



Imperial County Planning & Development Services Planning / Building

December 4, 2025

Jim Minnick
DIRECTOR

SUBJECT: REQUEST FOR PROPOSAL – MONITORING & COMPLIANCE
PROJECT: VEGA SES SOLAR ENERGY PROJECT -APN'S (051-360-021, 031, 051-390-003, 012-000).

Ladies and Gentlemen:

The Imperial County Planning & Development Services Department (ICPDS) is soliciting proposals for a 3rd Party monitoring and compliance team for the VEGA SES Solar Energy Project. **Proposals will be accepted from December 4, 2025, through January 5, 2026.**

ICPDS will act as the "Lead Agency" during all phases including the Lay-down, Move On, Pre-construction, Construction phase, and Operational phase of these projects. The successful consultant will work directly for ICPDS on the following phases:

1. The Laydown Phase which will allow for solar equipment to be delivered within the development area;
2. The initial Move-On Phase where construction trailers and equipment will be used for construction;
3. The Pre-Construction Phase including all surveys & reports;
4. The Full Development Phase for the installation of the solar panels, & substations.

ICPDS is requesting a Statement of Interest consisting of a Statement of Qualifications and a Schedule of Charges from personnel & organizations, which are included in the environmental compliance services proposal.

The monitoring and compliance consultant will coordinate with the **(VEGA SES SOLAR ENERGY** project Owner, staff, their environmental consultants and Imperial County Planning & Development Services Department and other agencies regarding environmental construction compliance and monitoring activities.

1. A Third-Party review of plans to support construction and operation of the Project (e.g. Pest Management Plan, Raven Control Plan, Hazardous Materials Management Plan, etc.) in fulfillment of the requirements of the Mitigation Monitoring and Reporting Program and the conditions as identified in the Conditional Use Permit for this Project.
2. A Third-Party monitoring and review of the on-site compliance management/mitigation monitoring be done by developer and their team of specialist as a comprehensive service to assist the Planning Department and other public agencies and private developers with carrying out the intent of the California Environmental Quality Act (CEQA) as it applies to environmental mitigation.

3. Additionally, the third party (3rd) monitor will coordinate with the Planning Department and Developer during pre-construction and construction of the Project. This 3rd party monitoring efforts will focus on the approved CUP conditions and mitigation measures included in CUP #17-0001.

- a. Responsibilities will include ensuring that the requirements of the CUPs are implemented and complied with as specified by inspecting the site for non-compliance issues; monitoring construction activities; protecting/avoiding biological and cultural resources; and verifying implementation of approved Conditions of Approval and mitigation measures as required in the MMRP.

Attached hereto is a copy of the Conditional Use Permit (CUP 17-0001) agreement. The Following links will also provide details on project including the Mitigation requirements.

Please include the project scope and cost for the following Phases & Tasks:

1. **Monitoring during the Laydown phase-** *Delivery and staging of solar equipment within the development area. This phase is limited to a specific area of the project site that will be used to store materials and solar components in advance of construction. **The Developer and their team will include** a biologist doing a sweep of the area ensure there are no birds, burrowing owls or other wildlife present prior to staging materials followed by a pre-construction survey before disturbance of the Project site. If species are present, the appropriate actions will be implemented in consultation with CDFW and in accordance with required protocols.*
 - *The 3rd party monitoring will ensure all requirements are completed by Developer and their team and report directly to Planning & Development Services Department.*
2. **Move-On phase-** *Mobilizing job trailers and equipment in advance of construction. This phase involves placement of mobile units that serve as offices for the contractors during construction, placement of port-a-poties, and staging equipment including the J-stand for filling water trucks.*
 - *The County's 3rd Party consultant will review Pre-construction surveys done prior to the move-on as this phase serves to assemble the necessary infrastructure and equipment to commence construction. Monitoring and Compliance involvement for this phase includes oversight of the mobilization process and establishing parameters for operation of the area.*
3. **Pre-construction phase (Tasks & Costs) –** *A Third Party review of all required reports and plans as specified in the Conditions of Approval and/or MMRP. A multitude of reports and plans will be prepared by developer prior to the start of construction. These may include, but are not limited to:*
 - *A dust control plan,*
 - *Pest Management Plan,*
 - *Storm-water Pollution Prevention Plan (SWPPP),*
 - *Hazardous Materials Business Plan, etc.*
 - *Surveys for nesting birds and burrowing owls.*
 - *Biological surveys and written reports for the construction area.*
 - *The County will need the costs for these surveys on project areas and the off-site areas as required.*
4. **Costs for 3rd party monitoring the Developer's construction crews** *including, but not limited to*

the EPC contractor, electrical contractors, and subcontractors including the grading for each site. Please include the hourly rate and the total estimated hours for monitoring;

- 5. Review of the paleontological, culture, and archeological work** *required by the MMR&P's and CUP conditions and or as requested by the Imperial County Planning & Development Services Department; please include the hourly rate and the total estimated hours.*
- 6. Costs for writing compliance reports;** *please include the cost for the bi-weekly compliance report.*
- 7. Costs for conducting onsite monitoring and documenting** *whether the Project complies with the conditions of the County permits; please provide the hourly rate.*
- 8. Costs for attending meetings with the Contractor, State Agencies, or Local Agencies** *on site or via phone conference as well as writing reports documenting these meetings; please provide the total estimated hours.*
- 9. Costs for 3rd party review of the training and Workers Environmental Awareness Program (WEAP)** *training for all workers and contractors working on site during pre-construction & construction activities.*

The proposed hourly/daily billing rate, travel billing rate, mileage billing rate, proposed per diem (if any), and expected round-trip miles to be billed for visits to the development site.

The estimated project construction completion is one (1) year. The construction is scheduled to begin in the fall months of 2026; however, the duration of the requested service to carry out the Scope of Work may vary.

The DEIR and FEIR for the VEGA SES SOLAR ENERGY project can be reviewed on the Imperial County's Planning & Development Services website.

<https://www.icpds.com/planning/environmental-impact-reports/final-eirs>

<https://www.icpds.com/planning/environmental-impact-reports/draft-eirs/vega-ses-solar-energy-project-deir>

If you have any questions, you may contact David Black, Project Planner, by phone at (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

Sincerely,

By: 
David Black, Project Planner IV

Jim Minnick, Director
Planning & Development Services

CC: Jim Minnick, Director of Planning and Development Services
Michael Abraham, AICP, Assistant Director of Planning & Development Services
Diana Robinson, Planning Division Manager
David Black, Planner IV
Project File: CUP17-0001
APN: 051-360-021
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RECORDED

APR 29 2019

CHUCK STOREY

Imperial County Clerk-Recorder

When Recorded Return To:

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2019007502
04/29/2019 04:19 PM

**CONDITIONAL USE PERMIT #17-0001
VEGA SES SOLAR ENERGY PROJECT
APN 051-360-021, 051-360-031, 051-390-004, 051-390-012, 051-390-013
(Approved at the Board of Supervisors on April 16, 2019)**

This Agreement is made and entered into on this 29th day of April, 2019, by and between VEGA SES LLC hereinafter referred to as the Permittee (Permittee), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY") related to the VEGA SES SOLAR ENERGY Project.

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County to be improved with the proposed photovoltaic solar energy facility, electrical switch station, substation, and internal solar development transmission lines, on approximately 574 acres within Imperial County. The proposed facility is located in the south western portion of Imperial County, California, approximately eight miles west & southwest of the City of El Centro and approximately 13 miles west & northwest of Calexico.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #17-0001 for constructing and operating a new solar energy facility with ancillary

1 support facilities, including electrical interconnections to be transmitted to a proposed IID
2 Substation (Fern) (the "Project").

3 **WHEREAS**, the overall Project includes one (1) CUP's on different properties within
4 the County,
5

6 **WHEREAS**, The Permittee for the Vega SES Solar Energy project shall fully comply
7 with all of the terms and conditions of the Project as specified hereinafter within this
8 Conditional Use Permit.
9

10 The rest of this page is intentionally left blank.

1 **GENERAL CONDITIONS:**

2 The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are
3 either routinely and commonly included in all Conditional Use Permits as "standardized conditions"
4 and/or are conditions that the Imperial County Planning Commission has established as a requirement
5 on all CUP's for consistent application and enforcement. The Permittee is hereby advised that the
6 General Conditions are as applicable as the SITE SPECIFIC conditions. The General Conditions are in
7 addition to the MMRP and any and all other requirements for the project.

8 **G-1 GENERAL LAW and other Requirements:**

9 The Permittee shall comply with all local, state and/or federal laws, rules,
10 regulations, ordinances, and/or standards (LORS) as they may pertain to the
11 Project, whether specified herein or not. The Project shall be constructed
12 and operated as described in the General Plan Amendment, Zone Change,
13 Conditional Use Permit application and the Final Environmental Impact
14 Report, (FEIR) and Mitigation and Monitoring Reporting Program (MMRP). A
15 violation of any such LORS or conditions, applications, the FEIR or the
16 MMRP shall be a violation of this CUP.

17 **G-2 PERMITS/LICENSES:**

18 The Permittee shall obtain any and all local, state and/or federal permits,
19 licenses, and/or other approvals for the construction and/or operation of the
20 Project. This shall include, but shall not be limited to, local requirements by
21 the Imperial County EHS/Health Department, Imperial County Planning and
22 Development Services Department, Imperial County Air Pollution Control
23 District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public
24 Works Department, Imperial County Sheriff/Coroner's office, and the Imperial
25 County Fire Protection/Office of Emergency Services, among others.
26 Permittee shall likewise comply with all such permit requirements.
27 Additionally, Permittee shall submit a copy of such additional permits and/or
28 licenses to the Imperial County Planning and Development Services
Department within thirty (30) days of receipt, including amendments or
alternatives thereto, when requested.

G-3 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County
Recorder's Office and payment of the recordation fee shall be the
responsibility of the Permittee. If the Permittee fails to pay the recordation fee
within six (6) months from the date of approval, this permit shall be deemed
null and void. Recording is an action of notice and does not convey any
rights to Permittee

1 **G-4 DURATION OF AGREEMENT**

2 Unless otherwise specified within the specific conditions, this permit shall be
3 limited to a maximum of thirty (30) years from the recordation of the CUP.
4 The CUP may be extended for an additional ten (10) year period by the
5 appropriate County entity (either the Planning Director, the Planning
6 Commission or the Board of Supervisors as set forth in the applicable
7 Imperial County Ordinances) upon a finding that the Project is in compliance
8 with all conditions of the CUP as stated herein and any applicable Land Use
9 regulation of the County of Imperial. If an extension is necessary, the
10 Permittee shall file a written extension request with the Planning Director at
11 least sixty (60) days prior to the expiration date of the permit. Such an
12 extension request shall include the appropriate extension fee. Nothing stated
13 or implied within this permit shall constitute a guarantee that an extension will
14 be granted. An extension may not be granted if the Project is in violation of
15 any one or all of the conditions or if there is a history of non-compliance with
16 the permit conditions.

17 **G-5 INDEMNIFICATION:**

18 In addition to any other indemnifications provided for the Project, and as a
19 condition of this permit, Permittee shall defend, indemnify, hold harmless,
20 and release the County, its agents, officers, attorneys, and employees from
21 any claim, action, or proceeding brought against any of them, the purpose of
22 which is to attack, set aside, void, or annul the entitlements, any permits,
23 approvals or adoption of the environmental document which accompanies it.
24 This indemnification obligation shall include, but not be limited to, damages,
25 costs, expenses, attorneys' fees for counsel chosen by County, or expert
26 witness fees that may be asserted by any person or entity, including the
27 Permittee, arising out of or in connection with the approval of this permit,
28 whether there is concurrent, passive or active negligence on the part of the
29 County, its agents, officers, attorneys, or employees. This indemnification
30 shall include Permittee's actions or failure to act involved in drilling, grading,
31 construction, operation or abandonment of the permitted activities. Permittee
32 further agrees to comply with the terms of the indemnification agreement
33 incorporated by this reference. Failure to provide payment of any fees or
34 other costs for this indemnification shall cause Permittee to be in non-
35 compliance with this permit. Upon notification of non-compliance, County
36 may, at its sole discretion, cease processing, defending any lawsuit or paying
37 for costs associated with this project.

38 **G-6 INSURANCE:**

39 For the term of the CUP and any period thereafter for decommissioning and
40 reclamation, the Permittee and/or Permittee's prime contractor assigned site
41 control during construction, shall secure and maintain liability in tort and
42 property damage, commercial liability and all risk builders' insurance at a
43 minimum of **\$1,000,000 each, combined single limit property damage**

1 **and personal injury**, to protect persons or property from injury or damage
2 caused in any way by construction and/or operation of permitted facilities.
3 Such insurance shall be endorsed to name the County, its officers, agents,
4 and employees as additional insureds and shall be in a form and from a
5 company acceptable to County. The Permittee shall require that proper
6 Workers' Compensation insurance cover all laborers working on such
7 facilities as required by the State of California. The Permittee and/or
8 Permittee's prime contractor assigned site control during construction, shall
9 also secure liability insurance and such other insurance as may be required
10 by the State and/or Federal Law. Evidence of such insurance shall be
11 provided to the County prior to commencement of any activities authorized
12 by this permit, e.g. an endorsed Certificate of Insurance is to be provided to
13 the Imperial County Planning and Development Services Department by the
14 insurance carrier and said insurance and certificate shall be kept current for
15 the life of the permitted Project. Certificate(s) of Insurance shall be sent
16 directly to the Imperial County Planning and Development Services
17 Department by the insurance carrier and shall be endorsed to name the
18 Department as a recipient of both renewal and cancellation notices.

12 **G-7 INSPECTION AND RIGHT OF ENTRY:**

13 The County reserves the right to enter the premises to make appropriate
14 inspection(s) and to determine if the condition(s) of this permit are complied
15 with. The owner or operator shall allow an authorized County representative
16 access into the site upon the presentation of credentials and other
17 documents as may be required by law to:

- 17 (A) Enter at reasonable times upon the owner's or operator's premises
18 where a permitted facility or activity is located or conducted, or where
19 records must be kept under the conditions of the permit.
- 20 (B) Have access to and copy, at reasonable times, any records that must
21 be kept under the conditions of the permit.
- 22 (C) Inspect at reasonable times any facilities, equipment (including
23 monitoring and control equipment), practices, or operations regulated or
24 required under the permit.
- 25 (D) Sample or monitor, at reasonable times, for the purpose of assuring
26 permit compliance or, otherwise authorized by law, any substances or
27 parameters at any location.

25 **G-8 SEVERABILITY:**

26 Should any condition(s) of this permit be determined by a Court or other
27 agency with proper jurisdiction to be invalid for any reason, such
28 determination shall not invalidate the remaining provision(s) of this permit.

1 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**

2 The provisions of this Permit are to run with the land/project and shall bind
3 the current and future owner(s), successor(s)-in-interest, assignee(s) and/or
4 transferee(s) of said Project pursuant to the recordation required by
5 Condition G-3. Permittee shall not without prior notification to the Imperial
6 County Planning and Development Services Department assign, sell or
7 transfer, or grant control of Project or any right or privilege therein granted by
8 this permit. The Permittee shall provide a minimum of thirty (30) days written
 notice prior to any proposed transfer becoming effective. The permitted use
 identified herein is limited for use upon the permitted properties described
 herein and may not be transferred to any another other parcel(s) without prior
 approval.

9 The Permittee shall pay any and all amounts determined by the County to
10 defray any and all cost(s) for the review of reports, field investigations,
11 monitoring, and other activities directly related to the enforcement/monitoring
12 for compliance of this Conditional Use Permit, County Ordinance, MMRP or
13 any other applicable law. All County Departments, directly involved in the
14 monitoring/enforcement of this permit may bill Permittee under this provision;
15 however said billing shall only be through and with the approval of the
16 Imperial County Planning and Development Services Department. All County
 staff time will be billed on a time and materials basis. Failure by Permittee to
 provide any payment required of Permittee to the County in the CUP shall
 cause Permittee to be in non-compliance of the CUP. Upon Permittee being
 in such noncompliance, County may, at its sole discretion, cease processing,
 defending any lawsuit or paying for costs associated with the Project.

17 **G-10 REPORTS/INFORMATION:**

18 If requested by the Imperial County Planning Director, Permittee at its sole
19 expense shall provide any such documentation/report as necessary to
20 ascertain compliance with the Conditional Use Permit. The format, content
21 and supporting documentation shall be as required by the Imperial County
 Planning Director.

22 **G-11 DEFINITIONS:**

23 In the event of a dispute the meaning(s) or the intent of any word(s),
24 phrase(s) and/or conditions or sections herein shall be determined by the
25 Imperial County Planning Commission. Their determination shall be final
 unless an appeal is made to the Imperial County Board of Supervisors within
 the required time.

26 **G-12 MINOR AMENDMENTS:**

27 Unless as otherwise required by law (including but not limited to County
28 ordinance interpretations and minor modifications or changes can be made

1 to the Project with the mutual agreement of Developer and County and only
2 in one of the following circumstances:

3 (A) Where the change is ministerial, mutually agreeable to Director of
4 Planning & Development Services Department and Developer and
5 constitutes an administrative interpretation, less than significant
6 amendment or change or technical modification to the design,
construction and/or operation of the Project under the existing
applicable rules, regulations, and laws of the County and does not

7 (1) Alter the permitted uses of the Property as a whole or within any
8 CUP; or

9 (2) Increase the density or intensity of use of the Property as a whole
10 or within any CUP; or,

11 (3) Increase the maximum height and size of permitted buildings or
structures; or,

12 (4) Delete a requirement for the reservation or dedication of land for
13 public purposes within the Property as a whole; or

14 (5) Conflict with a condition of approval or MMRP; or

15 (6) Constitute a discretionary approval by the County for which a
16 subsequent or supplemental environmental impact report would be
required pursuant to Section 21166 of the Public Resources Code.

17 (B) Where the change is ministerial, mutually agreeable to Developer and
18 constitutes an administrative interpretation, less than significant
19 amendment or change or technical modification to the design,
20 construction and/or operation of the Project under the existing
applicable rules, regulations, and laws of non-County agencies as to
Project matters within their sole jurisdiction.

21 **G-13 SPECIFICITY:**

22 The issuance of this permit provides a temporary use right on the project
23 property within the requirements set out here and does not authorize the
24 Permittee to construct or operate the Project in violation of any LORS or
beyond the duration, term or specified boundaries of the Project as shown
25 the application/project description/permit, nor shall this permit allow any
26 accessory or ancillary use not specified herein. This permit does not provide
any prescriptive right or use to the Permittee for future addition and or
modifications to the Project.

1 **G-14 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

2 Should the Permittee violate any condition herein, the County shall give
3 written notice of such violation and actions required of Permittee to correct
4 such violation. If Permittee does not act to correct the identified violation
5 within forty-five (45) days after written notice, County may revoke the CUP.
6 If Permittee pursues correction of such violation with reasonable diligence,
7 the County may extend the cure period. Upon such revocation, County may,
8 at its sole discretion, cease processing, defending any lawsuit or paying for
costs associated with the Project. County may include in such notice of
violation and subsequent process default and/or termination of the
Development Agreement along with violation or revocation of the CUP, and
the procedures set out here shall govern.

9 **G-15 GENERAL WELFARE:**

10 All construction and operations of the solar energy facility shall be conducted
11 with consistency with all laws, conditions, adopted County policies, plans,
12 mitigation measures and the permit application so that the Project will be in
13 harmony with the area and not conflict with the public health, safety, comfort,
convenience, and general welfare of those residing in the area.

14 **G-16 PERMITS OF OTHER AGENCIES INCORPORATED:**

15 Permits granted by other governmental agencies in connection with the
16 Project are incorporated herein by reference. The County reserves the right
17 to apply conditions of those permits, as the County deems appropriate and
18 subject to its having jurisdiction; provided, however, that enforcement of a
permit granted by another governmental agency shall require written
concurrence by the respective agency. Permittee shall provide to the
County, upon request, copies and amendments of all such permits.

19 **G-17 HEALTH HAZARD:**

20 If the County Health Officer reasonably determines that a significant health or
21 safety hazard exists to the public, the County Health Officer may require
22 appropriate measures and the Permittee shall implement such measures to
23 mitigate the health hazard. If the hazard to the public is determined to be
24 imminent, such measures may be imposed immediately and may include
25 temporary suspension of permitted activities. The measures imposed by the
County Health Officer shall not prohibit the Permittee from requesting a
special Imperial County Planning Commission meeting, provided the
Permittee bears all related costs.

26 **G-18 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

27 Permittee's acceptance of this permit shall be deemed to constitute
28 agreement with the terms and conditions contained herein. Where a

1 requirement is imposed in this permit that Permittee conduct a monitoring
2 program, and where the County has reserved the right to impose or modify
3 conditions with which the Permittee must comply based on data obtained
4 there from, or where the Permittee is required to obtain additional conditional
5 use permits for County approval for subsequent activities, and disagreement
6 arises, the Permittee, operator and/or agent, the Imperial County Planning
7 and Development Services Director or other affected party, as determined by
8 the Imperial County Planning and Development Services Director, may
9 request that a hearing before the Imperial County Planning Commission.
10 Upon receipt of a request, the Imperial County Planning Commission shall
11 conduct a hearing and make a written determination. The Imperial County
12 Planning Commission may request support and advice from a technical
13 advisory committee. Failure of the Imperial County Planning Commission to
14 act shall constitute endorsement of staff's determination with respect to
15 implementation.

11 **SITE SPECIFIC CONDITIONS:**

12 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

- 13 (A) Permittee shall be the master Developer for this Project and shall be
14 responsible as for all improvements, septic, sewer, approved potable
15 water system(s), pipelines, roads and other improvements discussed in
16 the Conditional Use Permit Application and Conditions Application and
17 FEIR, and MMRP. If Permittee sells all or part of this Project, an
18 approved agreement shall be in place for new Project owner to build
19 and maintain as agreed to by the conditions set forth in this CUP. The
20 Imperial County Planning and Development Services Director shall
21 approve of such agreement between Permittee and a new master
22 Developer for this Project. The County Assessor's Office shall be
23 notified of any ownership change.
- 24 (B) Permittee shall develop this CUP property as a separate solar energy
25 facility. Any development with a combination of parcels will require the
26 owner(s) to have a recorded deed restriction to "hold the parcel as one
27 parcel" that runs with the land. This deed restriction shall be for a
28 minimum of thirty (30) years and shall only be released upon the
expiration of the thirty (30) years, the expiration or termination of the
Conditional Use Permit, or upon approval of the Imperial County
Planning and Development director that the restriction is no longer
needed based on a change in the development or regulation.
- (C) The Permittee shall construct and operate the following facilities in
compliance with the Conditional Use Permit, the County's General
Plan's Land Use Element, Land Use Ordinance and all other applicable
local, state, and federal laws, ordinances, regulations and standards

(LORS), to include any other permits which are incorporated herein by reference.

(D) Construction, operation, maintenance, replacement and removal of a solar energy facility & battery energy storage system as described in Permittee's CUP Application & FEIR & DEIR. The solar energy facility would include photovoltaic modules, mounting structures, electrical wiring, inverters, transformers and AC electric collector system, project electric substation and ancillary facilities. Ancillary facilities would include safety and security equipment, retention basins, perimeter fencing, access gates, lighting systems, access roads, and could include temporary construction trailers, an operations and maintenance (O&M) building, equipment enclosures, water treatment system and building, septic system, parking, and fire protection including a minimum 10,000 gallon fire water tank, and monitoring and control systems. The project proposes to use either thin film or crystalline solar photovoltaic (PV) technology modules mounted on fixed or horizontal single-axis tracker (HSAT) systems; concentrating photovoltaic (CPV) systems mounted on a dual-axis tracking system; or a mix of the technologies.

(E) PV module arrays would be mounted on racks supported by driven piles. The depth of the piles would be dependent on the geotechnical recommendations for the Project. The fixed-frame racks would be secured at a fixed tilt of 20° to 25° from horizontal facing a southerly direction. If HSAT technology is used, the PV modules would rotate around the north-south HSAT axis so that the PV modules would face the sun as it moves across the sky throughout the day. The PV modules would reach their maximum height (up to nine feet above the ground, depending on the final design) when the HSAT is rotated to point the modules at the rising or setting sun at both sunrise and sunset. When the HSAT system is rotated so that the PV modules are horizontal (at noon, or when stowed during high winds), the nominal height would be approximately six feet above the ground, depending on the final design. The individual PV systems would be configured in large arrays by placing them in columns spaced approximately ten feet apart to maximize operational performance and to allow access for panel cleaning and maintenance. These arrays would be separated from each other and the perimeter security fence by nominal 20-foot wide roads, consistent with emergency access requirements.

(F) CPV technology uses optics such as lenses to concentrate a large amount of sunlight onto a small area of PV cells to generate electricity. The CPV technology focuses the sunlight onto highly efficient solar cells using Fresnel lenses. The CPV technology would likely use a dual-axis tracking system to position the tracker to ensure that concentrated sunlight remains precisely focused on the solar cells throughout the day. The dual-axis tracking structures use single pole/mast-mounted panels that would be approximately 30-feet high at both sunrise and

1 sunset when the panel is rotated to point at the rising or setting sun.
2 The dual-axis modules would be spaced approximately 80 feet apart
3 on-site substation will step-up the voltage from the collection level
4 voltage to 230-kV. Breakers, buswork, protective relaying, Supervisory
5 Control and Data Acquisition (SCADA), and associated substation
6 equipment will be constructed on the CUPs. The communication system
7 may include an above or below-ground fiber optic cable network or
8 microwave tower.

9 (G) The Project will be interconnected to the regional transmission system
10 from the on-site substation/switchyard via the Gen-Tie interconnection.
11 CUP #17-0001 is anticipated to utilize the Gen-Tie line extending from
12 the CUP to and inverter stations. Alternatively, each CUP may
13 independently construct its own 230-kV (maximum) step-up transformer
14 and switchyard. During normal operation, each substation will "back
15 feed" power to maintain "house" power. This would include O&M
16 buildings, security systems, SCADA, communication systems, plant
17 control systems, etc. Therefore, much of the electrical equipment will be
18 in some stage of electrical operation 24 hours-a-day.

19 (H) The field of energy storage is rapidly advancing, and a wide variety of
20 technology is available to choose from. To date, a single technology or
21 provider has not been selected for this component of the Project. The
22 analysis contained in this EIR reflects the worst-case scenario for
23 impacts from these technologies in order to mitigate any impacts from
24 these technologies. Thus the analysis covers the full-range of
25 technologies for when the final decision is made on which technology to
26 construct. The storage component will utilize technologies that operate
27 based upon the principles of potential energy (e.g. pumped storage),
28 chemical energy (e.g. batteries), mechanical/kinetic energy (e.g.
flywheel), or any combination thereof. The storage component may be
centralized and located adjacent to the substation or switchgear or,
alternatively, the energy storage component may be distributed
throughout the facility adjacent to individual power conversion centers.
The storage component would be housed in a warehouse type building
or in smaller modular structures such as cargo shipping containers.

22 **S-2 AESTHETICS:**

23 The Permittee shall design and maintain all buildings and equipment
24 enclosures to have exterior surfaces with neutral, non-reflective colors.
25 The construction and maintenance of County-approved landscaping
26 along the access into the Operation/Maintenance Facility shall be in
27 compliance with the Land Use Ordinance, Division 3, Chapters 1 and 2,
28 Sections 90302.00 through 90302.19. As applied to other solar projects
and as indicated in the FEIR and as indicated in the FEIR and Mitigation
Monitoring and Reporting Program.

- 1 (A) The Permittee shall design and install lighting at construction storage
2 yards and staging areas, such that light bulbs and reflectors are not
3 visible from public viewing areas; lighting does not create reflected
4 glare; and illumination of the Project facilities, vicinity, and nighttime sky
5 is minimized.
- 6 (B) Lighting shall be designed so exterior light fixtures are hooded, with
7 lights directed downward or toward the area to be illuminated and so
8 that backscatter to the nighttime sky is minimized. The design of the
9 lighting shall be such that the luminescence or light source is shielded to
10 minimize light trespass outside the Project boundary.
- 11 (C) All lighting shall be of minimum necessary brightness consistent with
12 worker safety and OSHA-Requirements.
- 13 (D) High illumination areas not occupied on a continuous basis shall have
14 switches or motion detectors to light the area only when occupied.

15 **S-3 AGRICULTURE:**

- 16 (A) Prior to the issuance of the initial grading permit or building permit,
17 Permittee shall submit to County of Imperial a Reclamation Plan to
18 return the property to conditions comparable to its current condition for
19 agricultural production. The Reclamation Plan shall include a description
20 of the farming infrastructure to include but not limited to a crop history,
21 water delivery system, drainage system, field access, field roads,
22 grading aspects, reclamation cost estimate prepared by a California-
23 licensed general contractor or civil engineer. The developer shall
24 provide financial assurance/bonding in the amount equal to the
25 reclamation cost estimate to restore all agricultural land/farmland to its
26 pre-construction condition including removal of all structures and
27 equipment, soil testing for and clean-up of contaminants in the soil,
28 diking, leveling, and any other clean up and repair necessary to return
the land to an agriculturally productive farmable condition prior to the
issuance of the initial grading permit or building permit. The
Reclamation Plan with appropriate bonding will need approval from the
Imperial County Planning and Development Services Director, and
County Counsel before any grading or building permit is issued.
- (B) Permittee shall minimize paving and ground disturbing activities to the
maximum extent practical within agricultural fields to retain soil
characteristics.
- (C) The Project Developer shall:
- (1) Develop and implement an approved Pest Management Plan for
the duration of the project that will reduce negative impacts to

surrounding farmland. Plan shall be reviewed and approved by the Imperial County Agricultural Commissioner's Office.

- (2) Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the County Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor (PCA) is recommended. All treatments must be performed by a qualified applicator or a licensed pest control operator (PCO).
- (3) "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, bio-control, cultural control, or chemical treatments.
- (4) Notify the County Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species such as A- and Q-rated pest species as defined by the California Department of Food Agriculture (CDFA). Eradication of exotic pests will be done under the direction of the Agricultural Commissioner's Office and/or CDFA.
- (5) Obey all pesticide use laws, regulations, and permit conditions.
- (6) Allow access for County Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties.
- (7) Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and available for inspection, and that all permits and other required legal documents are current.
- (8) Maintain records of pests found and controlled and either have them available for review, or submit them to the County Agricultural Commissioner's office on a quarterly basis.
- (9) The Permittee shall reimburse the County Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.
- (10) Reclamation/Decommissioning Plan and Security. The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to

1 MM AG-1b, for Prime Farmland and Non-Prime Farmland, the
2 Applicant shall submit to Imperial County a Reclamation Plan prior
3 to issuance of a grading permit. The Reclamation Plan shall
4 document the procedures by which each CUP will be returned to
5 its current agricultural condition/LESA score. Permittee also shall
6 provide financial assurance/bonding in an amount equal to a cost
7 estimate prepared by a California-licensed general contractor or
8 civil engineer for implementation of the Reclamation Plan in the
9 event Permittee fails to perform the Reclamation Plan. MM AG-1b,
10 prior to the issuance of a grading permit or building permit
11 (whichever is issued first).

- 12 (D) Prior to the issuance of a grading permit or building permit (whichever
13 permit comes first) for the Project, the mitigation of impact to agricultural
14 lands shall be accomplished as follows:

15 **Mitigation for the temporary loss of Non-Prime Farmland:**
16 **Permittee may choose one of the following three methods for**
17 **mitigation:**

- 18 a) Agricultural Conservation Easements on a "1 to 1" basis on land of
19 equal size, of equal quality farmland, outside of the path of
20 development. The Conservation Easement shall meet the State
21 Department of Conservation's regulations and shall be recorded prior to
22 issuance of any grading or building permits. OR
- 23 b) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the
24 amount of 20% of the fair market value per acre for the acres of non-
25 prime farmland impacted by the Project based on five comparable sales
26 of land used for agricultural purposes as of the effective date of the
27 permit, including program costs on a cost recovery/time and material
28 basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust
account administered by the Imperial County Agricultural
Commissioner's office and will be used for such purposes as the
acquisition, stewardship, preservation and enhancement of agricultural
lands within Imperial County. OR
- c) If Permittee and the County voluntarily enter into a public benefit
agreement or Development Agreement that includes Agricultural Benefit
Fee payment that is equal to or greater than the amount that would be
due under Option 2 of these mitigation measures and the public benefit
agreement requires that the Agricultural Benefit Fee be used for such
purposes as the acquisition, stewardship, preservation and
enhancement of agricultural lands within Imperial County, then this
mitigation measure may be satisfied by payment of a voluntarily agreed
to Agricultural Benefit Fee.

Mitigation for the temporary loss of Prime Farmland: Permittee may choose one of the following three methods for mitigation:

- d) Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits. OR
- e) The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30% of the fair market value per acre for the acres of prime farmland impacted by the Project based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County. OR
- f) If Permittee and the County voluntarily enter into a public benefit agreement and or Development Agreement that includes Agricultural Benefit Fee payment that is equal to or greater than the amount that would be due under option number 2 of this mitigation measure and the public benefit agreement requires that the Agricultural Benefit Fee be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County, then this mitigation measure may be satisfied by payment of voluntarily agreed to Agricultural Benefit Fee.

S-4 AIR QUALITY:

- (A) The Permittee shall comply at all times with the Imperial County Air Pollution Control District's (ICAPCD) Regulation VIII, Fugitive Dust Control. The primary pollutant controlled by this regulation is PM₁₀, "fugitive dust." All identified PM₁₀ sources associated with the construction and operation of the facility, such as open areas, roads, stock piles, material transport and grading activities, shall be controlled such that surface areas are stabilized and visible dust emissions are below 20%. Any control measure not listed within the appropriate sections of Regulation VIII, such as but not limited to watering, graveling, chemical stabilizers and wind barriers shall not be utilized without prior approval from the ICAPCD.
- (B) Prior to commencing construction, each CUP owner shall submit a Dust Control Plan to the ICAPCD for approval identifying all sources of PM₁₀ emissions and associated mitigation measures during the construction and operational phases of the Project. The Project Proponent shall

1 submit a "Construction Notification Form" to the ICAPCD ten (10) days
2 prior to the commencement of any earthmoving activity. The Dust
3 Control Plan submitted to the ICAPCD shall meet all applicable
4 requirements for control of fugitive dust emissions, including the
following measures designed to achieve the no greater than 20%
opacity performance standard for dust control:

- 5 (1) All on-site and off-site unpaved roads shall be effectively stabilized,
6 and visible emissions shall be limited to no greater than 20%
7 opacity for dust emissions by paving, chemical stabilizers, dust
suppressants, and/or watering.
- 8 (2) All unpaved traffic areas one acre or more in size with seventy-five
9 (75) or more average vehicle trips per day, shall be effectively
10 stabilized, and visible emissions shall be limited to no greater than
20% opacity for dust emissions by paving, chemical stabilizers,
11 dust suppressants and/or watering.
- 12 (3) The transport of bulk materials shall be completely covered, unless
13 six inches of freeboard space from the top of the container is
14 maintained with no spillage and loss of bulk material. In addition,
the cargo compartment of all haul trucks shall be cleaned and/or
15 washed at the delivery site after removal of bulk material.
- 16 (4) All track-out or carry-out, which includes bulk materials that adhere
17 to the exterior surfaces of motor vehicles and/or equipment
(including tires) that may then fall onto the pavement, shall be
18 cleaned at the end of each workday, or immediately when mud or
dirt extends a cumulative distance of fifty (50) linear feet or more
19 onto a paved road within an urban area.
- 20 (5) Movement of bulk material handling or transfer shall be stabilized
prior to handling, or at points of transfer with application of
21 sufficient water, chemical stabilizers, or by sheltering or enclosing
the operation and transfer line.
- 22 (6) The construction of new unpaved roads is prohibited within any
area with a population of five hundred (500) or more, unless the
23 road meets ICAPCD's definition of a "temporary unpaved road."
Any temporary unpaved road shall be effectively stabilized and
24 visible emissions shall be limited to no greater than 20% opacity
for dust emission by paving, chemical stabilizers, dust
25 suppressants and/or watering.
- 26 (7) Shall comply with the Mitigation and Monitoring Program and
27 applicable mitigations.
- 28

- 1 (C) Each CUP owner shall implement all applicable standard mitigation
2 measures for construction combustion equipment for the reduction of
3 excess NOx emissions as contained in the Imperial County CEQA Air
4 Quality Handbook and associated regulations. These measures include:
5
6 (1) Use of alternative fueled or catalyst equipped diesel construction
7 equipment, including all off-road and portable diesel powered
8 equipment.
9
10 (2) Minimize idling time, either by shutting equipment off when not in
11 use or reducing the time of idling to five minutes at a maximum.
12
13 (3) Limit the hours of operation of heavy-duty equipment and/or the
14 amount of equipment in use.
15
16 (4) Replace fossil-fueled equipment with electrically driven equivalents
17 (assuming powered by a portable generator set and are available,
18 cost effective, and capable of performing the task in an effective,
19 timely manner).
20
21 (5) Curtail construction during periods of high ambient pollutant
22 concentrations; this may include ceasing construction activity
23 during the peak hour of vehicular traffic on adjacent roadways.
24
25 (6) Implement activity management (e.g. rescheduling activities to
26 avoid overlap of construction phases, which would reduce short-
27 term impacts).
- 28 (D) Each CUP owner shall use all available EPA TEIR 2 or better (TIER
2+) construction equipment. **AQ-1**
- (E) Consistent with the requirements of ICAPCD Policy 5, each CUP
owner shall pay an emission mitigation fee sufficient to off-set the
amount by which the Project's NOx emissions exceed the 100 lbs/day
threshold. ICAPCD allows a project to pay in-lieu impact fees using
the most current Carl Moyer Cost Effective methodology to reduce
excess NOx emissions. Under the ICAPCD program, the exact
amount of the fee cannot be calculated until the time of construction
when more precise data regarding the construction equipment types
and hours of operation are known and ICAPCD can calculate the fee.
Prior to any earthmoving activity, each CUP owner shall submit to the
ICAPCD a complete list of all construction equipment to be utilized
during the construction phase identifying make, model, year,
horsepower, and estimated hours of usage.
- (F) Each CUP shall comply with all mitigations in the Mitigation Monitoring
and Reporting Program listed **AQ-1 THRU AQ-5**.

1 **S-5 GEOLOGY/SOILS and MINERAL RESOURCES**

- 2 (A) Prior to approval of final engineering and grading plans for the project,
3 the County shall verify that all recommendations contained in the
4 *Geotechnical Report for the Vega SES Solar Facility* prepared by
5 Landmark Consultants, Inc. (August 2018) have been incorporated into
6 all final engineering and grading plans. The County's soil engineer and
7 engineering geologist shall review grading plans prior to finalization, to
8 verify compliance with the recommendations of the report. All future
9 grading and construction of the project site shall comply with the
10 geotechnical recommendations contained in the geotechnical report.

11 **S-6 CULTURAL RESOURCES:**

- 12 (A) Pursuant to CEQA Guidelines §15064.5(f), in the event that previously
13 unidentified unique archaeological resources are encountered during
14 construction or operational repairs, archaeological monitors will be
15 authorized to temporarily divert construction work within 100 feet of the
16 area of discovery until significance and the appropriate mitigation
17 measures are determined by a qualified archaeologist familiar with the
18 resources of the region. Applicant shall notify the County within 24
19 hours. Applicant shall provide contingency funding sufficient to allow for
20 implementation of avoidance measures or appropriate mitigation.
- 21 (B) In the event of the discovery of previously unidentified archaeological
22 materials, the contractor shall immediately cease all work activities
23 within approximately 100 feet of the discovery. Prehistoric
24 archaeological materials might include obsidian and chert flaked-stone
25 tools (e.g., projectile points, knives, and scrapers) or tool making debris;
26 culturally darkened soil ("midden") containing heat-affected rocks,
27 artifacts, or shellfish remains; and stone milling equipment (e.g.,
28 mortars, pestles, handstones, or milling slabs); and battered stone tools,
29 such as hammerstones and pitted stones. Historic-period materials
30 might include stone, concrete, or adobe footings and walls; filled wells
31 or privies; and deposits of metal, glass, and/or ceramic refuse. After
32 cessation of excavation, the contractor shall immediately contact the
33 Imperial County Department of Planning and Development Services.
34 Except in the case of cultural items that fall within the scope of the
35 Native American Grave Protection and Repatriation Act, the discovery
36 of any cultural resource within the project area shall not be grounds for
37 a "stop work" notice or otherwise interfere with the project's continuation
38 except as set forth in this paragraph.

39 In the event of an unanticipated discovery of archaeological materials
40 during construction, the applicant shall retain the services of a qualified
41 professional archaeologist, meeting the Secretary of the Interior's
42 Standards for a Qualified Archaeologist, to evaluate the significance of
43 the materials prior to resuming any construction-related activities in the

vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.

(C)

In the event that unanticipated paleontological resources or unique geologic resources are encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts on Paleontological Resources. If any paleontological resources or unique geologic features are found within the project site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion of the monitoring program

(D) In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC, which will designate an MLD for the project (Section 5097.98 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property

S-7 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS MANAGEMENT

(A) All trash and debris within the Project site shall be disposed of off-site, in accordance with current, local, state, and federal disposal regulations. Compliance with this measure shall be verified by the Planning and Development Services Department.

1
2 (B) If it is determined that hazardous wastes are, or will be generated by the
3 proposed operations, the wastes must be managed in accordance with
4 the California Hazardous Waste Control Law (California Health and
5 Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste
6 Control Regulations (California Code of Regulations, Title 22, Division
7 4.5).

8 (C) If it is determined that hazardous wastes will be generated, the
9 Permittee should also obtain a United States Environmental Protection
10 Agency, Identification Number by contacting (800) 618-6942. Certain
11 hazardous waste treatment processes or hazardous material, handling,
12 storage or uses may require authorization from the local Certified
13 Unified Program Agency (CUPA). Information about the requirement for
14 authorization can be obtained by contacting the local CUPA.

15 (D) Firearms shall be prohibited in all Project areas except for those used
16 by licensed security personnel.

17 (E) The Permittee shall ensure that the AST, farm equipment area, and any
18 other debris have been cleared from the site.

19 Prior to the demolition of any building, structure, or transite pipe, the
20 Applicant shall hire a California Certified Lead Inspector/Assessor and
21 Certified asbestos Consultant to evaluate these features for the
22 presence of lead based paint (LBP) and/or asbestos containing
23 materials (ACM). Confirmed LBP and/or ACM shall be handled by a
24 licensed LBP contractor and/or Licensed Asbestos Contractor. All
25 contaminants shall be remediated in compliance with California
26 environmental regulations and policies. LBP and/or ACM shall be
27 disposed of according to appropriate regulations.

28 (F) **Hazardous Materials Discovery:** All construction contractor(s) shall be
instructed to immediately stop all subsurface construction activities in
the event that petroleum is discovered, an odor is identified, or
significantly stained soil is visible during construction. Contractors shall
be instructed to follow all applicable regulations regarding discovery and
response for hazardous materials encountered during the construction
process. During construction, discovery of hazardous materials shall
result in the immediate stop of all subsurface construction activities.

29 S-8 HYDROLOGY AND WATER QUALITY

30 A. Prior to construction and site restoration for each CUP site, the
31 Applicant shall acquire appropriate Clean Water Act regulatory permits;
32 prepare SWPPP with incorporated control measures outlined in Mitigation
33 Measure 4.9-1a; and implement BMPs. **Prepare SWPPP and Implement**
34 **Best Management Practices (BMP) Prior to Construction and Site**

1 **Restoration.** The project applicant or its contractor shall prepare a SWPPP
2 specific to the project and be responsible for securing coverage under
3 SWRCB's National Pollution Discharge Elimination System (NPDES)
4 stormwater permit for general construction activity (Order 2009-0009-DWQ).
5 The SWPPP shall identify specific actions and BMPs relating to the
6 prevention of stormwater pollution from project-related construction sources
7 by identifying a practical sequence for site restoration, BMP implementation,
8 contingency measures, responsible parties, and agency contacts. The
9 SWPPP shall reflect localized surface hydrological conditions and shall be
10 reviewed and approved by the project applicant prior to commencement of
11 work and shall be made conditions of the contract with the contractor
12 selected to build and decommission the project. The SWPPP(s) shall
13 incorporate control measures in the following categories:

- 14 • Soil stabilization and erosion control practices (e.g., hydroseeding,
15 erosion control blankets, mulching) Dewatering and/or flow diversion
16 practices, if required.)
- 17 • Sediment control practices (temporary sediment basins, fiber rolls).
- 18 • Temporary and post-construction on- and off-site runoff controls.
- 19 • Special considerations and BMPs for water crossings, wetlands, and
20 drainages
- 21 • Monitoring protocols for discharge(s) and receiving waters, with
22 emphasis place on the water quality.
- 23 • Waste management, handling, and disposal control practices
- 24 • Corrective action and spill contingency measures
- 25 • Agency and responsible party contact information
- 26 • Training procedures that shall be used to ensure that workers are
27 aware of permit requirements and proper installation methods for
28 BMPs specified in the SWPPP

18 B. The SWPPP shall be prepared by a qualified SWPPP practitioner with
19 BMPs selected to achieve maximum pollutant removal and that represent the
20 best available technology that is economically achievable. Emphasis for
21 BMPs shall be placed on controlling discharges of oxygen-depleting
22 substances, floating material, oil and grease, acidic or caustic substances or
23 compounds, and turbidity. BMPs for soil stabilization and erosion control
24 practices and sediment control practices will also be required. Performance
25 and effectiveness of these BMPs shall be determined either by visual means
26 where applicable (i.e., observation of above-normal sediment release), or by
27 actual water sampling in actives: dissolved oxygen, floating material, oil and
28 grease, pH, and turbidity cases where verification of contaminant reduction
or elimination, (inadvertent petroleum release) is required to determine
adequacy of the measure.

26 C. Prior to issuance of a grading permit for each CUP site, the Applicant
27 shall provide Colorado River Basin Regional Water Quality Control Board
28 with the location, type of discharge, and methods treatment and monitoring
for all groundwater dewatering discharges if the project requires construction
dewatering. **Properly Dispose of Construction Dewatering in**

1 **Accordance with the Colorado River Basin Regional Water Quality**
2 **Control Board.** If required, all construction dewatering shall be discharged to
3 an approved land disposal area or drainage facility in accordance with
4 Colorado River Basin RWQCB requirements. The project applicant or its
5 construction contractor shall provide the Colorado River Basin RWQCB with
6 the location, type of discharge, and methods of treatment and monitoring for
7 all groundwater dewatering discharges. Emphasis shall be placed on those
8 discharges that would occur directly or in proximity to surface water bodies
9 and drainage facilities.

10 D. Post construction for each CUP site, the Applicant shall implement a
11 Drainage Plan in accordance with the County and Imperial Irrigation District
12 guidelines as outlined. **Incorporate Post-Construction Runoff BMPs into**
13 **Project Drainage Plan and Maximize Opportunities for Low Impact**
14 **Development.** The project Drainage Plan shall adhere to County and IID
15 guidelines to treat, control, and manage the on- and off-site discharge of
16 stormwater to existing drainage systems. Low Impact Development
17 opportunities, including, but not limited to infiltration trenches or bioswales,
18 will be investigated and integrated into the Drainage Plan to the maximum
19 extent practical. The Drainage Plan shall provide both short- and long-term
20 drainage solutions to ensure the proper sequencing of drainage facilities and
21 treatment of runoff generated from project impervious surfaces prior to off-
22 site discharge. The project applicant shall ensure the provision of sufficient
23 outlet protection through the use of energy dissipaters, vegetated rip-rap, soil
24 protection, and/or other appropriate BMPs to slow runoff velocities and
25 prevent erosion at discharge locations, access roads, electrical distribution,
26 and solar array locations. A long-term maintenance plan shall be developed
27 and implemented to support the functionality of drainage control devices. The
28 facility layout(s) shall also include sufficient container storage and on-site
containment and pollution-control devices for drainage facilities to avoid the
off-site release of water quality pollutants, including, but not limited to oil and
grease, fertilizers, treatment chemicals, and sediment.

21 **S-9 BIOLOGICAL RESOURCES:**

22 **(A) GENERAL CONSTRUCTION**

- 23 a) Each CUP owner shall identify and retain a qualified biologist(s)
approved by CDFW.
- 24 b) The name, documented experience, any permit numbers, and
25 resumes for the qualified biologist(s) shall be submitted to the
CDFW for approval at least seven (7) days prior to initiation of
26 construction. It is assumed CDFW will approve qualified
biologist(s) within fifteen (15) days of the submittal.
- 27 c) The qualified biologist(s) shall be present on-site during all
28 ground-disturbing phases of construction to regularly monitor
construction activities and ensure construction is proceeding in
compliance with the avoidance, minimization, and mitigation

measures committed to by the Applicant, as well as measures required (project manager, resident engineer) to ensure that issues relating to biological resources are appropriately and lawfully managed.

- d) The qualified biologist shall be responsible for reporting any noncompliance issues to CDFW within forty-eight (48) hours. The resident engineer shall be immediately notified to halt work, if necessary.
- e) The qualified biologist(s) shall provide a report to CDFW at least monthly identifying construction activities and the results of compliance monitoring related to implementation of avoidance and minimization measures.

The qualified biologist(s) shall meet the following minimum qualifications:

- (1) Have a bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field or at least four (4) years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society;
- (2) Have at least one (1) year of field experience with biological resources found in the geographic region of the Project; and
- (3) Have extensive knowledge of the biology and ecology of sensitive species occurring and potential occurring within the Project site.
- (4) Have specialized avian experience necessary to conduct nesting surveys and monitor buffers.

- (1) Each CUP owner shall develop and implement a Worker
- (2) Environmental Awareness Program (WEAP) prior to the start of construction. The WEAP shall be submitted to the Imperial County Planning and Development Services Department for review and approval prior to the issuance of building permits. The WEAP training shall be led by the qualified biologist(s) and shall cover the following:

- (a) The potential presence and ecology of sensitive biological resources found on-site, such as potential jurisdictional waters and nesting avian species;
- (b) Flagging/fencing of exclusion areas;
- (c) Proper implementation of protective measures to avoid impacts to special-status species; The reasons, need, and method by which employees should report on wildlife mortality, follow nest management protocols, dispose of carcasses, comply with applicable regulations (including the consequences of

noncompliance), and the appropriate agencies and personnel that should be contacted after incidents; and

(d) Other permit requirements and environmental issues.

- (3) All construction site personnel shall be required to attend the WEAP training in conjunction with hazard and safety training prior to working on-site.
- (4) Parking of vehicles shall occur within the fenced Project area or within previously disturbed areas prior to construction of the fencing, and away from sensitive habitats.
- (5) Grading shall only occur where necessary and as specified by the Project's final engineering plans, and shall be avoided wherever possible to minimize the amount of ground disturbance.
- (6) To the extent possible, Project layout and design shall generally follow existing contours of the Project site to minimize the amount of grading required. To the extent possible, nighttime construction shall be avoided. When activities must occur at night, all Project lighting (e.g., staging areas, equipment storage sites, roadway) shall be directed downward and away from natural vegetation communities. Light glare shields shall be used to reduce the extent of illumination into adjoining areas.
- (7) Nighttime and daytime on-site construction vehicle speeds shall be restricted to ten (10) miles per hour and twenty (20) miles per hour, respectively. Speed limit signs shall be posted throughout the site to remind construction workers of travel speed restrictions.
- (8) Spoils, trash, and any construction-generated debris shall be removed to an approved off-site disposal facility. A trash abatement program shall be established. Trash and food items shall be contained in closed containers and removed daily to reduce the attraction of opportunistic predators such as common ravens, coyotes, and feral cats and dogs that may prey on sensitive species.
- (9) When handling toxic substances, construction vehicles shall carry a Hazardous Material Spill Kit for use in the event of a spill. All construction personnel working on-site shall be trained in using these kits. Spill containment materials must be on-site or readily available for any equipment maintenance or refueling.
- (10) Construction workers shall be prohibited from bringing domestic pets and firearms to the site.

- 1 (11) A SWPPP or equivalent shall be prepared prior to the start of
2 construction to comply with applicable RWQCB storm water
3 management provisions. The SWPPP or SWPPP equivalent
4 document shall identify the design features and BMPs that shall be
5 used to effectively manage drainage-related issues (e.g., erosion
6 and sedimentation) during construction. Erosion control measures
7 shall be regularly checked by inspectors, the qualified biologists,
8 and/or resident engineer. Fencing and erosion control measures of
9 all construction areas shall be inspected a minimum of once per
10 week (refer to mitigation measure MM 4.11.1b in Section 4.11,
11 Hydrology and Water Quality).
- 12 (12) All construction activities shall cease during heavy rains to prevent
13 unnecessary erosion, runoff, and sedimentation, and shall not
14 resume until conditions are suitable for the movement of
15 equipment and materials.
- 16 (13) No planting or seeding of invasive plant species on the most recent
17 version of the California Invasive Plant Council (Cal-IPC) California
18 Invasive Plant Inventory for the Project region shall be permitted.
- 19 (14) To prevent indirect effects to sensitive natural resources from
20 fugitive dust associated with construction of the Project, all active
21 construction areas shall be watered down as necessary. All trucks
22 hauling soil, sand, and other loose materials shall be covered or
23 shall maintain at least 2 feet of free-board. All unpaved access
24 roads, parking areas, and staging areas at construction sites shall
25 have non-potable water or nontoxic soil stabilizers applied as
26 needed.
- 27 (15) At the completion of construction, all construction-related materials
28 shall be removed from the site.
- (16) Each CUP owner shall develop a Weed Management Plan prior to
the commencement of construction activities.
- 1) The Weed Management Plan shall include a variety of
measures that shall be undertaken during construction and
operation activities to prevent the introduction and spread of
new weed species.
 - 2) The Weed Management Plan shall also address monitoring,
plus educating personnel on weed identification and
methods for avoiding and treating infestations. Weed control
methods may include both physical and chemical control.
 - 3) All chemical applications require oversight by a holder of a
valid Qualified Applicator's License (QAL) issued by the
California Department of Pesticide Regulation (CADPR)
Recommendations for use of chemical products will be
made in writing by a Pest Control Advisor (PCA) with a valid

CADPR license. Chemical products will be registered, non-restricted, general-use herbicides. Treatment applications will follow use and safety guidelines available on product labels. Typical active ingredients expected for chemical treatments are glyphosate and triclopyr. Glyphosate and triclopyr are found in broad-spectrum, systemic herbicides, and available in numerous products intended for control of post-emergent vegetation. Chemical treatment of vegetation in and around aquatic or wetland features requires products approved for use within such habitats, as described on product labels.

- 4) The Weed Management plan shall be submitted to the Imperial County Planning and Development Services Department & the Agriculture Commission Office for review and approval prior to issuance of building permits.

(B)

- (1) Each CUP owner shall develop and implement an Operation and Maintenance Worker Education Plan to advise personnel on general operations measures. The Worker Education Plan shall be submitted to the County of Imperial Planning and Development Services Department for review and approval prior to issuance of building permits. The following provisions shall be included in the Worker Education Plan and implemented throughout the operational lifespan of each CUP:

(a) Operation and maintenance personnel shall be prohibited from:

- (1) Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species.
- (2) Traveling (either on foot or in a vehicle) outside of Project footprint except on public roads.
- (3) Littering on the Project area.
- (4) Allowing persons not employed at the facility to remain on site after daylight hours
- (5) Exceeding normal nighttime operational noise or lighting levels.

- (2) All operation and maintenance equipment, including cranes and personnel, shall stay within the permanent impact footprint of CUP boundaries, the Electrical Collector Line Corridor, or the Gen-Tie line corridor, except when not physically feasible or when necessary to protect human life or property. Operation and

1 maintenance vehicles shall be parked in designated areas and
2 away from sensitive habitats.

3 (3) Nighttime and daytime vehicle speeds within each CUP, the
4 Electrical Collector Line Corridor, and the Gen-Tie line corridor
5 shall be restricted to ten (10) miles per hour and twenty-five (25)
6 miles per hour, respectively. Speed limit signs shall be posted
7 throughout the Project site to remind workers of travel speed
8 restrictions.

9 (4) Each CUP, the Electrical Collector Line Corridor, and the Gen-Tie
10 line corridor shall be kept clear of trash and other litter to reduce
11 the attraction of opportunistic predators such as common ravens,
12 coyotes, and feral dogs that may prey on sensitive species.

13 (5) Operation and maintenance employees shall be prohibited from
14 bringing domestic pets and firearms to the site.

15 (6) The General Construction Permit shall specify post-construction
16 storm water control standards, and preparation and
17 implementation of a Long-Term Maintenance Plan for the
18 retention/detention basins

19 (7) Operation and maintenance activities at each CUP, the Electric
20 Collector Line Corridor, and the Gen-Tie corridor shall be carried
21 out in accordance with the Weed Management Plan

22 **(C) JURISDICTIONAL WATERS AND WETLANDS MEASURES - ALL**
23 **CUPs**

24 (1)

25 (a) Each CUP owner shall implement the following measures
26 during decommissioning activities occurring within each CUP.

27 (1) All mitigation measures required during construction of
28 the Project to avoid or minimize impacts to biological
resources shall also be implemented during
decommissioning activities.

(2) Decommissioning of the Project shall minimize new site
disturbance and removal of native vegetation to the
maximum extent possible.

(3) Topsoil removed during decommissioning shall be
stockpiled and used as topsoil during restoration efforts
associated with decommissioning disturbance.

1 (4) Soil shall be stabilized and vegetated with plant species
2 characteristic of native species within adjacent habitats,
3 except where immediately reclaimed as agriculture.
4 Local seed sources shall be used where feasible.

5 (5) Surface water flows shall be restored to pre-disturbance
6 conditions. Unnecessary stream crossings, roads, and
7 pads shall be removed and revegetated. Erosion control
8 measures shall be installed in all disturbance areas.

9 (6) Petroleum and chemical spills shall be remediated prior
10 to the completion of decommissioning. **Corridor, and**
11 **the Gen-Tie corridor**

12 (b) Each CUP owner shall implement the following measures
13 prior to and during construction activities at each CUP, the
14 Electric Collector line Corridor and Gen-Tie line corridor to
15 avoid construction-related impacts to jurisdictional waters and
16 wetlands.

17 (c) Each CUP and Project design shall avoid direct and indirect
18 impacts to jurisdictional waters to the greatest extent feasible.
19 Construction within jurisdictional waters and/or wetlands shall
20 be subject to prior authorization by USACE, RWQCB, and
21 CDFW.

22 (d) All equipment operating in and near jurisdictional waters or
23 wetlands shall be in good working condition and free of leaks.
24 All vehicles shall have drip pans during storage to contain
25 minor spills and drips. No refueling or storage shall take place
26 within 100 feet of a drainage channel or structure. In addition,
27 all maintenance crews working with heavy equipment shall be
28 trained in spill containment and response.

(e) Discharges shall not permanently restrict or impede the
passage of normal or expected high flows, or cause the
permanent relocation or diversion of the flows.

(f) Where turbidity or erosion occurs or is expected to occur from
drainage structures, biofilters, detention basins or other
appropriate drainage catchment structures shall be installed
where flow conveyance occurs from the Project directly into a
jurisdictional area.

(g) Temporary impacts to jurisdictional waters and wetlands will
be recontoured to pre-construction conditions. Temporary
impacts to vegetated jurisdictional waters and wetlands will

1 also be revegetated with appropriate native vegetation or
2 non-native compatible with the landscape palette.

3 (h) Permanent impacts to jurisdictional waters and wetlands shall
4 be mitigated either through on-site and/or off-site re-
5 establishment and/or enhancement of jurisdictional waters
6 and wetlands or through an approved-mitigation bank or in-
7 lieu fee program, if one is available. The type of mitigation,
8 mitigation location, and the final mitigation ratios will be
9 established during the permit process for the Project's
10 USACE Section 404 permit, the RWQCB Section 401 Water
11 Quality Certification, and a CDFW Streambed Alteration
12 Agreement. The federal agencies have published guidance
13 on mitigation, i.e., the final rule for Compensatory Mitigation
14 for Losses to Aquatic Resources that was issued by USACE
15 and USEPA. Issuance of required permits/authorizations and
16 preparation of a detailed Wetland/Waters Mitigation Plan to
17 be submitted for review and approval by the USACE,
18 RWQCB, and CDFW before impacts to jurisdictional waters.

19 (i) Each CUP owner shall comply with additional measures
20 identified during permitting through the USACE, RWQCB, and
21 CDFW. In addition, the determination of whether the Project
22 may be permitted under USACE's NWP program, or whether
23 an individual permit shall be required, shall be determined
24 formally as part of the CWA Section 404 permit process. To
25 qualify for an NWP, the proposed action and the associated
26 unavoidable impacts to jurisdictional waters based on final
27 project designs must satisfy all terms and conditions of the
28 applicable NWP, as well as all general conditions and any
relevant regional conditions of the NWP program.

(j) The Wetland/Waters Mitigation Plan shall describe proposed
on-site and off-site mitigation. For all habitat restoration
proposed, this plan shall include details regarding site
preparation (e.g., grading), planting specifications, and
irrigation design, as well as maintenance and monitoring
procedures. The plan shall also outline yearly success criteria
and remedial measures should the mitigation effort fall short
of the success criteria, and a strategy for long-term mitigation
site management. Alternatively, mitigation obligations may be
satisfied by participating in a fee-based mitigation program
(e.g., a wetland mitigation bank) in which case, long-term
management for such mitigation shall be covered under the
terms of the formal banking agreement or by purchasing
appropriate mitigation credits from a regulatory approved
bank.

1 (k) The following measures shall apply to construction activities
2 at the Full Build-out Scenario.

3 (1) A qualified biologist shall be on-site during all ground-
4 disturbing construction activities in potential BUOW
5 habitat. The qualified biologist shall be responsible for
6 implementing and overseeing BUOW avoidance and
7 minimization measures.

8 (2) The qualified biologist shall have the authority to stop
9 construction if activities are in violation of avoidance and
10 minimization measures. A qualified biologist possesses
11 a bachelor's degree in wildlife biology or a related field
12 and has demonstrated field experience in the
13 identification and life history of BUOW.

14 (3) Per CDFW guidance, a take avoidance survey (i.e., pre-
15 construction clearance survey) will be conducted by a
16 qualified biologist to determine presence or absence of
17 BUOW no less than fourteen (14) days and no more
18 than thirty (30) days prior to initiating construction
19 activities. Surveys shall include areas within the Project
20 footprint and a surrounding 500-foot (150-meter) buffer.
21 The survey shall consist of walking parallel transects and
22 noting any fresh BUOW sign or presence. The results of
23 the take avoidance survey shall be provided to CDFW. If
24 more than thirty (30) days pass between the take
25 avoidance survey and initiation of Project construction,
26 additional take avoidance surveys may be required,
27 depending on what actions have been implemented to
28 deter BUOW from moving into the Project footprint and
buffer area. A final take avoidance survey shall be
conducted within the Project footprint within twenty-four
(24) hours prior to initiation of construction activities.
Given the total duration of construction and the size of
the Project, it is expected that take avoidance surveys
will be conducted in phases, in order to stay within the
required survey windows associated with construction
activities.

(4) If occupied burrows are found during take avoidance
surveys, appropriate construction buffers or setback
distances shall be determined by the qualified biologist
on a case-by-case basis, depending on the season in
which disturbance will occur, the type of disturbance,
and other factors that could influence susceptibility to
disturbance (e.g., topography, vegetation, existing
disturbance levels, etc.). To the extent feasible, buffers
of 246 feet (75 meters) will be used during the breeding

1 season (February 1 through August 31) and 164 feet
2 (50 meters) will be used during nonbreeding season
3 (September 1 through January 31). "Shelter in place"
4 techniques shall be used if necessary to create a visual
5 and auditory barrier between construction activities and
6 the occupied burrow. Techniques shall include placing
7 hay bales, fencing, or another physical barrier between
8 the occupied burrow and construction activities. The
9 qualified biologist shall determine if and/or when shelter
10 in place is necessary and feasible for implementation.
11 When construction activities commence adjacent to the
12 buffer area, a qualified biologist shall be present on-site
13 full time to monitor the behavior of BUOW for at least 3
14 days. The qualified biologist shall have the authority to
15 increase the setback distance if there are signs of
16 disturbance, such as changes in behavior as a result of
17 construction or other indications of distress by BUOW.

- 18 (a) If BUOW activity is detected at a burrow within the
19 Project footprint during the non-breeding season
20 (September 1 through January 31), BUOW shall
21 be excluded from active burrows and encouraged
22 to passively relocate to suitable, unoccupied
23 habitat outside of the exclusion area. BUOW shall
24 be excluded by installing one-way doors in burrow
25 entrances. Although passive relocation does not
26 result in control of the recipient area for BUOW,
27 the qualified biologists shall verify that there is an
28 acceptable "recipient" area within a reasonable
distance that provides the necessary subsidies to
support BUOW with the goal to minimize the stress
of relocation. Subsidies to be considered include
suitable burrows (primary and satellite) and habitat
quality (e.g., vegetation cover, diversity) that is
equal to or greater than that from which they were
relocated. If, during pre-construction surveys,
BUOW activity is detected at a burrow within the
Project footprint during the breeding season
(February 1 through August 31), then an
appropriate construction buffer or setback distance
shall be determined by the qualified biologist on a
case-by-case basis. This buffer shall be flagged
and all Project-related activity shall remain outside
of the flagged area until a qualified biologist
determines the burrow is no longer occupied (e.g.,
juveniles are foraging independently and are
capable of independent survival).

- 1 (b) In the event that BUOW will be excluded from the
2 Project footprint and occupied burrows will be
3 impacted, a mitigation site with suitable burrows
4 and habitat shall be secured and a Burrowing Owl
5 Exclusion Plan shall be developed and approved
6 by CDFW prior to excluding BUOW from burrows.
7 Specific objectives for BUOW protection
8 addressed by this Burrowing Owl Exclusion Plan
9 shall describe exclusion methodology, burrow
10 excavation procedures, on-site and post-relocation
11 monitoring of occupied burrows, and reporting.
- 12 (c) Occupied BUOW burrows directly impacted shall
13 be replaced by installing artificial burrows on
14 mitigation sites (i.e., conservation easements,
15 in-lieu fee lands, Farm Contract land), or other
16 land as agreed to by CDFW, at a ratio of 1:1. If
17 the mitigation sites identified for the Project have
18 at least two suitable BUOW burrows for each
19 occupied burrow directly impacted, then artificial
20 burrows shall not be installed. Suitable burrows
21 are defined as burrows greater than approximately
22 4 inches (10 centimeters) in diameter (height and
23 width) and greater than approximately 60 inches
24 (150 centimeters) in depth. Burrows shall be
25 scoped to ensure they are of proper depth for
26 BUOW.
- 27 (d) A security in an amount equal to the fair market
28 value of the cost of a perpetual conservation
easement and long-term endowment for the
number of acres of burrowing owl habitat
mitigation obligation for each CUP Phase (one or
more CUPs for which a security is posted) prior to
commencement of construction shall be posted to
fulfill the mitigation obligations for lost burrowing
owl habitat.
- (e) A CUP owner shall proffer compensatory
mitigation when a total of four CUP Phases have
posted security and proffered compensatory
mitigation or eighteen (18) months from the date of
posting security on the first CUP Phase, whichever
is longer. Security shall be returned to the CUP
owner upon proffer of compensatory mitigation.
CDFW may extend the 18-month period if the CUP
owner is making a good-faith effort to proffer
mitigation and demonstrating progress in securing

mitigation. If the 18-month period elapses and the CUP owner cannot proffer mitigation or demonstrate a good faith effort to secure mitigation, CDFW may cash in the security to secure mitigation itself.

- (l) The CUP owner shall proffer mitigation for lost burrowing owl core foraging habitat, as identified in the BUOW occupancy analysis and model by (1) securing a CUP owner purchased conservation easement or similar instrument that protects the agricultural use of the land in perpetuity at a ratio of 1:1; (2) participating in the Burrowing Owl Habitat Mitigation Plan administered by the Imperial Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCF-BOSEF) (or similar qualified non-profit organization and approved by CDFW), if available; and/or (3) using a CDFW-approved in-lieu fee program, if one is available at the time the compensatory mitigation is proffered. To be available as compensatory mitigation for this Project, the Burrowing Owl Habitat Mitigation Plan shall be developed for approval by CDFW and the IVCF-BOSEF Board of Directors (or the Board of Directors of similar qualified non-profit organization) before the time compensatory mitigation is proffered.

- (m) The Burrowing Owl Habitat Mitigation Plan would be developed to compensate for impacts to core foraging habitat, and include the following components:

- (1) Avoiding higher quality habitat to the extent practicable. [Note: The Project Applicant has already implemented this measure by removing portions of the Project based on the occupancy model.]
- (2) A strategy and methods to enroll farmers in a program to grow and retain Burrowing Owl Friendly Crops (BOFC) identified by the occupancy model (i.e., wheat and alfalfa). Core BUOW foraging habitat shall be mitigated at a 1:1 ratio by entering farm land into short-term (minimum 3 years) farm agreements to predominantly grow BOFC.
- (3) A strategy and method for integrating owl-friendly farm practices to reduce mortality of owls. For farm land enrolled in BOFC agreements that include requirements to implement BUOW safe farm practices, impacts to core BUOW foraging habitat shall be mitigated at a reduced ratio of 0.7:1, which reflects the combined

benefit of farming BOFC using BOSFP through short-term (minimum of 3 years) farm

- (n) A long-term financing plan and a defined program—sufficient to fund the BOFC/BOSFP agreement program through the end of the Project's operational life (anticipated to be approximately 30 years) (e.g. endowment account).
- (o) A Bird and Bat Conservation Strategy (BBCS) will be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW. The BBCS will include the following components:
 - (1) A description and assessment of the existing habitat and avian and bat species;
 - (2) An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the Project.
 - (3) A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting.
 - (4) Statistical methods will be used to estimate Project avian and bat species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator given the data set.
 - (5) An injured bird response plan that delineates care and curation of any and all injured birds.
 - (6) A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project.
 - (7) A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.

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- (8) Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses.
 - (9) During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with a Global Positioning System [GPS]), and condition of carcass.
 - (10) If any federal listed, state listed or fully protected avian carcasses or injured birds are found during construction or post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies to determine the appropriate course of action for these species. For such listed species, the CUP owner shall obtain or retain a biologist with the appropriate USFWS Special Purpose Utility Permit(s) and CDFW Scientific Collecting Permit(s) to collect and salvage all dead and injured birds, and store/curate them in freezers for later disposition and analysis.
 - (11) Although take is not anticipated, it is possible. Should mortality of a federally listed species be documented, the take will be addressed by applying for an incidental take permit through the development of a Habitat Conservation Plan (HCP) that satisfies the permit issuance criteria stipulated under Section 10(a)(1)(B) of the Endangered Species Act or through consultation under Section 7 of the federal Endangered Species Act. If mortality of a State-listed species is documented, the CUP owner shall apply for a 2081(b) incidental take permit from CDFW. Alternatively, if available, the CUP owner may elect to obtain incidental take authorization

1 through participation in the Desert Renewable Energy
2 Conservation Plan.

3 (12) Utility lines constructed above-ground shall conform to
4 Avian Power Line Interaction Committee (APLIC)
standards.

5 (13) Post-construction monitoring studies shall be conducted
6 by a third-party independent contractor for at least two
7 (2) years following commencement of commercial
8 operation of each CUP area. Monitoring results shall be
9 reviewed annually by the Applicant and the County of
Imperial, in consultation with CDFW and USFWS, to
determine if and to what extent post-construction
monitoring studies shall be continued in future years.

10 (2) To the extent possible, construction shall occur outside the typical
11 avian breeding season (February 15 through September 15). If
12 construction must occur during the general avian breeding season,
13 a pre-construction nest survey shall be conducted within the
14 impact area and a 500-foot (150-meter) buffer by qualified biologist
15 no more than seven (7) days prior to the start of vegetation
16 clearing and/or ground disturbing construction activities in any
17 given area of the Project footprint. Construction crews shall
18 coordinate with the qualified biologist at least seven (7) days prior
19 to the start of construction in a given area to ensure that the
20 construction area has been adequately surveyed. A nest is defined
21 as active once birds begin constructing or repairing the nest in
22 readiness for egg-laying. A nest is no longer an "active nest" if
23 abandoned by the adult birds or once nestlings or fledglings are no
24 longer dependent on the nest. If no active nests are discovered,
25 construction may proceed. If active nests are observed that could
26 be disturbed by construction activities, these nests and an
27 appropriately sized buffer (typically a 200-foot (61-meter) buffer for
28 non-raptor species nests and at least a 500-foot (150-meter) buffer
for raptor or federally listed species nests) would be avoided until
the young have fledged. Final construction buffers or setback
distances shall be determined by the qualified biologist in
coordination with USFWS and CDFW on a case-by-case basis,
depending on the species, season in which disturbance shall
occur, the type of disturbance, and other factors that could
influence susceptibility to disturbance (e.g., topography,
vegetation, existing disturbance levels, etc.). Active nests shall be
avoided until the young have fledged and/or the monitor
determines that no impacts are anticipated to the nesting birds or
their young. If vegetation clearing and/or ground disturbing
activities cease for fourteen (14) or more consecutive days during
the nesting season in areas where suitable nesting habitat

remains, repeat nesting bird surveys shall be required to ensure new nesting locations have not been established within the impact area and the defined buffers.

(3) Construction-generated noise may result in disturbance to nesting migratory birds. The following measures shall be incorporated to minimize noise generated from construction activities:

(a) The qualified biologist shall coordinate with contractors to ensure that heavy equipment will be repaired as far as practical from habitats where nesting birds may be present.

(b) Construction equipment, including generators and compressors, shall be equipped with manufacturers' standard noise-control devices or better (e.g., mufflers, acoustical lagging, and/or engine enclosures).

(c) The construction contractor shall maintain all construction vehicles and equipment in proper operating condition and provide mufflers on all gas- and diesel-powered equipment.

(d) The Project's BBSC shall be implemented during the construction. Incidental avian carcasses or injured birds found during construction shall be documented. If a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with a Global Positioning System [GPS]), and condition of carcass.

(4) During decommissioning, Project improvements associated with the Electric Collector Corridor Line and the Mount Signal Solar Farm Project Gen-Tie line shall be removed. In addition, all unnecessary overhead power lines and poles shall be removed by each CUP owner.

(5) Adhere to all mitigations outlined in the Mitigation Monitoring and Reporting Program (MM&RP) for the Lindsey Solar Farm project.

1 **S-10 PUBLIC SERVICES:**

- 2 (A) If Permittee receives an exclusion of applicable sales and use tax
- 3 payable to the County of Imperial under Senate Bill 71 under the State
- 4 Public Resource Code (Section 26003, et al.) and the California
- 5 Alternative Energy and Advanced Transportation Financing Authority
- 6 (CAEATFA), Permittee shall pay to the County and Local Transportation
- 7 Authority an amount equal to the sales tax (currently at 1.5%) which
- 8 would have been received if Permittee had not obtained such exclusion.
- 9 (B) Permittee shall require that its general construction contractor exercise
- 10 its option to obtain a California Department of Tax and Fee
- 11 Administration (CDTFA) sub-permit for the jobsite and allocate all
- 12 eligible use tax payments to Imperial County and LTA. Permittee will
- 13 require that the general contractor provide County of Imperial with either
- 14 a copy of their CDTFA account number and sub-permit. To accomplish
- 15 this, Permittee shall either cause its general construction contractor
- 16 and/or sub-contractor to treat the project in accordance with the relevant
- 17 CDTFA for sales and use tax purposes or form a "Buying Company"
- 18 as defined by CDTFA. Permittee can adopt an alternate methodology to
- 19 accomplish this goal if the County Executive Office approves such
- 20 methodology prior to issuance of building permits. Permittee shall
- 21 require its general construction contractor to use commercially
- 22 reasonable best efforts to cause its subcontractors and vendors to
- 23 obtain similar sub-permits for the jobsite and to allocate all eligible sales
- 24 and use tax payment to Imperial County and LTA.
- 25 (C) Permittee shall direct use taxes on out-of-County taxable purchased
- 26 construction related items to Imperial County, to the extent permitted
- 27 and consistent with State use tax law.
- 28 (D) Permittee shall use its best efforts, consistent with state law, to source
- taxable purchases from construction retail vendors within the County
- of Imperial.
- (E) The Permittee shall exclude from assessment and taxation under
- California Revenue and Taxation Code Section 73 (AB 1451) only that
- property qualifying as an Active Solar Energy System, pursuant to the
- applicable guidelines issued by the Board of Equalization.
- (1) The Permittee shall widely publicize to County residents the
- availability of job opportunities associated with the project (whether
- or not those job opportunities are within Imperial County or are
- regional). Since the majority of the population residents in the
- incorporated Cities of the County, dissemination of the information
- should be relatively easy. Postings at City Halls, newspaper and
- television advertisements, local job centers, and dedicated website
- shall offer sufficient avenues of communication. The Imperial

1 County Office of Employment and Training in addition to the
2 Imperial Valley College presents viable sources for community
3 awareness. The information shall provide available positions,
4 details of positions including qualifications, number of openings,
5 indicated the anticipated start date for each, and application
6 process. In, order to maintain oversight of the process, the
7 application process can be completed both on a dedicated website
8 and at dedicated computers at the County which would afford
9 those without Internet connection the ability to apply. The
10 Permittee's information shall be forwarded to the Permittee or their
11 contractor and copies of applications files are maintained at the
12 County.

- 13 (2) During the development phase of the project, the Permittee shall
14 provide a roster of employees to include their position and place of
15 residence. Permittee shall also attempt to coordinate a ride-share
16 program with Caltrans and other regional employers to facilitate
17 the employment of Imperial County residents in jobs related to this
18 project.
- 19 (3) Unless prohibited by local, state or federal law or regulation,
20 Permittee shall make good faith efforts to hire qualified residents of
21 the Imperial County with the objective that a majority of the total
22 work force is comprised of the Imperial County residents.
- 23 (4) The Permittee shall install and implement security measures which
24 may include, but not limited to, secured perimeter fencing with
25 barbed wire, sensors, with controlled access points, security
26 alarms, security camera systems, security guard vehicle patrols to
27 deter trespass or unauthorized activities that would interfere with
28 operation of the proposed project.
- (5) Permittee shall compensate the County pursuant to the
Department of Environmental Health Fee Schedule for any costs of
calls related to bees and mosquitoes.
- (6) The Permittee shall reimburse the Sheriff's Department for any
investigations regarding theft on the Project site and related law
enforcement.
- (7) All construction supervisors and foremen shall be provided with
communication devices, cell phones or walkie-talkies, in the event
of an emergency situation on-site.
- (8) All construction-related activities shall take place within the
development footprint of the Project as defined by the final
engineering plans. The anticipated impact areas, including staging
areas, equipment access, and disposal or temporary placement of

1 spoils, shall be delineated with staking and/or orange construction
2 fencing prior to construction to avoid natural resources where
3 possible. No construction-related activities shall occur outside of
4 the designated impact area. All construction materials, staging,
5 storage, dispensing, fueling, and maintenance activities shall be
6 designated on construction maps and shall be situated a minimum
7 of fifty (50) feet from all drainages. Staging and temporary access
8 shall occur on existing roadways whenever possible.

9 (9) For operation and maintenance fees associated with Fire
10 Department/OES: Compare to DA

11 (a) Permittee shall pay a fee of \$50 per acre per year prior to
12 commencement of the construction period to address the
13 Imperial County Fire/OES expenses for service calls within
14 the Project's Utility/Transmission area. Said amount shall be
15 prorated on a monthly basis for periods of time less than a full
16 year. Permittee shall provide advance, written notice to
17 County Executive Office of the construction schedule and all
18 revisions thereto.

19 Permittee shall pay an annual fee of \$20 per acre per year
20 during the post-construction, operational phase of the Project
21 to address the Imperial County Fire/OES expenses for
22 service calls within the Project's Utility/Transmission area.
23 Said fee will be paid to the Fire Department to cover on-going
24 maintenance and operations costs created by the project.

25 (b) Costs associated with items two above items shall be
26 annually adjusted on January 1st to add a CPI (Los Angeles)
27 increase. Such costs associated with these items can be
28 readjusted in the County's sole discretion if a new service
analysis is prepared and that service analysis is approved by
both the County and the Permittee.

(10) **FIRE** – In lieu of providing all-weather access roads for fire
protection vehicles, the Permittee shall be permitted to provide
compacted dirt roads (in compliance with ICAPCD's rules and
regulations) for fire protection vehicles if prior to the issuance of
any grading permit for the Project shall purchase an All-Terrain
Vehicle (ATV) for the Fire Department. The ATV is estimated to
cost between \$320,000.00 and \$365,000.00. Final cost, conditions
and equipment of the ATV shall be determined prior to the
issuance of the initial grading permit. The County agrees to
require, as a condition of approval, other developers in the area to
reimburse the Applicant for the expenses associated with the
purchase of the ATV. The Permittee shall be reimbursed only for

1 those expenses in excess of their proportionate share for the
2 purchase of the ATV that the Permittee would have been required
3 to pay. Furthermore, if an ATV was already purchased by another
4 developer in the area, then the Permittee shall only be required to
5 pay a fire mitigation in the amount of up to \$100 per acre that
6 would represent their proportionate share to reimburse the
purchaser of the ATV. The County shall be responsible for
managing the reimbursement component of this condition of
approval.

- 7 (11) Permittee shall participate in the Imperial County Public Benefit
8 Program for the life of the CUP and shall at all times be a party to a
9 public benefit agreement in a form acceptable to County Counsel
10 in order to pay for all costs, benefits, and fees associated with the
approved project, Approval of this public benefit agreement will be
by the Board of Supervisors prior to the issuance of the first
building permit.

11 **S-11 COMMENCEMENT OF WORK:**

12 If the project for which a Conditional Use Permit has been approved has not
13 commenced, or permits for said project have not been issued, within one (1)
14 year from approval date the Conditional Use Permit shall be null and void. If
15 a Conditional Use Permit has been unused, abandoned, discontinued, or
16 ceased for one (1) year, the Conditional Use Permit shall be null and void,
and be of no effect. Notice to applicant/permittee under this division will not
be required or provided by Department.

17 If an applicant cannot initiate or obtain permits for the approved use during
18 the one (1) year, applicant may request a one (1) year extension from the
19 Department. The request for an extension shall be in writing and be
20 submitted with explanation to the Planning & Development Services
21 Department at least sixty (60) days prior to the end of the one (1) year
22 period. The Director shall have the authority to extend the initial startup
period of a Conditional Use Permit two times for a maximum of one (1) year
each. No extension under this section shall be extended for more than two
(2) years.

23 **S-12 CONSTRUCTION STANDARDS:**

24 The solar energy facility structures shall be built in accordance with the
25 California Building Code requirements applicable to "Seismic Category D".
26 All structures and facilities shall be designed in accordance with the
27 publication entitled "Recommended Lateral Force Requirements and
28 Commentary by the Structural Engineers Association of California". The
structural components of the permitted facilities shall be reviewed by the
Building Official/Planning and Development Services Director. Applicable

1 building permits shall be procured from the County for facilities prior to
2 commencement of construction of such facilities.

3 **S-13 EMERGENCY RESPONSE/ACTION PLAN:**

4 (A) The Permittee shall prepare an Emergency Response/Action Plan that
5 has been approved by the Imperial County Fire/OES Department, and
6 the Local Enforcement Agency. Any hazardous materials storage areas
7 shall be designed with curbs or other containment measures, e.g.
8 double-walled storage tanks, to contain spills and leaks and if on-site
hazardous materials exceed fifty-five (55) gallons, a "Hazardous
Material Management Plan" shall be prepared and approved by the
County LEA and CUPA.

9 (B) The Emergency Response/Action Plan shall cover all possible
10 emergencies, e.g. major fluid spills, earthquakes, fires, floods or other
11 emergencies. At all times, there shall be at least one employee either
12 on the facility premises or on-call (i.e., available to respond to an
13 emergency by reaching the facility within a short period of time) with the
14 responsibility of coordinating all emergency response measures. This
15 Emergency Coordinator shall be thoroughly familiar with all aspects of
16 the solar facility's Emergency Response/Action Plan, all operations and
activities at the facility, location of all records within the facility and the
facilities layout. This person shall have the authority to commit the
resources needed to carry out the contingency plan. Adequate
personnel and equipment shall be available to respond to emergencies
and to insure compliance with the conditions of the permit.

17 (C) The Emergency Response/Action Plan shall be prepared in consultation
18 with, but not be limited to, the Imperial County Fire Protection/Office of
19 Emergency Services, County Environmental Health Services/Health
20 Department, County Sheriff/Coroner's office, County Public Works
21 Department, Imperial County Planning and Development Services
22 Department, and other appropriate state and county agencies. The
23 plan shall include a notification list of response agencies which shall be
24 notified immediately upon the discovery of a reportable unauthorized
discharge and the list shall include: Imperial Fire Protection/Office of
Emergency Services, Imperial County Planning and Development
Services Department, County Environmental Health Services/Health
Department, County Department of Public Works (DPW), California
Highway Patrol, as applicable.

25 (D) All employees shall be trained by classroom and hands-on training on
26 safety procedures, maintenance programs and emergency response
27 protocols to ensure safety and reliability in the event of an unforeseen
28 emergency situation.

- 1 (E) The Permittee shall provide adequate safety devices against the hazard
2 of fire and explosion for activities that involve the use and storage of
3 flammable, explosive or highly corrosive or reactive materials as well as
4 provide adequate fire-fighting and fire suppression equipment and using
5 devices standard within the industry in compliance with all applicable
6 state and local laws as determined by the Fire Chief, Office of
7 Emergency Services.
- 8 (F) The Permittee shall implement all State and County-approved worker
9 safety and fire protection plans and programs.
- 10 (G) Any gates on-site shall have a "knox" lock and be rapidly accessible by
11 the Imperial Fire Protection/Office of Emergency Services.
- 12 (H) Appropriate first aid provisions for facility operations shall be made for
13 emergency response during Project construction, operation, and
14 maintenance activities with appropriate first aid training for Project
15 employees.
- 16 (I) During construction, a member of each working crew shall be trained in
17 basic first aid and supplied with necessary medical equipment to
18 respond to emergencies as provided for in the Emergency
19 Response/Action Plan required above.
- 20 (J) Permittee shall identify a responsible agent for emergency purposes,
21 whose name, title, e-mail address and telephone number, which shall
22 be provided to the County Department of Public Works, County Fire
23 Protection/OES Department, County Environmental Health
24 Services/Health Department, County Sheriff/Coroner's office, Imperial
25 Irrigation District (IID), and Imperial County Planning and Development
26 Services Department.

27 **S-14 LAND USE IMPROVEMENTS**

- 28 (A) The Permittee shall prepare an appropriate parking plan for review and
approval by the County Planning and Development Services and
County Public Works Department for all proposed Operation &
Maintenance buildings.
- (B) The Permittee shall surface with a minimum of three (3) inches of
asphaltic concrete paving or material of higher quality all access drives,
parking areas, and vehicular maneuvering areas from primary access to
any constructed operation and maintenance buildings.

1 **S-15 NOISE STANDARDS:**

- 2 (A) During the construction period, heavy truck traffic to/from the solar
- 3 facilities shall be limited to the hours between 7:00 AM and 7:00 PM.
- 4 (B) During construction, in accordance with Imperial County Noise Element
- 5 of the General Plan, the noise level shall not exceed 75 dBA_{Leq} at the
- 6 property boundary when averaged over an 8-hour period.
- 7 (C) During operation of the facility, the maximum permitted continuous
- 8 sound level shall be not more than 45 dBA_{Leq}, as measured at the
- 9 nearest residence using the "A" scale and measured with a sound level
- 10 meter and associated octave band analyzer. The level may be
- 11 exceeded by ten percent (10%) if the noise is intermittent and during
- daylight hours.
- (D) Haul trucks and other engine-powered equipment shall be muffled and
- operated with engine exhaust brake use limited to emergencies.

12 **S-16 ODOR CONTROL:**

13 The Permittee shall control all odor-causing, harmful, noxious emissions to

14 insure that quantities or air contaminants released as a result of the

15 permitted facilities do not exceed County, State or Federal standards, nor

16 constitute a public nuisance, per the Imperial County Land Use Ordinance,

 Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections

 91302.00 through 91301.02.

17 **S-17 PLAN APPROVALS:**

18 Permittee shall submit to the Imperial County Planning and Development

19 Services Department, architectural, landscaping and lighting plans prior to

20 construction of those facilities, to include painting of structures, planting of

21 trees and/or vegetation, and shall receive all approvals prior to commencing

22 construction of the applicable permitted facilities. Approval shall not be

 unreasonably withheld so long as the plans are consistent with applicable

 Imperial Count Land Use Ordinance requirements.

23 **S-18 PROJECT DESIGN:**

- 24 (A) All facility access and parking areas shall be constructed to the
- 25 standards of the Imperial County Land Use Ordinance.
- 26 (B) All permitted activities shall provide for the minimum feasible surface
- 27 land disturbance for compatibility with the existing uses wherever
- 28 possible.

- 1 (C) All equipment and electrical interconnection facilities used at the solar
2 plant facilities shall be maintained in a manner that prevents breaking,
3 cracking, and leaking, e.g. operator staffing and training, including
4 appropriate quality assurance procedures, with the operation of back-up
5 or auxiliary facilities when necessary.
- 6 (D) A Storm-water Pollution Prevention Plan (SWPPP) shall be prepared for
7 construction of the project in accordance with the requirements of the
8 County of Imperial and the RWQCB (See S-8, Hydrology and Water
9 Quality, Item #1).
- 10 (E) All on-site basins shall be designed and constructed under the
11 supervision of a California-licensed Civil Engineer meeting sound
12 engineering standards, with all applicable regulations and all
13 requirements of the County Environmental Health Services/Health
14 Department and Public Works Departments are complied with.
- 15 (F) Obtain encroachment permits for any construction or operation on IID
16 existing right of way or easements.

17 **S-19 REPORTING AND MONITORING:**

- 18 (A) The Permittee shall furnish to the County, at its sole cost within a
19 reasonable time, any relevant reports/information which the County
20 requires for monitoring purposes to determine whether cause exists for
21 revoking this permit, or to determine compliance with this permit. The
22 Permittee shall submit all required reports to the Planning Director,
23 County Planning and Development Services Department, 801 Main
24 Street, El Centro, CA 92243.
- 25 (B) Permittee and Imperial County Planning and Development Services
26 Department Director shall agree upon an environmental consultant for
27 overseeing all the required mitigation, conditional use permit conditions
28 and public benefit agreement requirements during the construction of
project.
- (C) Permittee shall pay for a third party environmental consultant monitoring
and compliance.
- (D) The Planning and Development Services Department, in consultation
with the third party Environmental Consultant and the County Executive
Office, will require that all mitigation measures be satisfied, all mitigation
monitoring and Reporting Program requirements have been satisfied, all
Conditions of Approval in the Conditional Use Permit are in full
compliance and all conditions of the Development Agreement have
been satisfied before the Final Certificate of Occupancy Certificate is
issued.

- 1 (E) During the operation of solar facility, an Annual Compliance Report shall
2 be submitted to the Imperial County Planning and Development
3 Services Department, documenting the implementation of the conditions
4 and general measures as well as any resource-specific measures.
- 5 (F) The Permittee shall reimburse the Imperial County Planning and
6 Development Services Department for County as well as monitoring
7 and investigations related to the construction and operation of the
8 Project. Permittee shall compensate the County pursuant to the Imperial
9 County Planning & Development Services Department Fee Schedule
10 for any costs incurred.
- 11 (G) Permittee shall pay for all costs as required to comply with the
12 Conditions of Approval and MMRP, and shall implement all required
13 mitigation measures as indicated in the Final Environmental Impact
14 Report (FEIR) and Mitigation Monitoring, Reporting Program (MMRP). If
15 mitigation measures for FEIR and MM&RP are more stringent than the
16 conditions in this permit, the FEIR & MM&RP mitigations will be
17 required.
- 18 (H) All County staff time will be billed on a time and materials basis. Failure
19 by Permittee to provide any payment required of Permittee to the
20 County in the CUP shall cause Permittee to be in non-compliance of the
21 CUP. Upon Permittee being in such noncompliance, County may, at its
22 sole discretion, cease processing, defending any lawsuit or paying for
23 costs associated with the Project.

24 **S-20 SPILLS AND RUNOFF:**

25 The Permittee shall design and construct the permitted facilities to prevent
26 spills from endangering adjacent properties and to prevent runoff from any
27 source being channeled or directed in an unnatural way so as to cause
28 erosion, siltation, or other detriments pursuant to the construction Storm
Water Pollution Prevention Plan approved by the Regional Water Quality
Control Board.

29 **S-21 SOLAR FACILITIES CLOSURE AND SITE RESTORATION:**

- 30 (A) Permittee shall implement the site restoration plan as outlined within the
31 plan at the earlier of when the operation of the permitted facilities herein
32 authorized has ceased or the term of the CUP has expired. At such
33 time, all facilities shall be dismantled, and the lands involved restored to
34 their pre-construction condition and available for agricultural production
35 uses as agreed to by the Imperial County Planning and Development
36 Services Director.

- 1 (B) Within thirty (30) days prior to ground disturbance, a decommissioning
2 and restoration plan shall be submitted and approved by the Imperial
3 County Planning and Development Services Director.
- 4 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other
5 acceptable surety, in the amount of the estimated site restoration
6 financial calculations/bond, for the developed project area as specified
7 in the [or grading plan(s) area], or other forms of security acceptable to
8 County Counsel's office, shall be filed with the County that guarantees
9 restoration of the land to its condition prior to the permitted solar plant
10 development.
- 11 (D) Upon completion of such site restoration, and demonstration that the
12 land has been restored to the agriculturally productive/farmable
13 condition prior to the permitted solar plant development the Bond or
14 other surety shall be released by the County.
- 15 (E) The above financial calculations/bond shall be reviewed every five (5)
16 years in December and adjusted on January 1st to add a CPI (Los
17 Angeles) increase by the Planning and Development Services Director.
18 This readjustment can be made in the County's sole discretion and
19 must be funded by the Permittee within ninety (90) calendars after
20 notice of the additional amount of such adjustment.

21 **S-22 PUBLIC WORKS**

- 22 (A) The Permittee shall furnish a Drainage and Grading Plan/Study to
23 provide for property grading and drainage control, which shall also
24 include prevention of sedimentation of damage to off-site properties.
25 The Study/Plan shall be submitted to the Department of Public Works
26 for review and approval. The Permittee must also provide an
27 engineering estimate for the offsite improvements to be reviewed and
28 approved by this department. A security bond shall be required for the
offsite improvements prior to the issuance of the encroachment permit.
The Permittee shall implement the approved plan. Employment of the
appropriate Best Management Practices (BMP's) shall be included.
- (B) A Transportation Permit shall be required from road agency(s) having
jurisdiction over the haul route(s) for any hauls of heavy equipment and
large vehicles which impose greater than legal loads on riding surfaces,
including bridges.
- (C) All proposed utility poles must be installed outside the clear recovery
area.
- (D) All work performed with Caltrans Right of Way will require an
encroachment permit.

- 1 (E) All work performed for other agencies (such as IID) shall comply with
2 the requirements of such agencies.
- 3 (F) CUP owner shall be responsible for repairing any damage caused to the
4 roads it utilizes per Public Works acceptance.
- 5 (G) CUP owner shall limit the Project's construction traffic on unpaved
6 County roadways to the extent possible and utilize improved paved
7 roadways. In the event the CUP owner's construction traffic requires
8 the use of unpaved County roadways, the CUP owner shall mitigate
9 those County unpaved roadways in accordance with ICAPCD 805
10 requirements.
- 11 (H) In addition to complying with Rule 805, if 50 vehicle trips per day (VPD)
12 are triggered by the projects on any single County unpaved roadway, the
13 CUP owner shall provide for the future maintenance cost of the affected
14 roadway for the full term of the CUP which triggered the increase beyond
15 the 50 VPD threshold.
- 16 (I) Prior to the issuance of grading permit. As each CUP may be
17 constructed individually and independently, the CUP owner shall improve
18 the roads as per acceptance with ICPWD. If a CUP owner has already
19 improved the roads that will be utilized by the next CUP to start
20 construction, then no new road improvements are required.

21 **S-23 WASTE DISPOSAL**

- 22 (A) The Permittee shall insure that all solar plant facilities waste, liquid, gas
23 or solid, which are generated on-site shall be disposed of in compliance
24 with appropriate local, state, and federal regulations, in effect or as
25 subsequently duly-enacted. All solid waste debris and/or any
26 hazardous wastes located on the Project site must be satisfactorily
27 removed to a permitted facility prior to the commencement of grading
28 earthen material at the site.
- (B) Littering shall not be allowed. Project personnel shall not deposit or
leave any food or waste in the Project area, and no biodegradable or
non-biodegradable debris shall remain in the right-of-way or on the
Project site following completion of construction.
- (C) The Permittee shall notify the Imperial County Planning and
Development Services Director thirty (30) days in advance of any
directional drilling required for the construction of facility.

26 **S-24 CALTRANS**

- 27 (A) An encroachment permit shall be required for any work performed
28 within Caltrans right-of-way. If required, any traffic control will need to

1 be addressed as part of Caltrans permit approval. Stoppage of traffic
2 for placement of aerial lines, installation or removal of overhead
3 conductors crossing a highway requires traffic control will be addressed
4 in accordance with the Caltrans Standard Plans and the California
Manual on Uniform Traffic Control Devices (MUTCD).

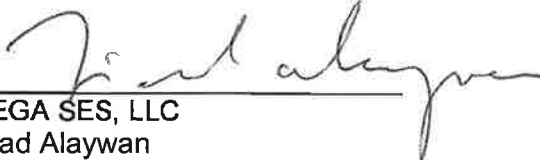
- 5 (B) Any work performed within Caltrans right-of-way must provide an
6 approved final environmental document including the California
7 Environmental Quality Act (CEQA) determination addressing any
8 environmental impacts within the Caltrans right-of-way and any
9 corresponding technical studies, if required. If these materials are not
10 included with the encroachment permit application, the Permittee will be
11 required to acquire and provide these to Caltrans before the permit
12 application will be accepted. Identification of avoidance and/or
13 mitigation measures will be a condition of encroachment permit
14 approval as well as procurement of any necessary regulatory and
15 resource agency permits.

16 The rest of this page is intentionally left blank.
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1 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #17-0001, and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

3
4 **IN WITNESS THEREOF**, the parties hereto have executed this Agreement the day
5 and year first written.

6
7 **PERMITTEE:**

8
9 
10 VEGA SES, LLC
11 Ziad Alaywan
12 604 Sutter Street
13 Folsom, CA 95630

4-25-19
Date



14 **COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA**

15
16 
17 Jim Minnick, James Minnick
18 Director, Planning & Development Services
19 Department

4/29/19
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

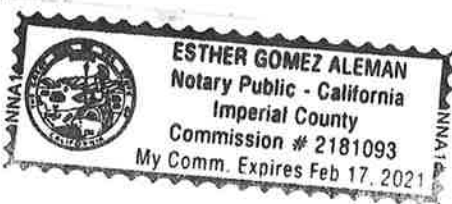
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of IMPERIAL)
 On April 25, 2019 before me, ESTHER GOMEZ ALEMAN, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared ZIAD ALIWAH
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Notary Public of California Document Date: 4-25-19
 Number of Pages: 1 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

1 **COUNTY NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of the individual who signed
3 the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

4 STATE OF CALIFORNIA

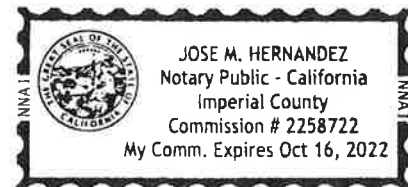
5 COUNTY OF IMPERIAL } S.S.

6
7 On 04/29/2019 before me, JOSE M. HERNANDEZ a Notary
8 Public in and for said County and State, personally appeared
9 JAMES ALVIN MINNICK, who proved to me on the basis of
10 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
11 and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~),
12 and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of
13 which the person(s) acted, executed the instrument.
14

15 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
16 paragraph is true and correct.
17

18 WITNESS my hand and official seal

19
20 Signature Jose M. Hernandez



21
22
23 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent
24 attachment of this certificate to unauthorized document.

25 Title or Type of Document Cup# 17-0001

26 Number of Pages 52 Date of Document 04/29/2019

27 Signer(s) Other Than Named Above ZIAD ALAYWAN

28 S:\APN\051\360\021\BS Folder 3-26-2019\CUP\CUP 17-0001 updated per CEO PC hearing - Copy.doc

0.3 Mitigation Monitoring and Reporting Program

The County of Imperial will adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the VEGA SES Solar Energy Project, which is the subject of the Environmental Impact Report (EIR), comply with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial, in conjunction with the adoption of the EIR. The mitigation measures have been integrated into this MMRP.

The mitigation measures are provided in Table 0.3-1. The specific mitigation measures are identified, as well as the monitoring method, responsible monitoring party, monitoring phase, verification/approval party, date mitigation measure verified or implemented, location of documents (monitoring record), and completion requirement for each mitigation measure.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The County of Imperial is the designated CEQA lead agency for the Mitigation Monitoring and Reporting Program. The County of Imperial is responsible for review of all monitoring reports, enforcement actions, and document disposition as it relates to impacts within the County's jurisdiction. The County of Imperial will rely on information provided by the monitor as accurate and up to date and will field check mitigation measure status as required.

A record of the MMRP will be maintained at County of Imperial, Department of Planning and Development Services, 801 Main Street, El Centro, CA 92243. All mitigation measures contained in the EIR shall be made conditions of the project as may be further described below.

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Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Agricultural Resources								
AG-1a	<p>Payment of Agricultural and Other Benefit Fees. One of the following options included below is to be implemented prior to the issuance of a grading permit or building permit for the project:</p> <p>Mitigation for Non-Prime Farmland Option 1: Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural Conservation Easements on a "1 on 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or</p> <p>Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20 percent of the fair market value per acre for the total acres of the proposed site based on five</p>	<p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the Applicant has implemented one of the following mitigation options for Non-Prime Farmland: procured a conservation easement, paid an agricultural in-lieu mitigation fee, or entered into an enforceable Public Benefit Agreement or Development Agreement with the County.</p> <p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the Applicant has implemented one of the following mitigation options</p>	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or, Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is 1) consistent with Board Resolution 2012-005; 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only	for Prime Farmland: procured a conservation easement, paid an in-lieu mitigation fee, entered into an enforceable Public Benefit Agreement or Development Agreement with the County, or submitted a revised applicable CUP application and associated site plan(s).						



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.</p> <p>Mitigation for Prime Farmland</p> <p>Option 1: Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural Conservation Easements on a "2 on 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or</p> <p>Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>amount of 30 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or,</p> <p>Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is 1) consistent with Board Resolution 2012-005; 2)</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of the local economy for the purpose of offsetting jobs displaced by this Project. Option 4: Avoid Prime Farmland. The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland.							
AG-1b	Site Reclamation Plan. The DOC has clarified the goal of a reclamation and	Prior to the issuance of a grading permit,	Department of Planning and	Prior to the issuance of	Department of Planning and			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	decommissioning plan: the land must be restored to land which can be farmed. In addition to Mitigation Measure AG-1a for Prime Farmland and Non-Prime Farmland, the Applicant shall submit to Imperial County a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which the project site will be returned to its current agricultural condition/LESA score of 72.05. Permittee shall also provide financial assurance/bonding in the amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.	Planning and Development Services Department shall review and approve the Reclamation Plan. Planning and Development Services shall also verify that the Permittee has provided financial assurance/bonding	Development Services	a grading permit	Development Services			
AG-2	Prior to the issuance of a grading permit or building permit (whichever occurs first), a Pest Management Plan shall be developed by the project applicant and approved by the County of	Prior to the issuance of a grading permit, Planning and Development Services Department shall	Department of Planning and Development Services and Agricultural Commissioner	Prior to the issuance of a grading permit	Department of Planning and Development Services			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Imperial Agricultural Commissioner. The project applicant shall maintain a Pest Management Plan until reclamation is complete. The plan shall provide the following:</p> <ol style="list-style-type: none"> Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line); Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation as follows; <ul style="list-style-type: none"> Monitor for all pests including insects, vertebrates, weeds, and pathogens. 	review and approve the Weed and Pest Control Plan.			Agricultural Commissioner			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor is recommended. All treatments must be performed by a qualified applicator or a licensed pest control business;</p> <ul style="list-style-type: none">• All treatments must be performed by a qualified applicator or a licensed pest control operator;• "Control" means to reduce the population of common pests below economically damaging levels,							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, biological control, cultural control, or chemical treatments;</p> <ul style="list-style-type: none"> • Use of "permanent" soil sterilants to control weeds or other pests is prohibited because this would interfere with reclamation. • Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	California Department of Food and Agriculture and the United States Department of Agriculture. Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. Eradication of exotic pests shall be done under the direction of the Agricultural Commissioner's Office and/or California Department of Food and Agriculture; <ul style="list-style-type: none">• Obey all pesticide use laws, regulations, and permit conditions;• Allow access by Agricultural Commissioner							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties;</p> <ul style="list-style-type: none"> Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and made available for inspection, and that all required permits and other required legal documents are current; Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, U.S. Environmental Protection Agency (EPA) Registration numbers, application rates, etc. A pesticide use report may be used for this;</p> <ul style="list-style-type: none">• Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. The report is required even if no pests were found or							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.							
	3. A long-term strategy for weed and pest control and management during the operation of the proposed projects. Such strategies may include, but are not limited to: <ul style="list-style-type: none">• Use of specific types of herbicides and pesticides on a scheduled basis.							
	4. Maintenance and management of project site conditions to reduce the potential for a significant increase							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>in pest-related nuisance conditions on surrounding agricultural lands.</p> <p>The project shall reimburse the Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.</p>							
Air Quality								
AQ-1	Construction Equipment. Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the Imperial County Planning and Development Services Department (ICPDS) and Imperial County Air Pollution Control District (ICAPCD) prior to	Prior to the issuance of a grading permit, ICAPCD shall verify that construction equipment are equipped with an engine designation of EPA Tier 2 or better.	Department of Planning and Development Services and ICAPCD	Prior to the issuance of a grading permit	Department of Planning and Development Services and ICAPCD			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	the issuance of a grading permit. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The ICPDS and ICAPCD shall verify implementation of this measure.							
AQ-2	Fugitive Dust Control. Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook’s required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. The County Department of Public Works will verify implementation and compliance with these measures as part of the	Prior to and during construction, the ICAPCD will verify that the project is in compliance with Regulation VIII- Fugitive Dust Control Measures.	Department of Planning and Development Services and ICAPCD	Prior to and during construction	Department of Public Works			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>grading permit review/approval process.</p> <p>ICAPCD Standard Measures for Fugitive Dust (PM_{10}) Control</p> <ul style="list-style-type: none">• All disturbed areas, including bulk material storage, which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material, such as vegetative ground cover.• All on- and off-site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. The transport of bulk materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material. All track-out or carry-out will be cleaned at the end of each workday or immediately when mud 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.</p> <ul style="list-style-type: none">• Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.• The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>suppressants and/or watering.</p> <p>ICAPCD “Discretionary” Measures for Fugitive Dust (PM₁₀) Control</p> <ul style="list-style-type: none"> • Water exposed soil with adequate frequency for continued moist soil. • Replace ground cover in disturbed areas as quickly as possible. • Automatic sprinkler system installed on all soil piles. • Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site. • Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees. • Implement a shuttle service to and from retail services and food establishments during lunch hours. 							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Standard Mitigation Measures for Construction Combustion Equipment</p> <ul style="list-style-type: none">• Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.• Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.• Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use.• Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Enhanced Mitigation Measures for Construction Equipment</p> <p>To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following enhanced measures.</p> <ul style="list-style-type: none"> • Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways. • Implement activity management (e.g., rescheduling activities to reduce short-term impacts). 							
AQ-3	<p>Dust Suppression. The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust</p>	<p>During construction, the Department of Planning and Development Services shall verify that the project applicant is employing a method of dust</p>	<p>Department of Planning and Development Services</p>	<p>During construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.3-1. Mitigation Measures

M/M No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	between the panels as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department access/emergency entry/exit points as approved by Fire/ Office of Emergency Services [OES] Department).	suppression approved by ICAPCD.						
AQ-4	Dust Suppression Management Plan. Prior to any earthmoving activity, the applicant shall submit a construction dust control plan and obtain approval from ICAPCD and ICPDS.	Prior to any earthmoving activity, the ICAPCD and ICPDSD shall review and approve a construction Dust Control Plan.	ICAPCD and ICPDSD	Prior to construction, prior to issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			
AQ-5	Operational Dust Control Plan. Prior to issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain approval from ICAPCD and ICPDS. ICAPCD Rule 301 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, the ICAPCD shall	Prior to issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain approval from ICAPCD and ICPDS.	Department of Planning and Development Services	Prior to construction, prior to issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Biological Resources								
BIO-1	<p>Burrowing Owl Mitigation. Burrowing owls have been observed in the active agricultural fields within the project site. The following measures will avoid, minimize, or mitigate potential impacts on burrowing owl during construction activities:</p> <ol style="list-style-type: none"> 1. To the extent feasible, construction grading/clearing of the Project footprint should occur during the non-nesting season (September 1 through January 31) in order to avoid impacts on breeding owls. 2. A distance of 160 feet during the non-nesting season (September 1 through January 31), or 250 feet during the 	Prior to construction, the Planning and Development Services shall verify that pre-construction surveys were conducted.	Department of Planning and Development Services	Prior to and during construction	Department of Planning and Development Services and CDFW			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	nesting season (February 1 through August 31), shall be maintained between active burrows and construction activities. A qualified biologist may also employ the technique of sheltering in place (using hay bales to shelter the burrow from construction activities). If this technique is employed, the sheltered area shall be monitored weekly by a qualified biologist.							
	3. If construction is to begin during the breeding season, pre-construction clearance surveys shall be implemented prior to February 1 to discourage the nesting of burrowing owls within the project footprint. As construction							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	continues, any area where owls are sighted shall be subject to frequent surveys by the qualified biologist for burrows before the breeding season begins, so that owls can be properly relocated before nesting occurs.							
	4. Pre-construction clearance surveys for this species shall be conducted by a qualified biologist no more than 14 days prior to the start of ground disturbance and at least 24 hours prior to the start of construction. A report documenting the presence or absence of this species within the project footprint shall be submitted by qualified and agency-approved biologists. These clearance surveys are required							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	because burrowing owls may not use the same burrow every year; therefore, numbers and locations of burrowing owl burrows at the time of construction may differ from the data collected during previous focused surveys. The proposed project footprint shall be clearly demarcated in the field by the project engineers and qualified biologist prior to the commencement of the pre-construction clearance survey. The surveys shall follow the protocols provided in the Burrowing Owl Survey Protocol and Mitigation Guidelines.							
	5. If active burrows are present within the project footprint, the following mitigation							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	measures shall be implemented. Passive relocation methods are to be implemented under the supervision of the qualified biologist to move the owls out of the impact zone. Passive relocation shall only be done during the non-breeding season in accordance with the guidelines found in the Imperial Irrigation District Artificial Burrow Installation Manual. This includes covering or excavating all burrows and installing one-way doors into occupied burrows. This will allow any animals inside to leave the burrow, but will exclude any animals from re-entering the burrow. A period of at least 1 week is required after							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	the relocation effort to allow the birds to leave the impacted area before construction of the area can begin. The burrows shall then be excavated and filled in to prevent their reuse. The destruction of the active burrows on site requires construction of new burrows at a mitigation ratio of 2:1 at least 50 meters from the impacted area and must be constructed as part of the above-described relocation efforts. The construction of new burrows will take place within open areas in the solar energy facility, such as retention basins. As the project construction schedule and details are finalized, an agency-approved biologist shall prepare a Burrowing Owl							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Mitigation and Monitoring Plan that will detail the approved, site-specific methodology proposed to minimize and mitigate impacts on this species. Passive relocation, destruction of burrows, construction of artificial burrows, and a Forage Habitat Plan shall only be completed upon prior approval by and in cooperation with the CDFW. The Mitigation and Monitoring Plan shall include success criteria, remedial measures, and an annual report to CDFW and shall be funded by the project applicant to ensure long-term management and monitoring of the protected lands.							
BIO-2	Burrowing Owl Compensation. The project applicant shall compensate for impacts on burrowing owl habitat through the following measures: <ul style="list-style-type: none"> CDFW's mitigation guidelines for burrowing owl (CDFW 2012) require the acquisition and 	Prior to and during construction, the Department of Planning and Development Services shall verify the measures are implemented	Department of Planning and Development Services	Prior to and during construction	Department of Planning and Development Services and CDFW			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>protection of replacement foraging habitat per pair or unpaired resident bird to offset the loss of foraging and burrowing habitat on the project site.</p> <ul style="list-style-type: none">The project applicant shall landscape small pockets of land along the perimeter of the solar energy facility, and/or within the solar energy facility, with native vegetation that will provide suitable foraging habitat for burrowing owls, pursuant to a Mitigation and Monitoring Plan that is reviewed and approved by CDFW prior to the commencement of construction. Although the site plans show almost 100 percent coverage of solar panels, it is anticipated that because of the nature of solar panel configuration, there will be spaces at various locations, such as							



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	between the edges of the agricultural fields (i.e., outside of IID easements) and the solar project footprint. Sufficient open areas shall be set aside for burrowing owl habitat and burrow relocation for the lifespan of the solar project. Because of County of Imperial requirements that the solar energy facility be returned to active agriculture after the life of the solar projects, it is assumed that when the land is returned to active agricultural crops, it will continue to provide habitat for burrowing owl. If the vegetation that is planted does not succeed, sufficient areas cannot be provided on site, or planting is not feasible, alternative mitigation shall be provided, which CDFW determines provides equivalently effective mitigation. Such alternative mitigation may include off-site							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	preservation of the required amount of foraging habitat through a CDFW-approved conservation easement, or an in-lieu fee in an amount approved by CDFW that is sufficient to acquire such conservation easements, or some combination of the two.							
BIO-3	<p>Worker Environmental Awareness Program. Prior to project initiation, a Worker Environmental Awareness Program (WEAP) shall be developed and implemented by a qualified biologist, and shall be available in both English and Spanish. Wallet-sized cards summarizing this information shall be provided to all construction, operation, and maintenance personnel. The education program shall include the following aspects:</p> <ul style="list-style-type: none"> • Biology and status of the burrowing owl and any other special-status wildlife species 	<p>Prior to construction, the Planning and Development Services shall verify that a WEAP has been developed by the project biologist. The qualified biologist implementing the WEAP shall provide an attendance log to the Planning and Development Services verifying that all construction, operation, and maintenance</p>	Department of Planning and Development Services	Prior to and during construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>found during pre-construction surveys;</p> <ul style="list-style-type: none"> CDFW/USFWS regulations; Protection measures designed to reduce potential impacts on special-status wildlife species, function of flagging designated authorized work areas; Reporting procedures to be used if a burrowing owl (dead, alive, injured) or other special-status wildlife species is encountered in the field. 	<p>personnel have attended the worker awareness class.</p>						
BIO-4	<p>Speed Limit. The Qualified Biologist or Biological Monitor(s) shall evaluate and implement the best measures to reduce burrowing owl mortality along access roads.</p> <ul style="list-style-type: none"> A speed limit of 15 miles per hour when driving access roads shall be established. All vehicles required for O&M must remain on designated 	<p>During construction</p>	<p>Designated Biologist or Biological Monitor</p>	<p>During construction</p>	<p>Designated Biologist or Biological Monitor and Department of Planning and Development Services</p>			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	access/maintenance roads.							
BIO-5	<p>Construction Monitoring. If pre-construction surveys determine either the presence of special-status species, sensitive biological resources, or nesting birds, a biological monitor may be warranted during construction.</p> <p>If determined necessary, biological compliance monitoring during construction shall be conducted by a qualified biologist. The qualified biologist shall be given authority to execute the following functions:</p> <ul style="list-style-type: none"> • Prepare and conduct a Worker Environmental Awareness Program (per BIO-3) to all construction personnel that provides regulatory information, special-status species, sensitive habitat information, and best management practices; • Establish construction exclusion zones and 	During construction	Designated Biologist or Biological Monitor	During construction	Designated Biologist or Biological Monitor and Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>make recommendations for implementing erosion and dust control measures in temporary impact areas;</p> <ul style="list-style-type: none"> Ensure all construction activities stay within the staked construction zone and do not go beyond the limits of approved disturbance; Minimize trimming/removal of vegetation within the project impact areas; Restrict non-essential equipment to existing roadways and/or disturbed areas to avoid disturbance to existing adjacent native vegetation; and Install and maintain appropriate erosion/sediment control measures, as needed, throughout the duration of work activities. <p>During construction, biological monitors shall inspect and verify field conditions, as needed, to</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	ensure that wildlife and vegetation adjacent to the proposed project areas are not impacted. The biological monitor shall coordinate with the construction foreman and construction crew and shall have the authority to immediately stop any activity that has the potential to impact special-status species or remove vegetation not specified in this report.							
BIO-6	Temporary Construction Suspension. If a qualified Biological Monitor observes mountain migratory birds and/or other special-status non-migratory bird species foraging within the project site, or in adjacent agricultural fields, the qualified Biological Monitor shall have the discretion to cease construction in the area of the observed species (i.e., maintain an appropriate buffer between the species and construction activity) until they disperse. Additionally, in order to reduce impacts on migratory birds and/or other special-status non-migratory bird species, an	During construction	Department of Planning and Development Services	During construction and O&M	Department of Planning and Development Services			



Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	avian protection plan (APP) shall be prepared following USFWS guidelines and subsequently implemented by the project applicant. The requirements of the APP are described in Mitigation Measure BIO-8.							
BIO-7	Pre-Construction Bird Surveys. To avoid impacts on nesting birds and to comply with the MBTA, clearing of vegetation should occur during the non-nesting (or non-breeding) season for birds (generally, September 1 to January 31). If this avoidance schedule is not feasible, the alternative is to carry out the clearing of vegetation associated with construction under the supervision of a qualified biologist. This would entail a pre-construction nesting bird survey conducted by a qualified biologist 14 days prior to initiating ground disturbance activities. The survey shall consist of full coverage of the proposed disturbance limits and up to a 500-foot buffer area, determined by the biologist and taking into account the	Prior to construction, Department of Planning and Development Services shall verify that pre-construction surveys were conducted. If active nests are present measures shall be implemented as defined in this mitigation measure.	Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	species nesting in the area and the habitat present. If no active nests are found, no additional measures are required. If "occupied" nests are found, their locations shall be mapped, species documented, and, to the degree feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area shall be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.							
BIO-8	Construction and O&M Mitigation Measures. In order to reduce the potential indirect impact on migratory birds and raptors, an APP	During construction and operation measures shall be implemented as defined in this	Designated Biologist or Biological Monitor	During construction and operation	Designated Biologist or Biological Monitor and Department			



Table 0.3-1. Mitigation Measures

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	<p>shall be prepared following the USFWS's guidelines and implemented by the project applicant. This APP shall outline conservation measures for construction and O&M activities that might reduce potential impacts on bird populations and shall be developed by the project applicant in conjunction with the County.</p> <ol style="list-style-type: none"> 1. Construction conservation measures to be incorporated into the APP include: 2. Minimizing disturbance to vegetation to the maximum extent practicable. 3. Clearing vegetation outside of the breeding season. If construction occurs between February 1 and September 15, an approved biologist shall conduct a preconstruction clearance survey for 	mitigation measure.			of Planning and Development Services			

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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	nesting birds in suitable nesting habitat that occurs within the project footprint. Pre-construction nesting surveys will identify any active migratory birds (and other sensitive non-migratory birds) nests. Direct impact on any active migratory bird nest should be avoided. 4. Minimize wildfire potential. 5. Minimize activities that attract prey and predators. 6. Control of non-native plants. O&M conservation measures to be incorporated into the APP include: 1. Incorporate the Avian Powerline Interaction Committee's guidelines for							



Table 0.3-1. Mitigation Measures

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	<p>overhead utilities as appropriate to minimize avian collisions with transmission facilities (Avian Powerline Interaction Committee 2012).</p> <p>2. Minimize noise.</p> <p>3. Minimize use of outdoor lighting.</p> <p>4. Implement 1 year of post-construction avian monitoring incorporating the Wildlife Mortality Reporting Program. Additional years of post-construction avian monitoring should only be required at the discretion of the qualified Biological Monitor should they determine that avian mortality is occurring and measures are necessary to be implemented to</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	reduce observed avian mortality.							
BIO-9	<p>Raptor and Active Raptor Nest Avoidance. Raptors and active raptor nests are protected under California FGC 3503.5, 3503, 3513. In order to prevent direct and indirect noise impact on nesting raptors, such as red-tailed hawk, the following measures shall be implemented:</p> <ol style="list-style-type: none">1. Initial grading and construction within the project site should take place outside the raptors’ breeding season of February 1 to July 15.2. If construction occurs between February 1 and July 15, a qualified biologist shall conduct a pre-construction clearance survey for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission	<p>Prior to construction, Department of Planning and Development Services shall verify that pre-construction surveys were conducted. If active raptor nests are present measures shall be implemented as defined in this mitigation measure.</p>	Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

M/M No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	towers) that occurs within 500 feet of the survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until a qualified biologist determines that the fledglings are independent of the nest.							
BIO-10	Flat-tailed Horned Lizard Focused Surveys. Surveys for flat-tailed horned lizards shall be conducted at least 14 days prior to ground disturbing activities following the standard protocols for this species. The current survey protocol for flat-tailed horned lizards is as follows. Transects consisting of parallel, linear routes shall be evenly spaced in areas of suitable habitat for flat-tailed horned lizards. The number and	Prior to construction, Department of Planning and Development Services shall verify that pre-construction surveys were conducted. If flat-tailed horned lizard measures shall be implemented as defined in this	Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>distribution of transects shall be such that a minimum of 10 hours of survey effort will be expended per 640 acres surveyed. Each transect shall be traversed by a single worker. On each transect, either scat or lizards shall be surveyed. The location of transects and each flat-tailed horned lizard and scat shall be recorded. However, all observations of horned lizards or scat will be noted regardless of whether the transect is a scat or lizard transect. Scat and lizard survey routes shall be alternated or randomly assigned to the transects. Three surveys shall be conducted, spaced at least 2 weeks apart from April through September. Lizard surveys shall be conducted when surface temperatures in the sun range from 35° to 50°C (95° to 122°F). Scat surveys shall not be conducted for at least 12 days after heavy rains, hailstorms, or strong winds of an intensity sufficient to move considerable amounts of sand across roads or to</p>	mitigation measure.						

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	damage signs and trees. In addition, road surveys shall be conducted by driving all roads in or near the areas where transects are situated and recording observations of horned lizards. Surveyors shall drive very slowly (no faster than 10 miles per hour). Three road surveys shall be conducted from April through September. Roads shall be driven in the morning when substrate temperatures adjacent to the roads and in the sun range from 35° to 50°C (95° to 122°F). The location of each flat-tailed horned lizard observed shall be recorded. If flat-tailed horned lizards are found during pre-construction surveys, a biological monitor may be needed during construction. If determined necessary, biological compliance monitoring will be conducted by a qualified biologist during construction (See BIO-5).							
BIO-11	Pre-construction Surveys for Yuma Hispid Cotton Rat. A pre-construction survey for Yuma hispid cotton rat shall be	Prior to construction, Department of Planning and Development	Department of Planning and Development Services	Prior to construction	Department of Planning and			

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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	conducted by a qualified biologist 14 days prior to initiating ground disturbance activities. The survey shall consist of full coverage of the proposed disturbance limits and a 150-meter buffer, and can be performed concurrently with nesting bird surveys. If any Yuma hispid cotton rats are found during pre-construction surveys, a biological monitor may be needed during construction. If determined necessary, biological compliance monitoring will be conducted by a qualified biologist during construction (BIO-5).	Services shall verify that pre-construction surveys were conducted. If Yuma Hispid Cotton Rat are present measures shall be implemented as defined in this mitigation measure.			Development Services			
Cultural Resources								
CR-1	Pursuant to CEQA Guidelines §15064.5(f), in the event that previously unidentified unique archaeological resources are encountered during construction or operational repairs, archaeological monitors will be authorized to temporarily divert construction work within 100 feet of the area of discovery until significance and the	Archaeological monitor shall be responsible during construction and operational repairs	Department of Planning and Development Services	During construction and operational repairs	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	appropriate mitigation measures are determined by a qualified archaeologist familiar with the resources of the region. Applicant shall notify the County within 24 hours. Applicant shall provide contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation.							
CR-2	In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, and scrapers) or tool making debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period	Archaeological monitor shall be responsible during construction	Department of Planning and Development Services	During construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph.</p> <p>In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to</p>							

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	resuming any construction-related activities in the vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.							
CR-3	In the event that unanticipated paleontological resources or unique geologic resources are encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts on Paleontological Resources. If any paleontological resources or	Paleontological monitor shall be responsible during construction	Department of Planning and Development Services	During construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	unique geologic features are found within the project site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion of the monitoring program.							
CR-4	In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC, which will designate an MLD for the project (Section 5097.98 of the PRC). The designated MLD	Archaeological monitor shall be responsible during construction	Department of Planning and Development Services	During construction	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).							
Geology and Soils								
GEO-1	Implement Required Measures as described in the Geotechnical Report. Prior to approval of final engineering and grading plans for the project, the County shall verify that all	Prior to the issuance of a grading permit, the Department of Planning and Development Services shall	Department of Planning and Development Services	Prior to issuance of a grading permit	Department of Planning and Development Services			

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	recommendations contained in the <i>Geotechnical Report for the Vega SES Solar Facility</i> prepared by Landmark Consultants, Inc. (August 2018) have been incorporated into all final engineering and grading plans. The County's soil engineer and engineering geologist shall review grading plans prior to finalization, to verify compliance with the recommendations of the report. All future grading and construction of the project site shall comply with the geotechnical recommendations contained in the geotechnical report.	verify a Geotechnical Report has been completed by the Applicant.						
Hydrology/Water Quality								
HYD-1	Prepare SWPPP and Implement BMPs Prior to Construction and Site Restoration. The project applicant or its contractor shall prepare a SWPPP specific to the project and be responsible for securing coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ). The SWPPP shall	Prior to construction and site restoration, the Applicant shall acquire appropriate Clean Water Act regulatory permits; prepare SWPPP with incorporated control measures outlined in Mitigation Measure HYD-1; and	Department of Planning and Development Services	Prior to issuance of a grading permit and site restoration	Department of Planning and Development Services			

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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the project applicant prior to commencement of work and shall be made conditions of the contract with the contractor selected to build and decommission the project. The SWPPP(s) shall incorporate control measures in the following categories:</p> <ul style="list-style-type: none"> • Soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching) • Dewatering and/or flow diversion practices, if 	<p>Implement BMPs. Department of Planning and Development Services to confirm.</p>						

Table 0.3-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>required (Mitigation Measure HWQ-2)</p> <ul style="list-style-type: none">• Sediment control practices (temporary sediment basins, fiber rolls)• Temporary and post-construction on- and off-site runoff controls• Special considerations and BMPs for water crossings, wetlands, and drainages• Monitoring protocols for discharge(s) and receiving waters, with emphasis place on the following water quality objectives: dissolved oxygen, floating material, oil and grease, pH, and turbidity• Waste management, handling, and disposal control practices• Corrective action and spill contingency measures• Agency and responsible party contact information							

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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> Training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP <p>The SWPPP shall be prepared by a qualified SWPPP practitioner with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil stabilization and erosion control practices and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release).</p>							

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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.							
HWQ-2	Properly Dispose of Construction Dewatering in Accordance with the Construction General Permit (SWRCB Order No. 2009-0009-DWQ and Associated Amendments) If required, all construction dewatering shall be discharged or utilized for dust control in accordance with the Construction General Permit. The Storm Water Pollution Prevention Plan shall provide Best Management Practices to be implemented if groundwater is encountered during construction.	Prior to issuance of a grading permit, the Applicant shall provide Colorado River Basin Regional Water Quality Control Board with the location, type of discharge, and methods treatment and monitoring for all groundwater dewatering discharges if the project requires construction dewatering.	Department of Planning and Development Services	Post construction	Department of Planning and Development Services			
HWQ-3	Incorporate Post-Construction Runoff BMPs into Project Drainage Plan. The project Drainage Plan shall adhere to County and IID guidelines to control and manage the on- and off-site discharge of stormwater to existing	Post construction, the Applicant shall implement a Drainage Plan in accordance with the County and Imperial Irrigation District guidelines. Department of	Department of Planning and Development Services	Post construction	Department of Planning and Development Services			



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MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/ Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	drainage systems. Infiltration basins will be integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and management of runoff generated from project impervious surfaces as necessary.	Planning and Development Services and Imperial Irrigation District to confirm.						