual wetland

functions and values in at least a portion of the affected wetland. As such, these areas shall be mitigated through creation of offsite wetlands at a 1.5:1 ratio (acres created and preserved: acre impacted). Permanent impacts to wetlands within streams that will be affected by construction of road crossings shall be mitigated by creating off-site wetlands at a 1:1 ratio; these areas shall also be mitigated through preservation and management of riparian and stream habitat (see mitigation measure B-2[i]). By concurrently providing 1:1 wetland creation mitigation for such impacts, no net loss of wetlands will occur, and lost values and functions will be compensated.

Temporary impacts to wetlands and other waters shall be mitigated through onsite restoration as described in mitigation measure B-2(b) (HRRP), if impacts are restored within a single year, with most restoration expected to occur at the onset of the rainy season to enhance germination success (i.e., areas impacted in a given year must be restored prior to 1 March of the following year to be considered temporary and require no additional mitigation). Areas of construction access-related temporary impacts that cannot be restored prior to 1 March the following year and would remain exposed during the dry season shall be restored the following fall. Compensatory mitigation for such long-term temporarily impacted areas shall be provided at the offsite location at a ratio of 0.5:1 of wetland creation (acres created and preserved off site: acres temporarily impacted for more than one rainy season). Impact areas left unrestored for two rainy seasons shall be compensated off site at a 1:1 ratio, and additionally shall be restored on site. Temporary impacts to groundwater-fed wetlands due to hydrological interruption from a new well(s) shall be determined per mitigation measure B-3(c) and shall be mitigated off site at a ratio of 1:1 if success criteria are met and the wetlands are restored to pre-Project function within three years of the date of well construction. If functions and values are lost for more than three years, the impacts shall be considered permanent, and compensatory mitigation shall be provided at a 2:1 ratio (Table 4.4-9). Permanent impacts to any streams fed by such wetlands shall be mitigated as per mitigation measure B-2(i).

Table 4.4-9 below provides a summary of the various mitigation ratio requirements for each impact type. The permanent protection and management of the constructed mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase.

Table 4.4-9
Mitigation Ratios for Wetland Impacts (Ratios to Be Applied to Actual Impacts Determined from Construction Plans and Well Monitoring)

Impact Type	Wetland Type and Action	Mitigation Ratio (Acres Created and Preserved to Acres Impacted)
Permanent fill	Seasonal wetland and perennial marsh impacts due to fill placement and loss (including panel footing areas)	2:1
Permanent fill for road crossings	In-stream wetland impacts from road crossing construction	1:1

Table 4.4-9
Mitigation Ratios for Wetland Impacts (Ratios to Be Applied to Actual Impacts Determined from Construction Plans and Well Monitoring)

Temporary access (unrestored for longer than one rainy season)	Seasonal wetland and perennial marsh impacts from construction access not restored before 1 March of year following impact (but restored before two rainy seasons)	0.5:1
Temporary access (unrestored for more than two rainy seasons)	Seasonal wetland and perennial marsh impacts from construction access restored after two rainy seasons	1:1
Temporary dewatering (less than three years)	Groundwater-fed wetlands temporarily dewatered by new construction wells for three years or less	1:1
Permanent dewatering (greater than three years)	Groundwater-fed wetlands temporarily dewatered by new construction wells for more than three years, or failure to meet success criteria after three years following construction of well	2:1

A project-specific Wetland Mitigation and Monitoring Plan (WMMP) shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information:

16. wetlands and waters impacts summary (as described by MM B-48 and this measure) and habitat mitigation actions;
17. goals of the restoration to achieve no net loss;
18. a map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; and
19. a detailed description of the mitigation design, including:
20. location of the new wetlands;
21. proposed site construction schedule;
22. description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site;
23. a detailed description of the steps required for site preparation and a conceptual grading plan—a formal package for plan sets, specs, and estimates for the grading and mitigation construction work shall be prepared based on the concepts set forth in the WMMP no fewer than fifteen days prior to starting work at the mitigation site;
24. a description of recommended soil amendments and other site preparation;

25. development of a planting plan including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application;
26. maintenance plan for the created wetlands and riparian plantings;
27. a description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within ten years of restoration, and others;
28. monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met;
29. a list of reporting requirements and reporting schedule; and
30. a contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and ten years for riparian enhancement; this plan shall 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) shall occur.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – As discussed on pages pages 4.4-173 through 4.4-180 of the Draft EIR and amended on page 4-110 of the Final EIR.

4. Impact BR-4: Wildlife movement. Implementation of the proposed project could interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. With implementation of mitigation measures, the project would result in Class II, significant but mitigable impacts related to wildlife movement.

a. Mitigation –

B-1(b) Habitat Mitigation and Monitoring Plan (summary text above).

B-1(h) Preconstruction Surveys for San Joaquin Kit Fox (summary text above).

B-1(i) San Joaquin Kit Fox Den Avoidance and Minimization Measures (summary text above).

B-1(j) Compensatory Habitat Mitigation for San Joaquin Kit Fox (summary text above).

B-4(a) Pronghorn Calving Ground Avoidance and Minimization. Disturbance of pronghorn calving grounds shall be avoided to the extent practicable. No pronghorn calves have been observed on the project site to date. Preconstruction surveys for calving pronghorn shall be conducted within the calving season (1 April through 30 June), and if calves are detected, a 0.25-mile limited activity buffer shall be established to ensure that the calves and doe are not distressed. The buffer distance may be modified in consultation with CDFW. The buffer shall be flagged with material highly visible to construction personnel, and maintained as necessary. Construction may resume within the buffer when directed by the qualified biologist.

B-4(b) Pronghorn-Friendly Fence Design. As part of the management of mitigation sites required in mitigation measure B-1(a), new pronghorn-friendly fencing shall be installed to improve the movement of pronghorn both on and through mitigation sites where applicable. This requirement shall not apply to existing fencing or fencing installed to preclude cattle from sensitive resources such as restored or protected wetland or riparian habitats. The HMMP (mitigation measure B-1[b]) for these sites shall contain the following requirements:

1. Identification of likely and feasible pronghorn movement pathways on the mitigation sites;
2. Removal of nonessential fencing on the mitigation sites where not in conflict with adjacent land management practices;
3. Incorporation of measures to increase visibility of existing fencing (high-visibility wire, PVC covers, vinyl markers, flagging, etc.), as appropriate;
4. Incorporation of fencing modifications, where not in conflict with adjacent land management practices, such as replacing barbed wire with smooth wire on the lower and possibly upper wires of the fence), designed to enable movement by pronghorn through the likely and feasible pathways on mitigation sites;
5. Placement of fencing at potential risk areas to encourage movement away from dangerous roads; and
6. A schedule for implementing the above measures and financial assurances to implement the required enhancement.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – As discussed on pages 4.4-181 through 4.4-188 of the Draft EIR and amended on page 4-111 of the Final EIR.

E. Cultural and Paleontological Resources (Class II)

1. Impact CR-1: Unearth or adversely impact identified prehistoric or historic archaeological resources. Construction and decommissioning of the proposed project would involve surface excavation, which has the potential to unearth or adversely impact identified National Register of Historic Places(NRHP)/California Register of Historic Resources (CRHR)-eligible prehistoric or historic archaeological resources. The project would result in Class II, significant but mitigable impacts.

a. Mitigation –

CR-1(a) Archaeological Site Avoidance. Wherever feasible, direct impacts on National Register of Historic Places(NRHP)/California Register of Historic Resources (CRHR)-eligible archaeological sites shall be avoided. Avoidance shall be accomplished by preventing any direct ground disturbance of the resource. If avoidance of any direct disturbance is deemed feasible by RMA Planning based on the sensitivity of the resource relative to the severity of impact, the boundaries of the NRHP/CRHR-eligible sites shall be marked in the field by a Registered Professional Archaeologist prior to ground disturbance with exclusionary fencing, lath, flagging tape, or some other combination of material that is highly visible, durable, and which construction and management personnel can recognize as marking an exclusion zone where no earth disturbance or other activity shall occur. Exclusion zones shall be inspected weekly by an archaeological monitor or other environmental inspector

to ensure that they are being honored, remain effective, and in place. If complete avoidance is not feasible, mitigation measures CR-1(b) and CR-1(c) shall apply.

CR-1(b) Site Capping and Data Indexing. If direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, placement of chemically neutral, culturally sterile, nonreactive fill on top of the sites, rather than cutting into the cultural deposits, shall be required, when determined feasible by the Planning Department. Because sites on which fill would be placed would no longer be accessible to research, a data indexing program shall be implemented to characterize the nature of the portions of the site to be buried (if they have not been sampled previously). The indexing program shall include mapping the location of surface artifacts within the proposed areas of fill; surface collection of those artifacts; and excavation of a small sample, determined by a Registered Professional Archaeologist, of the cultural deposit to characterize the nature of the buried deposit. All earth disturbances associated with placement of the fill shall also be monitored by a qualified archaeological monitor under the direction of a Registered Professional Archaeologist, as well as a tribal consultant if the site is of Native American origin, to prevent any residual impact associated with the loss of research data. Cultural materials recovered during the data indexing program shall be curated at an appropriate archaeological curation facility and copies of all reports shall be provided to Planning and the Central Coast Information Center. The reports shall include detailed geospatial data regarding the locations of capped sites and these data shall be used to avoid new impacts during decommissioning.

CR-1(c) Data Recovery Excavation. If avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, the project applicant shall complete a Phase III data recovery excavation program for significant cultural resources that would be impacted prior to project disturbance. Phase III data recovery shall be directed by a Registered Professional Archaeologist and include the preparation of a work plan/research design, fieldwork, laboratory analysis of recovered artifacts and ecofacts, special studies if appropriate, the preparation of a technical report, and curation of recovered materials. The Research Design shall be reviewed and approved by the Planning Department prior to its implementation. A tribal consultant shall be present for all data recovery excavations of sites of Native American origin.

CR-1(d) Archaeological Resource Worker Environmental Awareness Program. Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities. The WEAP training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A WEAP acknowledgment form must be signed by all workers who receive the training.

CR-1(e) Archaeological Resource Construction Monitoring. A qualified archaeologist shall be retained by the applicant to be present during all earth moving activities that have the potential to affect archaeological or historical sites. In the event that previously unidentified prehistoric or historic archaeological materials or human remains are encountered during project construction, mitigation measure CR-2 shall take effect. A monitoring report shall be submitted to RMA County Planning upon completion of construction.

CR-1(f) Native American Construction Monitoring. A tribal consultant (Native American monitor) shall be retained by the applicant to be present during all earth moving activities that have the potential to affect prehistoric archaeological sites. The Native American monitor shall prepare daily logs and submit weekly updates to RMA – Planning.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.5-35 through 4.5-38 of the Draft EIR and amended on pages 4-115 to 4-116 of the Final EIR.

2. **Impact CR-2: Unearth or adversely impact previously unidentified prehistoric or historic archaeological resources.** Construction and decommissioning of the proposed project would involve surface excavation, which has the potential to unearth or adversely impact previously unidentified cultural resources. Impacts would be significant but mitigable.

a. **Mitigation –**

CR-2 Previously Unidentified Archaeological Resources. If previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the Applicant and the Planning Department and project archaeologist shall be notified immediately. The project archaeologist, at the Applicant's expense, will assess the content, age, association, and integrity of the find and the Applicant shall provide the Planning Department with sufficient information to determine whether the resource is a CRHR-eligible resource. If the Planning Department determines that the resource is not CRHR eligible or that it is CRHR eligible, but that additional data recovery would only yield redundant information, no additional mitigation will be required and construction can proceed. If the Planning Department determines that the resource is CRHR eligible and that the discovery has significant historical associations or could yield additional scientific information about local or regional history or prehistory that has not been recovered during prior investigations, the Applicant shall implement MM-CR-1(a)-(c) and if of Native American origin CR-1(e).

If the site is determined insignificant, no further mitigation shall be required. However, archaeological and Native American monitoring may still be required in the vicinity of the site in accordance with mitigation measures CR-1(e) and CR-1(f).

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.5-38 through 4.5-39 of the Draft EIR (impact and mitigation not amended in Final EIR).

3. **Impact CR-4: Unearth or impact previously unidentified paleontological resources.** Construction of the proposed project would involve surface excavation. Although unlikely, these activities have the potential to unearth or impact previously unidentified paleontological resources. Impacts would be Class II, significant but mitigable.

a. **Mitigation –**

CR-4(a) Paleontological Resource Mitigation Plan. Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project

by a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (SVP 2010). The PRMP should include a map identifying the locations where monitoring is required, provide protocols for construction monitoring and the recovery of significant fossils, identify the Project Paleontologist and on-site monitors, and make provisions for fossil preparation, curation, and reporting. The PRMP shall be reviewed and approved by the Planning Department prior to its implementation.

CR-4(b) Paleontological Resource Construction Monitoring. Full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity. All work shall be conducted by a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP (mitigation measure CR-4a). Monitoring efforts can be reduced or eliminated at the discretion of the Project Paleontologist if, after 50 % of the excavations are completed, no fossil resources are encountered. If deemed appropriate by the Project Paleontologist, part-time monitoring or spot checking may occur during the construction of the project in areas underlain by Quaternary surficial alluvial sediments to determine if underlying sensitive geologic units are being impacted by construction and at what depth.

If significant fossils are unearthed during construction, paleontological recovery shall be carried out. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification to the lowest taxonomic level and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings by the Project Paleontologist with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to Monterey County and the curation facility, and its submission shall signify completion of the program to mitigate impacts to paleontological resources

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.5-40 through 4.5-42 of the Draft EIR (impact and mitigation not amended in Final EIR).

F. **Geology/Soils (Class II):** No Class II Geology/Soils impacts pertaining to the proposed access road.

G. **Greenhouse Gas Emissions/Climate Change (Class II):** No Class II Greenhouse Gas Emissions/Climate Change impacts pertaining to the proposed project or access road.

H. **Hazards and Hazardous Materials (Class II):**

1. **Impact HAZ-3: Underground utilities.** No public utilities provide services to the project site. However, an unknown number of public utilities traverse the site, which may pose a risk of upset or accident conditions involving the release of hazardous materials into the environment. Mitigation HAZ-3 would reduce impacts to a less than significant level.

a. **Mitigation –**

HAZ-3 Locate Underground Utilities. To identify and avoid subsurface utility lines at the project site, Underground Service Alert shall be consulted immediately prior to construction. In addition, a private utility locator service shall be consulted

immediately prior to start of construction in order to determine the location of any existing underground utilities, including, but not limited to, the underground gas line. Construction plans shall be submitted to PG&E and any other identified utilities for review and comment for grading or excavation proposed within 25 feet of known underground utility lines. The applicant shall submit proof of underground utility location and PG&E plan submittal to the County of Monterey RMA Planning Department prior to issuance of grading permits.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on page 4.8-18 of the Draft EIR (impact and mitigation not amended in Final EIR).

2. **Impact HAZ-4: Wildland fire hazard.** The proposed project is located within a high fire hazard severity zone. As a result, the construction, operation, and decommissioning of the proposed project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires. impacts would be considered Class II, significant but mitigable to less than significant levels.

a. **Mitigation –**

HAZ-4(a) Final Fuel Management Plan. Prior to the issuance of any construction permit, the applicant shall submit a Final Fuel Management Plan to the County of Monterey RMA Planning Department for review and approval. The Final Fuel Management Plan shall be prepared in consultation with the Fire Protection District and/or Cal Fire. The Final Fuel Management Plan shall identify emergency access routes, vegetation management measures (e.g. grazing, disking, mowing), road maintenance requirements, fuel modification zones and defensible spaces around structures, applicable emergency response procedures (e.g. notification requirements), and vehicle restrictions during the fire hazard season. Fuel protection zones, including defensible spaces and firebreaks, shall be established and maintained throughout the duration of the project in accordance with state and County minimum clearances and fuel modification standards.

HAZ-4(b) Emergency Access. The applicant shall be responsible for maintaining adequate emergency access throughout the duration of project construction, operation, and decommissioning in accordance with the Final Fuel Management Plan. All access gate lock codes, combinations, and/or Knox box codes shall be provided to the Monterey County Emergency Operations Dispatch prior to construction. Also prior to construction, a 24-hour contact person with access to all access gates shall be identified and the contact number provided to the Monterey County Emergency Operations Dispatch.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.8-18 through 4.8-20 of the Draft EIR (impact and mitigation not amended in Final EIR).

I. **Hydrology and Water Quality (Class II):**

1. **Impact HYD-2: Accidental release of hazardous materials.** The proposed project could potentially result in the accidental release of a hazardous material or materials during construction and/or operation. As a result, the proposed project could potentially degrade water quality within the Cholame Creek Watershed or the Cholame Valley

Groundwater basin. Compliance with existing regulatory requirements, including DTSC regulations related to the generation, treatment, disposal, and transportation of hazardous materials, NPDES construction-phase requirements, as well as other local regulatory requirements would partially reduce impacts. Additional mitigation has been identified below to minimize impacts due to accidental release or spill of a hazardous material during project construction and operation to less than significant.

a. **Mitigation –**

HYD-2(a) Accidental Spill Control and Environmental Training. Prior to the issuance of any grading and/or building permit, the project applicant shall submit a Spill Response Plan and Spill Prevention, Control and Countermeasure Plan to the County of Monterey for review and approval.,.. The Spill Response Plan (SRP) in combination with the Spill Prevention, Control and Countermeasure (SPCC) Plan to be prepared for the proposed project shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC 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 clean-up of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response 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 Hazardous Materials Response Plan (HMRP) proposed as part of the project [applicant proposed measure (APM) 6] shall incorporate all of the elements of this mitigation measure. The County of Monterey shall be responsible for reviewing the applicant's proposed HMRP to confirm that it incorporates the requirements of this mitigation measure.

HYD-2(b) Maintain Vehicles and Equipment. All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA Planning Department on a monthly basis for the duration of project construction.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.9-17 to 4.9-18 of the Draft EIR and amended on page 4-125 of the Final EIR.

J. **Land Use and Planning (Class II):** No Class II Land Use and Planning impacts pertaining to the proposed project or access road.

K. **Noise (Class II):** No Class II Noise impacts pertaining to the proposed project or access road.

L. **Public Services and Utilities (Class II):**

1. **Impact PS-1: Emergency access.** The proposed project would substantially increase activity temporarily during construction and incrementally increase demand during operation at a site located in a relatively undeveloped area of the County. Emergency access for fire or emergency medical services may be insufficient and estimated response times would exceed acceptable limits included in the General Plan Public Services Element. The impact would be class II, significant but mitigable.

a. **Mitigation –**

PS-1(a) Construction Management Plan. The applicant shall include measures that reduce the demand for fire protection services during project construction in the final Construction Management Plan subject to the review and approval of CAL FIRE or the Fire Protection District as applicable. Applicable measures shall include but not be limited to on-site fire suppression, including on-site fire suppression equipment and fire suppression training for on-site personnel. The construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures, for the duration of construction. Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services.

PS-1(b) Emergency Response Training. During project construction and operation, on-site staff shall receive emergency response training and shall be informed of all emergency response procedures on a minimum annual basis. Prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities. In addition, on-site fire suppression equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.

PS-1(c) Fire Protection during Construction. Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services during the non-peak fire season for the duration of project construction via provision of sufficient funding and other measures necessary to keep the CAL FIRE Parkfield substation operational during the non-peak fire season. The measures to assure sufficient fire protection services in accordance with existing standards shall be subject to the review and approval of CAL FIRE and may include but not be limited to the following: funding for provision for fire personnel, purchase of on additional patrol/rescue vehicle, and/or provision of a helicopter landing space in consultation with CAL FIRE, the use of which will be restricted to emergency use only. A copy of the final, executed agreement shall be submitted to the County prior to the issuance of a construction permit.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.12-7 through 4.12-11 of the Draft EIR and amended on pages 4-131 through 4-134 of the Final EIR.

M. Transportation/Traffic (Class II):

1. **Impact T-2: Construction-phase trips added to the intersection of SR 41/46.** The intersection of SR 41/46 currently operates at an acceptable overall LOS A during all peak hours; however, the southbound left movement operates at an unacceptable LOS F during Friday PM peak hour conditions. The project will add 30 trips to the southbound left movement during the Friday PM peak hour during the construction phase. Because the southbound left movement currently operates at an unacceptable LOS F, any addition of project traffic to this movement is a significant short term impact. Mitigation measure T-2 would be required to reduce impacts to a less than significant level.

a. **Mitigation**

T-2 Friday Peak Hour Control Measures – Construction Phase. All project generated traffic bound for SR 46 eastbound that would make the southbound left

turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Truck delivery and construction workers bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. Vehicle destinations shall be identified by vehicle badges. The flagman shall identify these vehicles and direct them to make an eastbound left out movement from the project access road onto SR 41 east.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 4.13-17 through 4.13-19 of the Draft EIR and amended on page 4-135 of the Final EIR.

2. **Impact T-4: Operation-phase trips added to the intersection of SR 41/46.** The intersection of SR 41/46 currently operates at an acceptable overall LOS A during all peak hours; however, the southbound left movement operates at an unacceptable LOS F during Friday PM peak hour conditions. Operation of the proposed project would add 28 daily trips (10 in the AM peak hour and 10 in the PM peak hour) to the roadway network including at the SR 41/SR 46 intersection. Mitigation measure T-4 would be required to reduce impacts to a less than significant level.

a. **Mitigation –**

T-4 Friday Peak Hour Control Measures – Operation Phase. Until the completion of Caltrans improvements to the intersection of SR 41/46, all project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Employees bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. The flagman shall identify these vehicles and direct them to make a left out movement from the project access road onto SR 41 east.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

d. **Supportive Evidence –** As discussed on pages 4.13-20 through 4.13-21 of the Draft EIR (impact and mitigation not amended in Final EIR).

3. **Impact T-7:** An employee shuttle service would provide transport to and from the site during the construction phase. The ultimate locations of the proposed park-n-ride facilities would be determined based on their proximity to SR 46 and SR 41, their ability to achieve the goal of 95% ridership, and their prior use for parking, including prior use for construction staging for other solar developments located in San Luis Obispo County. However, further details regarding the park-and-ride facilities are not available at this time. Given that the size, design, and exact location of the parking facilities is not known at this time, there is the potential for adverse impacts to occur in several issue areas including but not limited to aesthetics, biological resources, water quality and hydrology, noise and transportation and traffic. Impacts would therefore be potentially significant and mitigation is required.

a. **Mitigation –**

T-7 Park and Ride Facility Siting. Any proposed park and ride facilities shall be sited in already developed parking lots designed to accommodate large numbers of vehicles (e.g. shopping center locations). All vehicles shall be required to park in designated parking spaces. No permanent new lighting shall be installed. The location of the park and ride facilities within these existing parking lots shall be sited in an area located away from residences and other sensitive receptors to limit nighttime disturbance from noise.

Selection of the park and ride lots shall consider the existing and projected traffic conditions in the surrounding area and the proposed park and ride lots shall not be located on roadway segments and near intersections currently experiencing deficient Levels of Service, as defined either by Caltrans, a county or a city, as applicable, unless a supporting traffic study prepared by a qualified transportation planner or engineer shows that impacts to traffic conditions would not occur.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

e. Supportive Evidence – As discussed on page 4.13-25 of the Draft EIR and amended on pages 4-135 to 4-136 of the Final EIR.

N. Long-Term Impact (Class II)

1. Impact LT-1: Demand for temporary accomodations during construction. Construction of the proposed project would require a maximum construction workforce of up to 816 employees per day. The influx of up to 816 construction workers could create a temporary increase in population. While the majority of the labor force would likely commute to the project park-and-ride lots from existing residences, some may elect to temporarily relocate near the project site. The area has the capacity to temporarily house this workforce. However, this would occur at the exclusion of other travelers and seasonal residents. Additionally, many of the accommodations available, such as recreational campsites, are not designed for long-term temporary residents and such use would deteriorate or degrade the facilities. As such, demand for temporary accommodations during construction would result in significant impacts to the existing housing supply. Mitigation is required to reduce this impact to a less than significant level.

a. Mitigation –

LT-1 Worker Housing Program. Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program prepared by a professional relocation firm to Monterey County for review and approval that would include:

4. Projection of the peak need for worker housing in relation to existing demand for temporary accommodations, with particular attention paid to seasonal housing;
5. Classification of workers' housing needs based on the duration of their work on the project; and
6. Identification of dwelling units, hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month.

The applicant (or relocation firm) shall reserve or coordinate the reservation of temporary accommodations for employees relocating from outside the local area.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence –** As discussed on pages 6-1 to 6-3 of the Draft EIR and amended on pages 4-136 to 4-137 of the Final EIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. Aesthetics (Class I): No Class I Aesthetic impacts pertaining to the proposed project or access road.

B. Agricultural Resources (Class I): No Class I Aesthetic impacts pertaining to the proposed project or access road.

C. Air Quality (Class I):

1. **Impact AQ-7: Emissions associated with future decommissioning.** The proposed project would result in temporary air quality impacts as a result of project decommissioning. The extent of these effects would depend on future conditions in effect at that time, although project decommissioning is anticipated to result in air quality impacts comparable to project construction.

a. **Mitigation –**

AQ-2(a) Dust Control Measures. The project applicant and/or contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the Planning Department for review and approval that include the following measures on all plans and specifications:

- The grading plan design shall minimize the amount of disturbed area to the extent feasible;
- Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- In order to avoid long distances and associated travel time between source wells and the work area, the project applicant shall employ the use of on-site temporary pipelines, stand tanks or other measures to reduce water truck travel on unstable, disturbed surfaces;
- To best address fugitive dust proximal to workers, the project applicant shall establish clear boundaries for the assignment of dust control as between the principal contractor and subcontractors. The subcontractors shall be required to maintain dust control in their work area. Maps showing each contractor's area of responsibility for dust control shall be distributed as work areas change. These maps shall be given to each water truck driver in an effort to reduce duplication of efforts while assuring full coverage. Water trucks shall be assigned to specific crews or areas. In addition, each water truck driver shall

be equipped with a radio to respond to any area that is experiencing dust or equipment operations that require additional dust suppression measures;

- The project applicant shall maintain a 15 mph speed limit on roads where water application is the sole form of dust control, and shall post signs to remind workers throughout the work areas. The project applicant shall monitor to ensure compliance with the speed limit. As an additional measure, all of the cart operators shall be required to complete a cart training course prior to operation of carts on site;
- Water truck operations shall adjust their spraying methods according to the conditions. For example, during windy conditions trucks should point the water spray downward. In silty soils, trucks should use light front spray followed by the heavier back spray. In clay soils, a heavy spray is applied well before traffic is expected in the area. This set of techniques shall be conveyed to new water truck operators when they arrive to the work site;
- Where access by water trucks is limited by structures or conditions, hand-operated water tanks (i.e. water buffalos) shall be used to provide dust control. Hand-operated water tanks can be used to apply water directly to the work area by crew members;
- Heavy construction equipment traveling on unstabilized roads on the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads;
- All dirt stock pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the proposed Habitat Restoration and Revegetation Plan [refer to Biology Mitigation Measure B-2(b)] shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All roads shall be stabilized using gravel, non-toxic chemical soil binders (e.g., latex acrylic copolymer), jute netting, or other methods approved in advance by the Planning Department. If necessary, the Planning Department may refer to the list of approved dust control suppressants in the SLOAPCD *CEQA Air Quality Handbook* Technical Appendix 4.3. For all structure pads and other areas to be paved, seeding or soil binders shall be used if construction or paving will not occur within 10 days of grading;
- Install track-out control devices where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep paved/unpaved roadways boundaries (e.g. project entrance roadways) at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a site dust manager and up to four 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% opacity, and to prevent transport of dust offsite. As necessary, the monitor shall have the authority to require additional dust control measures be implemented. The monitor shall file monthly reports to the Planning Department, including a daily log documenting monitoring activities, exceedances, and measures taken to reduce dust emissions. Their duties shall include weekdays, holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be

provided to Planning and the APCD Compliance Division prior to the start of any grading, earthwork or demolition. In addition, the log of monitoring activities shall be provided to APCD for confirmation that dust control measures are meeting the requirements of Rule 402.

AQ-2(b) Emission-Reduction Measures for Construction Equipment. The Project Applicant and/or Contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the Project Applicant and/or Contractor shall submit construction drawings to Planning and Building Services for review and approval that include the following measures on all plans and specifications:

- Idling Restrictions Near Sensitive Receptors for Both On and Off-Road Equipment (applicable to northernmost edge of the project site only), including:
  - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - Diesel idling within 1,000 feet of sensitive receptors is not permitted; and,
  - Signs that specify the no idling requirements must be posted and enforced at the construction site.
- Operational NO_X and Diesel PM Emissions Reduction Measures for Construction Equipment
  - All construction equipment shall be maintained in proper tune according to manufacturer's specifications;
  - All off-road and portable diesel powered equipment shall be fueled with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  - Use of on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines;
  - On- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
  - Use of electrically-powered equipment when feasible;
  - Gasoline-powered equipment shall be substituted in place of diesel-powered equipment, where feasible; and
  - If available, use of alternatively fueled construction equipment on-site, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-2(c) Tier 3 Construction Equipment. All off-road construction diesel engines not registered under the California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower (hp) or more, shall meet, at a minimum, the Tier 3 California Emissions Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless such engine is not available for a particular item of equipment.

Construction or trucking companies with fleets that that do not have engines in their fleet that meet the Tier 3 standards identified in the above two measures (e.g. captive or NO_X exempt area fleets) may be eligible by proving alternative compliance. If a Tier 3 (or equivalent alternative compliance) engine is not available for any off-road engine larger than 50 hp, that engine will have tailpipe retrofit controls that reduce exhaust emissions of NO_X and PM to no more than Tier 2 emission levels. Tier 1 engines will be allowed on a case-by-case basis only when

the project applicant has documented that no Tier 2 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete project construction. This shall be documented with signed written correspondence by the appropriate construction contractor along with documented correspondence with at least two construction equipment rental firms. A list of the construction equipment and the associated EPA Tier shall be submitted to the County Planning Department prior to the issuance of a grading permit to verify implementation of measure.

b. **Findings –** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence –** As discussed on pages 4.3-25 through 4.3-27 and 4.3-36 to 4.3-37 of the Draft EIR and amended on pages 4-40 through 4-44 and page 4-50 of the Final EIR.

2. **Impact AQ-9: Temporary construction emissions exceeding SLOAPCD thresholds.** Construction of the proposed project would result in the temporary generation of air pollutants, which would affect local air quality. Short-term emissions of NO_X and PM_{10} during the construction period would exceed SLOAPCD thresholds. Short-term air quality emissions during project construction would be potentially significant.

a. **Mitigation –**

AQ-2(a) Dust Control Measures (summary text above).

AQ-2(b) Emission-Reduction Measures for Construction Equipment (summary text above).

AQ-2(c) Tier 3 Construction Equipment (summary text above).

AQ-9 Construction Management Plan Requirements. The Final Construction Management Plan (CMP) proposed as Applicant Proposed Measure 2 (APM-2) shall include, but not be limited to, the following construction emissions reduction measures, recommended by SLOAPCD:

- Best Available Control Technology for Construction equipment (BACT) measures to reduce construction emissions, which can include:
  - Expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
  - Repowering equipment with the cleanest engines available;
  - Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm
- Schedule activities to minimize the amount of large construction equipment operating simultaneously during any given time period; and
- Scheduling of construction truck trips during non-peak hours to reduce peak hour emissions;

The CMP shall be submitted to the County of Monterey Planning Department for review and approval.

b. **Findings –** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of

insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence –** As discussed on pages 4.3-38 to 4.3-39 of the Draft EIR and amended on pages 4-50 to 4-51 of the Final EIR.

D. **Biological Resources (Class I):** No Class I Biological Resources impacts pertaining to the proposed project or access road.

E. **Cultural and Paleontological Resources (Class I):** No Class I Cultural and Paleontological Resources impacts pertaining to the proposed project or access road.

F. **Geology/Soils (Class I):** No Class I Geology/Soils impacts pertaining to the proposed project or access road.

G. **Greenhouse Gas Emissions/Climate Change (Class I):** No Class I Greenhouse Gas Emissions/Climate Change impacts pertaining to the proposed project or access road.

H. **Hazards and Hazardous Materials (Class I):** No Class I Hazards and Hazardous Materials impacts pertaining to the proposed project or access road.

I. **Hydrology and Water Quality (Class I):** No Class I Hydrology and Water Quality impacts pertaining to the proposed project or access road.

J. **Land Use and Planning (Class I):** No Class I Land Use and Planning impacts pertaining to the proposed project or access road.

K. **Noise (Class I):** No Class I Noise impacts pertaining to the proposed project or access road.

L. **Public Services and Utilities (Class I):** No Class I Public Services and Utiltiies impacts pertaining to the proposed project or access road.

M. **Transportation/Traffic (Class I):**

1. **Impact T-1: Addition of construction traffic to SR 46 between SR 41 and Branch Road.** Project generated traffic during the construction phase would result in the incremental increase of traffic on segment of SR 46 between SR 41 and Branch Road that currently operates at an unacceptable LOS E. The widening of SR 46 to a four-lane expressway, as is currently planned, would improve traffic conditions from LOS E to A. However, Caltrans will not complete the SR 46 widening project until after the proposed project would be constructed. Therefore, the SR 46 widening project would not mitigate the construction phase impacts to roadway segment operation identified above.

   a. **Mitigation –** Mitigation measures are not available to fully address the identified impact.

   b. **Findings –** Changes or alterations are not available for incorporation into the project to avoid or substantially lessen the significant environmental effects as identified in the Final EIR; therefore, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

   c. **Supportive Evidence –** As discussed on pages 4.13-15 through 4.3-17 of the Draft EIR and amended on pages 4-134 to 4-135 of the Final EIR.

2. **Impact T-3: Addition of operation traffic to SR 46 between SR 41 and Branch Road.** SR 46 between SR 41 and Branch Road currently operates at an unacceptable LOS E. Project generated traffic during the operational phase would add an additional 20 trips per day to this roadway segment, resulting in a significant impact to roadway operations based on Caltrans significance thresholds. Future Caltrans roadway improvements

would eliminate this impact; however, until such time as the improvements are complete project impacts to roadway operations would be Class I, significant and unavoidable.

a. **Mitigation –** Mitigation measures are not available to fully address the identified impact.

b. **Findings –** Changes or alterations are not available for incorporation into the project to avoid or substantially lessen the significant environmental effects as identified in the Final EIR; therefore, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence –** As discussed on pages 4.13-15 through 4.3-17 of the Draft EIR and amended on pages 4-134 to 4-135 of the Final EIR.

3. **Impact T-5: Addition of traffic to the SR 41/SR 46 intersection.** Although the use of the SR 41/Private Access Road intersection as the site's primary entry point would minimize design hazards, the addition of traffic to the SR 41/SR 46 intersection during construction and operation of the proposed project would substantially increase hazards at that intersection, where accident rates are currently more than two times the statewide average. Impacts would be Class I, significant and unavoidable.

a. **Mitigation –**

T-2 Friday Peak Hour Control Measures – Construction Phase (summary text above).

T-4 Friday Peak Hour Control Measures – Operation Phase (summary text above).

b. **Findings –** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence –** As discussed on pages 4.13-21 through 4.3-23 of the Draft EIR (impact and mitigation not amended in Final EIR).

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

A. The project 's significant, unmitigable, unavoidable adverse effects are as follows:

1. The project would generate emissions exceeding SLOAPCD thresholds during construction.
2. The project would generate emissions exceeding applicable thresholds during future decommissioning.
3. The project would introduce vehicles during construction to SR 46 between SR 41 and Branch Road, which currently operates at an unacceptable LOS E.
4. The project would introduce vehicles during operation to SR 46 between SR 41 and Branch Road, which currently operates at an unacceptable LOS E.
5. The proejct would introduce traffic during construction and operation to the SR 41/SR 46 intersection, where accident rates are currently more than two times the statewide average.

B. **Findings –** The Planning Commission has weighed the benefits of the project against its

unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission finds that the benefits of the project outweigh its unavoidable adverse environmental impacts.

C. Supporting Evidence

1. Social, Economic and Environmental Benefits. The Cal Flats Solar project, which would be supported by approval of the proposed access road, would result in the following social and economic benefits:

   a. California Assembly Bill 32, the California Global Warming Solutions Act of 2006, created a program to reduce greenhouse gas emissions to 1990 levels by the year 2020. Senate Bill X 1-2, the California Renewable Energy Resources Act of 2011, requires all California utilities to procure 33 percent of their electricity from renewable sources by 202, with intermediate targets of 20 percent by the end of 2013, and 25 percent by end of 2016. Senate Bill 350, proposed in February 2015, would increase this target to 50 percent by 2030.

   b. Resources that would be consumed as a result of project implementation include water, electricity, and fossil fuels during construction and operation; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Consumption of these resources in the region would be greatly offset by the increase in solar energy produced for the Statewide electrical grid and the reduction in the use of fossil fuels needed to generate electricity in the future.

   c. The project site is located in an area that is optimal for solar development and has been identified as a Competitive Renewable Energy Zone (CREZ) under the State's Renewable Energy Transmission Initiative (RETI). Given the elevation and the location, as noted in the Draft EIR, the project site experiences substantial year-round sunlight. An existing 230 kilovolt (kV) transmission line with available transmission capacity, the Morro Bay-Gates line, transects the site which helps to minimize the amount of electrical transmission infrastructure that would normally have to be created.

   d. The project would offset significant cubic metric tons of CO_2 emissions per year, reducing the regional contribution to climate change and reducing the water demand which typically is needed for the production and generation of fossil fuels. The project would also provide an economic benefit in further helping the global PV panel market reach scale so that solar power is cheaper which is of benefit both regionally and across the State.

   e. The project would generate both construction and permanent jobs in the region and beyond. The permanent jobs generated would continue during the lifetime of the project, estimated to be 30 to 40 years. Secondary employment, resulting from increased temporary and permanent jobs created, would also be created, further benefiting the region.

   f. Construction and operation of the project would increase tax revenue both in the region and elsewhere in the State.

2. Mitigation Enhancement. The Draft and Final EIR contain mitigation measures that will substantially lessen the significant effects of the project. The following are some of the more substantial environmental offsets of the mitigation measures:

   a. Ensure the preservation of thousands of acres of habitat for threatened and endangered species in open-space easements in perpetuity; indirect benefits may include reduced visual and air quality impacts.

b. Ensure the restoration of all disturbed areas at the project site to pre-disturbance conditions or better at the end of the useful lifetime of the project.

3. Alternatives. The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the following alternatives described below and as more fully described in the DEIR. The following project alternatives identified in the EIR, although feasible from a technical standpoint, are rejected for the following reasons:

- **Alternative 1 – No Project/No Development.** This alternative has the site remaining in its current use for grazing. This alternative has a lesser impact than the proposed project in all areas except reduction in greenhouse gas emissions. However, the No Project Alternative would not meet the project objectives of developing the property for alternative energy.

- **Alternative 2 – Alternate Jack Ranch Site**. All construction and operation of a 280 MW PV solar energy facility would take place on approximately 2,030 acres on the lower, flatter portions of Jack Ranch along Cholame Road, approximately three miles southwest of the proposed project site (refer to Figure 7-2 in the Draft EIR) in proximity to the existing Morro Bay-Gates 230 kV transmission line. This alternative has greater impact than the proposed project in the following areas: aesthetics, agricultural resources, hydrology and water quality, and land use and planning. This alternative has a lesser impact than the proposed project in the area of biological resources. All other impacts would be comparable to the proposed project.

  This alternative would be visible from multiple public viewing areas and residences within the Cholame Valley north of the San Luis Obispo/Monterey County line. Vehicles traveling along Cholame Road would have unobstructed views of PV panels, substations, operations and maintenance building and related infrastructure comprising the project. Overall, aesthetic impacts of this alternative would be greater under this alternative than for the proposed project. This alternative would result in potentially significant impacts to farmland designated by the Farmland Mapping and Monitoring Program (FMMP) as Prime, Unique, and of Statewide Importance by converting approximately 1,131 acres of Prime Farmland, 90 acres of Farmland of Statewide Importance, and 13 acres of Unique Farmland to a non-agricultural use at least during the life of the project. Overall this alternative has very low potential to support special status plant species, and low potential to support special status animal species as a result of hay production and cattle grazing on the site. However, there is potential for impacts to special status species and jurisdictional waters. Given the disturbed condition of this alternative site, impacts would likely be less than the proposed project site. Nevertheless, implementation of similar mitigation measures may be required for biological resources that occur on the alternative site. Mitigation would reduce these impacts to less than significant, similar to the proposed project.

  This alternative would generate greenhouse gas emissions during construction, operation, and decommissioning. Like the proposed project, this alternative would result in a net reduction in long-term regional GHG emissions through the generation of renewable energy. Overall, this alternative is seen as having a greater impact than the proposed project.

- **Alternative 3** – **Reduced Project.** This alternative would consist of constructing a solar energy facility on approximately 992 acres (approximately 33% of the proposed project site). The site would comprise the portion of the proposed

project area located south of the existing Morro Bay-Gates 230 kV transmission line. This alternative has less impact than the proposed project in the following areas: aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use and planning, and transportation/traffic. All other impacts are estimated to be no better or worse than the proposed project.

Based on the comparison provided in Table 7-1 of the Draft EIR, the No Project and Reduced Project alternatives are considered environmentally superior, since each would result in equal or less impact than the proposed project. Because the No Project Alternative would eliminate (rather than reduce) anticipated environmental effects of the proposed project, it would be considered the most environmentally superior alternative. However, this alternative would not accomplish any of the objectives of the proposed project, including reduction of GHG emissions. The Reduced Project Alternative would result in impacts equal to or less than the proposed project. However, the costs associated with constructing and operating a smaller facility may not be feasible relative to potential revenue.

VIII. CEQA GENERAL FINDINGS

A. The Planning Commission finds that changes or alterations have been incorporated into the project to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the California Flats Solar Project Final EIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII.

B. The Planning Commission finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

A. The Applicant, California Flats, LLC, a wholly owned subsidiary of First Solar, Inc., will be primarily responsible for ensuring that all project mitigation measures are complied with. They will be assisted in this effort by the Monterey County Resource Management Agency Planning Department, as the CEQA lead agency for the project. As a responsible agency, the San Luis Obispo County Department of Planning and Building will also assist with this effort where appropriate. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

- *Prior to issuance of grading or construction permits*. These are measures where the County needs to receive and review the Plans before they are implemented.
- *Prior to commencement of ground disturbing activities*. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
- *On an ongoing basis throughout construction*. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper

implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.

- *Prior to completion of construction*. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.
- *At the time of project completion/during operation of the project*. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

B. As responsible agency for the California Flats Solar Project Final EIR, the Planning Commission hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

MITIGATION, MONITORING, AND REPORTING PROGRAM - EXHIBIT D DRC2014-00016

As a condition of approval of the Conditional Use Permit (CUP) for the California Flats Solar Project, adopted mitigation measures shall be implemented as specified below in this Mitigation Monitoring and Reporting Plan (MMRP). The MMRP is implemented as a requirement of CEQA (Guidelines Section 15097) and also to comply with similar requirements in the County's Land Use Ordinance (22.32.030(b)) which requires implementation of an Environmental Quality Assurance Program.

This MMRP for the proposed project will be in place through all phases of the project, including design and construction, and will help ensure that project objectives are achieved. The County shall be responsible for administering the MMRP and ensuring that all parties comply with its provisions. The County may delegate monitoring activities to staff, consultants, or contractors. The County also will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems, including, but not limited to revocation of the approved CUP.

Pursuant to AB 3180, this MMRP was prepared and is accompanied by the associated report forms utilized to verify compliance with individual mitigation measures. This MMRP identifies each mitigation measure by discipline, the entity (organization) responsible for its implementation, and the report/permit/ certification required for each measure. Certain inspections and reports may require preparation by qualified individuals, and these are specified as needed. The timing and method of verification for each measure is also specified.

Responsibilities of the Parties

Responsibility for implementing adopted mitigation measures, and for reporting on the implementation of these measures, rests with the Applicant. As the lead agency for the project under CEQA, Monterey County has the primary responsibility for ensuring that the measures are implemented as adopted by the Monterey County Board of Supervisors. The County of San Luis Obispo, as the responsible agency for the project under CEQA, has permit authority for the proposed improvements to the existing access road that will serve as the primary access road to the facilities. This MMRP is intended to specify San Luis Obispo County's responsibilities for ensuring that the measures are implemented as they pertain to improvements within San Luis Obispo County, as adopted by the Planning Commission. This MMRP is intended to be for the portion of the project within San Luis Obispo County; however, some aspects of the project in Monterey County are included by reference as applicable due to their relationship to the portions of the project in San Luis Obispo County.

County may use its monitoring authority by evaluating written reports and plans, and also by active field evaluation of activities at the project site to ensure compliance with the requirements of adopted measures.

Compliance and Non-Compliance Violation Levels

Project compliance and non-compliance violation levels and the specific corrective actions are defined as follows:

- **Compliance.** At this level indicates that all mitigation measures and permit conditions are being complied with and there are no violations. No corrective action is necessary.
- **Level 1 Non-Compliance**. One aspect of a mitigation measure has not been complied with resulting in only partial implementation of a mitigation measure, but no significant impact. An oral warning shall be issued to Applicant's Environmental Coordinator (or assigned designee) and corrective action shall be required within a stated maximum period, to be determined by the County's Environmental Coordinator. If corrective action is not taken within the stated period, a Memorandum of warning will be issued.
- **Level 2 Non-Compliance.** One or more aspects of a mitigation measure have not been complied with, making the mitigation ineffective and resulting in minor impacts. If allowed to continue, this non-compliance could result in a significant impact over time. An oral warning followed by a Memorandum of warning shall be submitted to the Applicant's Environmental Coordinator (or assigned designee). Corrective action shall begin by the next construction day. If corrective action is not begun by the next construction day, a Non-Compliance Report shall be issued.
- **Level 3 Non-Compliance.** One or more of the aspects or a mitigation measure are not complied with and the implementation of a mitigation measure is deficient or non-existent, resulting in significant impact(s), or there is immediate threat of major, irreversible environmental damage or property loss. An oral warning, followed by a Non-Compliance Report, shall be submitted to the Applicant's Environmental Coordinator (or assigned designee). Corrective action shall begin immediately.

Based on the severity of a given infraction or pattern of non-compliance activity, the County's Environmental Coordinator has the authority to issue a temporary stop work order during project construction. If a shutdown of construction activity occurs, construction may resume based on approval by the County's Environmental Coordinator. The Environmental Coordinator's representative at the project site has the authority to order a temporary stop to work if he/she determines that a serious non-compliance event is occurring, personnel safety is at risk, or damage to resources is occurring, and if the Environmental Coordinator or other senior County official is unavailable.

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
Aesthetics				
AES-1	Temporary fencing at SR 41 staging areas	Install opaque temporary fencing at construction staging areas within 0.5 miles of SR 41. The placement and design of temporary fencing shall be sufficient to obstruct views of any construction activities from the perspective of motorists on SR 41. Fencing shall be erected for the duration of construction activities at staging areas within 0.5 miles of SR 41.	• Prior to issuance of construction permit.	• Department of Planning & Building shall ensure that the fencing is installed and remains for the duration of construction activities.
AES-3	Minimize construction lighting.	Prepare a Construction Lighting Plan showing night lighting for construction and parking areas on construction plans. Night lighting of construction and parking areas shall be minimized in both brightness and extent to the maximum extent possible, consistent with the safety needs of the facility. All lighting shall be shielded, with all direct lighting limited to within the parking or construction area, and with no upwardly directed lighting. Security lighting for construction storage areas shall also be hooded and directed down and into the site, with no off-site light trespass. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. The Plan shall include the location, type, and wattage of all external light fixtures and include catalog sheets of each fixture. The approved Construction Lighting Plan shall be incorporated into the construction plans.	• Prior to issuance of construction permits.	• Department of Planning & Building shall review and approve the Construction Lighting Plan approved by Monterey County RMA - Planning. • Department of Planning & Building shall ensure that lighting is installed in accordance with the accepted Construction Lighting Plan.

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
Air Quality				
AQ-2(a)	Dust Control Measures	The project applicant and/or contractor shall be responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the Planning Department and RMA – Building Services for review and approval that include the following measures on all plans and specifications: • The grading plan design shall minimize the amount of disturbed area to the extent feasible; • Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible; • In order to avoid long distances and associated travel time between source wells and the work area, the project applicant shall employ the use of on-site temporary pipelines, stand tanks or other measures to reduce water truck travel on unstable, disturbed surfaces; • To best address fugitive dust proximal to workers, the project applicant shall establish	• Prior to issuance of any grading permit, the project applicant and/or contractor shall submit construction drawings to the Department of Planning & Building for review and approval that include the measures specified in this condition on all plans and specifications.	• Department of Planning & Building shall review and receive the construction drawings approved by Planning and RMA – Building Services. • County's environmental monitor shall verify in the field compliance with the mitigation measures and specifications on the approved construction drawings.

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		clear boundaries for the assignment of dust control as between the principal EPC contractor and subcontractors. The subcontractors shall be required to maintain dust control in their work area. Maps showing each contractor's area of responsibility for dust control shall be distributed as work areas change. These maps shall be given to each water truck driver in an effort to reduce duplication of efforts while assuring full coverage. Water trucks will be assigned to specific crews or areas. In addition, each water truck driver shall be equipped with a radio to respond to any area that is experiencing dust or equipment operations that require additional dust suppression measures; • The project applicant shall maintain a 15 mph speed limit on roads where water application is the sole form of dust control, and shall post signs to remind workers throughout the work areas. The project applicant shall monitor to ensure compliance with the speed limit. As an additional measure, all of the cart operators shall be required to complete a cart training course prior to operation of carts on site; • Water truck operations shall adjust their spraying methods according to the		

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		conditions. For example, during windy conditions trucks should point the water spray downward. In silty soils, trucks should use light front spray followed by the heavier back spray. In clay soils, a heavy spray is applied well before traffic is expected in the area. This set of techniques shall be conveyed to new water truck operators when they arrive to the work site; • Where access by water trucks is limited by structures or conditions, hand-operated water tanks (i.e. water buffalos) shall be used to provide dust control. Hand-operated water tanks can be used to apply water directly to the work area by crew members; • Heavy construction equipment traveling on unstabilized roads on the project site shall be preceded by a water truck to dampen roadways and reduce dust from transportation along such roads; • All dirt stock pile areas shall be sprayed daily as needed; • Permanent dust control measures identified in the proposed Habitat Restoration and Revegetation Plan [refer to Biology Mitigation Measure B-2(b)] shall be implemented as soon as possible following completion of any soil disturbing activities; • Exposed ground areas that are planned to		

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established; • All roads shall be stabilized using gravel, non-toxic chemical soil binders (e.g., latex acrylic copolymer), jute netting, or other methods approved in advance by the Planning Department. If necessary, the Planning Department may refer to the list of approved dust control suppressants in the SLOAPCD *CEQA Air Quality Handbook* Technical Appendix 4.3. For all structure pads and other areas to be paved, seeding or soil binders shall be used if construction or paving will not occur within 10 days of grading; • Install track-out control devices where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; • Sweep paved/unpaved roadways boundaries (e.g. project entrance roadways) at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible; • All of these fugitive dust mitigation measures shall be shown on grading and building		

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		plans; and • The contractor or builder shall designate a site dust manager and up to four 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% opacity, and to prevent transport of dust offsite. As necessary, the monitor shall have the authority to require additional dust control measures be implemented. The monitor shall file monthly reports to the Planning Department, including a daily log documenting monitoring activities, exceedances, and measures taken to reduce dust emissions. Their duties shall include weekdays, holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Planning Department and the APCD Compliance Division prior to the start of any grading, earthwork or demolition. In addition, the log of monitoring activities shall be provided to APCD for confirmation that dust control measures are meeting the requirements of Rule 402.		
AQ-2(b)	Emission-Reduction	The Project Applicant and/or Contractor shall be	• Prior to issuance of any	• Department of Planning & Building shall

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**

	Measures for Construction Equipment	responsible for implementing the following mitigation measures throughout the duration of construction. Prior to the issuance of any grading permit, the Project Applicant and/or Contractor shall submit construction drawings to the Department of Planning & Building for review and approval that include the following measures on all plans and specifications:
		• Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment (applicable to northernmost edge of the project site only), including:
		  ○ Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
		  ○ Diesel idling within 1,000 feet of sensitive receptors is not permitted; and,
		  ○ Signs that specify the no idling requirements must be posted and enforced at the construction site.
		• Operational NO_X and Diesel PM Emissions Reduction Measures for Construction Equipment
		  ○ All construction equipment shall be maintained in proper tune according to manufacturer's specifications;
		  ○ All off-road and portable diesel powered equipment shall be fueled
			grading permit, the project applicant and/or contractor shall submit construction drawings to the Department of Planning & Building for review and approval that include the measures specified in this condition on all plans and specifications.
			• On an ongoing basis throughout construction, the project applicant and/or contractor shall implement the measures in conformance with the standards set forth in the condition.
				review and approve construction drawings
				• County's environmental monitor shall verify in the field compliance with the mitigation measures.

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); ○ Use of on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines; ○ On- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit; ○ Use of electrically-powered equipment when feasible; ○ Gasoline-powered equipment shall be substituted in place of diesel-powered equipment, where feasible; and ○ If available, use of alternatively fueled construction equipment on-site, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.		
AQ-2(c)	Tier 3 Construction Equipment	All off-road construction diesel engines not registered under the California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower (hp) or more, shall meet, at a	• Prior to the issuance of a construction permit, the owner/applicant shall submit to Department of Planning & Building for review and approval signed written	• Department of Planning & Building shall review and approve the signed written correspondence and list of construction equipment approved by RMA – Planning.

Mitigation Monitoring and Reporting Plan				
MM #	**Mitigation Measure Title**	**Mitigation Measure**	**Timing**	**Agency or County Responsibilities**
		minimum, the Tier 3 California Emissions Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless such engine is not available for a particular item of equipment. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the Tier 3 standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance. If a Tier 3 (or equivalent alternative compliance) engine is not available for any off-road engine larger than 50 hp, that engine will have tailpipe retrofit controls that reduce exhaust emissions of NO_X and PM to no more than Tier 2 emission levels. Tier 1 engines will be allowed on a case-by-case basis only when the project applicant has documented that no Tier 2 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete project construction. This shall be documented with signed written correspondence by the appropriate construction contractor along with documented correspondence with at least two construction equipment rental firms. A list of the construction equipment used on-site and the	correspondence and a list of the construction equipment used on-site and the associated EPA Tier from the construction contractor that demonstrates that the off road construction equipment meets the standards set forth in the condition. • On a quarterly basis throughout construction, the owner/applicant shall submit to Department of Planning & Building for review and approval a list of the construction equipment used on-site and the associated EPA Tier that demonstrates that the off road construction equipment meets the standard set forth in the condition.	

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		associated EPA Tier shall be submitted to the County of Monterey RMA-Planning Department quarterly to verify implementation of measure.		
AQ-6(d)	Valley Fever Worker Training and Safety Measures	The primary project construction contractor shall prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction, including the fact that certain ethnic groups and immune-compromised persons are at greater risk of becoming ill with Valley Fever. The objective of the training shall be to ensure the workers are aware of the danger associated with Valley Fever. The worker training program shall be included in the standard in-person training for project workers, and shall identify safety measures to be implemented by construction contractors during construction, including all safety measures included in the Valley Fever Management Plan prepared pursuant to Mitigation Measure AQ-6(a). Prior to initiating any grading, the project applicant shall provide the Planning Department and the Monterey County Health Department with copies of all educational training material for	• Prepare and implement worker training program prior to any project grading activity.	• Department of Planning & Building shall verify educational training materials and evidence of employee acknowledgement of receipt of training.

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		review and approval. No later than 30 days after any new employee or employees begin work, the project applicant shall submit evidence to the Planning Department that each employee has acknowledged receipt of the training (e.g., sign-in sheets with a statement verifying receipt and understanding of the training).		
AQ-6(e)	Valley Fever Information Handout	The applicant shall work with a medical professional, in consultation with the Monterey 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 infection 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 surface disturbance (e.g., grading, filling, trenching) work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.	• Prior to issuance of any construction permit, the applicant shall create a handout, in conformance with the standards set forth in the condition. • No less than 30 days prior to any surface disturbance (e.g., grading, filling, trenching) work commencing, the approved handout shall be mailed to all existing residences within three miles of the project boundaries.	• Department of Planning & Building shall review and approve the handout approved by the Monterey County Health Department and verify that the handout has been mailed to residences within three miles of the project boundaries no less than 30 days prior to surface disturbance.
AQ-9	Construction Management Plan Requirements	The Final Construction Management Plan (CMP) proposed as Applicant Proposed Measure 2 (APM-2) shall include the following	• Prior to commencing ground disturbing activities (e.g., grading, filling, trenching),	• Department of Planning & Building shall review and approve the Final Construction Management Plan approved by the

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		construction emissions reduction measures, recommended by SLOAPCD:
		• Best Available Control Technology for Construction equipment (BACT) measures to reduce construction emissions, which can include:
		  ○ Repowering equipment with the cleanest engines available;
		  ○ Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm
		• Schedule activities to minimize the amount of large construction equipment operating simultaneously during any given time period; and
		• Scheduling of construction truck trips during non-peak hours to reduce peak hour emissions;
		
		The CMP shall be submitted to the County of Monterey RMA-Planning Department for review and approval.
			the Final Construction Management Plan, in conformance with the standards set forth in this condition, shall be submitted to the County of Monterey RMA – Planning Department for review and approval.
			• On an ongoing basis throughout construction, the applicant/construction contractor shall implement the standards set forth in the Final Construction Management Plan.
				Monterey County RMA – Planning Department
				• County's environmental monitor shall verify in the field compliance with the mitigation.

Biological Resources				
B-1(a)	Nested Compensatory Mitigation	The applicant shall provide conservation easements or funds for acquisition of conservation easements as compensatory	• The applicant shall calculate the total acreages required to meet all compensatory mitigation obligations and submit these	• Department of Planning & Building shall review and approve documentation of total acreages required to meet all compensatory mitigation obligations for activities within San Luis Obispo County.

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		mitigation to offset impacts to vegetative communities and listed or special status plants and wildlife. The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than those specified in mitigation measures B-1(e), B-1(j), B-1(n), B-1(v), B-1(z), and B-1(cc). Compensatory mitigation for multiple species may be combined to mitigate for impacts to multiple species simultaneously (i.e. nested compensatory mitigation). Areas proposed for preservation and serving as compensatory mitigation for special status plant species impacts must contain verified extant populations of the special status plant species that would be impacted by the project. Areas proposed for preservation and serving as compensatory mitigation for special status wildlife species impacts must contain habitat value and function consistent with the conditions necessary to support viable populations of the special status species for which impacts are being mitigated (i.e. suitable vegetation communities, suitable breeding and nesting habitat and microhabitat conditions, including appropriate aquatic habitat for impacts to aquatic species or disturbances to	totals to the County prior to the issuance of grading permits. A summary table indicating total acreage required for activities within Monterey versus San Luis Obispo County shall be included. • Documentation. The applicant shall then obtain County approval of the location of mitigation lands, the holder of conservation 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 RMA Planning prior to the first of the project's final inspections, or within 18 months after issuance of grading permits, whichever comes first. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection. RMA Planning shall review documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS.	Department of Planning & Building shall review and accept documentation of conservation easements or proof of funds provided for the acquisition of such easements to a qualified easement, as provided to the Monterey County RMA – Planning Department.

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		aquatic habitat). Preservation lands must also be within known species ranges and known occurrences of local populations of the species for which impacts are being mitigated. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder. The applicant shall either provide conservation easements or provide funds for the acquisition of such easements to a qualified easement holder as defined below. The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a "qualified easement holder" a private land trust must at a minimum have: 6. Substantial experience managing conservation easements that are created to meet mitigation		

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		requirements for impacts to special-status species; 7. Adopted the Land Trust Alliance's Standards and Practices; and 8. A stewardship endowment fund to pay for its perpetual stewardship obligations. Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project. The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and 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 conservation easement holder in consultation with the County. The primary purpose of the conservation easement(s) shall be conservation of impacted species and habitats, but the conservation easement(s) shall also allow livestock grazing		

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		when and where it is deemed beneficial for the habitat needs of impacted species. Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above), be subject to the management requirements outlined in the HMMP (see measure B-1[b]), and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved. Land Acquisition Requirements. The following factors shall 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 potential ources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species. To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be either “suitable habitat” or “enhanced habitat”:		

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		Suitable Habitat. To meet the requirements for suitable habitat that provides equal or greater habitat value for special status animal species than the impacted habitat, the habitat must: 5. provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed; 6. 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; 7. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and 8. not be located on land that is currently publicly held for resource protection. Enhanced Habitat. If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that: 6. is within an area with potential to contribute to habitat connectivity and build linkages between known San Joaquin kit fox populations;		

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		7. consists of actively farmed land or other land containing degraded habitat that will support enhancement; 8. supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements; 9. cannot be located on land that is currently held publicly for resource protection; and 10. does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat. Enhanced Habitat Standards. For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of annual grasslands, other grassland vegetation, suitable aquatic habitat, suitable foraging habitat (e.g. habitat is within 10 miles of known nesting golden eagles) or other habitat characteristics (e.g. suitable burrows for burrowing owls, small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied.		

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B-1(b)	Habitat Mitigation and Monitoring Plan.	To ensure the success of compensatory mitigation sites required for compensation of permanent impacts to vegetative communities and listed or special status plants and wildlife, the applicant shall retain a qualified biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be submitted to the County within 12 months after the issuance of the grading permit. The HMMP shall include, at a minimum, the following information: 21. a summary of habitat and species impacts and the proposed mitigation for each element; 22. a description of the location and boundaries of the mitigation site(s) and description of existing site conditions; 23. a description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species; 24. identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands; 25. a description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance); 26. in areas subject to grazing management, compilation of a dedicated, site-specific managed grazing plan, prepared by a Certified Rangeland Manager, for grassland habitats within the mitigation site(s), employing Residual Dry Matter (RDM) monitoring, and a description of the adaptive management scheme for this plan;	• The HMMP shall be submitted by the applicant to the County, and be approved by the County prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first. A Cover Letter summarizing which portions of the HMMP apply to activities within San Luis Obispo County shall be included.	• Department of Planning & Building shall review and approve the HMMP approved by Monterey County RMA Planning. • Department of Planning & Building shall review and approve post construction annual reports approved by Monterey County RMA Planning.

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		27. a description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management; 28. a contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur; this contingency plan shall identify associated follow-up monitoring needs beyond the initial three years post-construction if remedial actions are required; 29. a requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least three years post-construction or until success of the compensatory lands (especially enhanced habitats) as described in the HMMP can be shown; during this period, regular reporting shall be provided to the County; 30. reporting shall include: e) an annual monitoring report to be submitted to the County; and f) for any species listed under the FESA or CESA, demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-		

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		listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.		
B-1(c)	Pre-Construction Special Status Plant Surveys	Prior to initial ground disturbance, all temporary and permanent disturbance areas within the Utility Corridor (i.e. areas not surveyed in 2013) shall be surveyed for special status plant species. The surveys shall be conducted in accordance with accepted protocols established by the USFWS, CDFW, and CNPS. The surveys shall be floristic in nature and shall be timed to coincide with the bloom period for the target species identified in the Rare Plant Survey report (see Appendix E.6). All special status plant species observed shall be fully described and mapped on a site-specific aerial image. All special status plant species observation information shall be submitted to the CNDDB. In addition, if there is a lapse in time of greater than two years between the completed protocol surveys in 2013 and the initiation of ground disturbance, all temporary and permanent disturbance areas shall be resurveyed to confirm the populations of special status plant species previously documented on-site, to provide updated and current information on rare plant	• If construction does not commence within two years of the last completed full protocol-level survey for rare plants in the San Luis Obispo County project area, the applicant shall contract for seasonally-timed pre-construction special status plant species prior to construction of the project. The applicant shall submit documentation to the County documenting the results of the preconstruction surveys. If less than two years have elapsed since the last complete survey, the applicant shall submit a letter documenting completion of full protocol-level survey for rare plants.	• Department of Planning & Building shall review and approve documentation approved by Monterey County RMA Planning that demonstrates surveys were completed by the applicant, if required, prior to issuing grading permits.

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		occurrences necessary to the Habitat Mitigation Plan (see below). The largest extent of special status plant species documented shall be used to determine the mitigation requirements, regardless of which year the survey was conducted.		
B-1(d)	Special Status Plant Species Avoidance and Minimization.	Federally- and state-listed plant species were not identified during 2013 or 2014 protocol survey; however, if they are identified during future survey efforts within the project site, as conducted under B-1(c), complete avoidance shall be required. The project Proponent shall, in consultation with a qualified plant ecologist, design, construct, and operate the project to completely avoid impacts to all populations of California jewelflower and San Joaquin woollythreads within the project impact area or within 50 feet of the project impact area. Impacts to all other (CRPR 1B and 4) special status plant species shall be avoided or minimized to the greatest extent feasible. All known special status plant populations present within the limits of disturbance, or within 100 feet of the limits of disturbance shall be clearly depicted on Project plan sets. Prior to ground disturbance or vegetation removal in areas where special-status plant populations are	• Project site plans shall be amended by the applicant to show ESAs prior to issuance of grading permits. ESA fencing shall be installed by the applicant prior to initiation of all other construction activities, including ground disturbance and staging.	• Department of Planning & Building shall ensure that the project site plans show ESAs and that ESA fencing is properly installed. Department of Planning & Building shall ensure that ESA fencing is maintained throughout the duration of construction.

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		to be avoided, the limits of work shall be visibly delineated with highly visible orange construction fencing or flagging. Visible delineation markers shall be required where special status plants to be avoided occur within 50 feet of general Project construction access areas and array installation, or within 100 feet of grading. The avoidance buffers shall be designated Environmentally Sensitive Areas (ESAs) and shall also be shown on Project plan sets. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. All ESA fencing shall be maintained intact and in good condition throughout the duration of construction.		
B-1(e)	Compensatory Mitigation for Special Status Plant Species.	Where direct impacts to special status plants cannot be avoided through redesign of project elements, to compensate for significant impacts on special status plant species, offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and also at least one occupied acres preserved for each occupied acres affected) up to the significance threshold, that is more than 10% of the BSA population for CRPR 1B species, or more than 30% of the BSA population for CRPR 4 species.	• A technical report as described in the measure that identifies the total number of plants and acreage impacted and required for mitigation, sites identified for mitigation through conservation, and the special status plant restoration plan, if applicable, must be submitted to RMA Planning prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. The applicant shall then obtain County approval of the	• Department of Planning & Building shall review and approve the technical report approved by Monterey County RMA Planning. • Department of Planning & Building shall review and approve the special status plant mitigation restoration plan approved by Monterey County RMA Planning, if applicable, prior to issuing grading permits.

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		For example, for a CRP-ranked 1B species where 15% of the known BSA population is impacted, mitigation must be provided at 1:1 equivalent of 5% of that BSA population; for CRPR 4 species, all impacts beyond 30 percent of the known BSA population must be mitigated at a 1:1 ratio). Areas proposed for preservation and serving as compensatory mitigation for special status plant impacts must contain verified extant populations of the special status plant species, of similar size and quality, and equal or greater density to the populations that would be impacted by the project, and should be consistent with the USFWS Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible. Preservation of offsite local populations within 5 miles of the project site would ensure that although the project could impact many individuals of CRPR 1B and 4 species, the project would not result in extirpation of these species from the region, and conserved populations would benefit long-term survival of these species statewide. Locations of suitable mitigation sites must be identified within 5 miles of the BSA, and a technical report must be submitted demonstrating	restoration plan, if applicable, and the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. All other timing shall be consistent with measure B-1(a).	

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		that the same species, approximate number of individuals, and same acreage of suitable habitat as would be impacted would be preserved. Suitable sites must have similar associate species, soils, and lack extensive populations of noxious weeds. Because populations of annual plants can fluctuate from year to year and are difficult to census over large areas, estimated population of the target species at mitigation sites may vary by up to 10 percent from impacted population estimates, provided calculations are based on population estimates conducted following 2009 CDFW-approved botanical survey protocol. The technical report must identify a species-by-species accounting of individuals and acreage impacted; locations, acreages, and individuals at each proposed mitigation site; botanical survey dates, personnel, mapping and population estimation techniques used to demonstrate site suitability as mitigation for special status plant impacts. If possible, compensatory mitigation areas shall be located as close to the project site as feasible, but must also be protected from Project-related ground disturbance by a species- and impact-specific buffer developed by a qualified plant ecologist familiar with the project actions and with the habitats and plant species present on the		

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		project site. This buffer must take into account the following potential indirect impacts that could occur to the preserved populations: 9. potential shading, or alteration of existing light regimes, by nearby infrastructure; 10. potential for alteration of drainage patterns that could affect the hydrology of habitat occupied by the preserved population; 11. potential for overspray of herbicides used during site vegetation management; *and*, 12. potential for ongoing dust deposition on the preserved population, sufficient to coat foliage or reproductive structures and substantially interfere with photosynthesis or pollination. Compensatory mitigation areas for special status plants can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b). If sufficient acreage of suitable quality as previously discussed cannot be protected to conserve CRPR 1B species at a minimum one to one ratio for individuals and acreage impacted, and to conserve CRPR 4 species impacted beyond the 30% threshold, the deficit between		

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		available suitable mitigation sites and required mitigation numbers and acreage shall be made up through active restoration. A special status plant mitigation restoration plan will be prepared, if needed, to identify suitable locations, methods, and success criteria for special status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan must at a minimum require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers impacted plants within five years. If compensatory mitigation for special status plants will involve restoration, then the applicant shall scrape and collect topsoil and/or duff from impact areas that support rare plants, to be used in compensatory mitigation site restoration. Seed may also be collected from impact areas. Before project-related activities commence and once on-site special status plants go to seed, areas of proposed site grading where special status plants have been recorded shall be scraped to collect the seeds and topsoil/duff for redistribution on compensatory lands. A qualified botanist shall		

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		determine the most suitable locations for the topsoil/duff to be distributed on the compensatory lands, which may include but not be limited to creation of "wetland" depressions for those plants associated with wetlands, seeps, vernal pools or other mesic sites with clay soils, and determining correct soil types or topographic aspect to support each plant species. Scraping will not be conducted for soils in vernal pools that could contain federally listed invertebrates unless permitted to do so by the United States Fish and Wildlife Service (USFWS). Sites used for restoration can be located on suitable habitat as outlined in measure B-1(a) for nested mitigation. Compensatory mitigation for special status plants shall be consistent with the conditions outlined in the above measure B-1(a), and be managed and monitored under the HMMP as outlined in the above measure B-1(b).		
B-1 (f)	Preconstruction Surveys for American Badger	No more than 30 days before the start of construction activities, a qualified biologist shall conduct pre-construction surveys for American badgers within suitable habitat on the project site and in the access road/Hwy 41 improvement areas. If a potentially active den is found in a construction area, the den openings may be monitored with tracking medium or an infrared-	• Surveys must be conducted within 30 days of commencing activities. Preconstruction survey reports are addressed under Measure B-1(g)	• Department of Planning & Building shall review preconstruction survey documentation submitted under measure B-1(g).

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		beam camera for three consecutive nights to determine current use. Potential (inactive) dens within the limits of disturbance shall be blocked with a one-way door or excavated to prevent use during construction. Blocking with one-way doors is preferable to excavation where feasible; potential dens blocked with doors will be made available to badgers after construction. If American badgers or active dens are detected during these surveys, the project Proponent shall implement measure B-1(g).		
B-1(g)	American Badger Avoidance and Minimization	If suitable American badger dens are identified within the disturbance footprint, the den openings shall be monitored with tracking medium or an infrared-beam camera for three consecutive nights to determine current use. If the den is not in use, it shall be excavated and collapsed to ensure that no animals are present in the den. If the den is occupied during the non-maternity period and avoidance is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the	• The applicant shall submit documentation that either no occupied American badger dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding dens prior to issuance of grading permits.	• Department of Planning & Building shall review and approve preconstruction survey documentation submitted to Monterey County RMA Planning to ensure that the applicant is in compliance with American badger impact avoidance and minimization measures, as applicable, in San Luis Obispo County.

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		rearing season (15 February through 30 June). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist. American badger dens determined to be occupied during the breeding season (15 February through 30 June) shall be flagged, and ground-disturbing activities avoided, within 100 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use. If a potential den is located outside of the disturbance footprint but within 500 feet of ground disturbing activities (including staging areas), the dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet around the den, designating the area an ESA. If the den is to be completely enclosed by fencing the fencing must be installed in a manner that allows badger to move through the fencing at-will. No equipment, vehicles, or personnel are permitted within ESAs without clear permission from a qualified biologist. The fencing shall be maintained in good condition and shall remain in place until all construction		

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		activities are completed within 500 feet of the den.		
B-1(h)	Preconstruction Surveys for San Joaquin Kit Fox	No more than 30 days before the start of construction activities, the project Proponent shall retain a qualified biologist to conduct pre-construction surveys. All areas within the active limits of work, plus a 500-foot buffer (where the project Proponent has access), shall be surveyed, and all known and potential San Joaquin kit fox dens (i.e., suitably sized dens occurring within suitable habitat) shall be mapped. The entire project site will not be disturbed simultaneously; therefore, pre-construction surveys shall be staggered and occur only in areas scheduled for construction, at most 30 days prior to disturbance in those areas. If present, active San Joaquin kit fox dens shall be flagged, and ground-disturbing activities shall be avoided as described in measure B-1(i), below.	• Surveys must be conducted within 30 days of commencing activities. Preconstruction survey reports are addressed under Measure B-1(i)	• Department of Planning & Building shall review preconstruction survey documentation submitted under measure B-1(i).
B-1(i)	San Joaquin Kit Fox Den Avoidance and Minimization Measures.	When a suitable subterranean hole (den or burrow) is discovered within the project site, a qualified biologist will determine if the hole is occupied by a kit fox. Den entrances at least 4 inches in diameter, but not greater than 20 inches, qualify as suitable for kit fox use. The biologist will check to see if the den continues to extend underground at a 6-inch diameter. If the	• The applicant shall submit documentation to RMA Planning that either no occupied SJKF dens were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of occupied or active breeding dens prior to the start of active construction. If occupied	• Department of Planning & Building shall review and approve preconstruction survey documentation submitted to Monterey County RMA Planning to ensure that the applicant is in compliance with SJKF impact avoidance and minimization measures. Department of Planning & Building shall review and approve construction monitoring reports regarding SJKF, as applicable, to ensure that the applicant is in compliance with

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		opening narrows quickly to 2-3 inches, then the hole will be considered unusable by kit foxes (it is likely being used by a California ground squirrel and would require extensive modification to be usable by a kit fox). If the den(s) can be immediately identified as recently used by kit fox based on qualifying signs such as kit fox tracks, scat, and a fresh soil apron extending 4-6 feet from the den entrance, then no further investigation will be conducted and the hole will be considered an occupied den. Dens with proper dimensions but no obvious sign will require further investigation. A remote motion-sensing camera will be deployed for at least five (5) days to document whether the hole is being used by kit fox. If, after 5 days, no kit foxes are detected and the hole has remained unchanged (no new tracks or excavations are observed), the den will be deemed unoccupied. The den will be considered occupied if a kit fox is photographed using the den frequently or if recent sign is found. Per the USFWS Standard Recommendations (2011), the following definitions will apply: 9. "Known den" - Any existing natural den or manmade structure that is used or has been used at any time in the past by a San Joaquin kit	dens cannot be avoided the applicant will provide documentation that an Incidental Take Permit has been issued by CDFW (CESA/CFGC Sections 2081(b) and 2081(c)) and a Biological Opinion has been issued by the USFWS (FESA Section 7)	SJKF impact avoidance and minimization measures.

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		fox. Evidence of use may include historical records, past or current radio telemetry or spotlighting data, kit fox sign such as tracks, scat, and/or prey remains, or other reasonable proof that a given den is being or has been used by a kit fox. 10. "Potential Den" - Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Potential dens shall include the following: (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for kit fox use. 11. "Natal or Pupping Den" - Any den used by kit foxes to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more kit fox tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which kit fox pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. 12. "Atypical Den" - Any manmade structure which has been or is being occupied by a San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.		

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		The applicant shall establish buffers around occupied dens within the project site under the following conditions for the construction and operation phases of the project: **Construction Phase** 15. Occupied dens detected during pre-construction surveys or during construction monitoring will be fenced or flagged at the appropriate buffer distance (described below), to prevent access to the occupied den by construction equipment or non-biologist personnel. 16. Upon completion of construction activities in proximity to a den, all fencing/flagging will be removed to avoid attracting subsequent attention to the dens. 17. All onsite flagging and buffer delineations will be well maintained for the duration of activity in proximity to the den or until the den is determined to be unoccupied, whichever comes first. 18. The following radii will be the San Joaquin kit fox buffer distances in effect within the project site during project construction: a. Occupied den – 100 feet b. Occupied natal/pupping den – 500 feet c. Occupied atypical den – 50 feet 19. Within the buffers, only essential vehicle and foot traffic will be permitted. 20. Otherwise, all construction, vehicle operation, material storage, and any other type of surface-disturbing activity will be prohibited within the buffers. 21. All reductions to established restrictive buffer		

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		areas (i.e. changes in total area by reducing the radii of the buffer or modifying the circular shape of the buffer) or allowance of additional activities within the restrictive buffers based on specific circumstances (i.e. vegetation, topography, acclimation to existing conditions, or frequency, intensity, or duration of anthropogenic activities) must be authorized by an agency-approved kit fox biologist. Agency approval of the kit biologist must be provided in writing by the agencies after review of the biologist's resume. All authorized reductions to restrictive buffer areas must be reported in writing to the USFWS and CDFW per the requirements of the federal and/or state take authorizations if specified, or within 24 hours of implementing the change if not specified in the take authorization(s). **Operations Phase / Routine Activities** 7. Because routine O&M activities are minimally disruptive and any San Joaquin kit fox that may occur on the site will have habituated to similar levels of activity, restricted kit fox buffer zone entry for normal O&M activities is generally allowable following specific guidelines (see below). 8. Routine O&M activities include (but are not limited to) system maintenance/repair, testing and visual inspections, monitoring of overall system operational status, meter reading, security surveys and actions, and supervision of these activities and plant operation. 9. For normal O&M activities, buffer zones within the project site will have restricted entry as		

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		follows: i) Potential or unoccupied dens (50-ft buffer): i. No restrictions on entry except that the activity may not cause the destruction of the den. j) Occupied dens (100-ft buffer) and occupied atypical dens (50-ft buffer): i. No activity that would destroy the den may occur, until it is determined to be unoccupied. ii. No activity that may harm a San Joaquin kit fox will proceed until the San Joaquin kit fox is out of harm's way without harassment. iii. No vehicle parking/refueling will occur within the buffer. iv. Through-vehicle access allowed on established routes for normal O&M activities. v. Access may be allowed on foot or with light-duty vehicles/equipment only (e.g. panel washing equipment) for normal O&M activities if San Joaquin kit foxes are not observed above ground. vi. Any activity that would cause strong ground vibrations may not occur within the buffer zone until the den is no longer occupied. vii. In emergencies or urgent operational necessity, project personnel conducting normal O&M activities may slowly and carefully approach the work area near the den with a San Joaquin kit fox above ground, unless continuation of the activity would harm the San		

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		Joaquin kit fox or den. k) Natal den without pups (200-ft buffer): i. No restrictions apply to entries into buffer area around an unoccupied natal den unless the activity would cause the destruction of the den. ii. Same restrictions apply as for occupied dens with 100-ft buffers, as per above. l) Natal den with pups (500-ft buffer): i. No activity that would destroy the den may occur until the den is determined to be unoccupied. ii. No activity that may harm a San Joaquin kit fox will proceed until the den is unoccupied and the San Joaquin kit foxes are out of harm's way without harassment. iii. No vehicle parking/stopping/refueling will occur within the buffer. iv. Through-vehicle access allowed on established routes for normal O&M activities. v. No work will occur within 100 ft of natal dens except in emergencies or urgent operational necessity. ➢ In emergencies or urgent operational necessity, project personnel may slowly and carefully approach the work area near the den, unless continuation of the activity may harm a San Joaquin kit fox or den. vi. No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty		

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		vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground. vii. Access may be allowed on foot up to 100 ft from a natal den for normal O&M activities if no San Joaquin kit fox are above ground. viii. The fewest number of personnel and only equipment or vehicles essential to the work to be done may approach a den (within the constraints listed above); work must be completed, and personnel leave the area, as quickly as possible. ix. Any activity that would cause strong ground vibrations may not occur within a buffer zone until the den or burrow is no longer occupied. **Operations Phase/Extended Activities** 7. Specific den disturbance avoidance procedures for ground-disturbing, mowing, and extended maintenance activities will be developed, in consultation with a Designated Biologist(s) 8. Per the USFWS Standard Recommendations (2011), a Designated Biologist means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox, gray fox, and kit fox tracks, and to have seen		

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		a kit fox in the wild, at a zoo, or as a museum mount. Resumes of biologists will be submitted to the Service for review and approval prior to any survey or monitoring work occurring. 9. At a minimum, the following procedures will be followed on the project site: a) No work will be allowed to occur within 200 ft of currently occupied natal dens except in emergencies or urgent operational necessity. b) Work that would cause strong ground vibrations may not occur within a buffer zone until such time as the den is no longer occupied. c) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 100 ft of a non-natal San Joaquin kit fox den or 50 ft of an atypical kit fox den when the Designated Biologist(s) has determined it is not occupied (may be temporarily unoccupied). d) After consultation with the Designated Biologist(s) for specific den disturbance avoidance procedures, ground-disturbing, mowing, or extended maintenance activities may be allowed within less than 200 ft of a San Joaquin kit fox natal den when the Designated Biologist(s) has determined it is not occupied. e) The fewest number of personnel and only equipment or vehicles essential to the work to be done will approach a den. Work will be completed, and personnel will leave the		

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		area, as quickly as possible. **All Project Phases** The applicant shall minimize impacts on known dens through the following procedures: 7. Protect in place if construction would not directly affect the known den on the project site as follows: a) Protect in place will occur immediately after a three-day period of camera monitoring indicating the den is unoccupied, as described above. b) A one-way San Joaquin kit fox door or an alternative approved exclusionary device will be installed on the currently unoccupied den, and the tracking medium or infrared camera will be left in place for two more days to monitor potential activity at the den. c) If San Joaquin kit fox activity is observed at the den during this monitoring period, the exclusionary device will be removed and the den will be monitored for at least five additional consecutive days, starting from the time of the observation. d) 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. e) When the den is determined to be unoccupied it will be protected in place under the direction of a qualified biologist. If an animal is still attempting to access the den after five or more consecutive days of plugging and monitoring, the den may have		

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		to be excavated (procedure described below). 8. Excavate dens when construction at the known den site is unavoidable as follows: i) If necessary, destruction of the den will occur immediately after the three-day monitoring period, when the den is temporarily vacant (for example, during the animal's normal foraging activities), to preclude subsequent use. j) Destruction of the den will be accomplished by careful excavation until the den is fully excavated. k) Hand excavation of dens is encouraged; however, soil conditions may necessitate the use of excavating equipment. l) Extreme caution will be exercised during any den excavation activities and will only be conducted under the direct supervision of a qualified biologist. m) The fully excavated den will be filled with dirt and compacted to ensure that kit foxes cannot re-enter or use the den during the construction period. n) 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 resume. o) Destruction of the den may be completed when, in the judgment of a qualified biologist, the animal has escaped from the partially destroyed den. p) The camera monitoring and/or burrow-probing procedures employed to determine		

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		occupancy prior to excavation will also be used to verify that there is not a second fox inside the den. 9. Postpone work near, and impacts to, natal/pupping dens on the project site as follows: a) Natal or pupping dens (dens in which young are reared) that are occupied will not be destroyed or protected in place until the pups and adults have vacated. b) Project activities within the restricted-activity buffer zones will be modified or postponed if necessary to avoid disturbance, as determined by a qualified biologist. As described above, the following buffer zones apply only for natal dens: i. Construction Phase – 500 Ft ii. Operations Phase / Normal Activity - No equipment operation will occur within 200 ft of a natal den; however, access may be allowed with light-duty vehicles/equipment (e.g. panel washing equipment) for normal O&M activities up to 200 ft from a natal den if no San Joaquin kit foxes are above ground. c) After the pups have vacated the den, the procedure for excavation or protection in place (outlined above for known dens) will be implemented.		
B-1 (j)	Compensatory Habitat Mitigation for San Joaquin Kit Fox.	To mitigate for the loss of San Joaquin kit fox habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation	• Identification of the total acreage for mitigation of San Joaquin kit fox must be submitted to RMA Planning prior to the issuance of grading permits or prior to the issuance of the grading permit	• Department of Planning & Building shall review and accept documentation of total acreages required to meet all compensatory mitigation obligations for activities within San Luis Obispo County. • Department of Planning & Building shall review and accept the HMMP approved by Monterey

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		with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site. To mitigate for the impacts to San Joaquin kit fox habitat within the SDAs, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site. Compensatory mitigation areas for San Joaquin kit fox can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for San Joaquin kit fox shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).	for each phase of the project, should the project be phased. Documentation shall include a summary of affected acreage and required mitigation. All other timing shall be consistent with measure B-1(a).	County RMA Planning as described under MM B-1(b).
B-1(k)	Remove Wild Animal And Livestock Carcasses.	To minimize potential for attracting predators of San Joaquin kit fox, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Proponent on a weekly basis during construction and operation.	• Monitoring shall be conducted by the project proponent on a weekly basis during construction and operation.	• Department of Planning & Building shall review documentation of compliance with monitoring for and removal of animal carcasses throughout the duration of construction in San Luis Obispo County

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		During construction, any road kill within the project site shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an individual in possession of appropriate federal and state permits, if any are required, including but not necessarily limited to a state scientific collection permit pursuant to Fish and game Code Section 2081.		
B-1 (I)	Preconstruction Surveys for Burrowing Owl	No more than 14 days before the start of initial ground disturbing activities, a qualified ornithologist(s) shall conduct focused, pre-construction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFG 2012). Preconstruction surveys shall be consistent with CDFW-recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012; Appendix B), and be conducted on foot such that 100% of the survey area is visible, and shall cover the entire limits of disturbances plus a 500-foot buffer. If the project is developed in phases, the preconstruction surveys shall be timed to coincide with the start of each phase, rather than the entire site being surveyed at one time. All	• The applicant will contract for preconstruction burrowing owl surveys to be conducted prior to construction of the project and shall submit documentation to the County that surveys have been completed prior to the start of initial ground-disturbing activities.	• Department of Planning & Building shall review and approve preconstruction survey documentation submitted to Monterey County RMA Planning to ensure that applicant is in compliance with all burrowing owl impact avoidance and minimization measures, as applicable, in San Luis Obispo County.

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		observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of the survey finds shall be submitted to the County prior to initiation of construction activities. If suitable burrows for burrowing owls are identified during preconstruction surveys, mitigation measure B-1(m) shall be implemented.		
B-1(m)	Burrowing Owl Avoidance and Minimization Measures	If suitable burrows for burrowing owls are found during preconstruction surveys on the project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012; Appendix B). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist in the same manner as described under B-1(g). If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented. 7. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified biologist verifies, through noninvasive methods, that either (1) the	• The applicant shall submit preconstruction survey documentation to RMA Planning that either no occupied burrowing owl burrows were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of active breeding burrows prior to issuance of grading permits.	• Department of Planning & Building shall review preconstruction survey documentation approved by RMA Planning and ensure that the applicant is in compliance with burrowing owl impacts avoidance and minimization measures, as applicable, in San Luis Obispo County.

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		burrow is not being used for breeding, (2) a previously active nest has failed and the burrow is no longer active, or (3) all juveniles from the occupied burrow are foraging independently and capable of independent survival and the burrow is no longer an active nest burrow. Owls present after 1 February shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until 31 August or, based upon monitoring evidence, until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist. 8. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFG 2012; Appendix B): **Time of Year** / **Level of Disturbance**: **Low** / **Med** / **High** April 1 – Aug 15: 200 meters / 500 meters / 500 meters Aug 16 – Oct 15: 200 meters / 200 meters / 500 meters Oct 16 – Mar 31: 50 meters / 100 meters / 500 meters The appropriateness of using reduced buffer		

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		distances or burrow-specific buffer distances shall be established on a case-by-case basis by a qualified ornithologist in consultation with CDFW, and shall depend on existing conditions (e.g., vegetation/topographic screening and current disturbance regimes). If necessary, buffer distances shall be carefully reassessed and relaxed or modified, based on future development plans (e.g., increased or intensified construction activities), by a qualified biologist who may consult with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through construction of project or until construction activities are no longer occurring in the vicinity of the burrow. 9. During the nonbreeding season (generally 1 September–31 January), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County prior to implementation. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors		

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		and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken: e) Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). f) Passive relocation of burrowing owls shall		

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		be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW, and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).		
B-1(n)	Compensatory Habitat Mitigation for Burrowing Owl	To mitigate for the loss of burrowing owl habitat from the installation of all new facilities, except the SDAs, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint in consultation with CDFW, but at a minimum of 3:1 ratio (preserved habitat: affected habitat). The compensatory mitigation must provide equal or greater habitat value than the project site. To mitigate for the impacts to burrowing owl habitat within the SDAs, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final footprint of the SDAs in consultation with CDFW, but at a minimum of 2:1 ratio. All compensatory mitigation must comprise habitat of value equal to, or greater than, the project site.	• Identification of the total acreage for mitigation of burrowing owl must be submitted to RMA Planning prior to the issuance of grading permits. All other timing shall be consistent with measure B-1(a). A summary table indicating total acreage required for activities within Monterey versus San Luis Obispo County shall be included.	• Department of Planning & Building shall review and accept the HMMP approved by Monterey County RMA Planning under mitigation measure B-1(b).

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		Compensatory mitigation areas for burrowing owl can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for burrowing owl shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).		
B-1(o)	Preconstruction Surveys for Coachwhip and Coast Horned Lizard.	The project Proponent shall retain a qualified biologist (i.e., a biologist approved by CDFW to handle these species) to conduct pre-construction surveys immediately before initial ground disturbance (i.e., the morning of the commencement of disturbance). If San Joaquin coachwhips or coast horned lizards are found in the area of disturbance, the biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.	• The applicant will contract for preconstruction coachwhip and coast horned lizard surveys to be conducted prior to construction of the project.	• Department of Planning & Building shall review and approve preconstruction survey documentation submitted to Monterey County RMA Planning to ensure that the surveys are completed prior to issuing grading permits.

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B-1(r)	Preconstruction Surveys for Raptors and Other Special Status Bird Species.	Not more than 30 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting raptors. Not more than 14 days prior to initiation of construction activities (incl. mobilization, staging and ESA fence installation) during the breeding season (1 February to 15 September), a qualified biologist shall conduct preconstruction surveys for nesting MBTA/state regulated birds. The survey for the presence of nesting raptors, including golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird species shall include the disturbance footprint plus a 300-foot buffer. The surveys shall be repeated during the breeding season for each subsequent year of construction to ensure that ongoing construction activities avoid impacts to nesting birds. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 0.5 mile for	• The applicant shall submit documentation to RMA Planning that either no raptors or other special status birds were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to raptors and other special status birds prior to the start of construction activity. If results of the preconstruction surveys for raptors or other special status birds identify any state listed or state fully protected species, a preconstruction survey report will also be provided to CDFW prior to the start of construction.	• Department of Planning & Building shall review and approve preconstruction survey documentation and shall ensure that the applicant is in compliance with raptor and special status bird impacts avoidance and minimization measures.

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		fully protected and state-listed raptors (such as white-tailed kite, bald eagle and Swainson's hawk). The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails. For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified ornithologist determines that a given nest has failed or that all surviving chicks have fledged.		
B-1(t)	Preconstruction Surveys and Avoidance of	Preconstruction surveys shall be conducted for western pond turtle prior to initiation of	• The applicant shall submit documentation to RMA Planning that no aquatic special status	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that the applicant is in compliance with

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	Western Pond Turtle.	construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint plus 200 feet of adjacent upland habitat shall be surveyed for western pond turtles. If any pond turtles are detected during these surveys, or during construction in an area where individuals could be affected, they shall be moved to a suitable location outside the disturbance footprint. The candidate sites for relocation shall be identified prior to start of construction and shall be located within similar size and type of habitat within the same drainage in which the individual was observed. If any pond turtle nests with eggs are found, the nests shall remain undisturbed until the eggs have hatched, if feasible. If avoidance of a nest is infeasible (e.g., if avoidance would result in an unacceptable delay in the project's schedule), or if the eggs are discovered only after the nest has been affected, any viable eggs shall be relocated by a qualified biologist to a suitable location outside the impact area. Egg relocation areas shall be identified by a qualified biologist based on pond turtle nesting biology. Any viable eggs shall be deposited in a hole and buried for thermal protection. A final report outline the preconstruction survey results and identifying the number of animals	species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity.	aquatic special status species impact avoidance and minimization measures.

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		moved shall be submitted to the County prior to the start of construction.		
B-1(u)	Preconstruction Surveys and Avoidance of Western Spadefoot	Before the start of construction, a qualified biologist shall conduct a preconstruction survey in and around areas of proposed disturbance during the time of year in which this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat. During construction, and based on rainfall and temperatures (generally best between February and April), the qualified biologist shall conduct surveys in all appropriate aquatic breeding habitats and in adjacent upland habitats in the project impact area that are within 1200 feet of appropriate aquatic breeding habitats. Surveys shall include evaluation of all previously documented occupied areas and a reconnaissance-level survey of the remaining natural areas of the site. If western spadefoot toads are detected within the area of disturbance, the qualified biologist shall move the animals to an appropriate location outside the area of disturbance. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions	• The applicant shall submit preconstruction survey documentation to RMA Planning that no western spadefoot were recorded on the project site, or that appropriate avoidance measures have been implemented to ensure avoidance of impacts to western spadefoot prior to the start of construction activity.	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that the applicant is in compliance with western spadefoot impact avoidance and minimization measures.

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		with resident species, and the range of western spadefoot toad. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed and submitted to the County at the end of construction.		
B-1(v)	Compensatory Mitigation for Western Spadefoot Toad.	If occupied breeding (aquatic) habitat for western spadefoot toad is detected and would be permanently affected, compensatory mitigation shall be implemented as follows: Permanently affected occupied breeding habitat shall be replaced at a 2:1 ratio (mitigation area: affected area). To the extent that there is an overlap in habitat value and occupied habitat, preservation lands may be the same as those provided for other species, such as California red-legged frog and western pond turtle. Any occupied breeding pond that would be permanently affected and cannot be preserved for western spadefoot toad shall not be disturbed or affected until replacement breeding habitat has been created. Once the replacement habitat is created, during surveys, all western spadefoot toad adults, tadpoles, and egg masses detected in the impact area shall be moved to the created pool habitat. If construction impacts on occupied	• Identification of the total acreage for mitigation for western spadefoot must be submitted to the County prior to the issuance of grading permits. All other timing to be consistent with measure B-1(a). A summary table indicating total acreage required for activities within Monterey versus San Luis Obispo County shall be included.	• Department of Planning & Building shall review documentation of total acreage required for western spadefoot mitigation, if applicable. Compensatory mitigation, if required, shall be monitored with measures MM B-1(a) and MM B-1(b).

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		breeding ponds would occur during the dry season, the replacement habitat must be in place prior to the beginning of the next wet season. Surveys in the vicinity of the affected pond shall take place during the wet season, and all western spadefoot toads detected shall be moved to the replacement habitat. The mitigation breeding habitat shall be monitored and maintained until it is shown to be successful habitat for western spadefoot toad, or up to five years, whichever is shorter. Provision to make adjustments to remediate problems shall also be included in the HMMP in measure B-1(b). Compensatory mitigation areas for western spadefoot can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for western spadefoot shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).		
B-1(w)	California Tiger Salamander and California Red-Legged Frog Relocation Sites.	Prior to the initiation of any other protective measures, a qualified biologist (i.e., biologist approved by USFWS and/or CDFW to translocate CTS and CRLF) shall, in consultation with USFWS and/or CDFW as applicable, identify	• The applicant shall submit to RMA Planning documentation that CDFW and/or USFWS approved relocation sites for CTS and CRLF have been identified prior to issuance of	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that CDFW- and USFWS-approved relocation sites have been identified by the applicant.

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		appropriate relocation sites for any adult, juvenile, and larval CTS and CRLF that may be observed during the pre-construction survey or monitoring activities described below and need to be moved from within the limits of direct impact disturbance. Relocation or other take (e.g. entrapment) of CTS and CRLF can only be conducted by an authorized biologist and the project must have been issued the requisite take authorizations from CDFW and/or USFWS as applicable before any relocation activity can commence.	grading permits.	
B-1(x)	California Red-Legged Frog Construction Barriers.	Before any ground disturbance within 200 feet of identified red-legged frog breeding and aquatic non-breeding habitats, temporary barriers shall be constructed between the limits of disturbance and these identified habitats to minimize the potential for California red-legged frogs to enter the project footprint during construction. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface. The ends of the barriers shall extend 50 feet beyond the 200-foot range of the identified habitats and hook away from the limits of disturbance. These barriers shall be inspected daily by construction personnel and maintained and repaired as necessary for the duration of construction to ensure that they are functional	• The applicant shall submit to RMA Planning documentation that fencing has been installed prior to ground disturbing activity or that suitable habitats for CRLF are not present within 200 feet of construction areas in San Luis Obispo County.	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that CRLF fencing, if applicable, is in place prior to the start of ground disturbing activity.

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		and are not a hazard to red-legged frogs on the outer side of the fence. The qualified biologist shall monitor fence installation for presence of California red-legged frog. Any individuals detected during these surveys shall be moved to a safe location (e.g., aquatic pool habitat) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS to handle red-legged frogs. Such fencing might not be feasible for in-stream work or work in very rocky areas.		
B-1(y)	Construction Timing, Preconstruction Surveys and Avoidance Measures for California Red-Legged Frog.	To avoid disturbing breeding frogs and to avoid potential spills into known breeding sites when eggs and tadpoles are present, construction activities shall be performed during the dry season to the extent practicable. Construction activities in or within 200 feet of occupied CRLF breeding habitat shall occur during the July–November period, if feasible, to avoid the period when red-legged frogs are breeding and the period when eggs or larvae are most likely to be present. Preconstruction surveys shall be conducted for CRLF prior to initiation of construction activities, including mobilization and staging. All suitable aquatic habitat within the disturbance footprint	• The applicant shall submit documentation to the County that no aquatic special status species were recorded on the project site, or that appropriate impact avoidance measures have been implemented to ensure avoidance of aquatic special status species prior to the start of construction activity.	• Department of Planning & Building shall review and approve documentation approved by RMA Planning that demonstrates surveys were completed by the applicant, if required, and animals were relocated, if required, prior to issuing grading permits. • Department of Planning & Building shall ensure that the applicant is in compliance with aquatic special status species impact avoidance and minimization measures.

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		plus 200 feet of adjacent upland habitat shall be surveyed. CRLF surveys shall consist of one nighttime survey and one daytime survey conducted by a qualified biologist within a 48-hour period before the onset of construction activities. If CRLF of any life stage are found, they shall be moved to the designated relocation sites identified under B-1(w). To minimize impacts to California red-legged frog dispersing to breeding sites, during the breeding season (November through April), in areas within 200 feet of California red-legged frog aquatic habitat construction and construction-related activities shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April, when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS to handle red-legged frogs shall be present to monitor the activity for California red-legged frog. If a California red-legged frog is detected during this monitoring, it shall be moved to the pre-determined salvage site established under measure B-1(w). A final report outline the preconstruction survey		

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		results and identifying the number of animals moved shall be submitted to the County prior to the start of construction.		
B-1(z)	Compensatory Mitigation for California Red-Legged Frog.	Compensatory mitigation shall be required for impacts to suitable habitat for CRLF. To mitigate for the permanent loss of CRLF upland habitat within one mile of known breeding habitat, the project Proponent shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at a 2:1 ratio (preserved habitat: affected habitat within one mile of known breeding habitat). The compensatory mitigation must provide equal or greater habitat value than the project site. If the compensatory mitigation provides suitable breeding habitat for these species, the overall acreage for upland mitigation habitat shall be reduced by two times the acreage of the suitable breeding habitat (overall acres of upland required – [2 * suitable breeding habitat acres]). Compensatory mitigation areas for CRLF can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CRLF shall be consistent with the conditions outlined in the	• Identification of the total acreage for mitigation for California red-legged frog must be submitted to RMA Planning prior to the issuance of grading permits, or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).	• Department of Planning & Building shall review and approve documentation of impacts to CRLF habitat within San Luis Obispo County. All other review and monitoring shall occur as specified under measures B-1(a) and B-1(b).

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		above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).		
B-1(aa)	California Tiger Salamander Construction Barriers.	Prior to any ground disturbance, temporary one-way barriers approved by both USFWS and CDFW shall be constructed on the project site limits of disturbance wherever these limits intersect uplands located within 0.35 mile of the identified suitable breeding habitat of the project site. No barrier fence shall be installed along the Access Road, Utility Corridor or transmission line. The purpose of the barriers shall be to allow California tiger salamanders to exit the project site but minimize the potential for them to enter the project site impact areas from these potential breeding locations. The barriers shall consist of 3-foot-tall silt fencing buried to a depth of at least 6 inches below the soil surface and installed to allow salamanders to exit but not enter the area of disturbance by providing a one-way door, funnel, ramp, or similar device, every 100 feet. The ends of each barrier shall extend 50 feet beyond the 0.35-mile distance and hook away from the limits of disturbance if the limits of disturbance extend beyond the 0.35-mile distance. This barrier shall be installed prior to the start of the breeding season that precedes	• The applicant shall mark locations within 0.35 mile of identified suitable breeding habitat in the field prior to construction, and submit documentation that a qualified biological monitor has been retained for relevant CTS monitoring during construction.	• Department of Planning & Building shall review documentation approved by RMA Planning that areas within 0.35 mile of identified suitable breeding habitat for CTS have been marked in the field, and shall review and approve documentation that a qualified biological monitor has been retained.

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		the start of construction to allow adult salamanders moving to the breeding ponds during this breeding season to exit the project site to breed but not re-enter the project site to seek refugia. During the breeding season, this barrier shall be inspected daily by construction personnel and maintained and repaired to determine if it is functioning properly and is not a hazard to tiger salamanders on the outer side of the fence. Damage observed at any time shall be reported so that repairs are made as necessary for the duration of construction to ensure that it is functional. A qualified biologist shall monitor fence installation for presence of California tiger salamanders. Any individual detected during this monitoring or at any time within construction limits shall be moved to a safe location identified in measure B-1(w) in a nearby area but outside the limits of disturbance by a qualified biologist approved by USFWS and CDFW to handle the tiger salamanders. This barrier shall be removed within 30 days after completion of construction. Within 0.35 mile of the identified suitable breeding habitat of the project site, where installation of a silt fence is not feasible, ground-disturbing construction activities shall be limited to the non-breeding season to the extent practicable, and nighttime construction activities		

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		shall be minimized during the breeding season. In particular, to minimize impacts to California tiger salamanders that are dispersing to and from breeding sites during the breeding season (October through March), ground-disturbing construction activities along the access road, Utility Corridor and transmission line shall be limited to the non-breeding season, to the extent practicable. In addition, in areas within 0.35 mile of potential California tiger salamander breeding habitat that have not been fenced, construction and construction-related activities, such as deliveries, shall be avoided between sunset and sunrise (nighttime) when there is an 80% chance or greater of precipitation, to the extent feasible. If nighttime construction and construction-related activities are required from November through April when there is an 80% chance or greater of precipitation, a qualified herpetologist approved by USFWS and CDFW to handle tiger salamander shall be present to monitor the activity area for California tiger salamander. If a California tiger salamander is detected during this monitoring, it shall be moved to the pre-determined salvage site (as identified in mitigation measure B-1(w)).		
B-1(bb)	California Tiger	During the winter and spring breeding season	• The applicant shall report results of daily pre-activity surveys	• Department of Planning & Building shall review monitoring reports approved by RMA Planning to

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	Salamander Daily Pre-activity Surveys.	(October through April), a qualified biologist (i.e., a biologist approved by USFWS and CDFW to handle CTS or someone working under such a biologist) shall conduct a daily pre-activity survey of active construction areas within 0.35 mile of potential breeding ponds to detect any dispersing CTS. These surveys shall be conducted each morning prior to the initiation of construction in the area where construction is to occur. The qualified biologist shall inspect under all equipment or material stored in the area or to be moved, and along the barrier fence for California tiger salamanders. Any individual detected during these pre-activity surveys shall be moved to a designated relocation sites identified under B-1(w).	within the biological monitoring reports required in measure B-1(ee) and submit these reports to RMA Planning as described in measure B-1(ee).	ensure that the applicant is in compliance with all mitigation measures related to CTS daily pre-activity surveys.
B-1(cc)	Compensatory Mitigation for California Tiger Salamander.	Compensatory mitigation shall be required for impacts to suitable habitat for CTS upland habitat from all new facilities, the applicant shall provide compensatory mitigation acreage, adjusted to reflect the final Project footprint, at the following ratios (preserved habitat: affected habitat): 2:1 for areas within 4,925 feet of a breeding pond, 1:1 for areas located between 4,925 feet and 6,125 feet of a suitable breeding pond, and 0.5:1 for areas located between 6,125 feet and 1.3 miles from a potential breeding pond.	• Identification of the total acreage for mitigation for California tiger salamander must be submitted to RMA Planning prior to the issuance of grading permits or prior to the issuance of the grading permit for each phase of the project, should the project be phased. All other timing shall be consistent with measure B-1(a).	• Department of Planning & Building shall review and approve documentation of impacts to CTS habitat within San Luis Obispo County. All other review and monitoring shall occur as specified under measures B-1(a) and B-1(b).

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		Compensatory mitigation areas for CTS can be combined with mitigation for multiple species as outlined in measure B-1(a) for nesting mitigation. Compensatory mitigation for CTS shall be consistent with the conditions outlined in the above measure B-1(a), and managed and monitored under the HMMP as outlined in the above measure B-1(b).		
B-1(ee)	Construction Biological Monitoring	Before the start of ground disturbance or site mobilization activities, qualified biologists shall be retained by the applicant. The applicant shall ensure that each qualified biologist has demonstrated expertise with the listed and/or special status plants, terrestrial mammals, birds, reptiles, and invertebrates of the region, such as San Joaquin kit fox, California red-legged frog, and burrowing owl. Expertise must include the ability to recognize listed/special status and common species of the region, as well as sign, including scat, pellets, tracks, hair, fur, feathers, dens, and burrows. One or more of the qualified biologists shall also, as necessary, have the ability to monitor, relocate, handle, and collect species, as authorized by CDFW and USFWS through the use of a Memorandum of Understanding (MOU), scientific collecting/incidental take permit, and/or federal	• The applicant shall submit documentation to RMA Planning demonstrating that the applicant has contracted qualified biologists to conduct biological monitoring and that these biologists have been approved by CDFW and USFWS (as required) prior to issuance of a grading permit. The applicant shall also report results of daily biological monitoring activity to the County (through the Environmental Compliance Manager) on a monthly and annual basis through the preparation and submission of monthly summary monitoring reports, and annual monitoring reports. During construction, the annual written report shall describe the status of project construction, as well as the	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that the applicant's biological monitors are approved by CDFW and USFWS and shall review monitoring reports to ensure that the applicant is in compliance with all mitigation measures related to biological monitoring activities.

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		take permit. The qualified biologist(s) shall be present during initial ground-disturbing activities immediately adjacent to or within habitat that supports populations of listed or special status species. If a listed or special status species is encountered during Project construction, the following protocol shall be implemented: 5. All work that could result in death, direct injury, disturbance, or harassment of the individual animal shall immediately cease and the qualified biologist shall be contacted; and 6. The qualified biologist shall remove the individual animal to an appropriate relocation site outside the project impact areas, or the individual animal shall be allowed to leave unimpeded. Construction shall resume, as directed by the qualified biologist(s), as soon as the individual animal either leaves or is removed from the area.	compliance and current implementation status of construction-related biological mitigation measures and general biological measures. The report shall be submitted to the County no later than 15 February of the following year.	
B-1(ff)	Special Status Animal Species General Avoidance Measures and Construction Best	The following general avoidance measures and Best Management Practices (BMPs) shall be implemented to avoid and minimize impacts to special status animal species. 37. Prior to ground disturbance, all	• The applicant shall include details on special status animal species general avoidance measures and construction BMPs in biological monitoring status reports that are to be	• Department of Planning & Building shall receive documentation approved by RMA Planning and ensure that the applicant is in compliance with special status animal species general avoidance measures and construction BMPs.

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	Management Practices.	permanent and temporary disturbance areas shall be clearly delineated by stakes, flags, or another clearly identifiable system. 38. To minimize disturbance of areas outside the project site, all construction and operation vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas shall be included in pre-construction surveys and, to the extent possible, shall be established in locations disturbed by previous activities to prevent further impacts. 39. Construction and operation vehicles shall observe a 20 mile-per-hour (MPH) speed limit during daylight hours within Project areas, except on county roads and state and federal highways. During limited nighttime activities, all construction and operation vehicles shall observe a 10 MPH speed limit. Speed limit signs shall be installed at the project site entrance from the driveway, every one mile along the project site access road, and at the end points of the driveway upon initiation of site disturbance and/or construction. One electronic speed monitoring sign shall be placed in both directions, at the	submitted to RMA Planning as outlined in B-1(ee).	

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		approximate midpoint of the driveway. c) Due to the length of the approximately 5.6-mile-long driveway, USFWS recommended 20 MPH speed limits would be prohibitively slow and would negatively impact construction duration. Therefore, vehicles utilizing the access road (or "driveway") will observe a 25 MPH speed limit during daylight hours (7 AM–5 PM between 1 October and 31 May; and 7 AM–7 PM between 1 June and 30 September) and will observe a 20 MPH speed limit during the hours of 5 AM–7 AM and 5 PM/7PM–9 PM. During limited nighttime activities (9 PM–5 AM) within the driveway, all construction and operation vehicles shall observe a 10 MPH speed limit. 40. All construction pipes, culverts, or similar structures greater than four inches in diameter, or greater than 1.5 inches in diameter within areas where CTS or CRLF may be present, stored or stacked on the project site for one or more overnight periods shall be either securely		

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		capped before storage or thoroughly inspected for wildlife before the pipe is subsequently moved, buried, capped, or otherwise used. 41. Materials that could provide shelter/nesting habitat for birds during the nesting season may be covered with netting or treated with other exclusion methods, where feasible and appropriate, to prevent birds from constructing nests. In addition, materials such as wooden pallets, wooden power poles, and metal tubing, providing nesting and shelter habitat for birds during the nesting season and artificial refugia for other special-status species shall be thoroughly inspected before use. 42. If encountered, wildlife within the project site shall be allowed to escape unimpeded, removed by a qualified biologist and placed in a designated safe area away from construction activities, or left in place when required by regulations, policies, permits, and/or conditions of approval. If wildlife removal by a qualified biologist is required, the qualified biologist shall be approved or permitted by CDFW and USFWS, as and if required by law, prior to removing such		

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		species. 43. To prevent entrapment of special-status wildlife, all excavations (e.g., steep-walled holes, or trenches) more than six inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend. During the month of May excavations and trenches two-feet deep or greater shall be covered with plywood or similar materials when not in use, any excavations or trenches that cannot be covered when not in use shall be monitored daily to prevent entrapment of pronghorn calves. All excavations more than six inches deep shall be inspected daily for entrapped wildlife before construction activities begin and once immediately before being covered with plywood. Before excavations are filled, they shall be thoroughly inspected for entrapped wildlife. Any wildlife discovered shall be allowed to escape unimpeded before field activities resume or shall be removed from excavated areas by a qualified biologist and released at a safe		

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		nearby location. 44. Avoidance and minimization of impacts on sensitive biological resources within active construction areas shall be aided through identification of ESAs with flagging or fencing. 45. Dust suppression shall occur during construction activities when necessary to meet air quality standards and protect biological resources. 46. Disturbance of ponds and in-stream pools shall be avoided to the extent practicable. When feasible, and to the extent practicable, all in-stream work shall occur during the dry season. 47. To the extent practicable, existing mammal burrows shall be preserved in place. 48. No vehicles or equipment shall be refueled or undergo maintenance within 100 feet of a jurisdictional waters feature. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials.		

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		49. All general trash, food-related trash items (wrappers, cans, bottles, food scraps, cigarettes, etc.), *microtrash* (nails, bits of metal and plastic, small construction debris, etc.), and other human-generated debris scheduled to be removed shall be stored in animal-proof containers and removed from the site on a regular basis (weekly during construction, and at least monthly during operations). No deliberate feeding of wildlife or domestic animals shall be allowed. 50. To minimize potential for attracting predators that could impact special status animal species, Project personnel shall monitor the project site for animal carcasses, including wild animals and livestock. Monitoring shall be conducted by the project Proponent on a weekly basis during construction and operation. During construction, any road kill within the project site or Access Road shall be reported to designated onsite personnel. Any animal carcasses detected on the project site shall be removed and disposed of as quickly as possible to avoid attracting predators. The removal and disposal shall be conducted by an		

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		individual in possession of appropriate federal and state permits, if any are required. 51. New light sources shall be minimized, and lighting shall be designed (e.g., using shielding and/or downcast lights) to limit the lighted area to the minimum necessary. 52. Use of chemicals, fuels, lubricants, or biocides shall 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. Use of first- and second-generation rodenticides shall not be permitted except for the limited use of zinc phosphide, or a rodenticide approved by the County, and only after other means of pest control (e.g. rodent traps) have proven to be ineffective. 53. To prevent harassment and mortality of listed, special status, and common wildlife species and destruction of their habitats, no domesticated animals shall be permitted on the project site, with the exception of grazing animals prescribed		

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		for vegetation management and trained working animals used specifically for livestock management or species surveys (e.g., horses, livestock working dogs, scent tracking dogs). 54. No firearms shall be allowed on the project site, unless otherwise approved for security personnel.		
B-1(gg)	Worker Environmental Awareness Program	The applicant shall retain qualified biologists to prepare a Worker Environmental Awareness Program (WEAP) that shall be presented to all construction personnel and employees before any ground-disturbing activities commence at the project site. This presentation shall explain to construction personnel how best to avoid the accidental take of listed and impacts to other special status species during construction. The program shall consist of a brief presentation explaining listed and other special status species concerns to all personnel involved in the project. The program shall include a description of special status species potentially on the project site and their habitat needs; an explanation of the status of the species and their protection under the FESA, CESA, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and California Fish and Game Code; specific mitigation measures applicable to listed and other special status species; and the penalties for	• The WEAP shall be submitted by the applicant to RMA Planning for approval prior to issuance of grading permits, and all staff must complete WEAP training prior to conducting any work on the project site.	• Department of Planning & Building shall review the WEAP training program approved by RMA Planning and provide comments or concurrence that the program is suitable prior to its implementation. • Department of Planning & Building shall review training logs submitted to RMA Planning for all personnel who work on road improvements within the County of San Luis Obispo to ensure that all components of the WEAP training are fully implemented by the applicant.

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		take. The program shall also explain to construction personnel how to avoid impacts to jurisdictional waters, including wetlands. The program shall include a description of jurisdictional waters on the site, specifically permitted impacts to jurisdictional waters, measures to protect waters to be avoided, and maps showing the location of jurisdictional waters and permitted impacts. The program shall be recorded electronically, and all future facility employees shall be required to review the recording before the initiation of work on the project site. The WEAP shall be implemented by the applicant before the start of ground disturbance and shall be continued through the construction phase for all construction personnel. A separate WEAP shall be implemented by the applicant before project operation, for all permanent project employees. This program shall include all the information above, as applicable to project operations.		
B-2(b)	Habitat Restoration and Revegetation Plan.	Restore temporarily impacted habitats to prevent loss or degradation of sensitive communities and to preserve habitat functions and values for special status animal species. Areas where temporary, construction-related impacts have taken place shall be restored in accordance with a Habitat Restoration and Revegetation Plan (HRRP). The plan shall prescribe restoration actions needed to treat disturbed soils and vegetation, in order to restore disturbed areas. Only areas that were graded (i.e., where the soil resources were removed and replaced) shall be subject to active restoration; however, the vegetation in the	• The HRRP shall be submitted by the applicant to RMA Planning for review and approved by the County prior to issuance of grading permits.	• Department of Planning & Building shall review the HRRP approved by RMA Planning, and shall ensure that all components of the HRRP relevant to San Luis Obispo project components are fully implemented by the applicant.

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		temporarily disturbed areas on the project site and in the Access Road shall be monitored to ensure success, maintenance, and/or establishment of target habitat. The applicant shall contract a qualified restoration biologist, knowledgeable in grassland and wetland habitat restoration to develop the HRRP. The HRRP shall set forth trigger points to identify where restoration shall be required in response to construction-related impacts. It shall also explicitly detail the process or processes required to restore habitats. The HRRP shall, at a minimum, include the following Project-specific information and sections: 9. Soils and Seed Bank Management s) A soil baseline study shall be conducted, by a qualified restoration ecologist with soils expertise, to inform soil requirements relative to habitat restoration for temporarily disturbed areas of the site. The results of this study shall be included in the HRRP and will be used to inform the development of a topsoil harvest and stockpiling plan outlined in the HRRP, and will outline methods for preserving the seed bank present in the removed topsoil. t) The HRRP shall include details for topsoil salvage, if needed, and proper storage, and shall identify areas within the construction footprint where topsoil is present,		

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		supports native vegetation or common non-native grasses characteristic of the grasslands on the site, does not support dense weed infestations, and can be salvaged and stockpiled for later replacement following ground-disturbing activities. The soil baseline study shall characterize topsoil by its depth to impervious layer, nutrient levels, texture, organic matter, permeability, and water-holding capacity. u) The HRRP shall also identify areas where topsoil stockpiling and replacement would not be warranted due to low development of the existing seed bank and organic material. The harvesting, stockpiling, and spreading of topsoil and seed bank shall also be monitored by a qualified restoration ecologist with a soils background. v) The HRRP shall require that at least 6 inches of topsoil be salvaged from the areas identified in the plan. These stockpiles shall not be mixed with spoil material, trash, materials such as road base or aggregate, or topsoil containing heavy weed seed banks. The allowable duration for stockpiling and management of		

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		stockpiles that will maintain healthy soil conditions shall be stipulated in the HRRP. The HRRP shall stipulate BMPs to discourage erosion of the topsoil stockpiles, including planting cover crops, roughening the pile, using fiber rolls, employing temporary stabilization measures, or other measures, as determined by the potential for erosion of the pile from rain and wind. w) All redistribution of stored topsoil shall be completed prior to final site inspection (for the close of Project construction work). x) Soils temporarily disturbed by trenching activities shall be replaced immediately to the extent practicable following placement of cables, and the amount of time open trenches are left on site shall be minimized to the extent practical. y) Areas where substantial soil compaction has occurred shall be treated with light ripping or other methods intended to rectify compaction, as recommended by the qualified restoration ecologist. The HRRP shall outline the methods for assessing whether substantial compaction requiring active restoration has occurred, based on		

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		information gathered in the soil baseline study. z) No fertilization of disturbed soils shall be prescribed unless recommended by the qualified restoration ecologist. As appropriate, highly disturbed soils lacking topsoil replacement may be amended with certified weed-free mulch. aa) For wetlands and stream habitats where needs differ from the soil restoration needs in upland soils, the HRRP shall stipulate measures to completely restore fragile soils in wetlands and to maintain existing streambed substrate characteristics following restoration of these habitats after temporary disturbance. 10. Temporary Disturbance Mapping b) The HRRP shall include detailed figures showing the areas proposed to be temporarily disturbed during Project construction. Such figures shall be updated as needed to reflect design changes and areas requiring active restoration actions. 11. Supplemental Restoration Actions c) The HRRP will stipulate specific performance criteria that identify when areas require additional methods beyond topsoil replacement		

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		and soil restoration. In areas requiring active reseeding beyond topsoil replacement, the species composition proposed for reseeding shall be substantially similar to or improve on pre-construction vegetation community composition, excluding invasive non-native species and rare plant species. The latter may have very specific microhabitat requirements that may not be possible to replicate after disturbance. A range of seeding palettes will be stipulated in the HRRP, and these shall differ as needed between various habitat types. For example, native perennial grasses shall be required as a component of the palette for impacted areas of serpentine bunchgrass grasslands or Valley needlegrass grasslands. Non-native species that are dominant within and characteristic of disturbed habitats may be included, as long as they are not specifically prohibited by the project Vegetation and Invasive Species Management Plan (see measure B-2[c] below). The intent of the seeding palettes shall be to maintain or increase native species coverage, reduce establishment of		

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		damaging invasive species, and preserve current wetland vegetation types present on the site. A description of the preferred methods for planting (e.g., hydroseeding, drill seeding, aerial broadcast seeding, or others) within differing habitats or impact types shall be provided, as well as details regarding irrigation, if needed. If seed is to be collected for redistribution from onsite species, collection protocols and areas shall be outlined. 12. Monitoring o) All areas subject to temporary disturbance and requiring restoration actions under the HRRP shall be monitored by a qualified restoration ecologist so that restoration success can be determined and relevant recommendations can be made for successful habitat establishment. Monitoring shall consist of both qualitative and quantitative assessment programs. p) Both qualitative and quantitative monitoring shall be required in all restored areas for at least two years following construction. Failure to meet pre-defined success criteria after two years of at least average annual rainfall will trigger remedial		

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		actions; however, as vegetation growth is lower during below-average rainfall years failure to meet success criteria during years with lower than average rainfall will simply entail a longer monitoring duration until it can be determined that the restoration success requires remedial actions and the site is not simply being affected by below-average rainfall. Average rainfall is defined in this context as the 30-year average for the site (1981–2010), established by the Parameter-elevation Regressions on Independent Slopes Model (PRISM) Climate Group, or 13.12 inches per year (PRISM 2013). The actual annual rainfall must be measured using an onsite rain gauge, and if the actual measured precipitation does not meet this level by the end of the rainy season, these monitoring results will still be reported, but monitoring will continue until the monitoring data set includes at least two years in which this precipitation level is met or until success criteria are met in two monitoring years. q) Qualitative survey results shall discuss species composition, growth and survivorship, germination		

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		success, invasive plant infestations, and areas where restoration was not successful in re-establishing adequate vegetation cover to prevent erosion and sedimentation-related impacts. Qualitative monitoring shall occur on a quarterly basis for the first year. This timing shall allow remedial actions to be identified and enacted as necessary following restoration to achieve success criteria in advance of the final success/failure determination. Monitoring reports shall be submitted to the County every six months (after two qualitative monitoring events) for the first year following restoration. Qualitative monitoring shall then occur once per year in conjunction with quantitative monitoring until two years of average rainfall have occurred or until successful restoration is achieved via attainment of the pre-defined success criteria. r) Quantitative monitoring shall occur annually for years one and two, or longer until pre-defined success criteria are met in two years of monitoring as described above. As described above, failure to meet success criteria during below-		

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		average rainfall years will lengthen monitoring duration, but will not necessarily require the commencement of remedial actions until and unless it is determined in a year with normal precipitation these criteria are still not being met. In year one, quantitative monitoring shall take place in January, April, and July. In year two and in any subsequent years that this monitoring is required due to low rainfall and/or failure to meet success criteria, monitoring shall occur in May. s) The HRRP will establish pre-defined success criteria for both qualitative and quantitative monitoring activities. A qualified restoration ecologist shall use baseline vegetation data from the impact areas or from reference areas to set comparative success criteria across the site. The success criteria will be defined separately for each habitat type. These criteria will: 1) identify the duration of monitoring sufficient to indicate that the restoration habitat is on a clear trajectory toward successful establishment if this differs from the minimum two years required (e.g., if a given habitat takes six years to		

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		reach full maturity, one might monitor it for three years to establish the restoration trajectory), 2) specify interim quantitative habitat performance criteria that can be used to track habitat development at intervals during the monitoring period- these may either be predetermined based on a vegetation survey of the impacted habitat or may be tied to reference sites, 3) specify final quantitative success criteria for each habitat that indicate that the habitat is likely to ultimately develop functions and values comparable to the impacted habitat, and 4) specify final qualitative and quantitative success criteria that demonstrate that the restoration areas exhibit minimal erosion and that invasive plant species cover does not exceed that of reference habitats. t) Quantitative monitoring shall be conducted in one-square-meter quadrats and shall include the following data at a minimum: ix. Species composition and cover data x. Bare ground cover data xi. Canopy height		

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		xii. Hydric soil indicators (in wetlands) u) These data shall be used to measure and report native species coverage, native and non-native species recruitment, and hydrology within restored wetlands, and to compare these to the pre-established success criteria. Based on these results, the restoration ecologist shall make specific recommendations for remedial actions, if required. Reports shall be submitted to the County twice annually for the first year of monitoring (by 31 January and by 31 July) and once annually by 31 January during all subsequent years of monitoring. Each HRRP monitoring report shall include the following information at a minimum: 5. The name, title, and company of all persons involved in restoration monitoring and report preparation 6. Maps or aerials showing restoration areas, transect locations, and photo documentation locations 7. An explanation of the methods used to perform the work		

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		8. An assessment of the treatment success		
B-2(c)	Project Vegetation and Invasive Species Management Plan.	Before the construction permit is issued, the applicant shall retain a qualified restoration or plant ecologist with rangeland management experience to prepare a Project-specific Vegetation and Invasive Species Management Plan (PVIMP), to be administered during operation of the project in the array fields and other applicable areas of the project site. The comprehensive plan shall be intended to maintain acceptable fuel loads and prevent the introduction or spread of non-native invasive species associated with the disturbance resulting from the project. The PVIMP shall be an adaptive management tool. Vegetation management strategies and weed control efficacy shall be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy shall be implemented based on results, experience, and the latest research. If grazing is not feasible on the project site, comparable alternative methods of vegetation management (e.g., mowing) may be used. The PVIMP shall also describe BMPs to avoid the unintentional introduction of invasive species to and from the site, describe monitoring measures to ensure that any invasions are detected before they become substantial, and describe species-specific control measures that shall be implemented if invasions occur. The PVIMP shall be submitted to the County, CDFW, and USFWS prior to the notice to proceed, and shall address the entire project site. This submittal shall further describe the process by which the PVIMP shall be implemented (e.g., the entity responsible for implementing it, funding mechanisms, and reporting procedures). The PVIMP shall include, but is not limited to, the following: 21. detailed measures to promote the persistence of native grassland species, including listed and	• The PVIMP shall be submitted by the applicant to RMA Planning, CDFW, and USFWS for review and approved by the County prior to issuance of grading permits.	• Department of Planning & Building shall review and approve the PVIMP accepted by RMA Planning, and shall ensure that all components of the PVIMP relevant to San Luis Obispo County project components are fully implemented by the applicant.

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		rare plant species in the vicinity of, but not removed by, the project; 22. a description of exclusion fencing, if warranted to protect avoided riparian habitats and jurisdictional waters within the arrays; 23. in areas subject to grazing management, development of an RDM monitoring plan that shall inform adaptive management and the rates, timing, and duration of livestock grazing actions planned from year to year, determined by annual climatic patterns and the response of herbaceous vegetation to impacts from the solar panels and plant operations (e.g., panel washing); 24. a plan for adaptive strategies to manage grazing or other vegetation management actions to benefit native wildlife and vegetation and avoid or minimize the establishment of invasive weeds, to the degree practicable; 25. a description of alternate acceptable vegetation control methods and triggers for their use, including weed whacking, mowing, herbicides, and others; 26. a description of annual monitoring stipulated for weeds within the project site and measures for controlling weeds, both prior to ground disturbance and annually during operation of the project; 27. a plan for the use and application of herbicides, which may be prescribed only by a licensed Pest Control Advisor and applied only by a licensed applicator; specific prohibitions on herbicide use and application (e.g., no application of herbicides when winds are in excess of 10 MPH or within 50 feet of wetlands) including prohibition near amphibian habitat shall be included; 28. a detailed plan for the washing of all ground-disturbing equipment before it is transported to		

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		the site or is used at another site, and for washing equipment within the site if it has worked in infested areas before being used elsewhere on the site; 29. a detailed plan for preventing the spread of New Zealand mud snails within the site; the plan shall include thorough washing of equipment and the footwear of construction personnel, or drying for two weeks following work in wetted stream channels that may support the species; and 30. details for placing and maintaining an onsite wash station for washing heavy equipment that has worked in infested areas before moving elsewhere on the site, and performance criteria for the control and disposal of wash water and collected sediment; and treatment and disposal requirements for weed-infested topsoil.		
B-2(e)	Riparian/Stream Habitat Setbacks.	Some improvements near and within riparian habitats and streams would be necessary to construct road and fence crossings, stabilize banks, and construct other Project improvements. In other locations, where complete avoidance of reaches of perennial and intermittent streams is proposed, Project activities and Project work limits shall include a standard 50-foot setback from the top of bank or the outer dripline of the riparian canopy of the avoided stream reaches. The 50-foot setback shall apply to the avoided reach length. In isolated locations it may be necessary to place structures within 50 feet of the avoided drainage and a full 50-foot setback is not feasible, a	• The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all riparian habitat prior to issuance of grading permits.	• Department of Planning & Building shall review the submitted documentation and shall ensure that the applicant is in compliance with riparian habitat impact avoidance and minimization measures.

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		minimum 25-foot setback shall be observed from avoided perennial or intermittent riparian habitat in all locations (i.e., work limits may come no closer than 25 feet from the top of bank or the outer canopy dripline in any specific area along the avoided reach). Where existing roads occur parallel to and within 50 feet of avoided perennial or intermittent streams, it will be impossible to maintain a 50-foot average setback or even a 25-foot minimum setback, because even to realign the road, work near the avoided streams would be required. In these cases, Project activities and Project work limits shall be set back 10 feet from the top of bank. All work that must occur within the 50-foot setback shall be monitored by an authorized biologist to ensure direct impacts to sensitive habitat are minimized, and all impacts to special status species are avoided. Riparian setbacks and all riparian habitat to be avoided by the project shall be fenced or flagged before construction occurs in adjacent areas. A biological monitor shall be present to ensure compliance with off-limits areas.		
B-2(f)	Stream Channel Avoidance and Minimization.	To prevent high-velocity water flow from causing bank downcutting at downstream locations, any improvements related to road realignment, widening, or the ability of the road to convey heavy equipment for construction shall be	• The applicant shall submit documentation that appropriate avoidance measures have been implemented to ensure avoidance of all stream channels prior to issuance of grading	• Department of Planning & Building shall review submitted documentation and ensure that the applicant is in compliance with stream channel impact avoidance and minimization measures.

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		designed to minimize alterations to natural flow patterns and capacity, consistent with the design-level drainage analysis. Improved outfalls, channel stabilization, rock weirs, rock cross vanes, and other measures associated with crossing improvements shall be installed as necessary, but the use of large riprap shall be avoided or minimized to the extent feasible. Grade-control structures and structures such as weirs shall be designed in consultation with a qualified geomorphologist, to determine the least amount of fill and structures needed to achieve stabilization goals, and to ensure that stabilization structures and improvements shall not themselves cause additional unwanted channel instability. Similarly, rerouted drainages shall be assessed by a qualified geomorphologist or hydrologist to ensure that drainage patterns downstream of the rerouted reach shall not be affected. Where present, cobble substrates within the reaches of streams to be rerouted shall be collected and replaced within the rerouted reaches. A single new clear-span bridge shall be installed over Cottonwood Creek. For the purposes of	permits.	

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		construction, no low-water crossings shall be allowed within perennial streams. Additionally, culvert crossings shall be installed in primary access locations over intermittent streams that carry flows for long periods (weeks or months) of typical wet seasons, whenever feasible. Permanent low-water crossings in intermittent or ephemeral streams that may be subject to heavy use during construction or operations, or which must be accessible throughout the rainy season and during storm events, shall be improved (to protect the bed and banks from erosion) using keyed aggregate, armor block, or similar materials that do not erode out during heavy storm flows. Where unimproved low-water crossings are used, such as the unimproved aisleway crossings between panel blocks over ephemeral streams, these crossings shall not be accessed during periods of active flow, or when the soil of the bed and banks are wetted and subject to erosion, compaction, or bank damage by vehicles. Construction will not occur within wetted channels. For construction that must occur in streams carrying active flows, the stream habitat and water quality in the stream shall be protected through dewatering. Any construction that must occur in these habitats in the wet season		

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		(typically, 15 October to 15 April) will take place only when soils are not wetted (i.e., not during or after storm events, allowing for a sufficient drying period after rain events), and construction shall not occur when rain is forecast to occur with a 30% or greater chance within the next 24 hours. Sufficient erosion control materials must be kept on the site and be ready for installation in case construction must cease in streams due to a forecast rain event, as per the project-specific Storm Water Pollution Prevention Plan (SWPPP).		
B-2(h)	Show streams and riparian habitat, and associated setbacks, on construction drawings.	To facilitate site management and ensure avoidance of these sensitive features, all streams and riparian habitat shall be clearly delineated on plan sets. The plan sets shall also show avoided reaches and setbacks adjacent to Project improvements. Additionally, all riparian and stream locations subject to impacts shall be clearly delineated on Project plan sets. The plan sets shall depict temporary, construction-related low-water road crossings through intermittent and ephemeral streams, as well as crossings through minor drainages between panel blocks needed for operational access to the arrays; these crossing types would require no improvement such as grading or aggregate placement. Zones within solar arrays where ephemeral streams and associated riparian habitat would be impacted for	• Construction drawings depicting stream and riparian setbacks shall be submitted by the applicant to RMA Planning, for approval prior to issuance of grading permits.	• Department of Planning & Building shall review construction drawings submitted to RMA Planning to ensure that all stream and riparian setbacks have been appropriately established by the applicant.

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		solar panel footing placement, where access would be required along the length of the stream, shall also be depicted. Any subsets of these impacted reaches where slopes are too steep to move equipment across safely or without excessive bank damage, or areas that cannot be safely crossed without the aid of planned improvements such as culverted temporary fill, shall be depicted and flagged on the ground; access shall not be allowed in these areas unless by way of the planned improvements. No construction- or operation related vehicular access shall occur through riparian or stream habitats on the site outside of the designated crossing and temporary impact zones.		
B-2(i)	Riparian/Stream Mitigation	Perennial stream/channel wetlands and associated riparian habitat shall be preserved and enhanced to compensate for permanent impacts to riparian and stream habitats, in a manner that achieves no net loss in acreage or function, and should be consistent with the USFWS Recover Plan for Upland Species of the San Joaquin Valley (USFWS 1998) if possible. Enhancement of the preserved habitat shall be site-specific, according to opportunities available at the preservation site and may include riparian vegetation plantings, weed removal, and alteration in grazing management such as	• The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands consistent with the timing outlined in mitigation measure B-1(a). • Monitoring for riparian/stream mitigation shall be consistent with the monitoring conditions outlined in mitigation measure B-1(a)	• Department of Planning & Building shall review RMA Planning-approved mitigation lands.

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		changes in stocking, timing, or installation of riparian exclusion fencing. Permanent impacts to perennial streams and the associated riparian habitat shall be mitigated at a 3:1 ratio (linear feet of stream and associated riparian corridor preserved and enhanced: linear feet of perennial stream and associated riparian corridor impacted); impacts to intermittent streams shall be mitigated at a 2:1 ratio (linear feet preserved and enhanced: linear feet impacted); and impacts to ephemeral streams shall be mitigated at a 1:1 ratio (linear feet preserved: linear feet impacted). The design, monitoring schedule, and success criteria for the mitigation site shall be described in a Project Wetland Mitigation and Monitoring Plan (described in detail in mitigation measure B-3(d), below) that demonstrates no net loss in acreage or function. Preserved riparian corridors, and any surrounding uplands above the top of bank within the area to be preserved, shall be placed in a conservation easement or similar legal mechanism and managed in perpetuity.		
B-3(a)	Wetland Avoidance and Minimization	Impacts to wetlands and other waters shall be avoided to the extent feasible. In consultation with a wetland ecologist, the project shall be designed, constructed and operated to avoid and minimize impacts to wetlands and other waters to the extent feasible, which may include minor changes to the panel layout and roadway configurations to avoid wetlands. General Project staging and laydown activities shall not occur within wetlands during construction. To	• The applicant shall submit documentation to RMA Planning that appropriate wetland avoidance and minimization measures have been implemented prior to issuance of grading permits.	• Department of Planning & Building shall review submitted documentation and ensure that the applicant is in compliance with wetland impact avoidance and minimization measures.

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		avoid unnecessary egress into wetlands, all wetlands in the project impact area shall be clearly shown on Project plans and the limits marked with highly visible flagging, rope, or similar materials in the field. Access allowed within these features for the purposes of construction in and near such features (e.g., road crossings, pile placement, trenching) shall be clearly delimited on Project plan sets, and these allowed work limits shall also be staked in the field, to prevent construction personnel from causing impacts to areas outside of work limits. Where necessary, silt fencing or other measures may be used to protect adjacent wetlands from sediment transport or other indirect impacts that could result from adjacent construction. During the operation of the solar facility, maintenance activities shall not be staged within wetlands. Wetlands and other waters within construction areas that are to be avoided shall be fenced or flagged for avoidance prior to construction, and a biological monitor shall be present to ensure compliance with off-limits areas. All jurisdictional wetlands and waters shall be clearly shown on Project plan sets.		
B-3(d)	Wetland Habitat Mitigation.	To compensate for permanent impacts to wetlands on site, offsite wetlands shall be created, preserved, and managed in perpetuity at a 2:1 mitigation ratio (acres created and preserved: acre impacted). Permanent loss includes all wetlands affected by permanent fill placement (which may occur, for example, from mass grading or new road or structure placement, including panel footing placement). In the areas of seasonal wetlands under solar panels (i.e., not the area affected by fill placement but the remainder of the wetland area under the array), some degradation of the wetland is expected; however, it is also anticipated that these areas would continue to provide residual wetland functions and values in at least a portion of the affected wetland. As such, these areas shall be mitigated through creation of offsite wetlands at a 1.5:1 ratio (acres created and preserved: acre impacted). Permanent impacts to wetlands within streams that will be	• The applicant shall obtain County approval of the location of mitigation lands, the holder of conservation 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 consistent with the timing outlined in mitigation measure B-1(a). The applicant shall consult with CDFW on the requirement for Lake and	• Monitoring for wetland mitigation shall be consistent with the monitoring conditions outlined in mitigation measure B-1(a) and B-1(b).

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		affected by construction of road crossings shall be mitigated by creating off-site wetlands at a 1:1 ratio; these areas shall also be mitigated through preservation and management of riparian and stream habitat (see mitigation measure B-2[i]). By concurrently providing 1:1 wetland creation mitigation for such impacts, no net loss of wetlands will occur, and lost values and functions will be compensated. Temporary impacts to wetlands and other waters shall be mitigated through onsite restoration as described in mitigation measure B-2(b) (HRRP), if impacts are restored within a single year, with most restoration expected to occur at the onset of the rainy season to enhance germination success (i.e., areas impacted in a given year must be restored prior to 1 March of the following year to be considered temporary and require no additional mitigation). Areas of construction access-related temporary impacts that cannot be restored prior to 1 March the following year and would remain exposed during the dry season shall be restored the following fall. Compensatory mitigation for such long-term temporarily impacted areas shall be provided at the offsite location at a ratio of 0.5:1 of wetland creation (acres created and preserved off site: acres temporarily impacted for more than one rainy season). Impact areas left unrestored for two rainy seasons shall be compensated off site at a 1:1 ratio, and additionally shall be restored on site. Temporary impacts to groundwater-fed wetlands due to hydrological interruption from a new well(s) shall be determined per mitigation measure B-3(c) and shall be mitigated off site at a ratio of 1:1 if success criteria are met and the wetlands are restored to pre-Project function within three years of the date of well construction. If functions and values are lost for more than three years, the impacts shall be considered permanent, and compensatory mitigation shall be provided at a 2:1 ratio (Table 4.4-9). Permanent impacts to any streams fed by such wetlands shall be mitigated as per mitigation measure B-2(i).	Streambed Alteration Agreement (LSAA; Fish and Game Code 1600) for waters subject to CDFW jurisdiction.	

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		Table 4.4-9 below provides a summary of the various mitigation ratio requirements for each impact type. The permanent protection and management of the constructed mitigation wetlands shall be ensured through an appropriate mechanism, such as a conservation easement granted to a public or private entity authorized by Section 815.3 of the California Civil Code to acquire and hold conservation easements, deed restriction, or fee title purchase.		

Table 4.4-9
Mitigation Ratios for Wetland Impacts (Ratios to Be Applied to Actual Impacts Determined from Construction Plans and Well Monitoring)

Impact Type	Wetland Type and Action	Mitigation Ratio (Acres Created and Preserved to Acres Impacted)
Permanent fill	Seasonal wetland and perennial marsh impacts due to fill placement and loss (including panel footing areas)	2:1
Permanent fill for road crossings	In-stream wetland impacts from road crossing construction	1:1
Temporary access (unrestored for longer than one rainy season)	Seasonal wetland and perennial marsh impacts from construction access not restored before 1 March of year following impact (but restored before two rainy seasons)	0.5:1
Temporary access (unrestored for more than two rainy seasons)	Seasonal wetland and perennial marsh impacts from construction access restored after two rainy seasons	1:1

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		<table><tr><td>Temporary dewatering (less than three years)</td><td>Groundwater-fed wetlands temporarily dewatered by new construction wells for three years or less</td><td>1:1</td></tr><tr><td>Permanent dewatering (greater than three years)</td><td>Groundwater-fed wetlands temporarily dewatered by new construction wells for more than three years, or failure to meet success criteria after three years following construction of well</td><td>2:1</td></tr></table> A project-specific Wetland Mitigation and Monitoring Plan (WMMP) shall be prepared by a qualified restoration ecologist and shall include, at a minimum, the following information: 31. wetlands and waters impacts summary (as described by MM B-48 and this measure) and habitat mitigation actions; 32. goals of the restoration to achieve no net loss; 33. a map depicting the location of the mitigation site(s) and a detailed description of existing site conditions; and 34. a detailed description of the mitigation design, including: 35. location of the new wetlands; 36. proposed site construction schedule; 37. description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability, as well as results of applicable soils testing conducted at the mitigation site; 38. a detailed description of the steps required for site preparation and a conceptual grading plan—a formal package for plan sets, specs, and estimates		

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		for the grading and mitigation construction work shall be prepared based on the concepts set forth in the WMMP no fewer than fifteen days prior to starting work at the mitigation site; 39. a description of recommended soil amendments and other site preparation; 40. development of a planting plan including details on plant procurement, if necessary, propagation, allowable species for seeding and relative pounds/acre, and application; 41. maintenance plan for the created wetlands and riparian plantings; 42. a description of specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional wetland per USACE methods within five years of construction, minimum riparian tree and canopy cover measures in the enhanced stream reaches within ten years of restoration, and others; 43. monitoring methods for vegetation and soils, and measures stipulating quantitative monitoring to occur once per year for at least five years following construction of the wetlands or until success criteria are met; 44. a list of reporting requirements and reporting schedule; and 45. a contingency plan for mitigation elements that do not meet performance or final success criteria within five years for created wetlands and ten years for riparian enhancement; this plan shall 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) shall occur.		

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B-4(a)	Pronghorn Calving Ground Avoidance and Minimization.	Disturbance of pronghorn calving grounds shall be avoided to the extent practicable. No pronghorn calves have been observed on the project site to date. Preconstruction surveys for calving pronghorn shall be conducted within the calving season (1 April through 30 June), and if calves are detected, a 0.25-mile limited activity buffer shall be established to ensure that the calves and doe are not distressed. The buffer distance may be modified in consultation with CDFW. The buffer shall be flagged with material highly visible to construction personnel, and maintained as necessary. Construction may resume within the buffer when directed by the qualified biologist.	• The applicant shall submit documentation to RMA Planning and CDFW that either no calving pronghorn were present on the site at the time of preconstruction surveys, or that all avoidance measures have been implemented for avoiding impacts to calving pronghorn.	• Department of Planning & Building shall review submitted documentation and ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn calving.
B-4(b)	Pronghorn-Friendly Fence Design.	As part of the management of mitigation sites required in mitigation measure B-1(a), new pronghorn-friendly fencing shall be installed to improve the movement of pronghorn both on and through mitigation sites where applicable. This requirement shall not apply to existing fencing or fencing installed to preclude cattle from sensitive resources such as restored or protected wetland or riparian habitats. The HMMP (mitigation measure B-1[b]) for these sites shall contain the following requirements: 7. Identification of likely and feasible pronghorn movement pathways on the mitigation sites; 8. Removal of nonessential fencing on the mitigation sites where not in conflict with adjacent land management practices; 9. Incorporation of measures to increase visibility of	• The applicant shall submit documentation that to RMA Planning and CDFW that pronghorn-friendly fence design has been incorporated into the HMMP concurrently with submittal of the HMMP as noted in Measure B-1(b) (prior to the first of the project's final inspections, or within 12 months after issuance of grading permits, whichever comes first).	• Department of Planning & Building shall ensure that the applicant is in compliance with impact avoidance and mitigation measures relating to pronghorn movement.

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		existing fencing (high-visibility wire, PVC covers, vinyl markers, flagging, etc.), as appropriate; 10. Incorporation of fencing modifications, where not in conflict with adjacent land management practices, such as replacing barbed wire with smooth wire on the lower and possibly upper wires of the fence), designed to enable movement by pronghorn through the likely and feasible pathways on mitigation sites; 11. Placement of fencing at potential risk areas to encourage movement away from dangerous roads; and 12. A schedule for implementing the above measures and financial assurances to implement the required enhancement.		
Cultural/Paleontological Resources				
CR-1(a)	Archaeological Site Avoidance	Wherever feasible, direct impacts on NRHP/CRHR-eligible archaeological sites shall be avoided. Avoidance shall be accomplished by preventing any direct ground disturbance of the resource. If avoidance of any direct disturbance is deemed feasible by RMA – Planning based on the sensitivity of the resource relative to the severity of impact, the boundaries of the NRHP/CRHR-eligible sites shall be marked in the field by a Registered Professional Archaeologist prior to ground disturbance with exclusionary fencing, lath, flagging tape, or some other combination of material that is highly visible, durable, and which construction and management personnel can recognize as marking an exclusion zone where no earth	• On an ongoing basis throughout construction, direct impacts on NRHP/CRHR-eligible archaeological sites shall be avoided, in conformance with the standards set forth in the condition.	• Department of Planning & Building shall ensure that direct impacts to NRHP/CRHR-eligible archaeological sites in San Luis Obispo County are avoided, in conformance with the standards set forth in the condition.

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		disturbance or other activity shall occur. Exclusion zones shall be inspected weekly by an archaeological monitor or other environmental inspector to ensure that they are being honored, remain effective, and in place. If complete avoidance is not feasible, mitigation measures CR-1(b) and CR-1(c) shall apply.		
CR-1(b)	Site Capping and Data Indexing	If direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, placement of chemically neutral, culturally sterile, nonreactive fill on top of the sites, rather than cutting into the cultural deposits, shall be required, when determined feasible by the Planning Department. Because sites on which fill would be placed would no longer be accessible to research, a data indexing program shall be implemented to characterize the nature of the portions of the site to be buried (if they have not been sampled previously). The indexing program shall include mapping the location of surface artifacts within the proposed areas of fill; surface collection of those artifacts; and excavation of a small sample, determined by a Registered Professional Archaeologist, of the cultural deposit to characterize the nature of the buried deposit. All earth disturbances associated with placement of the fill shall also be monitored by a qualified archaeological monitor under the	• On an ongoing basis, if direct disturbance of NRHP/CRHR-eligible archaeological or historic resources cannot be avoided, the sites shall be managed in conformance with the standards set forth in the condition.	• If direct disturbance cannot be avoided, Department of Planning & Building shall ensure that NRHP/CRHR-eligible archaeological sites in San Luis Obispo County are managed in conformance with the standards set forth in the condition.

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		direction of a Registered Professional Archaeologist, as well as a tribal consultant if the site is of Native American origin, to prevent any residual impact associated with the loss of research data. Cultural materials recovered during the data indexing program shall be curated at an appropriate archaeological curation facility and copies of all reports shall be provided to RMA-Planning and the Northwest Information Center at Sonoma State University. The reports shall include detailed geospatial data regarding the locations of capped sites and these data shall be used to avoid new impacts during decommissioning.		
CR-1(c)	Data Recovery Excavation	If avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, the project applicant shall complete a Phase III data recovery excavation program for significant cultural resources that would be impacted prior to project disturbance. Phase III data recovery shall be directed by a Registered Professional Archaeologist and include the preparation of a work plan/research design, fieldwork, laboratory analysis of recovered artifacts and ecofacts, special studies if appropriate, the preparation of a technical report, and curation of recovered materials. The	• On an ongoing basis, if avoidance [CR-1(a)] or capping [CR-1(b)] of NRHP/CRHR-eligible cultural resources is not possible, a Phase III data recover excavation program shall be completed in conformance with the standards set forth in the condition.	• If direct avoidance or capping is not possible, Department of Planning & Building shall ensure that NRHP/CRHR-eligible archaeological sites in San Luis Obispo County are recovered in conformance with the standards set forth in the condition.

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		Research Design shall be reviewed and approved by the Planning Department prior to its implementation. A tribal consultant shall be present for all data recovery excavations of sites of Native American origin.		
CR-1(d)	Archaeological Resource Worker Environmental Awareness Program	Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities. The WEAP training shall describe the potential of exposing archaeological resources, the types of cultural materials that may be encountered, and directions on the steps that shall be taken if such a find is encountered. This training may be presented alongside other environmental training programs required prior to construction. A WEAP acknowledgment form must be signed by all workers who receive the training.	• Prior to the commencement of construction a Registered Professional Archaeologist or a monitor under their direction shall provide a Worker Environmental Awareness Program (WEAP) for the general contractor, subcontractor(s), and construction workers participating in earth disturbing activities, in conformance with the standards set forth in the condition. Verification of training shall be submitted to RMA Planning for review and approval.	• Department of Planning & Building shall review and approve training verification approved by RMA Planning.
CR-1(e)	Archaeological Resource Construction Monitoring	A qualified archaeologist shall be retained by the applicant to be present during all earth moving activities that have the potential to affect archaeological or historical sites. In the event that previously unidentified prehistoric or historic	• Prior to the issuance of a construction permit, the owner/applicant shall retain the services of a qualified archaeologist to be present	• Department of Planning & Building shall review and approve the monitoring report approved by RMA Planning.

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		archaeological materials or human remains are encountered during project construction, mitigation measure CR-2 shall take effect. A monitoring report shall be submitted to RMA County Planning upon completion of construction.	during all earth moving activities that have the potential to affect archaeological or historical sites, in conformance with the standards set forth in the condition. • On an ongoing basis throughout construction that has the potential to affect archaeological or historical sites, a qualified archaeologist shall be present during all earth moving activities. • Upon completion of construction, a monitoring report shall be submitted to RMA Planning for review and approval.	
CR-1(f)	Native American Construction Monitoring	A tribal consultant (Native American monitor) shall be retained by the applicant to be present during all earth moving activities that have the potential to affect prehistoric archaeological sites. The Native American monitor shall prepare daily logs and submit weekly updates to RMA – Planning.	• Prior to the issuance of a construction permit, the owner/applicant shall retain the services of a tribal consultant (Native American monitor) to be present during all earth moving activities that have the potential to affect prehistoric archaeological resources, in conformance with the standards set forth in the	• Department of Planning & Building shall review and approve weekly monitoring updates approved by RMA Planning.

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			condition. • On an ongoing basis throughout construction that has the potential to affect prehistoric archaeological resources, a tribal consultant (Native American monitor) shall be present during all earth moving activities. • The tribal consultant (Native American monitor) shall prepare daily logs and submit weekly updates to RMA Planning for review and approval.	
CR-2	Previously Unidentified Archaeological Resources	If previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the Applicant and the Planning Department and project archaeologist shall be notified immediately. The project archaeologist, at the Applicant's expense, will assess the content, age, association, and integrity of the find and the Applicant shall provide the Planning Department with sufficient information to determine whether the resource is a CRHR-eligible resource. If the Planning Department determines that the resource is not CRHR eligible or that it is CRHR	• On an ongoing basis throughout construction, if previously unidentified prehistoric or historic archaeological resources are encountered during construction or land modification activities, work within the immediate vicinity of the find shall stop and the applicant and RMA Planning and project archaeologist shall be notified immediately, in conformance with the standards set forth in the	• Department of Planning & Building shall be notified of any previously unidentified prehistoric or historic archaeological resources encountered within San Luis Obispo County, and shall participate in determining eligibility and appropriate mitigation in conformance with the standards set forth in the condition.

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		eligible, but that additional data recovery would only yield redundant information, no additional mitigation will be required and construction can proceed. If the Planning Department determines that the resource is CRHR eligible and that the discovery has significant historical associations or could yield additional scientific information about local or regional history or prehistory that has not been recovered during prior investigations, the Applicant shall implement MM-CR-1(a)-(c) and if of Native American origin CR-1(e). If the site is determined insignificant, no further mitigation shall be required. However, archaeological and Native American monitoring may still be required in the vicinity of the site in accordance with mitigation measures CR-1(e) and CR-1(f).	condition.	
CR-4(a)	Paleontological Resource Mitigation Plan	Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project by a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (SVP 2010). The PRMP should include a map identifying the locations where monitoring is required, provide protocols for construction monitoring and the recovery of significant fossils, identify the Project	• Prior to grading activities, a Paleontological Resource Mitigation Plan (PRMP) shall be prepared for the project by a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology (SVP, 2010), in conformance with the	• Department of Planning & Building shall review and approve the PRMP approved by RMA Planning

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		Paleontologist and on-site monitors, and make provisions for fossil preparation, curation, and reporting. The PRMP shall be reviewed and approved by the Planning Department prior to its implementation.	standards set forth in the condition. The PRMP shall be reviewed and approved by RMA Planning prior to its implementation.	
CR-4(b)	Paleontological Resource Construction Monitoring	Full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity. All work shall be conducted by a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP (mitigation measure CR-4a). Monitoring efforts can be reduced or eliminated at the discretion of the Project Paleontologist if, after 50 % of the excavations are completed, no fossil resources are encountered. If deemed appropriate by the Project Paleontologist, part-time monitoring or spot checking may occur during the construction of the project in areas underlain by Quaternary surficial alluvial sediments to determine if underlying sensitive geologic units are being impacted by construction and at what depth. If significant fossils are unearthed during construction, paleontological recovery shall be carried out. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain	• Prior to the issuance of a construction permit, the owner/applicant shall retain the services of a qualified paleontological monitor as defined by the SVP (2010) and in conformance with the PRMP [mitigation measure CR-2(a)]. • On an ongoing basis throughout construction, full-time monitoring shall be required during ground disturbing activities in areas determined to have a high paleontological sensitivity, in conformance with the standards set forth in the condition. • Upon the completion of construction, the project paleontologist shall submit a report of findings in conformance with the standards set forth in the condition.	• Department of Planning & Building shall review the report of findings approved by RMA Planning

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		the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification to the lowest taxonomic level and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings by the Project Paleontologist with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to Monterey County and the curation facility, and its submission shall signify completion of the program to mitigate impacts to paleontological resources.		

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Hazards and Hazardous Materials				
HAZ-3	Locate Underground Utilities	To identify and avoid subsurface utility lines at the project site, Underground Service Alert shall be consulted immediately prior to construction. In addition, a private utility locator service shall be consulted immediately prior to start of construction in order to determine the location of any existing underground utilities, including, but not limited to, the underground gas line. Construction plans shall be submitted to PG&E and any other identified utilities for review and comment for grading or excavation proposed within 25 feet of known underground utility lines. The applicant shall submit proof of underground utility location and PG&E plan submittal to the County of Monterey RMA – Planning Department prior to issuance of grading permits.	• Immediately prior to construction, the owner/applicant shall consult Underground Service Alert and contact a private utility locator service to identify and avoid subsurface utility lines at the project site, in conformance with the standards set forth in the condition. • Prior to issuance of grading permits, the applicant shall submit proof of underground utility location and PG&E plan submittal to the County of Monterey RMA – Planning.	• Department of Planning & Building shall review and approve the proof of underground utility location and PG&E plan submittal approved by the Monterey County RMA – Planning Department.
HAZ-4(a)	Final Fuel Management Plan	Prior to the issuance of any construction permit, the applicant shall submit a Final Fuel Management Plan to the County of Monterey RMA – Planning Department for review and approval. The Final Fuel Management Plan shall be prepared in consultation with the Fire Protection District and/or CAL FIRE. The Final Fuel Management Plan shall identify emergency access routes, vegetation management measures (e.g. grazing, disking, mowing), road maintenance requirements, fuel modification zones and defensible spaces around structures, applicable emergency response procedures (e.g.	• Prior to the issuance of any construction permit, the applicant shall prepare and submit a Final Fuel Management Plan, in conformance with the standards set forth in the condition, to the County of Monterey RMA – Planning Department for review and approval.	• Department of Planning & Building shall review and approve the Final Fuel Management Plan approved by the Monterey County RMA – Planning Department.

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		notification requirements), and vehicle restrictions during the fire hazard season. Fuel protection zones, including defensible spaces and firebreaks, shall be established and maintained throughout the duration of the project in accordance with state and County minimum clearances and fuel modification standards.		
HAZ-4(b)	Emergency Access	The applicant shall be responsible for maintaining adequate emergency access throughout the duration of project construction, operation, and decommissioning in accordance with the Final Fuel Management Plan. All access gate lock codes, combinations, and/or Knox box codes shall be provided to the Monterey County Emergency Operations Dispatch prior to construction. Also prior to construction, a 24-hour contact person with access to all access gates shall be identified and the contact number provided to the Monterey County Emergency Operations Dispatch.	• On an ongoing basis throughout construction, operation, and decommissioning, the applicant shall be responsible for maintaining adequate emergency access in accordance with the Final Fuel Management Plan and in conformance with the standards set forth in the condition.	• Department of Planning & Building shall review and approve the Final Fuel Management Plan approved by Monterey County RMA - Planning. • County's environmental monitor shall ensure that adequate emergency access is maintained.
Hydrology and Water Quality				
HYD-2(a)	Accidental Spill Control and Environmental Training	Prior to the issuance of any grading and/or building permit, the project proponent shall submit a Spill Response Plan and Spill Prevention, Control and Countermeasure Plan to the County of Monterey for review and approval. The Spill Response Plan (SRP) in combination with the Spill Prevention, Control and	• Prior to the issuance of any grading and/or building permit, the applicant shall submit a SRP and SPCC.	• Department of Planning & Building shall review and approve the SRP and SPCC approved by Monterey County RMA - Planning.

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		Countermeasure (SPCC) Plan to be prepared for the proposed project shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC 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 clean-up of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response 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 Hazardous Materials Response Plan (HMRP) proposed as part of the project [applicant proposed measure (APM) 6] shall incorporate all of the elements of this mitigation measure. The County of Monterey shall be responsible for reviewing the applicant's proposed HMRP to confirm that it incorporates the requirements of this mitigation measure.		
HYD-2(b)	Maintain Vehicles and Equipment	All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A	• On an ongoing basis throughout construction, all vehicles and equipment, including all hydraulic hoses, shall be maintained	• Department of Planning & Building shall review and approve the vehicle and equipment maintenance log provided to Monterey County RMA – Planning throughout construction in San Luis

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		vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning Department on a monthly basis for the duration of project construction.	in good working order in conformance with the standards set forth in the condition. • On a monthly basis throughout construction, a vehicle and equipment maintenance log shall be updated and provided by the applicant to the County of Monterey RMA – Planning for review and approval.	Obispo County.

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Public Services and Utilities				
PS-1(a)	Construction Management Plan	The applicant shall include measures that reduce the demand for fire protection services during project construction in the final Construction Management Plan subject to the review and approval of CAL FIRE or the Fire Protection District as applicable. Applicable measures shall include but not be limited to on-site fire suppression, including on-site fire suppression equipment and fire suppression training for on-site personnel. The construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures, for the duration of construction. Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services.	• Prior to issuance of construction permits, the owner/applicant shall submit a final Construction Management Plan, in conformance with the standards set forth in the condition, to CAL FIRE or the Fire Protection District for review and approval. • Prior to the issuance of a construction permit, the applicant shall provide the County with a copy of the final Construction Management Plan approved by CAL FIRE that includes measures that adequately reduce the demand for fire protection services. • On an ongoing basis throughout construction, the construction contractor shall be responsible for implementing the final Construction Management Plan, including applicable fire safety measures.	• Department of Planning & Building shall review and approve the final Construction Management Plan approved by CAL FIRE and received by Monterey County RMA - Planning.
PS-1(b)	Emergency Response Training	During project construction and operation, on-site staff shall receive emergency response training	• Prior to issuance of a construction permit, the	• The South Monterey County FPD/CAL FIRE shall review and approve

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		and shall be informed of all emergency response procedures on a minimum annual basis. Prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities. In addition, on-site fire suppression equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.	owner/applicant shall ensure that on-site staff shall receive emergency response training and shall be informed of all emergency response procedures. Verification of training shall be submitted to South Monterey County FPD/CAL FIRE for review and approval. • Prior to operation of the project, the applicant shall consult with South Monterey County FPD/CAL FIRE staff to educate them in emergency response procedures for solar power facilities. • On an annual basis, on-site staff shall receive emergency response training and shall be informed of all emergency response procedures. Verification of training shall be submitted to South Monterey County FPD/CAL FIRE for review and approval. • On an ongoing basis, on-site fire suppression	verification of emergency response training. Verification shall be provided to Department of Planning & Building.

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			equipment (e.g. fire extinguishers) shall be maintained on-site for the duration of project operation.	
PS-1(c)	Fire Protection During Construction	Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services during the non-peak fire season for the duration of project construction via provision of sufficient funding and other measures necessary to keep the CAL FIRE Parkfield substation operational during the non-peak fire season. The measures to assure sufficient fire protection services in accordance with existing standards shall be subject to the review and approval of CAL FIRE and may include but not be limited to the following: funding for provision for fire personnel, purchase of on additional patrol/rescue vehicle, and/or provision of a helicopter landing space in consultation with CAL FIRE, the use of which will be restricted to emergency use only. A copy of the final, executed agreement shall be submitted to the County prior to the issuance of a construction permit.	• Prior to the issuance of a construction permit, the applicant shall enter into an agreement with CAL FIRE to provide sufficient fire protection services in conformance with the standards set forth in the condition. • Prior to the issuance of a construction permit, a copy of the final, executed agreement shall be submitted to the County.	• Department of Planning & Building shall review and approve the final, executed agreement received by Monterey County RMA - Planning.

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Transportation and Circulation				
T-2	Friday Peak Hour Control Measures – Construction Phase	All project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Truck delivery and construction workers bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. Vehicle destinations shall be identified by vehicle badges. The flagman shall identify these vehicles and direct them to make an eastbound left out movement from the project access road onto SR 41 east.	• On an ongoing basis throughout construction, traffic control measures, as set forth in the condition, shall be implemented for all project generated traffic bound for SR 46 eastbound during the Friday PM Peak Hour.	• County's environmental monitor shall ensure that traffic control measures are implemented during construction.

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T-4	Friday Peak Hour Control Measures – Operation Phase	Until the completion of Caltrans improvements to the intersection of SR 41/46, all project generated traffic bound for SR 46 eastbound that would make the southbound left turn movement at the intersection of SR 41/SR 46 shall be removed by implementing traffic control measures at the project access road exit during the Friday PM peak hour between 4:35 PM and 5:35 PM. Employees bound for eastbound SR 46 shall be prohibited from making right turns from the project access road onto SR 41 by a flagman located at the project access road during the Friday PM peak hour. The flagman shall identify these vehicles and direct them to make a left out movement from the project access road onto SR 41 east.	• Until the completion of Caltrans improvements to the intersection of SR 41/46, traffic control measures, as set forth in the condition, shall be implemented for all project generated traffic bound for SR 46 eastbound during the Friday PM peak hour.	• County's environmental monitor shall ensure that traffic control measures are implemented during operation until the completion of Caltrans improvements to the intersection of SR 41/46.
T-7	Park and Ride Facility Siting	Any proposed park and ride facilities shall be sited in already developed parking lots designed to accommodate large numbers of vehicles (e.g. shopping center locations). All vehicles shall be required to park in designated parking spaces. No permanent new lighting shall be installed. The location of the park and ride facilities within these existing parking lots shall be sited in an area located away from residences and other sensitive receptors to limit nighttime disturbance from noise. Selection of the park and ride lots shall consider the existing and projected traffic conditions in the	• Prior to the issuance of a construction permit, the owner/applicant shall submit a plan showing the proposed park and ride facilities, in accordance with the standards set forth in the condition, to RMA – Public Works for review and approval.	• Department of Planning & Building shall receive and review plans showing proposed park and ride facilities in San Luis Obispo County.

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		surrounding area and the proposed park and ride lots shall not be located on roadway segments and near intersections currently experiencing deficient Levels of Service, as defined either by Caltrans, a county or a city, as applicable, unless a supporting traffic study prepared by a qualified transportation planner or engineer shows that impacts to traffic conditions would not occur.		
Long-Term Impacts				
LT-1	Worker Housing Program	Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program prepared by a professional relocation firm to Monterey County for review and approval that would include: 7. Projection of the peak need for worker housing in relation to existing demand for temporary accommodations, with particular attention paid to seasonal housing; 8. Classification of workers' housing needs based on the duration of their work on the project; and 9. Identification of dwelling units, hotels, motels, RV parks, and campsites with the ability to accommodate workers for periods of longer than one month. The applicant (or relocation firm) shall reserve or coordinate the reservation of temporary accommodations for employees relocating from outside the local area.	• Prior to issuance of construction permits, the applicant shall submit a Worker Housing Program, in conformance with the standards set forth in the condition, prepared by a professional relocation firm to Monterey County for review and approval.	• Department of Planning & Building shall receive the Worker Housing Program approved by Monterey County.

ATTACHMENT 1