



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

March 13, 2026

SUBJECT: REQUEST FOR PROPOSAL – MONITORING & COMPLIANCE
PROJECT: Dogwood Geothermal Energy Project – OrHeber 3 LLC, Second Imperial Geothermal Company LLC, Heber Field Company LLC.
Conditional Use Permit (“CUP”) CUP #23-0020, CUP #23-0021 & CUP #23-0022

Ladies and Gentlemen:

The Imperial County Planning & Development Services Department (ICPDS) is soliciting proposals for the third party monitoring and compliance on the Dogwood Geothermal Energy Project (“Project”). **Proposals will be accepted from March 13, 2026 until April 01, 2026; any proposals received after April 01, 2026 will not be considered.**

ICPDS will act as the “Lead Agency” during all phases including the Laydown, 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 reports;
4. The Full Development Phase for the installation of the solar panels, & geothermal plant, medium voltage distribution cable, substation, geothermal wells, pipelines and,
5. The ongoing Operational Monitoring Phase, as required in the Conditional Use Permits and Mitigation Monitoring Reporting Programs. **(Please include as optional task).**

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 Dogwood Geothermal Energy Project Owner, staff, and Imperial County agencies regarding environmental construction compliance and monitoring activities.

Assist the developers/project owners with preparation and/or 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 the Project. Provide compliance management/mitigation monitoring as a comprehensive service to assist public agencies and private developers with carrying out the intent of the California Environmental Quality Act (CEQA) as it applies to environmental mitigation.

Additionally, the Monitoring and Compliance contractor to coordinate with the owner of the Dogwood Geothermal Energy Project owner, contractors, County staff and regulatory agencies (e.g. Imperial County Air Pollution Control District, California Department of Fish and Game [CDFW], etc.) during construction of the Project. The monitoring efforts will focus on the conditions and mitigation measures included in CUP #23-0020, CUP #23-0021 and CUP #23-0022. Responsibilities as the compliance monitoring will include ensuring that the requirements of the CUPs are implemented and complied with as specified. The compliance contractor will fulfill these duties 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's) agreements and the Mitigation, Monitoring and Reporting Programs (MM&RP) for the Dogwood Geothermal Energy Project CUP #23-0020, CUP #23-0021 & CUP #23-0022.

ICPDS hereby requests the project scope and cost associated with all of the following Phases & Tasks:

- 1. Laydown phase-** *Delivery and staging of geothermal plant equipment, new substation equipment, geothermal wells equipment, pipeline equipment and parasitic 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. Compliance contractor involvement for this phase includes having 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 to avoid or relocate the affected species in consultation with CDFW and in accordance with required protocols. The contractor will also ensure that staged materials are properly covered/capped to prevent birds and wildlife from nesting in these areas. Monitoring costs on the biological as needed per surveys, including the monitoring of potential passive re-locations, if needed. Please include the hourly rate for monitoring, as well as the total estimated hours.*
- 2. Move-On phase-** *Mobilizing of 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-potties, and staging of equipment including the J-stand for filling water trucks. Light grading is also involved so the Dust Control Plan needs to be in place. Likewise, pre-construction surveys need to be conducted prior to the move-on as this phase serves to assemble the necessary infrastructure and equipment to commence construction. Compliance involvement for this phase includes oversight of the mobilization process and establishing parameters for operation of the area. This involves ensuring that containment is in place beneath equipment; confirming that port-a-potties are secured with containment beneath; checking for drips/pooling water from the J-stand; covering gaps beneath trailers to inhibit birds and wildlife from occupying these areas; and directing that garbage cans be covered to avoid blowing trash and attracting wildlife.*
- 3. Pre-construction phase (Tasks & Costs) -** *Preparation of all required reports and plans as specified in the Conditions of Approval and/or MMRP. A multitude of reports and plans must be prepared prior to the start of construction. These 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 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. Costs for 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** *for the geothermal plant and associated ancillary and auxiliary facilities, new substation, parasitic solar facility, medium voltage distribution cable, geothermal wells and pipeline projects; please include the hourly rate and the cost for the 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 hourly rate and the total estimated hours.**
9. **Costs for training and maintaining a Workers Environmental Awareness Program (WEAP) training for all workers and contractors working on site during Pre-construction & construction activities.**

The Statement of Interest must also include resumes for the proposed cultural resource, paleontological resource, and biological resource specialists. State Agency approval may be required.

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 Dogwood Geothermal Energy Project development site.

The estimated project construction completion is one (1) year. The construction is scheduled to begin in the summer months of 2026; however, the duration of requested service to carry out the Scope of Work may vary. The laydown area may start to receive truck deliveries in late 2026 or early 2027.

The DEIR and FEIR for the Dogwood Geothermal Energy project can be reviewed on the Imperial County's Planning & Development Services website. (ICPDS.COM)

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

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

If you have any questions, you may contact Luis Valenzuela, Planner II, by phone at (442) 265-1736, extension 1749 or by email at luisvalenzuela@co.imperial.ca.us.

Sincerely,

By: 
Luis Valenzuela, Planner II

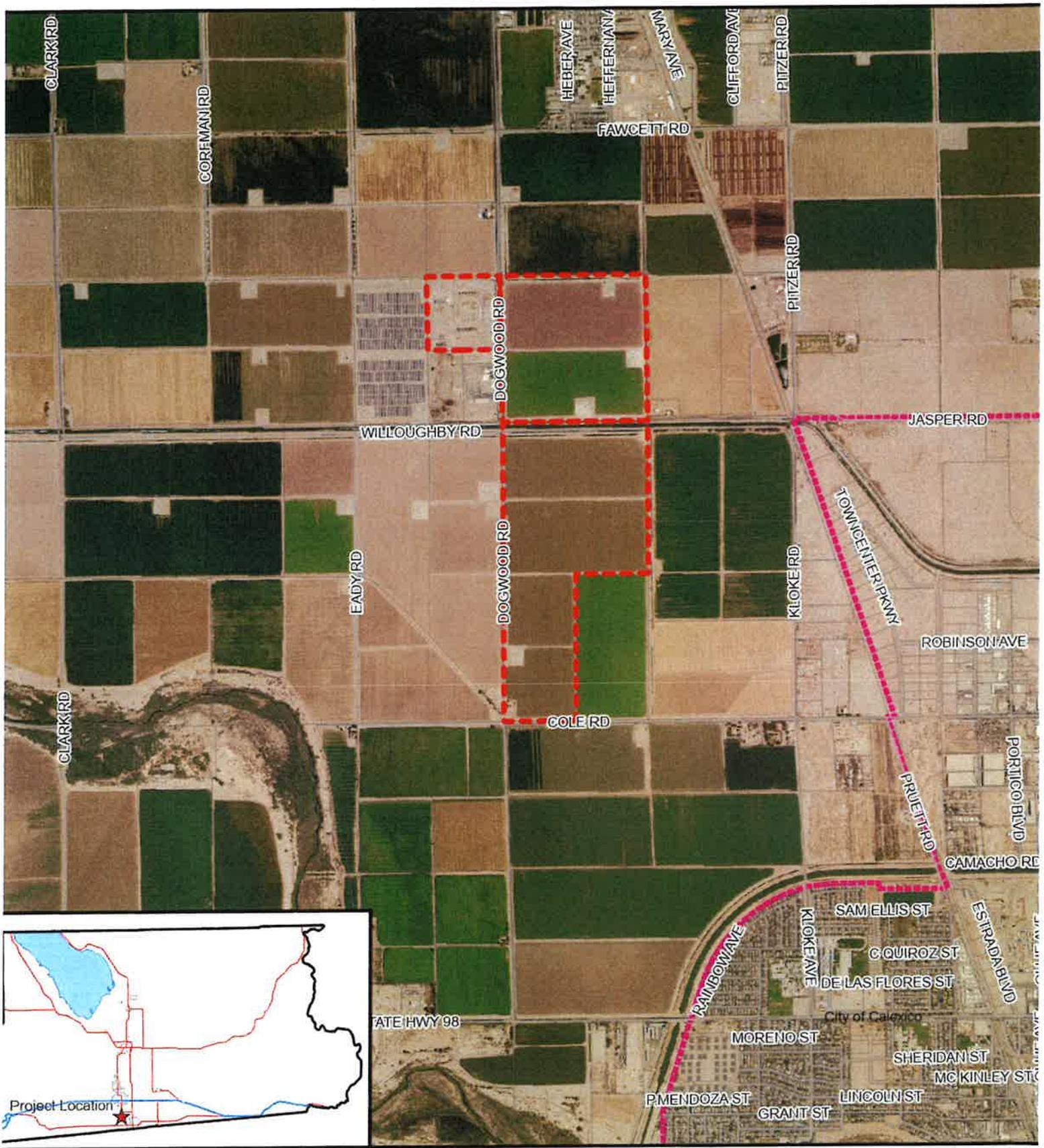
Jim Minnick, Director
Planning & Development Services Department

Attachments : Location Map
Recorded CUP
MMRP

CC:

Jim Minnick, Director of Planning and Development Services
Michael Abraham, AICP, Assistant Director of Planning & Development Services
Diana Robinson, Planning Division Manager
Luis Valenzuela, Planner II
Project File: Dogwood Geothermal Energy Project
APN 054-250-031-000
Files:10.112
LV\ATIS\AllUsers\APN\054\250\031\CUP23-0020 IS23-0026\CUP23-0020 RFP for Ormat 3.12.26.docx

PROJECT LOCATION MAP



THE DOGWOOD GEOTHERMAL ENERGY PROJECT
CUP #23-0020, IS #23-0026,
CUP #23-0021, CUP #23-0022
APN 054-250-031, 054-250-017 & 059-020-001-000

-  Project Location
-  Calexico City Limit
-  Parcels



1 Recorded Requested by and
When Recorded Return To:

2 Imperial County Planning & Development
3 Services Department
4 801 Main Street
5 El Centro, California 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2025014487
09/18/2025 08:47 AM

8
9 **AGREEMENT FOR CONDITIONAL USE PERMIT #23-0020**
10 **FOR DOGWOOD GEOTHERMAL ENERGY PROJECT**
11 **APN: 054-250-031 & 059-020-001**
12 **Board of Supervisors Approved Conditions (08/05/2025)**
13 **Effective Date (09/17/2025)**

14 Conditional Use Permit #23-0020 was approved by the Imperial County Planning
15 Commission Board of Supervisors and has the Effective Date of (September 17, 2025)
16 This Conditional Use Permit is by and between OrHeber 3, LLC - (hereinafter referred to
17 as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of
18 California, (hereinafter referred to as "COUNTY").

19 **RECITALS**

20 **WHEREAS**, Permittee is the owner, lessee or successor-in-interest in certain land
21 in Imperial County located at 855 & 602 Dogwood Road, Heber, CA 92249, legally
22 described as PAR 4 PARCEL MAP 1106 OF TRACT 44 TOWNSHIP 16 SOUTH, RANGE
23 14 EAST, 40 acres., and NW4 & W2 OF SW4 SEC 3 17-14 239.93 acres in an
24 unincorporated area of the County of Imperial; The project site is within portions of two
25 parcels: Assessor Parcel Numbers (APN) 054-250-031 and 059-020-001.

1 **WHEREAS**, Permittee has applied to the County for permission to operate a 25 MW
 2 geothermal plant and associated ancillary and auxiliary facilities, new substation,
 3 7 megawatt (MW) parasitic (APN 059-020-001) solar facility, and medium voltage
 4 distribution cable to run across from (APN 059-020-001) to (APN 054-250-031) from the
 5 proposed solar facility to the geothermal plant; and,

6 **WHEREAS**, this Conditional Use Permit is one of three Conditional Use Permits
 7 that have collectively undergone environmental review under the California Environmental
 8 Quality Act and are being considered for simultaneous approval composed of CUP #23-
 9 0020 (OrHeber 3 LLC's Dogwood Geothermal Energy Project); CUP #23-0021 (Second
 10 Imperial Geothermal Company LLC's Heber 2 Solar Energy Project); and CUP #23-0022
 11 (Heber Field Company LLC's Geothermal Wells and Pipeline Project); and,

12
 13 **WHEREAS**, the County, after a noticed public hearing, agreed to issue
 14 Conditional Use Permit #23-0020 to Permittee, and/or his or her successor in interest
 15 subject to the following conditions:
 16

17
 18 **GENERAL CONDITIONS:**

19 **G-1 GENERAL LAWS:**

20 The Permittee shall obtain, comply with and maintain all applicable County, State,
 21 and federal laws, rules, regulations, ordinances, and/or standards as they may
 22 pertain to this project whether specified herein or not.

23 **G-2 EFFECTIVE DATE:**

24 The Approved Conditional Use Permit shall not become effective until all of the
 25 following occurs: (a.) The passage of ten (10) Calendar days after the decision of
 26 Planning Director or Commission; and, (b.) the applicable Conditional Use Permit
 27 conditions have been met; and, (c.) the Conditional Use Permit is recorded by the
 28 Permittee or its agent with the County Recorder, with the payment of recording fees

1 by applicant or its agent; and, (d.) In the case of a decision by the Board of
2 Supervisors there is no 10-day appeal.

3 **G-3 RECORDATION:**

4 CUP #23-0020 shall as set forth in General Condition "G-2", **not be effective** until it
5 complies with General Condition "G-2," including being recorded by Permittee or its
6 agent at the Imperial County Recorder's Office conditioned on there not being an
7 appeal having been filed after the approval from the hearing body. Payment of the
8 recordation fee shall be the responsibility of the Permittee. If this CUP is not
9 recorded within one hundred eighty (180) days from the date of approval the CUP
10 shall be deemed null and void, without notice having to be provided to Permittee.
11 The permittee may submit a written request for a recordation extension for this CUP
12 by filing such a request with the Planning Director at least sixty (60) days prior to the
13 one hundred eighty 180-day expiration. The Director may approve one (1) extension
14 for a period not to exceed one hundred eighty (180) days. An extension may not be
15 granted if the request for an extension is filed after the expiration date. Failure to
16 record this CUP within one (1) year including the granted extension period shall
17 deem this CUP null and void.

18 **G-4 COMMENCEMENT OF WORK:**

19 If the project for which a CUP has been approved has not commenced, or permits
20 for said project have not been issued, within one (1) year from effective date, the
21 CUP shall be null and void. If an applicant cannot initiate or obtain permits for the
22 approved use during the one (1) year, the applicant may request a one (1) year
23 extension from the Department. The request for an extension shall be in writing and
24 be submitted with explanation to the Planning & Development Services Department
25 at least sixty days prior to the end of the extended one (1) year period. The Director
26 shall have the authority to extend the initial start-up period, or commencement of
27 work, of a CUP up to two (2) times for a maximum of two (2) years. Should the
28 Permittee desire to continue with the project, a new application shall be submitted,
and the entire process would have to begin anew.

G-5 TIME LIMIT:

Unless otherwise specified within the project's specific conditions **this CUP shall be limited to a maximum of thirty (30) years from the recordation Date of the CUP.**

G-6 ABANDONMENT:

If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year, the CUP shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by the Department.

1 **G-7 PERMIT/LICENSE:**

2 Permittee shall obtain and comply with any and all required permits, licenses,
3 and/or approvals, for the construction and/or operation of this project. This shall
4 include, but shall NOT be limited to, permits from the County Division of
5 Environmental Health Services (EHS), Planning & Development Services
6 Department, Office of Emergency Services (OES), Imperial County Air Pollution
7 Control District (ICAPCD) and Public Works Department. The permittee shall
8 likewise comply with all such permit requirements for the life of the project.
9 **Additionally, the Permittee shall submit a copy of such additional permit(s)
10 and/or license(s) to the Planning & Development Services Department within
11 60-days of receipt, including amendments or alternatives thereto.**

12 **G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

13 Permittee acceptance of this CUP shall be deemed to constitute agreement with the
14 terms and conditions contained herein. Where a requirement is imposed in this CUP
15 that Permittee conduct a monitoring program, and where the County has reserved
16 the right to impose or modify conditions with which the Permittee must comply
17 based on data obtained therefrom, or where the Permittee is required to prepare
18 specific plans for County approval and disagreement arises, the Permittee, operator
19 and/or agent, the Planning and Development Services Director or other affected
20 party, to be determined by the Planning and Development Services Director, may
21 request that a hearing be conducted before the Imperial County Planning
22 Commission whereby they may state the requirements which will implement the
23 applicable conditions as intended herein. Upon receipt of a request, the Planning
24 Commission shall conduct a hearing and make a written determination. The
25 Planning Commission may request support and advice from a technical advisory
26 committee. Failure to take any action shall constitute endorsement of the staff's
27 determination with respect to implementation.

28 **G-9 CONDITION PRIORITY:**

This project shall be constructed/operated as described in the CUP application, the
environmental documents, the project description, and as specified in these
conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

As part of this application, applicant and real party in interest, if different, agree to
defend, indemnify, hold harmless, and release the County of Imperial ("County"), its
agents, officers, attorneys, and employees (including consultants) from any claim,
action, or proceeding brought against any of them, the purpose of which is to attack,
set aside, void, or annul the approval of this application or adoption of the
environmental document which accompanies it. This indemnification obligation
shall include, but not be limited to, damages, costs, expenses, attorney fees, or

1 expert witness fees that may be asserted by any person or entity, including the
2 applicant, arising out of or in connection with the approval of this application,
3 whether or not there is concurrent negligence on the part of the County, its agents,
4 officers, attorneys, or employees (including consultants).

5 If any claim, action, or proceeding is brought against the County, its agents, officers,
6 attorneys, or employees (including consultants), to attack, set aside, void, or annul
7 the approval of the application or adoption of the environmental document which
8 accompanies it, then the following procedures shall apply:

- 9 1. The Planning Director shall promptly notify the County Board of Supervisors of
10 any claim, action or proceeding brought by an applicant challenging the County's
11 action. The County, its agents, attorneys and employees (including consultants)
12 shall fully cooperate in the defense of that action.
- 13 2. The County shall have the final determination on how to best defend the case
14 and will consult with applicant regularly regarding status and the plan for defense.
15 The County will also consult and discuss with applicant the counsel to be used by
16 County to defend it, either with in-house counsel, or by retaining outside counsel
17 provided that the County shall have the final decision on the counsel retained to
18 defend it. The applicant shall be fully responsible for all costs incurred. The
19 applicant shall be entitled to provide his or her own counsel to defend the case
20 and said independent counsel shall work with County Counsel to provide a joint
21 defense.

22 **G-11 INSURANCE:**

23 The Permittee shall take out and maintain workers compensation insurance as
24 required by the State of California. The Permittee shall also secure liability
25 insurance and such other insurance as required by state and/or federal law. A
26 Certificate of Insurance is to be provided to the Planning and Development Services
27 Department by the insurance carrier and said insurance and certificate shall be kept
28 current for the life of the project. Certificates of Insurance shall be sent directly to
the Planning and Development Services Department by the insurance carrier and
shall name the Department as a recipient of both renewal and cancellation notices.

29 **G-12 RIGHT OF ENTRY:**

30 The County reserves the right to enter the premises at any time, announced or
31 unannounced, in order to make the appropriate inspection(s) and to determine if the
32 condition(s) of this CUP are complied with. Access by authorized enforcement
33 agency personnel shall not be denied.

G-13 SEVERABILITY:

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

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of said CUP. **The permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of CUP or any right or privilege therein.** The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon these parcels described herein and may not be transferred to other parcels.

G-15 COMPLIANCE/REVOICATION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this CUP, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If the Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-17 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County

1 Department for costs incurred as a result of this CUP, shall be billed through the
2 Planning & Development Services Department.

3 **G-18 REPORT(S)**

4 The Permittee shall file an annual report with the Planning and Development
5 Services Department to show that Permittee is in full compliance with this CUP. The
6 report shall be filed at least fifteen (15) days prior to the anniversary (recordation
7 date) of this CUP. It shall be the responsibility of the Permittee to provide all reports.
8 The County may request information at any time from the Permittee or other users if
9 applicable; however, it shall be the responsibility of the Permittee to assure that the
10 County receives such information in a timely manner.

11 **G-19 RESPONSIBLE AGENT**

12 The Permittee shall maintain on file with the Planning and Development Services
13 Department the name and phone number of the responsible agent for the site. A
14 back-up name shall also be provided, and a phone number for twenty-four (24) hour
15 emergency contact shall also be on file. The same information (as applicable)
16 required from the Permittee shall also be made available to the County from such
17 other users.

18 **G-20 WATER AND SEWER:**

19 The Permittee shall provide water and sewer to Federal, State and County
20 standards. Water and sewer systems shall be approved by the Environmental
21 Health Services and the Planning & Development Services Department. Permittee
22 shall hook up to a public water system or supplier if and when available.

23 **G-21 DEFINITIONS:**

24 In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s)
25 and/or conditions or sections herein shall be determined by the Planning
26 Commission of the County of Imperial. Their determination shall be final unless an
27 appeal is made to the Board of Supervisors ten (10) days from the date of their
28 decision.

G-22 SPECIFICITY:

The issuance of this CUP does not authorize the Permittee to construct or operate
this project in violation of any state, federal, local law nor beyond the specified
boundaries of the project as shown in the application/project description/ CUP, nor
shall this CUP allow any accessory or ancillary use not specified herein. This CUP
does not provide any prescriptive right or use to the Permittee for future addition
and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. The current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

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

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

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PROJECT SPECIFIC CONDITIONS:

S-1 AUTHORIZED SCOPE OF ACTIVITIES:

The Dogwood Geothermal Energy Project includes a geothermal plant and associated ancillary and auxiliary facilities, new substation, 7 megawatt (MW) solar facility, and medium voltage distribution cable from the proposed solar facility to the geothermal plant. These project components are summarized below.

ORMAT Energy Converter (Geothermal Energy Production Unit): The proposed ORMAT Energy Converter (OEC) unit would be a two-turbine combined cycle binary unit, operating on a subcritical Rankine cycle, with motive fluid to provide flexibility in the event of any change in the chemical composition of the motive fluid to be used during the project's life cycle. The OEC system consists of a generator, turbines, a vaporizer, air cooled condensers, preheaters and recuperators, and an evacuation skid/vapor recovery maintenance unit (VRMU) for purging and maintenance events. The design capacity for the unit is 25 MW (net).

Motive Fluid Storage Tanks: Two double-walled 20,000-gallon above-ground storage tanks would be installed for motive fluid storage. Numerous safety and fire prevention measures would be installed on/near the ABST, including the following:

- Concrete foundations with blast walls separating the tank from the OEC.
- An automated water suppression system.
- Concrete containment areas.
- Two flame detectors, which will immediately detect any fire and immediately trigger the automatic fire suppression system.
- A gas detector, which will immediately detect any motive fluid leak and notify the control room (manned 24/7).

Cooling Tower: A cooling tower array will perform air-cooling operations of the motive fluid. No water is necessary for cooling motive fluids.

Dogwood Substation: The proposed Dogwood geothermal plant will require a new substation to step up the low voltage electrical energy generated at the Dogwood geothermal unit to the higher voltage required for commercial transmission. Pending Imperial Irrigation District (IID) review, no upgrades to off-site transmission facilities are necessary. If upgrades to off-site facilities are later deemed necessary through an IID transmission study, recommendations could include protection upgrades and metering replacements at existing IID substations and/or upgrades to telecommunications, distribution lines, and transmission lines. Such upgrades would use existing infrastructure, easements, right-of-way, and corridors to the extent practicable.

The new Dogwood substation will connect directly to the existing point of interconnection with the IID controlled grid. The substation will include a 13.8 kV circuit breaker to protect the electric generator, a minimum of 80 megavolt ampere 13.8 kV/115 kV transformer, and 115 kV potential and current transformers for

1 metering and system protection. A main control building would contain
2 instrumentation and telecommunications equipment located within the within the
3 greater HGEC.

4 The substation footprint would measure up to 145 feet by 66 feet and would be
5 surrounded by an eight-foot-tall chain link fence with vehicle and personnel access
6 gates. The surface of the substation would be covered by gravel and the substation
7 equipment would be placed onto concrete foundations.

8 **Parasitic Solar Energy Facility:** A 7 MW solar facility would provide
9 supplemental/auxiliary energy to the proposed Dogwood geothermal plant. The
10 solar facility is classified as behind-the-meter and would provide supplemental
11 energy directly to the Dogwood geothermal unit (OEC). This energy would not enter
12 the transmission grid.

13 **Medium Voltage Distribution Line:** The energy generated by the proposed
14 Dogwood solar facility would be collected at an on-site XMD and switch on the
15 western edge of the Heber 2 Project site, adjacent to South (S) Dogwood Road. A
16 medium voltage distribution cable would cross S Dogwood Road and be attached
17 via trays to the existing pipeline that runs west before turning north to cross the
18 Beech Drain and Main Canal at the existing above-ground pipeline span. The cable
19 would continue to follow the existing pipeline alignment and connect into the new
20 Dogwood OEC. No new footings or foundations are required for the cable trays.

21 **S-2 ACCESS TO SITE:**

22 Access to the site shall be from Dogwood Road.

23 **S-3 COMMENCEMENT OF PERMITTED ACTIVITIES:**

24 Permittee shall commence permitted activities or provide substantial evidence of
25 substantial progress within twelve (12) months from the approval date of this permit.

26 **S-4 ODORS:**

27 All harmful or noxious emissions and odors shall be controlled to ensure that
28 quantities of air contaminants released as a result of the facility operations do not
exceed local, state, or federal standards, or constitute a public nuisance.

S-5 REPORTING:

The permittee shall furnish to the County, within a reasonable time, any relevant
reports/information which the County reasonably requires for monitoring purposes
to determine whether cause exists for revoking this permit, or to determine
compliance with this permit, i.e. relevant reports are those defined within this Permit
or requested by the County. The Permittee shall submit all required reports to the

1 Planning Director, County Planning and Development Services Department
2 (ICPDSD), 801 Main Street, El Centro, CA 92243.

3 **S-6 WASTE DISPOSAL:**

4 The Permittee shall insure that any discharge wastes, liquid or solid, shall be
5 disposed of in compliance with all appropriate local, state, and federal regulations,
6 in effect or subsequently duly-enacted, i.e., discharge of waste into surface water
7 shall meet all requirements of the Regional Water Quality Control Board, e.g.,
8 National Pollution Discharge Elimination System Permit restrictions, and solid waste
9 shall be disposed of in an approved solid waste disposal site in accordance with
10 County regulations.

9 **S-7 CONSTRUCTION STANDARDS:**

10 The geothermal and other structures shall be built in accordance with the County
11 Building Code requirements applicable to "Seismic Category D". All structures
12 and facilities shall be designed in accordance with the publication entitled
13 "Recommended Lateral Force Requirements and Commentary by the Structural
14 Engineers Association of California". The structural components of the permitted
15 facilities shall be reviewed by the County Building Official/Planning Director.
16 Building permits shall be procured for all non-electric utility facilities from the
17 County prior to commencement of any construction.

15 **S-8 FACILITIES CLOSURE AND SITE RESTORATION:**

- 16 (A) Permittee shall implement the site restoration plan at the earlier of when the
17 operation of the permitted facilities herein authorized has ceased or the term of
18 the CUP has expired. At such time, all facilities shall be dismantled, and the
19 lands involved restored to their pre-construction condition and available for
20 agricultural production uses as agreed to by the Imperial County Planning and
21 Development Services Director.
- 22 (B) Prior to the issuance of a grading Permit, a decommissioning and restoration
23 plan (the Reclamation Plan) shall be submitted and approved by the Imperial
24 County Planning and Development Services Director. The Reclamation Plan
25 shall documents the procedures by which the Project site will be returned to its
26 current agricultural conditions.
- 27 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable
28 surety, in the amount of the estimated site restoration financial
calculations/bond, for the developed project area, or other forms of security
acceptable to County Counsel's office, shall be filed with the County that
guarantees restoration of the land to its condition prior to the permitted solar
plant development.

1 (D) Upon completion of such site restoration, and demonstration that the land has
2 been restored to the agriculturally productive/farmable condition prior to the
3 permitted solar plant development the Bond or other surety shall be released
by the County.

4 (E) The above financial calculations/bond shall be reviewed every five (5) years in
5 December and adjusted on January 1st to add a Consumer Price Index (CPI)
6 (Los Angeles) increase by the Planning and Development Services Director.
7 This readjustment can be made in the County's sole discretion and must be
funded by the Permittee within ninety (90) calendars after notice of the
additional amount of such adjustment.

8 **S-9 EMERGENCY RESPONSE PLAN (ERP):**

9 An Emergency Response Plan shall be prepared covering possible emergencies,
10 e.g. blow-outs, major fluid spills, earthquakes, fires, floods and other foreseeable
11 accidents and emergencies. At all times, there shall be at least one employee
12 either on the facility premises or on call (i.e., available to respond to an emergency
13 by reaching the facility within a short period of time) with the responsibility of
14 coordinating all emergency response measures. This Emergency Coordinator shall
15 be thoroughly familiar with all aspects of the facility's Emergency Response Plan, all
16 operations and activities at the facility, location of all records within the facility and
the facility layout. This person shall have the authority to commit the resources
needed to carry out the contingency plan to include appropriate first aid provisions
during project construction and operation with appropriate first aid training for
Project employees. Adequate personnel and equipment shall be available to
respond to emergencies and to insure compliance with the conditions of the permit.

17 (a) The Emergency Response Plan shall be prepared in consultation with, but not
18 be limited to, the Regional Water Quality Control Board (RWQCB), Imperial County
19 Office of Emergency Services, and local emergency service agencies, and other
20 appropriate state and county agencies and shall include information useful in
21 combating the emergency. The Plan shall be available on-site, and provided to
22 agencies responsible for preparing for and addressing emergencies, on request.
23 The plan shall include a notification list of response agencies which shall be notified
immediately upon the discovery of a reportable unauthorized discharge and the list
shall include: Imperial Fire/Office of Emergency Services, Planning & Development
Services Department, Environmental Health Services/Health Department, RWQCB,
Imperial Irrigation District (IID), Department of Public Works (DPW), Sheriff's office,
as applicable.

24 (b) A Hazardous Materials Business Plan shall be prepared and be submitted to
25 the Certified Unified Program Agency, Imperial County Hazardous Materials/Waste
26 Unit and shall be maintained by the Permittee. The Permittee shall provide
27 adequate safety devices against the hazard of fire and explosion for activities that
involve the use and storage of flammable, explosive or highly corrosive or reactive

1 materials as well as adequate fire-fighting and fire suppression equipment and
2 devices standard in the industry with compliance with applicable state and local
3 laws as determined by the Imperial County Fire Chief.

4 (c) The Permittee shall meet all NFPA requirements, and also submit an
5 Engineer-certified (California-licensed Engineer) fire suppression/protection plan to
6 the Imperial County Fire/OES Department, prior to issuance of a building permit.

7 All designated employees shall be provided with communication devices, cell phones
8 or walkie-talkies, in the event of an emergency situation on-site.

9 **S-10 FIRST AID:**

10 Appropriate first aid provisions for facility operations shall be made for emergency
11 response during project construction and operation with appropriate first aid training
12 for project employees. During construction, a member of each working crew shall
13 be trained in basic first aid and supplied with necessary medical equipment to
14 respond to emergencies as provided for in the Emergency Response Plan required
15 hereinabove.

16 **S-11 GEOTECHNICAL:**

17 The Permittee shall conduct applicable on-site geotechnical investigations of soil
18 characteristics affecting the permitted facilities by qualified persons at the
19 Permittee's expense and any soil reports shall be made available to the County on
20 request.

21 **S-12 PROTECTION OF WILDLIFE:**

22 Measures approved by the Planning Director shall be employed to discourage or
23 prevent wildlife and avian entry into brine ponds. Well cellars shall be designed to
24 prevent wildlife entry and entrapment. Pipelines shall be constructed so as not to
25 become barrier to wildlife movement.

26 **S-13 ARCHAEOLOGICAL, CULTURAL & PALEONTOLOGICAL RESOURCES:**

27 The Permittee shall monitor the construction of equipment and if any unusual
28 specimens of bone, stone, or ceramic are discovered during construction of the
permitted facilities, all construction affecting the discovery site, shall cease until a
qualified archaeologist retained by the Permittee and approved by the County,
reviews the specimens. The recommendations of the archaeologist shall be
complied with prior to resuming construction.

S-14 BRINE CHEMISTRY:

1 Permittee shall conduct brine chemistry tests which shall include but not limited to
2 analysis for hydrogen sulfide, mercury, arsenic, fluoride, boron, ammonia, strontium,
3 iron, zinc, barium, lithium, lead, copper, and chromium. The results of such tests
4 shall be provided by the County upon request. To the extent information contained
5 in test results are proprietary, such information shall not be released to the public.

6 **S-15 SPILLS AND RUNOFF:**

7 The Project site shall be designed and constructed to prevent spills from
8 endangering adjacent properties and waterways, and to prevent runoff from any
9 source being channeled or directed in an unnatural way so as to cause erosion,
10 siltation, or other detriments. A system of pressure and flow sensing devices and
11 regular inspection of all lines, capable of detecting leaks and spills, shall be
12 instituted and maintained. Blowout prevention equipment shall be used in
13 accordance with the requirements of CALGEM.

14 **S-16 GEOLOGY & SOILS & GEOLOGIC HAZARDS:**

15 All grading operations and construction shall be conducted in conformance with the
16 recommendations included in the Preliminary Geotechnical Report on the Project
17 site that has been prepared by Land-Mark Geo-Engineers and Geologists (Land-
18 Mark) in August 2020. Design, grading, and construction shall be performed in
19 accordance with the recommendations of the project geotechnical consultant as
20 summarized in a final written report, subject to review by the County, prior to
21 commencement of grading activities.

22 **S-17 AIR QUALITY AND DUST EMISSIONS:**

23 The Permittee shall comply with all Air District rules and regulations and would
24 emphasize Regulation VIII – Fugitive Dust Rules and Imperial County Air Pollution
25 Control District's (ICAPCD) air-monitoring criteria for PM-10 to control dust or other
26 emissions by implementing the APCD Fugitive Dust Control conditions and obtain
27 an Authority to construct and amendment permit to operate prior to any
28 construction/operation of any or modified equipment or operation for the expansion
project. The Permittee shall contact the Air District to obtain any required Air
Permits.

S-18 LIGHT & GLARE:

The Permittee is allowed to have security as well as operational lighting. Said
lighting shall be shielded and directed to on-site areas only to minimize off-site
impacts due to unacceptable levels of light or glare.

S-19 NOISE:

Control measures shall include, but are not limited to, the following:

- 1
- 2 (a) Heavy truck traffic, well site preparation, and pipe stacking shall be performed
3 on a seven (7) day per week basis and on a 24-hour a day basis (unless
4 otherwise stated herein) until the well is completed and the drilling therefore
5 ends.
6 (b) Diesel equipment used for drilling within 1,000 feet of any residence shall be
7 accompanied by the use of an effective muffling device or silencer.
8 (c) Heavy truck traffic, well site preparation, and pipe stacking shall be limited to the
9 hours of 7:00 am and 7:00 pm for any wells within 1,000 feet of any residence.
10 (d) Hydro-blasters used in descaling operations when used within 1,000 feet of
11 residence shall be limited to the hours of 7:00 am to 7:00 pm.

12 **S-20 LATEST CODES GOVERN:**

13 All on-site structures shall be designed and built to comply with the latest edition of
14 the applicable codes.
15

16 **S-21 OPERATIONS:**

17 Permittee shall have a responsible agent on-site whose name, title, email, address,
18 and telephone number(s) shall be provided to the Department of Public Works
19 (DPW), County Fire/OES, Environmental Health Services, Sheriff Department and
20 Planning & Development Services Department.

21 **S-22 COMPLIANCE:**

22 Permittee shall comply with all ICPDS Title 9-Division 17 regulations.
23

24 **S-23 COUNTY EXECUTIVE OFFICE:**

25 Sales Tax Guarantee. The permittee is required to have a Construction Site Permit
26 reflecting the project site address for all proposed projects, allowing all eligible sales
27 tax payments are allocated to the County of Imperial, Jurisdictional Code 13998.
28 The permittee will provide the County of Imperial a copy of the CDTFA account
number and sub-permit for its contractor and subcontractors (if any) related to the
jobsite. The permittee shall provide in written verification to the County Executive
Office that the necessary sales and use tax permits have been obtained prior to the
issuance of any grading permits.

Construction/Material Budget: The permittee will provide the County Executive
Office individual project construction materials budget: an official construction
materials budget or detailed budget outlining the construction and materials cost for
the processing facility on permittee letterhead.

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At developers cost, the County Executive Office shall hire a third-party consultant to produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA) for the individual Cups prior to project being placed on Planning Commission meeting.

Public Service Agreement. The developer shall enter into a Public Service Agreement with the County of Imperial for the individual CUPs.

S-24 PUBLIC WORKS:1

- A. Developer (Permittee) shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to offsite properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to the Imperial County Department of Public Works (ICDPW) for review and approval. The developer shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- B. The Permittee shall comply with all Imperial County Public Works Department regulations.

S-25 AIR POLLUTION CONTROL DISTRICT:2

- A. The Permittee will comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules.
- B. The Permittee shall contact the Air District to obtain any required Air Permits.

S-26 IMPERIAL COUNTY OFFICE OF THE AGRICULTURAL COMMISSIONER:3

1 Imperial County Department of Public Works comment letter dated April 22, 2024
 2 Air Pollution Control District comment letters dated: October 02, 2024
 3 Imperial County Office of the Agricultural Commissioner letter dated January 23, 2024

- 1 **A.** Maintain a Pest Management Plan until reclamation, pursuant to the site
2 restoration plan in [Condition for Facilities Closure and Restoration] and the
3 Mitigation Monitoring and Reporting Program (SCH# 2024010510), is complete.
- 4 **B.** Develop and implement a Pest Management Plan that will reduce negative
5 impacts to surrounding (not necessarily adjacent) farmland.
- 6 **C.** Monitor for all pests including insects, vertebrates, weeds, and pathogens.
7 Promptly control or eradicate pests when found, or when notified by the
8 Agricultural Commissioner's office that a pest problem is present on the project
9 site. The assistance of a licensed pest control advisor is recommended. All
10 treatments must be performed by a qualified applicator or a licensed pest control
11 business.
- 12 **D.** "Control" means to reduce the population of common pests below economically
13 damaging levels, and includes attempts to exclude pests before infestation, and
14 effective control methods after infestation. Effective control methods may include
15 physical/mechanical removal, biocontrol, cultural control, or chemical treatments.
- 16 **E.** Use of "permanent" soil sterilant to control weeds or other pests is prohibited
17 due to the fact that this would interfere with reclamation.
- 18 **F.** Notify the Agricultural Commissioner's office immediately regarding any
19 suspected exotic/invasive pest species as defined by the California Department
20 of Food Agriculture (CDFA) and the United States Department of Agriculture
21 (USDA). Request a sample be taken by the Agricultural Commissioner's Office
22 of a suspected invasive species. Eradication of exotic pests will be done under
23 the direction of the Agricultural Commissioner's Office and/or CDFA.
- 24 **G.** Obey all pesticide use laws, regulations, and permit conditions.
- 25 **H.** Allow access by Agricultural Commissioner staff for routine visual and trap pest
26 surveys, compliance inspections, eradication of exotic pests, and other official
27 duties.
- 28 **I.** 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.
- J.** Maintain records of pests found and treatments or pest management methods
 used. Records should include the date, location/block, project name (current and

1 previous if changed), and methods used. For pesticides include the chemical(s)
2 used, EPA Registration numbers, application rates, etc. A pesticide use report
3 may be used for this.

- 4 **K.** Submit a report of monitoring, pest finds, and treatments, or other pest
5 management methods to the Agricultural Commissioner quarterly within 15 days
6 after the end of the previous quarter, and upon request. The report is required
7 even if no pests were found, or treatment occurred. It may consist of a copy of
8 all records for the previous quarter or may be a summary letter/report as long as
9 the original detailed records are available upon request.
- 10 **L.** The project shall reimburse the Agricultural Commissioner's office for the actual
11 cost of investigations, inspections, or other required non-routine responses to
12 the site that are not funded by other sources.

13 **S-27 IMPERIAL COUNTY FIRE DEPARTMENT:4**

14 The Imperial County Fire Department has the following comments and/or
15 requirements for the project.

16 **A.** An approved water supply capable of supplying the required fire flow determined
17 by appendix B in the California Fire Code shall be installed and maintained.
18 (Minimum fire flow of 1500 GPM for 2 hours) Private fire service mains and
19 appurtenance shall be installed in accordance with NFPA 20, 22, 24

20 **B.** A certified fire protection engineers survey and analysis of current and proposed
21 fire suppression and detection equipment be performed to evaluate the current
22 systems performance and coverage of protection. Evaluate proposed fire
23 suppression and detection equipment in conjunction with existing equipment. A full
24 report of the findings must be provided to Imperial County Fire Department for
25 review.

26 **C.** All motive fluid above ground storage tanks shall be protected by approved
27 automatic fire suppression equipment. All automatic fire suppression shall be
28 installed and maintained to the current adapted fire code and regulation.

D. An approved automatic fire detection system shall be installed as per the
California Fire Code. All fire detection systems shall be installed and maintained to
the current adapted fire code and regulations.

4 Imperial County Fire Department comment letter dated: April 09, 2024

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E. Fire department access roads and gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.

F. Compliance with all required sections of the fire code.

G. Applicant shall provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal.

H. A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by ICFD.

S-28 IMPERIAL IRRIGATION DISTRICT:5

A. Applicant shall provide a surveyed legal description, and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID's necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

B. Fences should be installed at the boundary of IID's right of way for safety and to allow access for IID operation and maintenance activities. The project's fencing plan should address IID's right of way.

C. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances).

D. The permittee shall comply with all IID comments and regulations.

S-29 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

S-30 MITIGATION AND MOINITORING AND REPORTING PROGRAM

Adhere to all Mitigation Measures as described in the Mitigation Monitoring and Reporting Program (MM&RP) SCH# 2024010510, and including the measures and best

5 Imperial Irrigation District comment letters dated: February 22, 2024, July 03, 2024, and October 01, 2024

1 management practices as identified in Attachment A to the MM&RP- Applicant Proposed
2 Measures and Best Management Practices.

3 (TOTAL "S" CONDITIONS are 30)
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1 **NOW THEREFORE**, County hereby issues Conditional Use Permit #23-0020 and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

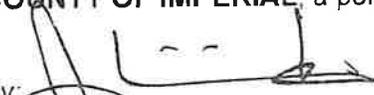
5 **PERMITTEE:**

6 OrHeber 3 LLC

7
8 By: 
9 Elizabeth Helms, Corporate Secretary

09/15/2025
Date

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

11
12 By: 
13 JAMES MINNICK, Director
14 Planning & Development Services Department

09/17/25
Date

FOR PERMITTEE NOTARIZATION

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.

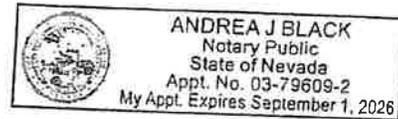
STATE OF NEVADA

COUNTY OF Washoe } S.S.

On September 18, 2024 before me, Andrea J Black, a Notary Public in and for said County and State, personally appeared Christina Helms, 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 is true and correct.

WITNESS my hand and official seal



Signature Andrea J Black

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

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

FOR COUNTY NOTARIZATION

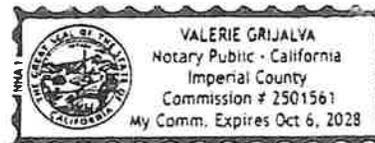
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On September 17, 2025 before me, Valerie Grijalva a
Notary Public in and for said County and State, personally appeared James A. Minnick
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 [Handwritten Signature]

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

Title or Type of Document CUP 23-0020

Number of Pages 24 Date of Document 09/17/2025

Signer(s) Other Than Named Above Elizabeth Helms

1 Recorded Requested by and
When Recorded Return To:

2 Imperial County Planning & Development
3 Services Department
801 Main Street
4 El Centro, California 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2025014488
09/18/2025 08:50 AM

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7
8 **AGREEMENT FOR CONDITIONAL USE PERMIT #23-0021**
9 **FOR HEBER 2 SOLAR ENERGY FACILITY**
10 **APN: 059-020-001**

11 **Board of Supervisors Approved Conditions (08/05/2025)**
Effective Date (09/17/2025)

12 Conditional Use Permit #23-0021 was approved by the Imperial County Planning
13 Commission Board of Supervisors and has the Effective Date of **(September 17, 2025)**.

14 This Conditional Use Permit is by and between Second Imperial Geothermal Company,
15 LLC, (hereinafter referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political
16 subdivision of the State of California, (hereinafter referred to as "COUNTY").

17 **RECITALS**

18 **WHEREAS**, Permittee is the owner, lessee or successor in interest-in-certain land
19 in Imperial County located at 602 Dogwood Road, Heber, CA 92249, legally described as
20 NW4 & W2 OF SW4 SEC 3 17-14 239.93 acres., in an unincorporated area of the County
21 of Imperial, on Assessor's Parcel Number: 059-020-001.

22
23 **WHEREAS**, Permittee has applied to the County for permission to operate a 15 MW
24 parasitic solar energy facility that would provide supplemental/auxiliary energy to the
25 existing Heber 2 geothermal plant. The solar facility is classified as behind-the-meter and
26 would provide supplemental energy directly to the Heber 2 geothermal unit (OEC). This
27

1 energy would not enter the transmission grid. The energy generated by the solar facility
2 would be collected by an on-site XMD and switch and transmitted via a medium voltage
3 distribution cable; and,

4 **WHEREAS**, this Conditional Use Permit is one of three Conditional Use Permits
5 that have collectively undergone environmental review under the California Environmental
6 Quality Act and are being considered for simultaneous approval composed of CUP #23-
7 0020 (OrHeber 3 LLC's Dogwood Geothermal Energy Project); CUP #23-0021 (Second
8 Imperial Geothermal Company LLC's Heber 2 Solar Energy Project); and CUP #23-0022
9 (Heber Field Company LLC's Geothermal Wells and Pipeline Project; and,

10
11 **WHEREAS**, the County, after a noticed public hearing, agreed to issue
12 Conditional Use Permit #23-0021 to Permittee, and/or his or her successor in interest
13 subject to the following conditions:

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16 **GENERAL CONDITIONS:**

17
18 **G-1 GENERAL LAWS:**

19 The Permittee shall obtain, comply with and maintain all applicable County, State,
20 and federal laws, rules, regulations, ordinances, and/or standards as they may
21 pertain to this project whether specified herein or not.

22
23 **G-2 EFFECTIVE DATE:**

24 The Approved Conditional Use Permit shall not become effective until all of the
25 following occurs: (a.) The passage of ten (10) Calendar days after the decision of
26 Planning Director or Commission; and, (b.) the applicable Conditional Use Permit
27 conditions have been met; and, (c.) the Conditional Use Permit is recorded by the
28 Permittee or its agent with the County Recorder, with the payment of recording fees
by applicant or its agent; and, (d.) In the case of a decision by the Board of
Supervisors there is no 10-day appeal.

G-3 RECORDATION:

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CUP #23-0021 shall as set forth in General Condition "G-2", **not be effective** until it complies with General Condition "G-2," including being recorded by Permittee or its agent at the Imperial County Recorder's Office conditioned on there not being an appeal having been filed after the approval from the hearing body. Payment of the recordation fee shall be the responsibility of the Permittee. If this CUP is not recorded within one hundred eighty (180) days from the date of approval the CUP shall be deemed null and void, without notice having to be provided to Permittee. The permittee may submit a written request for a recordation extension for this CUP by filing such a request with the Planning Director at least sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may approve one (1) extension for a period not to exceed one hundred eighty (180) days. An extension may not be granted if the request for an extension is filed after the expiration date. Failure to record this CUP within one (1) year including the granted extension period shall deem this CUP null and void.

10 **G-4 COMMENCEMENT OF WORK:**

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If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, the applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty days prior to the end of the extended one (1) year period. The Director shall have the authority to extend the initial start-up period, or commencement of work, of a CUP up to two (2) times for a maximum of two (2) years. Should the Permittee desire to continue with the project, a new application shall be submitted, and the entire process would have to begin anew.

18 **G-5 TIME LIMIT:**

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Unless otherwise specified within the project's specific conditions **this CUP shall be limited to a maximum of thirty (30) years from the recordation Date of the CUP.**

22 **G-6 ABANDONMENT:**

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If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year, the CUP shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by the Department.

G-7 PERMIT/LICENSE:

Permittee shall obtain and comply with any and all required permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall NOT be limited to, permits from the County Division of Environmental Health Services (EHS), Planning & Development Services Department, Office of Emergency Services (OES), Imperial County Air Pollution Control District (ICAPCD) and Public Works Department. The permittee shall likewise comply with all such permit requirements for the life of the project. **Additionally, the Permittee shall submit a copy of such additional permit(s) and/or license(s) to the Planning & Development Services Department within 60-days of receipt, including amendments or alternatives thereto.**

G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this CUP shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this CUP that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where the Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning and Development Services Director or other affected party, to be determined by the Planning and Development Services Director, may request that a hearing be conducted before the Imperial County Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of the staff's determination with respect to implementation.

G-9 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the environmental documents, the project description, and as specified in these conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or

1 expert witness fees that may be asserted by any person or entity, including the
2 applicant, arising out of or in connection with the approval of this application,
3 whether or not there is concurrent negligence on the part of the County, its agents,
4 officers, attorneys, or employees (including consultants).

5 If any claim, action, or proceeding is brought against the County, its agents, officers,
6 attorneys, or employees (including consultants), to attack, set aside, void, or annul
7 the approval of the application or adoption of the environmental document which
8 accompanies it, then the following procedures shall apply:

- 9 1. The Planning Director shall promptly notify the County Board of Supervisors of
10 any claim, action or proceeding brought by an applicant challenging the County's
11 action. The County, its agents, attorneys and employees (including consultants)
12 shall fully cooperate in the defense of that action.
- 13 2. The County shall have the final determination on how to best defend the case
14 and will consult with applicant regularly regarding status and the plan for defense.
15 The County will also consult and discuss with applicant the counsel to be used by
16 County to defend it, either with in-house counsel, or by retaining outside counsel
17 provided that the County shall have the final decision on the counsel retained to
18 defend it. The applicant shall be fully responsible for all costs incurred. The
19 applicant shall be entitled to provide his or her own counsel to defend the case
20 and said independent counsel shall work with County Counsel to provide a joint
21 defense.

22 **G-11 INSURANCE:**

23 The Permittee shall take out and maintain workers compensation insurance as
24 required by the State of California. The Permittee shall also secure liability
25 insurance and such other insurance as required by state and/or federal law. A
26 Certificate of Insurance is to be provided to the Planning and Development Services
27 Department by the insurance carrier and said insurance and certificate shall be kept
28 current for the life of the project. Certificates of Insurance shall be sent directly to
the Planning and Development Services Department by the insurance carrier and
shall name the Department as a recipient of both renewal and cancellation notices.

29 **G-12 RIGHT OF ENTRY:**

30 The County reserves the right to enter the premises at any time, announced or
31 unannounced, in order to make the appropriate inspection(s) and to determine if the
32 condition(s) of this CUP are complied with. Access by authorized enforcement
33 agency personnel shall not be denied.

1 **G-13 SEVERABILITY:**

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

5 **G-14 PROVISION TO RUN WITH LAND:**

6 The provisions of this CUP are to run with the land/project and shall bind the current
7 and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of
8 said CUP. **The permittee shall not without prior notification to the Planning &
9 Development Services Department assign, sell, or transfer, or grant control of
10 CUP or any right or privilege therein.** The Permittee shall provide a minimum of
11 60 days written notice prior to such proposed transfer becoming effective. The
12 permitted use identified herein is limited for use upon this parcel described herein
13 and may not be transferred to another parcel.

14 **G-15 COMPLIANCE/REVOICATION:**

15 Upon the determination by the Planning & Development Services Department that
16 the project is or may not be in full compliance with any one or all of the conditions of
17 this CUP, or upon the finding that the project is creating a nuisance as defined by
18 law, the issue shall be brought immediately to the appropriate enforcement agency
19 or to the Planning Commission for hearing to consider appropriate response
20 including but not limited to the revocation of the CUP or to consider possible
21 amendments to the CUP. The hearing shall be held upon due notice having been
22 provided to the Permittee and to the public in accordance with established
23 ordinance/policy.

24 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

25 Should the Permittee violate any condition herein, the County shall give written
26 notice of such violation and actions required of Permittee to correct such violation.
27 If the Permittee does not act to correct the identified violation within forty-five (45)
28 days after written notice, County may revoke the CUP. If Permittee pursues
correction of such violation with reasonable diligence, the County may extend the
cure period. Upon such revocation, County may, at its sole discretion, cease
processing, defending any lawsuit or paying for costs associated with the Project.

29 **G-17 COSTS:**

30 Permittee shall pay any and all amounts determined by the County to defray any
31 and all cost(s) for the review of reports, field investigations, monitoring, and other
32 activities directly related to the enforcement/monitoring for compliance of this CUP,
33 County Ordinance or any other applicable law. Any billing against this project, now
34 or in the future, by the Planning & Development Services Department or any County

1 Department for costs incurred as a result of this CUP, shall be billed through the
2 Planning & Development Services Department.

3 **G-18 REPORT(S)**

4 The Permittee shall file an annual report with the Planning and Development
5 Services Department to show that Permittee is in full compliance with this CUP. The
6 report shall be filed at least fifteen (15) days prior to the anniversary (recordation
7 date) of this CUP. It shall be the responsibility of the Permittee to provide all reports.
8 The County may request information at any time from the Permittee or other users if
9 applicable; however, it shall be the responsibility of the Permittee to assure that the
10 County receives such information in a timely manner.

11 **G-19 RESPONSIBLE AGENT**

12 The Permittee shall maintain on file with the Planning and Development Services
13 Department the name and phone number of the responsible agent for the site. A
14 back-up name shall also be provided, and a phone number for twenty-four (24) hour
15 emergency contact shall also be on file. The same information (as applicable)
16 required from the Permittee shall also be made available to the County from such
17 other users.

18 **G-20 WATER AND SEWER:**

19 The Permittee shall provide water and sewer to Federal, State and County
20 standards. Water and sewer systems shall be approved by the Environmental
21 Health Services and the Planning & Development Services Department. Permittee
22 shall hook up to a public water system or supplier if and when available.

23 **G-21 DEFINITIONS:**

24 In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s)
25 and/or conditions or sections herein shall be determined by the Planning
26 Commission of the County of Imperial. Their determination shall be final unless an
27 appeal is made to the Board of Supervisors ten (10) days from the date of their
28 decision.

G-22 SPECIFICITY:

The issuance of this CUP does not authorize the Permittee to construct or operate
this project in violation of any state, federal, local law nor beyond the specified
boundaries of the project as shown in the application/project description/ CUP, nor
shall this CUP allow any accessory or ancillary use not specified herein. This CUP
does not provide any prescriptive right or use to the Permittee for future addition
and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. The current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

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

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

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PROJECT SPECIFIC CONDITIONS:**S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

The Heber 2 Solar Energy Facility Project includes:

A 15 MW parasitic solar energy facility would provide supplemental/auxiliary energy to the existing Heber 2 geothermal plant. The solar facility is classified as behind-the-meter and would provide supplemental energy directly to the Heber 2 geothermal unit (OEC). This energy would not enter the transmission grid. The energy generated by the solar facility would be collected by an on-site XMD and switch and transmitted via a medium voltage distribution cable (as described above).

S-2 ACCESS TO SITE:

Access to the site shall be from Dogwood Road.

S-3 COMMENCEMENT OF PERMITTED ACTIVITIES:

Permittee shall commence permitted activities or provide substantial evidence of substantial progress within twelve (12) months from the approval date of this permit.

S-4 ODORS:

All harmful or noxious emissions and odors shall be controlled to ensure that quantities of air contaminants released as a result of the facility operations do not exceed local, state, or federal standards, or constitute a public nuisance.

S-5 LAND USE IMPROVEMENTS:

(A) The Permittee shall surface with a material of higher quality all access drives, parking areas, and vehicular maneuvering areas from primary access to any constructed operation and maintenance buildings.

S-6 REPORTING AND MONITORING:

(A) The Permittee shall furnish to the County, at its sole cost within a reasonable time, any relevant reports/information which the County requires for monitoring purposes to determine whether cause exists for revoking this Permit, or to determine compliance with this Permit. The Permittee shall submit all required reports to the Planning Director, County Planning and Development Services Department, 801 Main Street, El Centro, CA 92243.

(B) Permittee and ICPDSD Director shall agree upon an environmental consultant for overseeing all the required mitigation, conditional use Permit conditions and

1 public benefit agreement (if any) requirements during the construction of the
2 Project.

3 (C) Permittee shall pay for third-party environmental consultant monitoring and
4 compliance.

5 (D) The ICPDSD, in consultation with the third-party Environmental Consultant and
6 the County Executive Office, will require that all mitigation measures be
7 satisfied, all MMRP requirements have been satisfied, all Conditions of Approval
8 in the CUP are in full compliance and all conditions of the Development
9 Agreement (if any) have been satisfied before the Final Certificate of Occupancy
10 Certificate is issued.

11 (E) During the operation of solar facility, an Annual Compliance Report shall be
12 submitted to the ICPDSD, documenting the implementation of the conditions and
13 general measures as well as any resource-specific measures.

14 (F) The Permittee shall reimburse the ICPDSD for County as well as monitoring and
15 investigations related to the construction and operation of the Project. Permittee
16 shall compensate the County pursuant to the ICPDSD Fee Schedule for any
17 costs incurred.

18 (G) Permittee shall pay for all costs as required to comply with the Conditions of
19 Approval and MMRP.

20 (H) All County staff time will be billed on a time and materials basis. Failure by
21 Permittee to provide any payment required of Permittee to the County in the
22 CUP shall cause Permittee to be in non-compliance of the CUP. Upon notice of
23 such noncompliance, County may, at its sole discretion, cease processing,
24 defending any lawsuit or paying for costs associated with the Project.

25 **S-7 WASTE DISPOSAL:**

26 The Permittee shall insure that all solar plant facilities waste, liquid, gas or solid,
27 which are generated on-site shall be disposed of in compliance with appropriate
28 local, state, and federal regulations, in effect or as subsequently duly-enacted. All
solid waste debris and/or any hazardous wastes located on the project site must be
satisfactorily removed to a permitted facility prior to the commencement of grading
earthen material at the site.

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.

1 **S-8 CONSTRUCTION STANDARDS:**

2 The geothermal and other structures shall be built in accordance with the County
3 Building Code requirements applicable to "Seismic Category D". All structures
4 and facilities shall be designed in accordance with the publication entitled
5 "Recommended Lateral Force Requirements and Commentary by the Structural
6 Engineers Association of California". The structural components of the permitted
7 facilities shall be reviewed by the County Building Official/Planning Director.
8 Building permits shall be procured for all non-electric utility facilities from the
9 County prior to commencement of any construction.

10 **S-9 FACILITIES CLOSURE AND SITE RESTORATION:**

- 11 (A) Permittee shall implement the site restoration plan at the earlier of when the
12 operation of the permitted facilities herein authorized has ceased or the term of
13 the CUP has expired. At such time, all facilities shall be dismantled, and the
14 lands involved restored to their pre-construction condition and available for
15 agricultural production uses as agreed to by the Imperial County Planning and
16 Development Services Director.
- 17 (B) Prior to the issuance of a grading Permit, a decommissioning and restoration
18 plan (the Reclamation Plan) shall be submitted and approved by the Imperial
19 County Planning and Development Services Director. The Reclamation Plan
20 shall documents the procedures by which the Project site will be returned to its
21 current agricultural conditions.
- 22 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable
23 surety, in the amount of the estimated site restoration financial
24 calculations/bond, for the developed project area, or other forms of security
25 acceptable to County Counsel's office, shall be filed with the County that
26 guarantees restoration of the land to its condition prior to the permitted solar
27 plant development.
- 28 (D) Upon completion of such site restoration, and demonstration that the land has
been restored to the agriculturally productive/farmable condition prior to the
permitted solar plant development the Bond or other surety shall be released by
the County.
- (E) The above financial calculations/bond shall be reviewed every five (5) years in
December and adjusted on January 1st to add a Consumer Price Index (CPI)
(Los Angeles) increase by the Planning and Development Services Director.
This readjustment can be made in the County's sole discretion and must be
funded by the Permittee within ninety (90) calendars after notice of the additional
amount of such adjustment.

S-10 EMERGENCY RESPONSE PLAN (ERP):

An Emergency Response Plan shall be prepared covering possible emergencies, e.g. blow-outs, major fluid spills, earthquakes, fires, floods and other foreseeable accidents and emergencies. At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility of coordinating all emergency response measures. This Emergency Coordinator shall be thoroughly familiar with all aspects of the facility's Emergency Response Plan, all operations and activities at the facility, location of all records within the facility and the facility layout. This person shall have the authority to commit the resources needed to carry out the contingency plan to include appropriate first aid provisions during project construction and operation with appropriate first aid training for Project employees. Adequate personnel and equipment shall be available to respond to emergencies and to insure compliance with the conditions of the permit.

(a) The Emergency Response Plan shall be prepared in consultation with, but not be limited to, the Regional Water Quality Control Board (RWQCB), Imperial County Office of Emergency Services, and local emergency service agencies, and other appropriate state and county agencies and shall include information useful in combating the emergency. The Plan shall be available on-site, and provided to agencies responsible for preparing for and addressing emergencies, on request. The plan shall include a notification list of response agencies which shall be notified immediately upon the discovery of a reportable unauthorized discharge and the list shall include: Imperial Fire/Office of Emergency Services, Planning & Development Services Department, Environmental Health Services/Health Department, RWQCB, Imperial Irrigation District (IID), Department of Public Works (DPW), Sheriff's office, as applicable.

(b) A Hazardous Materials Business Plan shall be prepared and be submitted to the Certified Unified Program Agency, Imperial County Hazardous Materials/Waste Unit and shall be maintained by the Permittee. The Permittee shall provide adequate safety devices against the hazard of fire and explosion for activities that involve the use and storage of flammable, explosive or highly corrosive or reactive materials as well as adequate fire-fighting and fire suppression equipment and devices standard in the industry with compliance with applicable state and local laws as determined by the Imperial County Fire Chief.

(c) The Permittee shall meet all NFPA requirements, and also submit an Engineer-certified (California-licensed Engineer) fire suppression/protection plan to the Imperial County Fire/OES Department, prior to issuance of a building permit.

All designated employees shall be provided with communication devices, cell phones or walkie-talkies, in the event of an emergency situation on-site.

S-11 FIRST AID:

1
2 Appropriate first aid provisions for facility operations shall be made for emergency
3 response during project construction and operation with appropriate first aid training
4 for project employees. During construction, a member of each working crew shall
5 be trained in basic first aid and supplied with necessary medical equipment to
6 respond to emergencies as provided for in the Emergency Response Plan required
7 hereinabove.

8
9 **S-12 GEOTECHNICAL:**

10 The Permittee shall conduct applicable on-site geotechnical investigations of soil
11 characteristics affecting the permitted facilities by qualified persons at the
12 Permittee's expense and any soil reports shall be made available to the County on
13 request.

14 **S-13 PROTECTION OF WILDLIFE:**

15 Measures approved by the Planning Director shall be employed to discourage or
16 prevent wildlife and avian entry into brine ponds. Well cellars shall be designed to
17 prevent wildlife entry and entrapment. Pipelines shall be constructed so as not to
18 become barrier to wildlife movement.

19 **S-14 PLAN APPROVALS:**

20 Permittee shall submit to the ICPDSD, architectural, landscaping and lighting plans
21 prior to construction of those facilities, to include painting of structures, planting of
22 trees and/or vegetation, and shall receive all approvals prior to commencing
23 construction of the applicable permitted facilities. Approval shall not be
24 unreasonably withheld so long as the plans are consistent with applicable Imperial
25 County Land Use Ordinance requirements.

26 **S-15 ARCHAEOLOGICAL, CULTURAL & PALEONTOLOGICAL RESOURCES:**

27 The Permittee shall monitor the construction of equipment and if any unusual
28 specimens of bone, stone, or ceramic are discovered during construction of the
permitted facilities, all construction affecting the discovery site, shall cease until a
qualified archaeologist retained by the Permittee and approved by the County,
reviews the specimens. The recommendations of the archaeologist shall be
complied with prior to resuming construction.

S-16 SPILLS AND RUNOFF:

The permittee shall design and construct the permitted facilities to prevent spills
from endangering adjacent properties and to prevent runoff from any source being
channeled or directed in an unnatural way so as to cause erosion, siltation, or other

1 detriments pursuant to the construction Storm Water Pollution Prevention Plan
2 approved by the Regional Water Quality Control Board.

3 **S-17 FACILITIES CLOSURE AND RESTORATION:**

- 4 (A) Permittee shall implement the site restoration plan at the earlier of when the
5 operation of the permitted facilities herein authorized has ceased or the term of
6 the CUP has expired. At such time, all facilities shall be dismantled, and the
7 lands involved restored to their pre-construction condition and available for
8 agricultural production uses as agreed to by the Imperial County Planning and
9 Development Services Director.
- 10 (B) Prior to the issuance of a grading Permit, a decommissioning and restoration
11 plan (the Reclamation Plan) shall be submitted and approved by the Imperial
12 County Planning and Development Services Director. The Reclamation Plan
13 shall documents the procedures by which the Project site will be returned to its
14 current agricultural conditions.
- 15 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable
16 surety, in the amount of the estimated site restoration financial
17 calculations/bond, for the developed project area, or other forms of security
18 acceptable to County Counsel's office, shall be filed with the County that
19 guarantees restoration of the land to its condition prior to the permitted solar
20 plant development.
- 21 (D) Upon completion of such site restoration, and demonstration that the land has
22 been restored to the agriculturally productive/farmable condition prior to the
23 permitted solar plant development the Bond or other surety shall be released by
24 the County.
- 25 (E) The above financial calculations/bond shall be reviewed every five (5) years in
26 December and adjusted on January 1st to add a Consumer Price Index (CPI)
27 (Los Angeles) increase by the Planning and Development Services Director.
28 This readjustment can be made in the County's sole discretion and must be
funded by the Permittee within ninety (90) calendars after notice of the additional
amount of such adjustment.

22 **S-18 GEOLOGY & SOILS & GEOLOGIC HAZARDS:**

23 All grading operations and construction shall be conducted in conformance with the
24 recommendations included in the Preliminary Geotechnical Report on the Project
25 site that has been prepared by Land-Mark Geo-Engineers and Geologists (Land-
26 Mark) in August 2020. Design, grading, and construction shall be performed in
27 accordance with the recommendations of the project geotechnical consultant as
28 summarized in a final written report, subject to review by the County, prior to
commencement of grading activities.

S-19 AIR QUALITY AND DUST EMISSIONS:

The Permittee shall comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules and Imperial County Air Pollution Control District's (ICAPCD) air-monitoring criteria for PM-10 to control dust or other emissions by implementing the APCD Fugitive Dust Control conditions and obtain an Authority to construct and amendment permit to operate prior to any construction/operation of any or modified equipment or operation for the expansion project. The Permittee shall contact the Air District to obtain any required Air Permits.

S-20 BIOLOGICAL RESOURCES:

Adhere to all Biological measures set forth in the MMRP.

S-21 LIGHT & GLARE:

The Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-22 NOISE:

Control measures shall include, but are not limited to, the following:

- (a) Heavy truck traffic, well site preparation, and pipe stacking shall be performed on a seven (7) day per week basis and on a 24-hour a day basis (unless otherwise stated herein) until the well is completed and the drilling therefore ends.
- (b) Diesel equipment used for drilling within 1,000 feet of any residence shall be accompanied by the use of an effective muffling device or silencer.
- (c) Heavy truck traffic, well site preparation, and pipe stacking shall be limited to the hours of 7:00 am and 7:00 pm for any wells within 1,000 feet of any residence.
- (d) Hydro-blasters used in descaling operations when used within 1,000 feet of residence shall be limited to the hours of 7:00 am to 7:00 pm.

S-23 LATEST CODES GOVERN:

All on-site structures shall be designed and built to comply with the latest edition of the applicable codes.

S-24 OPERATIONS:

Permittee shall have a responsible agent on-site whose name, title, email, address, and telephone number(s) shall be provided to the Department of Public Works (DPW), County Fire/OES, Environmental Health Services, Sheriff Department and Planning & Development Services Department.

S-25 OPERATIONS:

- (A) All facility access and parking areas shall be constructed to the standards of the Imperial County Land Use Ordinance.
- (B) All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.
- (C) All equipment and electrical interconnection facilities used at the solar plant facilities shall be maintained in a manner that prevents breaking, cracking, and leaking, e.g. operator staffing and training, including appropriate quality assurance procedures, with the operation of back-up or auxiliary facilities when necessary.
- (D) All on-site basins shall be designed and constructed under the supervision of a California-licensed Civil Engineer meeting sound engineering standards, with all applicable regulations and all requirements of the County EHS/Health Department and Public Works Departments are complied with.
- (E) Permittee shall obtain encroachment permits for any construction or operation on IID existing rights of way or easements.

S-26 COMPLIANCE:

Permittee shall comply with all ICPDS Title 9-Division 17 regulations.

S-27 COUNTY EXECUTIVE OFFICE:

Sales Tax Guarantee. The permittee is required to have a Construction Site Permit reflecting the project site address for all proposed projects, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. The permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained prior to the issuance of any grading permits.

Construction/Material Budget: The permittee will provide the County Executive Office individual project construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

At developers cost, the County Executive Office shall hire a third-party consultant to produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis

1 (FEIA & JEIA) for the individual Cups prior to project being placed on Planning
2 Commission meeting.

3 Public Service Agreement. The developer shall enter into a Public Service
4 Agreement with the County of Imperial for the individual CUPs.

5 **S-28 PUBLIC WORKS:1**

- 6 A. Developer (Permittee) shall furnish a Drainage and Grading Plan to provide for
7 property grading and drainage control, which shall also include prevention of
8 sedimentation of damage to offsite properties. Said plan shall be completed per the
9 Engineering Design Guidelines Manual for the Preparation and Checking of Street
10 Improvement, Drainage, and Grading Plans within Imperial County. The Drainage
11 and Grading Plan shall be submitted to the Imperial County Department of Public
12 Works (ICDPW) for review and approval. The developer shall implement the
13 approved plan. Employment of the appropriate Best Management Practices (BMP's)
14 shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- 15 B. The Permittee shall comply with all Imperial County Public Works Department
16 regulations.

17 **S-29 AIR POLLUTION CONTROL DISTRICT:2**

- 18 A. The Permittee will comply with all Air District rules and regulations and would
19 emphasize Regulation VIII – Fugitive Dust Rules.
- 20 B. The Permittee shall contact the Air District to obtain any required Air Permits.

21 **S-30 IMPERIAL COUNTY OFFICE OF THE AGRICULTURAL COMMISSIONER:3**

- 22 A. Maintain a Pest Management Plan until reclamation pursuant to site restoration
23 plan in [Condition for facilities Closure and Restoration] and the Mitigation
24 Monitoring and Reporting Program (SCH# 2024010510), is complete.
- 25 B. Develop and implement a Pest Management Plan that will reduce negative
26 impacts to surrounding (not necessarily adjacent) farmland.

27 1 Imperial County Department of Public Works comment letter dated April 22, 2024

28 2 Air Pollution Control District comment letters dated: October 02, 2024

3 Imperial County Office of the Agricultural Commissioner letter dated January 23, 2024

- 1 **C.** Monitor for all pests including insects, vertebrates, weeds, and pathogens.
2 Promptly control or eradicate pests when found, or when notified by the
3 Agricultural Commissioner's office that a pest problem is present on the project
4 site. The assistance of a licensed pest control advisor is recommended. All
5 treatments must be performed by a qualified applicator or a licensed pest control
6 business.
- 7 **D.** "Control" means to reduce the population of common pests below economically
8 damaging levels, and includes attempts to exclude pests before infestation, and
9 effective control methods after infestation. Effective control methods may include
10 physical/mechanical removal, biocontrol, cultural control, or chemical treatments.
- 11 **E.** Use of "permanent" soil sterilant to control weeds or other pests is prohibited
12 due to the fact that this would interfere with reclamation.
- 13 **F.** Notify the Agricultural Commissioner's office immediately regarding any
14 suspected exotic/invasive pest species as defined by the California Department
15 of Food Agriculture (CDFA) and the United States Department of Agriculture
16 (USDA). Request a sample be taken by the Agricultural Commissioner's Office
17 of a suspected invasive species. Eradication of exotic pests will be done under
18 the direction of the Agricultural Commissioner's Office and/or CDFA.
- 19 **G.** Obey all pesticide use laws, regulations, and permit conditions.
- 20 **H.** Allow access by Agricultural Commissioner staff for routine visual and trap pest
21 surveys, compliance inspections, eradication of exotic pests, and other official
22 duties.
- 23 **I.** Ensure that all project employees that handle pest control issues are
24 appropriately trained and certified, that all required records are maintained and
25 available for inspection, and that all permits and other required legal
26 documents are current.
- 27 **J.** Maintain records of pests found and treatments or pest management methods
28 used. Records should include the date, location/block, project name (current and
29 previous if changed), and methods used. For pesticides include the chemical(s)
30 used, EPA Registration numbers, application rates, etc. A pesticide use report
31 may be used for this.
- 32 **K.** Submit a report of monitoring, pest finds, and treatments, or other pest
33 management methods to the Agricultural Commissioner quarterly within 15 days
34 after the end of the previous quarter, and upon request. The report is required
35 even if no pests were found, or treatment occurred. It may consist of a copy of

1 all records for the previous quarter or may be a summary letter/report as long as
2 the original detailed records are available upon request.

- 3
4 L. The project shall reimburse the Agricultural Commissioner's office for the actual
5 cost of investigations, inspections, or other required non-routine responses to
6 the site that are not funded by other sources.

6 **S-31 IMPERIAL COUNTY FIRE DEPARTMENT:4**

7 The imperial County Fire Department has the following comments and/or
8 requirements for the Project.

- 9 A. Approved all-weather access roads for fire protection vehicles shall be
10 provided throughout the project, conforming with the California Fire Code
11 Chapter 5, section 503. Access roadways shall be all-weather surface
12 (suitable for use by fire apparatus) right-of-way not less than 20 feet in width.
13
14 B. Access roadways shall provide intersecting roadways to allow unobstructed
15 movement of fire apparatus throughout the project site. Solar array layout
16 shall meet Imperial County Fire Department layout requirements.
17
18 C. Additional access shall be provided to the project site in accordance with the
19 California Fire Code Chapter 5, section 503.
20
21 D. KNOX Box and/or Locks will be required for all access gates as determined
22 by Imperial County Fire Department.
23
24 E. Solar array fields shall be clear of all vegetation.
25
26 F. A pre-incident plan shall be developed and approved by the Imperial County
27 Fire/OES Department in a format and using a platform determined by ICFD.

21 **S-32 IMPERIAL IRRIGATION DISTRICT:5**

- 22 A. Applicant shall provide a surveyed legal description, and an associated exhibit
23 certified by a licensed surveyor for all rights of way deemed by IID's necessary to
24 accommodate the project electrical infrastructure. Rights-of-Way and easements
25 shall be in a form acceptable to and at no cost to IID for installation, operation, and
26 maintenance of all electrical facilities.

26 4 Imperial County Fire Department comment letter dated: April 09, 2024

27 5 Imperial Irrigation District comment letters dated: February 22, 2024, July 03, 2024, and October 01, 2024

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B. Fences should be installed at the boundary of IID's right of way for safety and to allow access for IID operation and maintenance activities. The project's fencing plan should address IID's right of way.

C. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances).

D. The permittee shall comply with all IID comments and regulations

S-33 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

S-34 MITIGATION AND MOINITORING AND REPORTING PROGRAM

Adhere to all Mitigation Measures as described in the Mitigation Monitoring and Reporting Program (MM&RP) SCH# 2024010510, and including the measures and best management practices as identified in Attachment A to the MM&RP- Applicant Proposed Measures and Best Management Practices.

(TOTAL "S" CONDITIONS are 34)

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NOW THEREFORE, County hereby issues Conditional Use Permit #23-0021 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

PERMITTEE:

Second Imperial Geothermal Company LLC

By: 
Elizabeth Helms, Corporate Secretary

09/15/2024
Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: 
JAMES MINNICK, Director
Planning & Development Services Department

09/17/25
Date

FOR PERMITTEE NOTARIZATION

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.

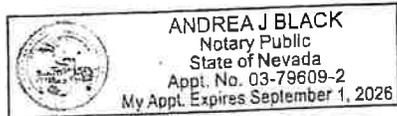
STATE OF NEVADA

COUNTY OF Washoe } S.S.

On September 15, 2025 before me, Andrea T. Black, a Notary Public in and for said County and State, personally appeared Elizabeth Helms, 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 is true and correct.

WITNESS my hand and official seal



Signature Andrea J Black

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

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

1 **FOR COUNTY NOTARIZATION**

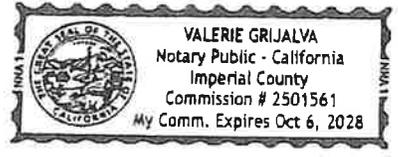
2 A notary public or other officer completing this certificate verifies only the identity of the
3 individual who signed the document to which this certificate is attached, and not the
4 truthfulness, accuracy, or validity of that document.

5
6 STATE OF CALIFORNIA
7 COUNTY OF IMPERIAL } S.S.

8 On September 17, 2025 before me, Valerie Grijalva a
9 Notary Public in and for said County and State, personally appeared James A. Minnick
10 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
11 (is)are subscribed to the within instrument and acknowledged to me that he/she/they
12 executed the same in his/her/their authorized capacity(ies), and that by his/her/their
13 signature(s) on the instrument the person(s), or the entity upon behalf of which the
14 person(s) acted, executed the instrument.

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

17 WITNESS my hand and official seal



18
19 Signature [Handwritten Signature]
20

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

23 Title or Type of Document CUP23-0021
24 Number of Pages 24 Date of Document 09/17/2025
25 Signer(s) Other Than Named Above Elizabeth Helms

26 LVS:\AllUsers\APN\054\250\031\CUP23-0020 IS23-0026\PC\CUP23-0020 PC Conditions of Approval.doc

Recorded Requested by and
When Recorded Return To:

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

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2025014486
09/18/2025 08:45 AM

**AGREEMENT FOR CONDITIONAL USE PERMIT #23-0022
FOR HEBER FIELD COMPANY GEOTHERMAL WELLS AND PIPELINE
APN:059-020-001, 054-250-031 & 054-250-017
Board of Supervisors Approved Conditions (08/05/2025)
Effective Date (09/17/2025)**

Conditional Use Permit #23-0022 was approved by the Imperial County Planning
Commission Board of Supervisors and has the Effective Date of (September 17, 2025)

This Conditional Use Permit is by and between Heber Field Company, LLC., (hereinafter
referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the
State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest-in-certain land
in Imperial County located at 602 Dogwood Road and 853 Ware Road, Heber, CA 92249,
legally described as NW4 & W2 OF SW4 SEC 3 17-14 239.93 acres and W 1/2 OF TR 45
T16S R14E 160 acres., in an unincorporated area of the County of Imperial, on Assessor's
Parcel Numbers: 059-020-001, 054-250-031 and 054-250-017.

WHEREAS, Permittee has applied to the County for permission to operate three
geothermal production and Injection wells, the production wells will flow geothermal fluid to

1 the surface, and one injection well will be used to inject geothermal fluid from the energy
2 plant back into the geothermal reservoir; and,

3 **WHEREAS**, this Conditional Use Permit is one of three Conditional Use Permits
4 that have collectively undergone environmental review under the California Environmental
5 Quality Act and are being considered for simultaneous approval composed of CUP #23-
6 0020 (OrHeber 3 LLC's Dogwood Geothermal Energy Project); CUP #23-0021 (Second
7 Imperial Geothermal Company LLC's Heber 2 Solar Energy Project); and CUP #23-0022
8 (Heber Field Company LLC's Geothermal Wells and Pipeline Project); and,
9

10 **WHEREAS**, the County, after a noticed public hearing, agreed to issue
11 Conditional Use Permit #23-0022 to Permittee, and/or his or her successor in interest
12 subject to the following conditions:
13

14 **GENERAL CONDITIONS:**
15

16 **G-1 GENERAL LAWS:**
17

18 The Permittee shall obtain, comply with and maintain all applicable County, State,
19 and federal laws, rules, regulations, ordinances, and/or standards as they may
20 pertain to this project whether specified herein or not.

21 **G-2 EFFECTIVE DATE:**
22

23 The Approved Conditional Use Permit shall not become effective until all of the
24 following occurs: (a.) The passage of ten (10) Calendar days after the decision of
25 Planning Director or Commission; and, (b.) the applicable Conditional Use Permit
26 conditions have been met; and, (c.) the Conditional Use Permit is recorded by the
27 Permittee or its agent with the County Recorder, with the payment of recording fees
28 by applicant or its agent; and, (d.) In the case of a decision by the Board of
Supervisors there is no 10-day appeal.

G-3 RECORDATION:

1 CUP #23-0022 shall as set forth in General Condition "G-2", **not be effective** until it
2 complies with General Condition "G-2," including being recorded by Permittee or its
3 agent at the Imperial County Recorder's Office conditioned on there not being an
4 appeal having been filed after the approval from the hearing body. Payment of the
5 recordation fee shall be the responsibility of the Permittee. If this CUP is not
6 recorded within one hundred eighty (180) days from the date of approval the CUP
7 shall be deemed null and void, without notice having to be provided to Permittee.
8 The permittee may submit a written request for a recordation extension for this CUP
9 by filing such a request with the Planning Director at least sixty (60) days prior to the
10 one hundred eighty 180-day expiration. The Director may approve one (1) extension
11 for a period not to exceed one hundred eighty (180) days. An extension may not be
12 granted if the request for an extension is filed after the expiration date. Failure to
13 record this CUP within one (1) year including the granted extension period shall
14 deem this CUP null and void.

15 **G-4 COMMENCEMENT OF WORK:**

16 If the project for which a CUP has been approved has not commenced, or permits
17 for said project have not been issued, within one (1) year from effective date, the
18 CUP shall be null and void. If an applicant cannot initiate or obtain permits for the
19 approved use during the one (1) year, the applicant may request a one (1) year
20 extension from the Department. The request for an extension shall be in writing and
21 be submitted with explanation to the Planning & Development Services Department
22 at least sixty days prior to the end of the extended one (1) year period. The Director
23 shall have the authority to extend the initial start-up period, or commencement of
24 work, of a CUP up to two (2) times for a maximum of two (2) years. Should the
25 Permittee desire to continue with the project, a new application shall be submitted,
26 and the entire process would have to begin anew.

27 **G-5 TIME LIMIT:**

28 Unless otherwise specified within the project's specific conditions **this CUP shall be
limited to a maximum of thirty (30) years from the recordation Date of the
CUP.**

G-6 ABANDONMENT:

If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year,
the CUP shall be null and void, and be of no effect. Notice to applicant/permittee
under this division will not be required or provided by the Department.

G-7 PERMIT/LICENSE:

Permittee shall obtain and comply with any and all required permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall NOT be limited to, permits from the County Division of Environmental Health Services (EHS), Planning & Development Services Department, Office of Emergency Services (OES), Imperial County Air Pollution Control District (ICAPCD) and Public Works Department. The permittee shall likewise comply with all such permit requirements for the life of the project. Additionally, the Permittee shall submit a copy of such additional permit(s) and/or license(s) to the Planning & Development Services Department within 60-days of receipt, including amendments or alternatives thereto.

G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this CUP shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this CUP that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where the Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning and Development Services Director or other affected party, to be determined by the Planning and Development Services Director, may request that a hearing be conducted before the Imperial County Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of the staff's determination with respect to implementation.

G-9 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the environmental documents, the project description, and as specified in these conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or

1 expert witness fees that may be asserted by any person or entity, including the
2 applicant, arising out of or in connection with the approval of this application,
3 whether or not there is concurrent negligence on the part of the County, its agents,
4 officers, attorneys, or employees (including consultants).

5 If any claim, action, or proceeding is brought against the County, its agents, officers,
6 attorneys, or employees (including consultants), to attack, set aside, void, or annul
7 the approval of the application or adoption of the environmental document which
8 accompanies it, then the following procedures shall apply:

- 9 1. The Planning Director shall promptly notify the County Board of Supervisors of
10 any claim, action or proceeding brought by an applicant challenging the County's
11 action. The County, its agents, attorneys and employees (including consultants)
12 shall fully cooperate in the defense of that action.
- 13 2. The County shall have the final determination on how to best defend the case
14 and will consult with applicant regularly regarding status and the plan for defense.
15 The County will also consult and discuss with applicant the counsel to be used by
16 County to defend it, either with in-house counsel, or by retaining outside counsel
17 provided that the County shall have the final decision on the counsel retained to
18 defend it. The applicant shall be fully responsible for all costs incurred. The
19 applicant shall be entitled to provide his or her own counsel to defend the case
20 and said independent counsel shall work with County Counsel to provide a joint
21 defense.

22 **G-11 INSURANCE:**

23 The Permittee shall take out and maintain workers compensation insurance as
24 required by the State of California. The Permittee shall also secure liability
25 insurance and such other insurance as required by state and/or federal law. A
26 Certificate of Insurance is to be provided to the Planning and Development Services
27 Department by the insurance carrier and said insurance and certificate shall be kept
28 current for the life of the project. Certificates of Insurance shall be sent directly to
the Planning and Development Services Department by the insurance carrier and
shall name the Department as a recipient of both renewal and cancellation notices.

29 **G-12 RIGHT OF ENTRY:**

30 The County reserves the right to enter the premises at any time, announced or
31 unannounced, in order to make the appropriate inspection(s) and to determine if the
32 condition(s) of this CUP are complied with. Access by authorized enforcement
33 agency personnel shall not be denied.

1 **G-13 SEVERABILITY:**

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

5 **G-14 PROVISION TO RUN WITH LAND:**

6 The provisions of this CUP are to run with the land/project and shall bind the current
7 and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of
8 said CUP. **The permittee shall not without prior notification to the Planning &
9 Development Services Department assign, sell, or transfer, or grant control of
10 CUP or any right or privilege therein.** The Permittee shall provide a minimum of
11 60 days written notice prior to such proposed transfer becoming effective. The
12 permitted use identified herein is limited for use upon these parcels described
13 herein and may not be transferred to other parcels.

14 **G-15 COMPLIANCE/REVOICATION:**

15 Upon the determination by the Planning & Development Services Department that
16 the project is or may not be in full compliance with any one or all of the conditions of
17 this CUP, or upon the finding that the project is creating a nuisance as defined by
18 law, the issue shall be brought immediately to the appropriate enforcement agency
19 or to the Planning Commission for hearing to consider appropriate response
20 including but not limited to the revocation of the CUP or to consider possible
21 amendments to the CUP. The hearing shall be held upon due notice having been
22 provided to the Permittee and to the public in accordance with established
23 ordinance/policy.

24 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

25 Should the Permittee violate any condition herein, the County shall give written
26 notice of such violation and actions required of Permittee to correct such violation.
27 If the Permittee does not act to correct the identified violation within forty-five (45)
28 days after written notice, County may revoke the CUP. If Permittee pursues
correction of such violation with reasonable diligence, the County may extend the
cure period. Upon such revocation, County may, at its sole discretion, cease
processing, defending any lawsuit or paying for costs associated with the Project.

29 **G-17 COSTS:**

30 Permittee shall pay any and all amounts determined by the County to defray any
31 and all cost(s) for the review of reports, field investigations, monitoring, and other
32 activities directly related to the enforcement/monitoring for compliance of this CUP,
33 County Ordinance or any other applicable law. Any billing against this project, now
34 or in the future, by the Planning & Development Services Department or any County

1 Department for costs incurred as a result of this CUP, shall be billed through the
2 Planning & Development Services Department.

3 **G-18 REPORT(S)**

4 The Permittee shall file an annual report with the Planning and Development
5 Services Department to show that Permittee is in full compliance with this CUP. The
6 report shall be filed at least fifteen (15) days prior to the anniversary (recordation
7 date) of this CUP. It shall be the responsibility of the Permittee to provide all reports.
8 The County may request information at any time from the Permittee or other users if
9 applicable; however, it shall be the responsibility of the Permittee to assure that the
10 County receives such information in a timely manner.

11 **G-19 RESPONSIBLE AGENT**

12 The Permittee shall maintain on file with the Planning and Development Services
13 Department the name and phone number of the responsible agent for the site. A
14 back-up name shall also be provided, and a phone number for twenty-four (24) hour
15 emergency contact shall also be on file. The same information (as applicable)
16 required from the Permittee shall also be made available to the County from such
17 other users.

18 **G-20 WATER AND SEWER:**

19 The Permittee shall provide water and sewer to Federal, State and County
20 standards. Water and sewer systems shall be approved by the Environmental
21 Health Services and the Planning & Development Services Department. Permittee
22 shall hook up to a public water system or supplier if and when available.

23 **G-21 DEFINITIONS:**

24 In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s)
25 and/or conditions or sections herein shall be determined by the Planning
26 Commission of the County of Imperial. Their determination shall be final unless an
27 appeal is made to the Board of Supervisors ten (10) days from the date of their
28 decision.

29 **G-22 SPECIFICITY:**

30 The issuance of this CUP does not authorize the Permittee to construct or operate
31 this project in violation of any state, federal, local law nor beyond the specified
32 boundaries of the project as shown in the application/project description/ CUP, nor
33 shall this CUP allow any accessory or ancillary use not specified herein. This CUP
34 does not provide any prescriptive right or use to the Permittee for future addition
35 and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. The current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

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

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

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PROJECT SPECIFIC CONDITIONS:**S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

The Heber field company geothermal wells and pipeline project includes:

To operate three (3) geothermal production wells, one (1) new geothermal injection well & brine pipelines (approximately 4,500 linear feet).

The new geothermal production wells and associated pipeline(s)(approximately 4,500 linear feet) will be split between two parcels, two of these wells would be located within APN 059-020-001 with a small segment of pipeline (approximately 1,000 feet) developed within APN 059-020-001 connecting to the existing pipeline network. A third well would be installed adjacent to an existing geothermal well approximately 1,500 feet due east of the Heber Geothermal Energy Complex (HGEC) (APN 054-250-017). APN 054-250-017 is currently used for the cultivation of crops, specifically alfalfa. The new injection well would be located adjacent to the proposed Dogwood geothermal plant within the HGEC.

S-2 AESTHETICS:

- (A) The Permittee shall design and maintain all buildings and equipment enclosures to have exterior surfaces with neutral, non-reflective colors.
- (B) Permittee shall design and maintain all permanent structures to be harmonious in appearance and compatible with the surrounding area for the exploratory well.
- (C) The Permittee shall design and install lighting at construction storage yards and staging areas, such that light bulbs and reflectors are not visible from public viewing areas; lighting does not create reflected glare; and illumination of the Project facilities, vicinity, and nighttime sky is minimized.
- (D) Lighting shall be designed so exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter to the nighttime sky is minimized. The design of the lighting shall be such that the luminescence or light source is shielded to minimize light trespass outside the Project boundary.
- (E) All lighting shall be of minimum necessary brightness consistent with worker safety and OSHA requirements.
- (F) High illumination areas not occupied on a continuous basis shall have switches or motion detectors to light the area only when occupied.

1 **S-3 ACCESS TO SITE:**

2 Access to the site shall be from Dogwood Road.

3 **S-4 COMMENCEMENT OF PERMITTED ACTIVITIES:**

4 Permittee shall commence permitted activities or provide substantial evidence of
5 substantial progress within twelve (12) months from the approval date of this permit.

6 **S-5 ODORS:**

7 All harmful or noxious emissions and odors shall be controlled to insure that
8 quantities of air contaminants released as a result of the facility operations do not
9 exceed local, state, or federal standards, or constitute a public nuisance.

10 **S-6 LAND USE IMPROVEMENTS:**

11 (A) The Permittee shall surface with a material of higher quality all access drives,
12 parking areas, and vehicular maneuvering areas from primary access to any
constructed operation and maintenance buildings.

13 **S-7 REPORTING AND MONITORING:**

14 (A) The Permittee shall furnish to the County, at its sole cost within a reasonable
15 time, any relevant reports/information which the County requires for monitoring
16 purposes to determine whether cause exists for revoking this Permit, or to
17 determine compliance with this Permit. The Permittee shall submit all required
reports to the Planning Director, County Planning and Development Services
Department, 801 Main Street, El Centro, CA 92243.

18 (B) Permittee and ICPDSD Director shall agree upon an environmental consultant
19 for overseeing all the required mitigation, conditional use Permit conditions and
20 public benefit agreement (if any) requirements during the construction of the
Project.

21 (C) Permittee shall pay for third-party environmental consultant monitoring and
22 compliance.

23 (D) The ICPDSD, in consultation with the third-party Environmental Consultant and
24 the County Executive Office, will require that all mitigation measures be
25 satisfied, all MMRP requirements have been satisfied, all Conditions of Approval
26 in the CUP are in full compliance and all conditions of the Development
27 Agreement (if any) have been satisfied before the Final Certificate of Occupancy
28 Certificate is issued.

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(E) During the operation of solar facility, an Annual Compliance Report shall be submitted to the ICPDS, documenting the implementation of the conditions and general measures as well as any resource-specific measures.

(F) The Permittee shall reimburse the ICPDS for County as well as monitoring and investigations related to the construction and operation of the Project. Permittee shall compensate the County pursuant to the ICPDSD Fee Schedule for any costs incurred.

(G) Permittee shall pay for all costs as required to comply with the Conditions of Approval and MMRP.

(H) 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 notice of such noncompliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

S-8 WASTE DISPOSAL:

The Permittee shall insure that all solar plant facilities waste, liquid, gas or solid, which are generated on-site shall be disposed of in compliance with appropriate local, state, and federal regulations, in effect or as subsequently duly-enacted. All solid waste debris and/or any hazardous wastes located on the project site must be satisfactorily removed to a permitted facility prior to the commencement of grading earthen material at the site.

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.

S-9 CONSTRUCTION STANDARDS:

The geothermal and other structures shall be built in accordance with the County Building Code requirements applicable to "Seismic Category D". All structures and facilities shall be designed in accordance with the publication entitled "Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California". The structural components of the permitted facilities shall be reviewed by the County Building Official/Planning Director. Building permits shall be procured for all non-electric utility facilities from the County prior to commencement of any construction.

S-10 FACILITIES CLOSURE AND SITE RESTORATION:

- (A) Permittee shall implement the site restoration plan at the earlier of when the operation of the permitted facilities herein authorized has ceased or the term of the CUP has expired. At such time, all facilities shall be dismantled, and the lands involved restored to their pre-construction condition and available for agricultural production uses as agreed to by the Imperial County Planning and Development Services Director.
- (B) Prior to the issuance of a grading Permit, a decommissioning and restoration plan (the Reclamation Plan) shall be submitted and approved by the Imperial County Planning and Development Services Director. The Reclamation Plan shall documents the procedures by which the Project site will be returned to its current agricultural conditions.
- (C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable surety, in the amount of the estimated site restoration financial calculations/bond, for the developed project area, or other forms of security acceptable to County Counsel's office, shall be filed with the County that guarantees restoration of the land to its condition prior to the permitted solar plant development.
- (D) Upon completion of such site restoration, and demonstration that the land has been restored to the agriculturally productive/farmable condition prior to the permitted solar plant development the Bond or other surety shall be released by the County.
- (E) The above financial calculations/bond shall be reviewed every five (5) years in December and adjusted on January 1st to add a Consumer Price Index (CPI) (Los Angeles) increase by the Planning and Development Services Director. This readjustment can be made in the County's sole discretion and must be funded by the Permittee within ninety (90) calendars after notice of the additional amount of such adjustment.

S-11 EMERGENCY RESPONSE PLAN (ERP):

An Emergency Response Plan shall be prepared covering possible emergencies, e.g. blow-outs, major fluid spills, earthquakes, fires, floods and other foreseeable accidents and emergencies. At all times, there shall be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility of coordinating all emergency response measures. This Emergency Coordinator shall be thoroughly familiar with all aspects of the facility's Emergency Response Plan, all operations and activities at the facility, location of all records within the facility and the facility layout. This person shall have the authority to commit the resources needed to carry out the contingency plan to include appropriate first aid provisions

1 during project construction and operation with appropriate first aid training for
2 Project employees. Adequate personnel and equipment shall be available to
3 respond to emergencies and to insure compliance with the conditions of the permit.

4 (a) The Emergency Response Plan shall be prepared in consultation with, but not
5 be limited to, the Regional Water Quality Control Board (RWQCB), Imperial County
6 Office of Emergency Services, and local emergency service agencies, and other
7 appropriate state and county agencies and shall include information useful in
8 combating the emergency. The Plan shall be available on-site, and provided to
9 agencies responsible for preparing for and addressing emergencies, on request.
10 The plan shall include a notification list of response agencies which shall be notified
11 immediately upon the discovery of a reportable unauthorized discharge and the list
12 shall include: Imperial Fire/Office of Emergency Services, Planning & Development
13 Services Department, Environmental Health Services/Health Department, RWQCB,
14 Imperial Irrigation District (IID), Department of Public Works (DPW), Sheriff's office,
15 as applicable.

16 (b) A Hazardous Materials Business Plan shall be prepared and be submitted to
17 the Certified Unified Program Agency, Imperial County Hazardous Materials/Waste
18 Unit and shall be maintained by the Permittee. The Permittee shall provide
19 adequate safety devices against the hazard of fire and explosion for activities that
20 involve the use and storage of flammable, explosive or highly corrosive or reactive
21 materials as well as adequate fire-fighting and fire suppression equipment and
22 devices standard in the industry with compliance with applicable state and local
23 laws as determined by the Imperial County Fire Chief.

24 (c) The Permittee shall meet all NFPA requirements, and also submit an
25 Engineer-certified (California-licensed Engineer) fire suppression/protection plan to
26 the Imperial County Fire/OES Department, prior to issuance of a building permit.

27 All designated employees shall be provided with communication devices, cell phones
28 or walkie-talkies, in the event of an emergency situation on-site.

29 **S-12 FIRST AID:**

30 Appropriate first aid provisions for facility operations shall be made for emergency
31 response during project construction and operation with appropriate first aid training
32 for project employees. During construction, a member of each working crew shall
33 be trained in basic first aid and supplied with necessary medical equipment to
34 respond to emergencies as provided for in the Emergency Response Plan required
35 hereinabove.

36 **S-13 GEOTECHNICAL:**

37 The Permittee shall conduct applicable on-site geotechnical investigations of soil
38 characteristics affecting the permitted facilities by qualified persons at the

1 Permittee's expense and any soil reports shall be made available to the County on
2 request.

3 **S-14 PROTECTION OF WILDLIFE:**

4 Measures approved by the Planning Director shall be employed to discourage or
5 prevent wildlife and avian entry into brine ponds. Well cellars shall be designed to
6 prevent wildlife entry and entrapment. Pipelines shall be constructed so as not to
become barrier to wildlife movement.

7 **S-15 PLAN APPROVALS:**

8 Permittee shall submit to the ICPDSD, architectural, landscaping and lighting plans
9 prior to construction of those facilities, to include painting of structures, planting of
10 trees and/or vegetation, and shall receive all approvals prior to commencing
11 construction of the applicable permitted facilities. Approval shall not be
unreasonably withheld so long as the plans are consistent with applicable Imperial
County Land Use Ordinance requirements.

12
13 **S-16 ARCHAEOLOGICAL, CULTURAL & PALEONTOLOGICAL RESOURCES:**

14 The Permittee shall monitor the construction of equipment and if any unusual
15 specimens of bone, stone, or ceramic are discovered during construction of the
16 permitted facilities, all construction affecting the discovery site, shall cease until a
17 qualified archaeologist retained by the Permittee and approved by the County,
reviews the specimens. The recommendations of the archaeologist shall be
complied with prior to resuming construction.

18 **S-17 SPILLS AND RUNOFF:**

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

23 **S-18 FACILITIES CLOSURE AND RESTORATION:**

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

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2 (B) Prior to the issuance of a grading Permit, a decommissioning and restoration
3 plan (the Reclamation Plan) shall be submitted and approved by the Imperial
4 County Planning and Development Services Director. The Reclamation Plan
shall documents the procedures by which the Project site will be returned to its
current agricultural conditions.

5 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable
6 surety, in the amount of the estimated site restoration financial
7 calculations/bond, for the developed project area, or other forms of security
8 acceptable to County Counsel's office, shall be filed with the County that
guarantees restoration of the land to its condition prior to the geothermal well
development.

9 (D) Upon completion of such site restoration, and demonstration that the land has
10 been restored to the agriculturally productive/farmable condition prior to the
11 permitted geothermal well development the Bond or other surety shall be
released by the County.

12 (E) The above financial calculations/bond shall be reviewed every five (5) years in
13 December and adjusted on January 1st to add a Consumer Price Index (CPI)
14 (Los Angeles) increase by the Planning and Development Services Director.
15 This readjustment can be made in the County's sole discretion and must be
funded by the Permittee within ninety (90) calendars after notice of the additional
amount of such adjustment.

16 **S-19 GEOLOGY & SOILS & GEOLOGIC HAZARDS:**

17 All grading operations and construction shall be conducted in conformance with the
18 recommendations included in the Preliminary Geotechnical Report on the Project
19 site that has been prepared by Land-Mark Geo-Engineers and Geologists (Land-
20 Mark) in August 2020. Design, grading, and construction shall be performed in
21 accordance with the recommendations of the project geotechnical consultant as
summarized in a final written report, subject to review by the County, prior to
commencement of grading activities.

22 **S-20 AIR QUALITY AND DUST EMISSIONS:**

23 The Permittee shall comply with all Air District rules and regulations and would
24 emphasize Regulation VIII – Fugitive Dust Rules and Imperial County Air Pollution
25 Control District's (ICAPCD) air-monitoring criteria for PM-10 to control dust or other
26 emissions by implementing the APCD Fugitive Dust Control conditions and obtain
27 an Authority to construct and amendment permit to operate prior to any
28 construction/operation of any or modified equipment or operation for the expansion
project. The Permittee shall contact the Air District to obtain any required Air
Permits.

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2 **S-21 BIOLOGICAL RESOURCES:**

3 Adhere to all Biological measures set forth in the MMRP.

4 **S-22 LIGHT & GLARE:**

5 The Permittee is allowed to have security as well as operational lighting. Said
6 lighting shall be shielded and directed to on-site areas only to minimize off-site
7 impacts due to unacceptable levels of light or glare.

8 **S-23 NOISE:**

9 Control measures shall include, but are not limited to, the following:

- 10 (a) Heavy truck traffic, well site preparation, and pipe stacking shall be performed
11 on a seven (7) day per week basis and on a 24-hour a day basis (unless
12 otherwise stated herein) until the well is completed and the drilling therefore
13 ends.
14 (b) Diesel equipment used for drilling within 1,000 feet of any residence shall be
15 accompanied by the use of an effective muffling device or silencer.
16 (c) Heavy truck traffic, well site preparation, and pipe stacking shall be limited to the
17 hours of 7:00 am and 7:00 pm for any wells within 1,000 feet of any residence.
18 (d) Hydro-blasters used in descaling operations when used within 1,000 feet of
19 residence shall be limited to the hours of 7:00 am to 7:00 pm.

20 **S-24 LATEST CODES GOVERN:**

21 All on-site structures shall be designed and built to comply with the latest edition of
22 the applicable codes.

23 **S-25 GEOTHERMAL WELL STANDARDS:**

24 The following shall be followed in project design:

- 25 a) Marking and lighting of drill rigs at permanent facilities shall be maintained in
26 accordance with Federal Aviation Administration requirements.
27 b) On-site parking shall be provided for all employees with all well-site access
28 roadways and parking areas constructed and surface to County standards,
approved by ICAPCD and the Department of Public Works.
c) All equipment, pipes, tanks and lines used at the site to handle, transfer,
pump, or store geothermal fluids or hazardous materials shall be maintained
in a manner that prevents leaking and spilling, e.g. operator staffing and
training.
d) The drilling sites and adjacent areas shall protect as much as possible any
fragile ecological and agricultural resource.

- 1 e) The tanks, sump, and basin areas shall be designed and constructed to meet
2 sound engineering standards and the regulation of the RWQCB under the
3 supervision of a California Geologic Energy Management Division (CalGEM).
4 f) The geothermal well sites shall have a durable sign having a surface of not
5 less than two square feet and not more than six square feet bearing the
6 current name and number of the well; emergency telephone number of the
7 agent; name and/or insignia of the Permittee. This sign shall be displayed at
8 all times from the commencement of the drilling operations until the well has
9 been abandoned.
10 g) Drilling operations shall be diligently pursued until the well is completed or
11 abandoned. All drilling equipment including the derrick shall be removed from
12 the site as soon as practicable after completion of the well. The unattended
13 well shall be enclosed by a steel chain-link type fence, six feet high, with no
14 opening below such a fence greater than four (4) inches and the gate shall
15 be locked at all times.
16 h) Prior to abandonment, it shall be the Permittee's responsibility to comply with
17 all regulations of the CalGEM regarding protecting both surface and
18 subsurface resources.
19 i) The Planning Director may authorize minor relocation of the well sites, lines,
20 and other minor adjustments to insure that final facilities comply with the
21 conditions of this permit and those required by other governmental agencies.

22 **S-26 OPERATIONS:**

23 Permittee shall have a responsible agent on-site whose name, title, email, address,
24 and telephone number(s) shall be provided to the Department of Public Works
25 (DPW), County Fire/OES, Environmental Health Services, Sheriff Department and
26 Planning & Development Services Department.

27 **S-27 OPERATIONS:**

- 28 (A) All facility access and parking areas shall be constructed to the standards of the
Imperial County Land Use Ordinance.
- (B) All permitted activities shall provide for the minimum feasible surface land
disturbance for compatibility with the existing uses wherever possible.
- (C) All equipment and electrical interconnection facilities used at the solar plant
facilities shall be maintained in a manner that prevents breaking, cracking, and
leaking, e.g. operator staffing and training, including appropriate quality
assurance procedures, with the operation of back-up or auxiliary facilities when
necessary.
- (D) All on-site basins shall be designed and constructed under the supervision of a
California-licensed Civil Engineer meeting sound engineering standards, with all

1 applicable regulations and all requirements of the County EHS/Health
2 Department and Public Works Departments are complied with.

3 (E) Permittee shall obtain encroachment permits for any construction or operation
4 on IID existing rights of way or easements.

5 **S-28 COMPLIANCE:**

6 Permittee shall comply with all ICPDS Title 9-Division 17 regulations.

7 **S-29 COUNTY EXECUTIVE OFFICE:**

8 Sales Tax Guarantee. The permittee is required to have a Construction Site Permit
9 reflecting the project site address for all proposed projects, allowing all eligible sales
10 tax payments are allocated to the County of Imperial, Jurisdictional Code 13998.
11 The permittee will provide the County of Imperial a copy of the CDTFA account
12 number and sub-permit for its contractor and subcontractors (if any) related to the
13 jobsite. The permittee shall provide in written verification to the County Executive
14 Office that the necessary sales and use tax permits have been obtained prior to the
15 issuance of any grading permits.

16 Construction/Material Budget: The permittee will provide the County Executive
17 Office individual project construction materials budget: an official construction
18 materials budget or detailed budget outlining the construction and materials cost for
19 the processing facility on permittee letterhead.

20 At developers cost, the County Executive Office shall hire a third-party consultant to
21 produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis
22 (FEIA & JEIA) for the individual Cups prior to project being placed on Planning
23 Commission meeting.

24 Public Service Agreement. The developer shall enter into a Public Service
25 Agreement with the County of Imperial for the individual CUPs.

26 **S-30 PUBLIC WORKS:1**

27 A. Developer (Permittee) shall furnish a Drainage and Grading Plan to provide for
28 property grading and drainage control, which shall also include prevention of
sedimentation of damage to offsite properties. Said plan shall be completed per
the Engineering Design Guidelines Manual for the Preparation and Checking of
Street Improvement, Drainage, and Grading Plans within Imperial County. The

1 Imperial County Department of Public Works comment letter dated April 22, 2024

1 Drainage and Grading Plan shall be submitted to the Imperial County
2 Department of Public Works (ICDPW) for review and approval. The developer
3 shall implement the approved plan. Employment of the appropriate Best
4 Management Practices (BMP's) shall be included (Per Imperial County Code of
5 Ordinances, Chapter 12.10.020 B).

6 **B.** The Permittee shall comply with all Imperial County Public Works Department
7 regulations.

8 **S-31 AIR POLLUTION CONTROL DISTRICT:2**

9 **A.** The Permittee will comply with all Air District rules and regulations and would
10 emphasize Regulation VIII – Fugitive Dust Rules.

11 **B.** The Permittee shall contact the Air District to obtain any required Air Permits.

12 **S-32 IMPERIAL COUNTY OFFICE OF THE AGRICULTURAL COMMISSIONER:3**

13 **A.** Maintain a Pest Management Plan until reclamation, pursuant to site restoration
14 plan in [Condition for Facilities Closure and Restoration] and the Mitigation
15 Monitoring and Reporting Program (SCH# 2024010510), is complete.

16 **B.** Develop and implement a Pest Management Plan that will reduce negative
17 impacts to surrounding (not necessarily adjacent) farmland.

18 **C.** Monitor for all pests including insects, vertebrates, weeds, and pathogens.
19 Promptly control or eradicate pests when found, or when notified by the
20 Agricultural Commissioner's office that a pest problem is present on the project
21 site. The assistance of a licensed pest control advisor is recommended. All
22 treatments must be performed by a qualified applicator or a licensed pest control
23 business.

24 **D.** "Control" means to reduce the population of common pests below economically
25 damaging levels, and includes attempts to exclude pests before infestation, and
26 effective control methods after infestation. Effective control methods may include
27 physical/mechanical removal, biocontrol, cultural control, or chemical treatments.

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2 Air Pollution Control District comment letters dated: October 02, 2024

3 Imperial County Office of the Agricultural Commissioner letter dated January 23, 2024

- 1 E. Use of "permanent" soil sterilant to control weeds or other pests is prohibited
2 due to the fact that this would interfere with reclamation.
- 3 F. Notify the Agricultural Commissioner's office immediately regarding any
4 suspected exotic/invasive pest species as defined by the California Department
5 of Food Agriculture (CDFA) and the United States Department of Agriculture
6 (USDA). Request a sample be taken by the Agricultural Commissioner's Office
7 of a suspected invasive species. Eradication of exotic pests will be done under
8 the direction of the Agricultural Commissioner's Office and/or CDFA.
- 9 G. Obey all pesticide use laws, regulations, and permit conditions.
- 10 H. Allow access by Agricultural Commissioner staff for routine visual and trap pest
11 surveys, compliance inspections, eradication of exotic pests, and other official
12 duties.
- 13 I. Ensure that all project employees that handle pest control issues are
14 appropriately trained and certified, that all required records are maintained and
15 available for inspection, and that all permits and other required legal
16 documents are current.
- 17 J. Maintain records of pests found and treatments or pest management methods
18 used. Records should include the date, location/block, project name (current and
19 previous if changed), and methods used. For pesticides include the chemical(s)
20 used, EPA Registration numbers, application rates, etc. A pesticide use report
21 may be used for this.
- 22 K. Submit a report of monitoring, pest finds, and treatments, or other pest
23 management methods to the Agricultural Commissioner quarterly within 15 days
24 after the end of the previous quarter, and upon request. The report is required
25 even if no pests were found, or treatment occurred. It may consist of a copy of
26 all records for the previous quarter or may be a summary letter/report as long as
27 the original detailed records are available upon request.
- 28 L. 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.

S-33 IMPERIAL IRRIGATION DISTRICT:4

4 Imperial Irrigation District comment letters dated: February 22, 2024, July 03, 2024, and October 01, 2024

1 **A.** Applicant shall provide a surveyed legal description, and an associated
2 exhibit certified by a licensed surveyor for all rights of way deemed by IID's
3 necessary to accommodate the project electrical infrastructure. Rights-of-Way
4 and easements shall be in a form acceptable to and at no cost to IID for
5 installation, operation, and maintenance of all electrical facilities.

6 **B.** Public utility easements over all private public roads and additional ten (10)
7 feet in width on both sides of the private and public roads shall be dedicated to
8 IID for the construction, operation, and maintenance of its electrical
9 infrastructure.

10 **C.** Any construction or operation on IID property or within its existing and proposed
11 right of way or easements including but not limited to surface improvements
12 such as proposed new streets, driveways, parking lots, landscape; and all water,
13 sewer, storm water, or any other above ground or underground utilities; will
14 require an encroachment permit, or encroachment agreement (depending on the
15 circumstances). A copy of the IID encroachment permit application and
16 instructions for its completion are available at the website
17 <https://www.ci.heber.ut.us/3222/encroachment-permit-application>. The district real
18 estate section should be contacted at (760) 339-9239 for additional information
19 regarding encroachment permits or agreements. No foundations or building will
20 be allowed within IID's right of way.

21 **D.** In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive
22 right of way to the toe of slope of all existing canals and drains. Where space is
23 limited and depending upon the specifics of adjacent modifications, the IID may
24 claim additional secondary easements/prescriptive right of ways to ensure
25 operation and maintenance of IID's facilities can be maintained and are not
26 impacted and if impacted mitigated. Thus, IID should be consulted prior to the
27 installation of nay facilities to mitigate or avoid impacts to IID's facilities.

28 **E.** IID encroachment permit(s) are required for temporary construction water,
construction drainage, and construction access crossing cartals and drains. IID
canal and drain banks are not to be used or obstructed during construction of
the projects.

F. Any new, relocated, modified or reconstructed IID facilities required for and by a
project (which can include but is not limited to electrical utility substations,
electrical transmission and distribution lines, water deliveries, canals, drains,
etc.) need to be included as part of the project's CEQA and/or NEPA
documentation, environmental impact analysis and mitigation. Failure to do so
will result in postponement of any construction and/or modification of IID facilities
until such time as the environmental documentation is amended and

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environmental impacts are fully analyzed. Any and all mitigation facilities is the responsibility of the projects proponent.

G. The permittee shall comply with all IID comments and regulations

S-34 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

S-35 MITIGATION AND MOINITORING AND REPORTING PROGRAM

Adhere to all Mitigation Measures as described in the Mitigation Monitoring and Reporting Program (MM&RP) SCH# 2024010510, and including the measures and best management practices as identified in Attachment A to the MM&RP- Applicant Proposed Measures and Best Management Practices.

(TOTAL "S" CONDITIONS are 35)

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NOW THEREFORE, County hereby issues Conditional Use Permit #23-0022 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

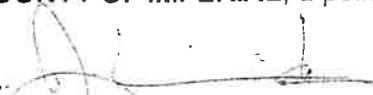
PERMITTEE:

Heber Field Company, LLC

By: 
Elizabeth Helms, Corporate Secretary

09/15/2025
Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: 
JAMES MINNICK, Director
Planning & Development Services Department

09/17/2025
Date

FOR PERMITTEE NOTARIZATION

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.

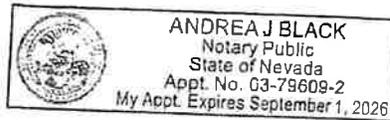
STATE OF NEVADA

COUNTY OF Washoe } S.S.

On September 15, 2024 before me, Andrea J. Black, a Notary Public in and for said County and State, personally appeared Elizabeth Helms, 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 is true and correct.

WITNESS my hand and official seal



Signature Andrea J. Black

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

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

FOR COUNTY NOTARIZATION

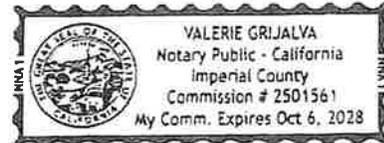
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On September 17, 2025 before me, Valerie Grijalva a
Notary Public in and for said County and State, personally appeared James A. Minnick
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
(s) 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 [Handwritten Signature]

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

Title or Type of Document CUP 23-0022

Number of Pages 26 Date of Document 09/17/2025

Signer(s) Other Than Named Above Elizabeth Helms

Volume III of III

Final Environmental Impact Report

Dogwood Geothermal Energy Project:

- Dogwood Geothermal Energy Project (CUP No. 23-0020)
- Heber 2 Solar Energy Project (CUP No. 23-0021)
- Heber Field Company Geothermal Wells & Pipeline Project (CUP No.23-0022)

SCH No. 2024010510

Imperial County, California

May 2025

Prepared for
County of Imperial
801 Main Street
El Centro, CA 92243

Prepared by
HDR
591 Camino de la Reina, Suite 300
San Diego, CA 92108

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0.4 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 Dogwood Geothermal Energy Project, which is the subject of the Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial, in conjunction with the certification of the Final EIR. The mitigation measures have been integrated into this MMRP.

The mitigation measures are provided in Table 0.4-1. The MMRP includes a checklist to be used during the mitigation monitoring period. The MMRP includes the following information for each mitigation measure:

- Description of Recommended Mitigation Measures from the CEQA EIR
- Time Frame for Implementation
- Steps to Compliance and Verification
- Responsible Monitoring Agency

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 0.4-1. Mitigation Measures

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
Agricultural Resources			
<p>AG-1a. Payment of Agricultural and Other Benefit Fees.</p> <p>Prior to the issuance of a grading permit or building permit (whichever is issued first), one of the following options included below shall be implemented:</p> <p>A. Mitigation for Non-Prime Farmland:</p> <p>Option 1: <i>Provide Agricultural Conservation Easement(s).</i> 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 (as defined in California Civil Code §§815-816) and shall be recorded prior to issuance of any grading or building permits; or</p> <p>Option 2: <i>Pay Agricultural In-Lieu Mitigation Fee.</i> 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 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: <i>Public Benefit Agreement.</i> The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that: 1) is consistent with Board Resolution 2023-#17; and 2) must be held by the County in a restricted account to be used by the County</p>	<p>Prior to the issuance of a grading permit or building permit (whichever is issued first)</p>	<p>Submit documentation for establishment of Agricultural Conservations easements, Enrollment in Agricultural In-lieu Mitigation Fee program or Public Service Agreement.</p>	<p>Imperial County Planning & Development Services.</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>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 amended by the Board of Supervisors on November 7, 2023: Resolution "Amending the Public Benefit Program for use with Solar Power Plants in Imperial County"), as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.</p> <p>B. Mitigation for Prime Farmland:</p> <p>Option 1: Provide Agricultural Conservation Easements. 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 (as defined in California Civil Code §§815-816) 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 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 1) is consistent with Board Resolution 2023-#17; and 2) 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</p>			



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>County and to implement the goals and objectives of the Agricultural Benefit program (as amended by the Board of Supervisors on November 7, 2023: Resolution "Amending the Public Benefit Program for use with Solar Power Plants in Imperial County", 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 off-setting jobs displaced by this Project; or</p> <p>Option 4: Avoid Prime Farmland. The Permittee must revise their Conditional Use Permit Application/Site Plan to avoid Prime Farmland.</p>			
<p>AG-1b. Site Reclamation Plan.</p> <p>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 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. 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.</p>	<p>Prior to the issuance of a grading permit</p>	<p>Submit Reclamation Plan to the County for Review.</p>	<p>Imperial County Planning & Development Services.</p>
<p>AG-2 Pest Management Plan.</p> <p>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 Imperial Agricultural Commissioner. The project applicant shall maintain a Pest Management Plan until reclamation is complete. The plan shall provide the following:</p>	<p>Prior to the issuance of a grading permit or building permit (whichever is issued first)</p>	<p>Submit Pest Management Plan to the County for Review.</p>	<p>Imperial County Planning & Development Services.</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ol style="list-style-type: none"> 1. Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line); 2. 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. 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; • 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, 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; • 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 California Department of Food Agriculture and the U.S. 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 			



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>Commissioner's Office and/or California Department of Food and Agriculture;</p> <ul style="list-style-type: none"> • Obey all pesticide use laws, regulations, and permit conditions; • Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties; • Ensure all project employees that handle pest control issues are appropriately trained and certified, all required records are maintained and made available for inspection, and 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, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this; • 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 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. <p>3. A long-term strategy for weed and pest control and management during the operation of the proposed project. Such strategies may include, but are not limited to:</p>			

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ul style="list-style-type: none"> Use of specific types of herbicides and pesticides on a scheduled basis. <p>4. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on surrounding agricultural lands.</p> <p>5. 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>			
<p>Air Quality</p>			
<p>AQ-1 Fugitive Dust Control.</p> <p>Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process</p> <p>ICAPCD Standard Measures for Fugitive Dust (PM10) 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-site and offsite 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. 	<p>Prior to the issuance of a grading permit</p>	<p>Submit construction dust control plan for ICAPCD approval.</p>	<p>Imperial County Air Pollution Control District (ICAPCD)</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<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 or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. 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 suppressants, and/or watering. 			
<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. 			

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ul style="list-style-type: none"> • 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. • When commercially available, replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). <p>AQ-2 Construction Equipment. All off-road construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower or more, shall meet, at a minimum, the Tier 4 Final California Emission Standards for Off-road Compression-Ignition Engines as specified in CCR, Title 13, section 2423(b)(1) unless such engine is not available for a particular item of equipment. In the event a Tier 4 Final engine is not available for any off-road engine larger than 100 horsepower, that engine shall be equipped with retrofit controls that would provide NOX and particulate matter emissions that are equivalent to Tier 4 engine. Drill rig engines shall meet a minimum of Tier 4 Interim California Emission Standards. A list of the construction equipment, including all off-road equipment utilized at the project site by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The equipment list shall be submitted periodically to ICAPCD to perform a NOX analysis. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed the significance thresholds. The Planning and Development Services Department and ICAPCD shall verify implementation of this measure.</p>	<p>Prior to the issuance of a grading permit</p>	<p>A list of the construction equipment shall be submitted to the County Planning and Development Services Department and ICAPCD</p>	<p>Imperial County Planning & Development Services, and ICAPCD</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>AQ-3 Dust Suppression. The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. All unpaved roads associated with construction shall be effectively stabilized of dust emissions using stabilizers/suppressant before the commencement of all construction phases. This will be conducted monthly at a rate of 0.1 gallon/ square yard of chemical dust suppressant. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust 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).</p>	<p>Prior to the issuance of a grading permit</p>	<p>Submit construction dust control plan for ICAPCD approval.</p>	<p>ICAPCD</p>
<p>AQ-4 Dust Suppression Management Plan. Prior to any earthmoving activity, the applicant submit an Enhanced Dust Control Plan and obtain ICAPCD and Imperial County Planning and Development Services Department (ICPDS) approval.</p>	<p>Prior to the issuance of a grading permit</p>	<p>Submit construction dust control plan for County and ICAPCD approval.</p>	<p>Imperial County Planning & Development Services and ICAPCD</p>
<p>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 ICAPCD and ICPDS approval. 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, ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.</p>	<p>Prior to issuance of a Certificate of Occupancy</p>	<p>Submit an operations dust control plan for County and ICAPCD approval</p>	<p>Imperial County Planning & Development Services and ICAPCD</p>
<p>AQ-6 Speed Limit. During construction and operation of the proposed project, the applicant shall limit the speed of all vehicles operating onsite on unpaved roads to 15 miles per hour or less.</p>	<p>Prior to and during construction and operations activities</p>	<p>Submit a construction dust control plan and operations dust control plan for County and ICAPCD approval</p>	<p>Imperial County Planning & Development</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>Biological Resources</p> <p>EIO-1 Worker Environmental Awareness Program.</p> <p>Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist and shall be available in both English and Spanish. Qualified biologist resumes shall be provided to the County for review and approval prior to the start of construction. Handouts summarizing potential impacts on special-status biological resources and the potential penalties for impacts on these resources shall be provided to all construction personnel. At a minimum, the education program shall include the following:</p> <ul style="list-style-type: none"> • The purpose for resource protection; • A description of special-status species including representative photographs and general ecology; • Occurrences of USACE, RWQCB, and CDFW regulated features in the project area; • Regulatory framework for biological resource protection and consequences if violated • Sensitivity of the species to human activities; • Avoidance and minimization measures designed to reduce the impacts on special-status biological resources • Environmentally responsible construction practices; • Reporting requirements; • The protocol to resolve conflicts that may arise at any time during the construction process; and 	<p>Prior to construction activities</p>	<p>Submit Worker Environmental Awareness Program Document to the County for review and approval. Submit records of attendance indicating date of training, location of training, and name of trainer, with name and signature of all attendees to the County.</p>	<p>Services and ICAPCD</p> <p>Imperial County Planning & Development Services</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ul style="list-style-type: none"> Workers sign acknowledgement form indicating that the environmental awareness training and education program that has been completed, which shall be kept on record. <p>BIO-2 Pre-Construction Plant Surveys.</p> <p>Prior to the start of construction, a qualified biologist shall conduct a botanical field survey following the methodology described in Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 2018). The survey shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of areas proposed for disturbance and indirectly impacted by the Project. The results of the survey shall be documented in a letter report that will be submitted to Imperial County and CDFW. The survey shall be conducted annually until start of construction to ensure the floristic diversity is accurately captured and effective avoidance, minimization, and mitigation strategies are developed.</p> <p>If special-status plant species are observed during the preconstruction rare plant survey(s) within the development area of the Project, the Project shall be designed to reduce impacts to these species through the establishment of buffers, to the extent feasible. Buffer distances will be determined by the qualified biologist, typically 50 feet or greater from an identified special-status plant species, unless the Qualified Biologist determines a reduced buffer would suffice to avoid impacts to the species.</p> <p>If avoidance of special-status plant species is not feasible, a Special-Status Plant Relocation Plan shall be developed and implemented. The Special-Status Plant Relocation Plan shall address mitigation for special-status plants, including topsoil salvage to preserve seed bank and management of salvaged topsoil; seed collection, storage, possible nursery propagation,</p>	<p>Prior to ground-disturbing activities and during ground-disturbing activities</p>	<p>Submit report with results of surveys, and if necessary Project-specific sensitive species management plan for review.</p>	<p>Imperial County Planning & Development Services</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>and planting; salvage and planting of bulbs as feasible; location of on-site receptor sites; land protection instruments for receptor areas; and funding mechanisms.</p> <p>The Special-Status Plant Relocation Plan shall include methods, monitoring, reporting, success criteria, adaptive management, and contingencies for achieving success. All special-status plant species identified on site shall be mapped onto a site-specific aerial photograph and topographic map and included on the construction, grading, fuel modification, and landscape plans.</p> <p>Botanical field surveyors will possess the following qualifications and will be approved by Imperial County prior to any botanical field surveys: Knowledge of plant taxonomy and natural community ecology; Familiarity with plants of the region, including special status plants; Familiarity with natural communities of the region, including sensitive natural communities; Experience with the CNDDDB, BIOS, and Survey of California Vegetation Classification and Mapping Standards, Experience conducting floristic botanical field surveys as described in <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (CDFW, March 2018), or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor; Familiarity with federal, state, and local statutes and regulations related to plants and plant collecting; and Experience analyzing the impacts or projects on native plant species and sensitive natural communities.</p>			
<p>BIO-3 Avoidance of Sensitive Natural Communities.</p> <p>To the greatest extent practicable, Project work shall avoid impacts to arrow-weed thickets. If arrow-weed thickets cannot be avoided, the Project Applicant shall provide compensatory mitigation for direct impacts consisting of habitat acquisition at a minimum of a 3:1 ratio. Habitat acquisition sites shall be</p>	<p>Prior to ground-disturbing activities</p>	<p>If arrow-weed thickets cannot be avoided, submit record of compensatory mitigation consisting of habitat acquisition provided at a minimum of a 3:1 ratio.</p>	<p>Imperial County Planning & Development Services</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>biologically equal or superior to existing conditions and must be conserved and managed in perpetuity. This mitigation measure would be implemented prior to the start of Project-related activities by the Project Proponent.</p> <p>BIO-4 Preconstruction Nesting Bird Survey.</p> <p>If construction or other project activities are scheduled to occur during nesting bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species), a preconstruction nesting bird survey shall be conducted by a qualified avian biologist prior to Project-related disturbance within and adjacent to the Project area. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nesting locations and nesting behavior (including but not limited to copulation, carrying food or nesting materials, nest building, agitation, aggressive interaction, feigning injury, or distraction displays). In addition, any clearing of vegetation that may occur is required to take place outside of the breeding season. The survey shall be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey shall include the project area and all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures. If an active nest is identified, the biologist shall establish an appropriately sized no-work buffer zone around the nest, that is sufficient to ensure that breeding is not likely to be disrupted or adversely impacted by construction. The size of the no-work buffer zone will be based upon the biologist's best professional judgment, the birds' displayed behavior (agitation or stress), the nesting species, its sensitivity to disturbance, nesting stage and expected types, and the intensity and duration of disturbance. The no-work buffer zone shall be clearly marked in a way that does not alert predators. Construction activities shall not occur within any no-work buffer zones until the young birds have successfully fledged and the nest is deemed inactive by the qualified avian biologist. Qualified avian</p>	<p>No more than 3 days prior to ground-disturbing activities</p>	<p>Submit report with results of surveys, and if necessary Project-specific sensitive species management plan for review.</p>	<p>Imperial County Planning & Development Services</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>biologist resumes will be provided to CDFW for review/approval prior to the start of construction.</p> <p>BIO-5 Biological Monitoring.</p> <p>Construction monitoring shall be conducted by a qualified biologist. Qualified biologist resumes will be provided to CDFW for approval prior to the start of construction. The biologist shall be given authority to execute the following functions:</p> <ul style="list-style-type: none"> • Establish construction exclusion zones and make recommendations for implementing erosion control measures in temporary impact areas. • Ensure all construction activities stay within the staked construction zone and do not go beyond the limits of disturbance. • Minimize trimming/removal of vegetation to within the project impact area. • Restrict non-essential equipment to the existing roadways and/or disturbed areas to avoid disturbance to existing adjacent native vegetation. • Verify permit compliance <p>During construction, the qualified biologists will act as biological monitors and shall inspect and verify field conditions, as needed, to ensure that wildlife and vegetation adjacent to the BSA are not harmed. The biological monitor shall coordinate with the construction supervisor and construction crew and shall have the authority to stop any activity that has the potential to affect special-status species or remove vegetation.</p>	<p>Prior to ground-disturbing activities and during ground-disturbing activities</p>	<p>Submit report with results of surveys, and if necessary Project-specific sensitive species management plan for review.</p>	<p>Imperial County Planning & Development Services</p>
<p>BIO-6 Non-Reflective Coatings on Solar Panels.</p> <p>The Applicant will use non-reflective materials and finishes to the solar panels to reduce potential glare as described in the Glint and Glare Analysis (Appendix C of the EIR). These coatings will create a matte surface that is less likely to</p>	<p>During construction activities</p>	<p>Use of non-reflective materials and finishes to the solar panels during PV solar panel installation.</p>	<p>Imperial County Planning & Development Services</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>resemble the reflective properties of water to birds flying overhead.</p> <p>BIO-7 Burrowing Owl Avoidance, Minimization, and Mitigation.</p> <p>As recommended by CDFW, Applicant will apply for and obtain an ITP prior to beginning ground disturbing activities. Applicant will comply with all permit conditions required by CDFW to minimize take.</p> <p>Potential impacts to burrowing owl shall be mitigated per the guidance of the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) and at minimum including the following:</p> <p>Burrowing Owl Protection and Mitigation Plan</p> <p>As the Project construction schedule and details are finalized, a qualified biologist will prepare a <i>Burrowing Owl Protection and Mitigation Plan</i> (BOPMP) for submission to CDFW for approval prior to beginning ground disturbing activities that will detail the approved, site-specific methodology proposed to avoid, minimize and mitigate impacts on this species. The goal of the BOPMP is to avoid potential direct and indirect mortality of burrowing owls.</p> <p>The BOPMP will include, at a minimum: success criteria based on factors such as site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, evidence and causes of mortality, changes in distribution, trends in stressors; remedial measures; detailed survey methodology; exclusion and excavation methods; guidance for artificial burrow construction and placement; active monitoring procedures; identification of wildlife rehabilitation centers or veterinarians capable of and willing to treat burrowing owls in the case of injury of any life stage of burrowing owl (e.g., eggs, nestlings, fledglings, adults); procedures for collection and storage of carcasses; and annual reporting protocols. The BOPMP will include an</p>	<p>Prior to ground-disturbing activities</p>	<p>Submit report with results of surveys, and if necessary Project-specific sensitive species management plan for review.</p>	<p>Imperial County Planning & Development Services and California Department of Fish and Wildlife</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>annual report to CDFW and shall be funded by the Project Applicant.</p> <p>Burrowing Owl Pre-Construction Surveys and Physical Barriers</p> <p>A CDFW-approved qualified biologist(s) shall conduct take-avoidance (pre-construction) surveys to identify, flag, and map all potential, known, and/or nesting burrows within (a) 14 calendar days prior to beginning ground-disturbing activities in the work area and (b) 24 hours prior to project construction. Surveys shall include the Project Area and a 500-foot buffer. Technical memoranda that document these survey findings will be submitted to CDFW and Imperial County.</p> <p>If burrowing owl is identified during the non-breeding season (September 1 through January 31), a 50-meter (165-ft) to 100-meter (328-ft) no-work buffer between active burrows and construction activities shall be established by the qualified biologist. However, the minimum buffer shall be increased depending on the level of construction disturbance and construction activity. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented.</p> <p>If burrowing owl is identified during the breeding season (February 1 through August 31), then a 100-meter (328-ft) to 200-meter (656-ft) no-work buffer will be established by the qualified biologist in accordance with CDFW Staff Report (CDFG 2012). A qualified biologist shall monitor the burrowing owls for any sign of distress and adjust the buffers as necessary to ensure no take occurs. Construction and disturbance activities within the buffer will be avoided until a qualified biologist determines that the burrow is inactive or until young have fledged.</p> <p>If active burrows are present within the Project footprint and avoidance is infeasible, measures such as passive relocation methods, destruction of burrows, and construction of artificial burrows described in the following sub-sections shall be</p>			



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>implemented upon prior approval by and in coordination with CDFW.</p> <p>Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist. Burrows will be buffered from development activities to the greatest extent feasible, as determined by a CDFW-approved biologist. Physical barriers, such as fences and visual screens (e.g., a portable chain link fence with shade cloth), will be used to protect identified burrows and visually shield them from work areas when feasible. Flags or markers will be placed near burrows to ensure that construction equipment does not collapse burrows.</p> <p>Burrowing Owl Construction Monitoring</p> <p>Monitoring by a qualified biologist shall be performed during ground-disturbing construction activities to avoid disturbance to burrowing owls. Additionally, if any active burrowing owl nests are present within the Project construction area, they must be avoided by establishing a non-disturbance buffer until the young fledge or the nest fails (CDFG 2012). Any nesting owls that are adjacent to the construction area will also be avoided by establishing buffer areas. Buffer areas should be marked using flagging or fencing to facilitate avoidance.</p> <p>Avoidance</p> <p>The following avoidance measures may assist in seasonally and spatially avoiding direct impacts and disturbances that could result in take of burrowing owls, nests, or eggs.</p> <ul style="list-style-type: none"> • Avoid disturbing occupied burrows during the breeding season, from February 1 through August 31. • Avoid impacting burrows occupied during the non-breeding season by migratory or nonmigratory resident burrowing owls. • Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove 			

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<p>shrubs), disking, cultivation, and urban, industrial, or agricultural development.</p> <ul style="list-style-type: none"> Do not fumigate, use treated bait or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur (e.g., sites observed with nesting owls, designated use areas). Restrict the use of treated grain to poison mammals the months of January and February. <p>Passive Relocation and Lands Management Planning</p> <p>If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident burrowing owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a CDFW-approved qualified biologist shall implement a passive relocation program in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012). Procedures will also be detailed in the BOPMP.</p> <p>Passive relocation shall only be done in the non-breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) and a CDFW-approved BOPMP as follows:</p> <ul style="list-style-type: none"> To facilitate identification of replacement burrow sites, a <i>Burrowing Owl Exclusion Plan and Mitigation Lands Management Plan</i> shall be prepared by the qualified biologist in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (Appendix E and Appendix F of CDFG 2012). The plans shall be approved by CDFW prior to commencing passive relocation. All burrows would be covered or excavated, and a one-way door would be installed on occupied burrows. This will allow any animals inside to leave the burrow 			



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<p>but will exclude any animals from re-entering the burrow.</p> <ul style="list-style-type: none"> • If burrowing owls exhibit signs of stress in attempting to re-enter the burrow, the one-way-door shall be removed to prevent take of the individual. • A period of at least 1 week is required after the relocation effort to allow the birds to leave the impacted area before construction of the area can begin. • Only burrows that will be directly impacted by the Project shall be excavated and filled in to prevent their reuse. • Off-site "replacement burrow site(s)" must consist of a minimum of two suitable, unoccupied burrows for every burrowing owl or pair to be passively relocated. • The <i>Mitigation Lands Management Plan</i> will be developed when off-site or on-site mitigation habitat protection is needed to ensure compliance with and effectiveness of identified management actions for the mitigation lands. The Applicant shall implement the <i>Mitigation Lands Management Plan</i> and permanently conserve in a conservation easement offsite habitat suitable for burrowing owl. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the Project if the compensatory habitat is deemed suitable to support the species. • The Applicant may purchase available burrowing owl conservation bank credits from a CDFW-approved conservation bank in lieu of placing offsite habitat into a conservation easement. The final terms of potential land acquisition and/or credits, or some combination thereof (e.g., fees, easements, approvals, documentation, etc.), will be established in consultation with CDFW via the ITP process. 			

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>BIO-8 American Badger Avoidance and Minimization.</p> <p>Prior to initial site clearing, a CDFW-approved qualified biologist shall conduct a pre-construction survey for American badgers. The biologist shall conduct the pre-construction survey within 30 days prior to the initiation of ground disturbing activities. If no American badger individuals and/or dens are found during the pre-construction survey, the biologist shall document the findings in a letter report to CDFW, and no further mitigation shall be required. If individuals and/or dens are found, the Applicant shall consult with CDFW and a CDFW-approved qualified biologist to determine an appropriate no-disturbance buffer (typically 50-foot buffer around occupied dens and a 250-foot buffer around natal dens) to avoid impacts to the den. The no-disturbance buffer around natal dens shall remain in place until a qualified biologist determines through non-invasive means that the individuals occupying the den have dispersed. If impacts cannot be avoided and den excavation and exclusion implementation is required, den excavation and exclusion activities shall only take place during the non-breeding season (typically September 1 through January 1) in consultation with CDFW.</p>	<p>Prior to ground-disturbing activities</p>	<p>Submit report with results of surveys, and if necessary Project-specific sensitive species management plan for review.</p>	<p>Imperial County Planning & Development Services and California Department of Fish and Wildlife</p>
<p>BIO-9 Avian/Power Line Collision Avoidance and Minimization.</p> <p>Install bird flight diverters in accordance with the Avian Power Line Interaction Committee (APLIC) guidelines for reducing avian collisions with power lines (Reducing Avian Collisions with Power Lines; APLIC 2012). Details of design components shall be indicated on all construction plans. The Applicant shall monitor for new versions of the APLIC collision guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. All bird flight diverters shall be maintained for the duration of construction and operation.</p>	<p>Prior to issuance of a building permit</p>	<p>Submit construction plans showing bird flight diverter to be installed is in accordance with the APLIC guidelines</p>	<p>Imperial County Planning & Development Services</p>



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<p>BIO-10 Avian Electrocution Avoidance and Minimization.</p> <p>Implement Project-specific design measures in accordance with the APLIC guidelines for minimizing avian electrocutions. The Applicants shall construct and maintain all transmission facilities, towers, poles, and lines in accordance with applicable policies set forth in the most recent APLIC guidelines for minimizing avian electrocutions (Avian Protection Plan Guidelines; APLIC and USFWS 2005). Specific APLIC guidelines to be incorporated into the design of the transmission lines to minimize avian electrocutions shall include the following:</p> <ul style="list-style-type: none"> • Design the tops of structures to be safe for perching raptors. • Provide 60 inches separation between energized conductors and: <ul style="list-style-type: none"> ○ energized conductors, ○ grounded or neutral conductors, ○ pole line hardware that could provide a perch or nesting place, and ○ overhead shield wires, including optical ground wire shield wire. • Ensure that all exposed jumper cables are completely covered with a cover of a qualified insulation rating. • Ensure insulation of all energized arresters with covers and insulated cables. • Details of design components shall be indicated on all construction plans. The Applicants shall monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during Project construction, provided these actions do not require the purchase of previously ordered transmission line structures. 	<p>Prior to issuance of a building permit</p>	<p>Submit construction plans showing measures to be incorporated into the design of transmission lines.</p>	<p>Imperial County Planning & Development Services</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>BIO-11 Biological Protection Measures.</p> <ul style="list-style-type: none"> Fence markers shall be installed to deter or prevent birds/bats from colliding with perimeter/security fencing, and maintenance or replacement of these markers will be completed per the manufacturer instruction. If encountered, wildlife within the Project Site shall be allowed to escape unimpeded, relocated by a qualified biologist and placed in a designated safe area away from construction activities, or left in place when required by regulations, policies, permits, and/or conditions of approval. If wildlife relocation of common species is required, the qualified biologist approved by CDFW prior to the start of construction shall approve the method of relocation or oversee the relocation. Any relocation of special status species would require additional coverage under an Incidental Take Permit or Biological Opinion. Construction personnel trained by the qualified biologist during the WEAP, shall inspect under vehicles and equipment every time the vehicles or equipment are moved to a make sure no special status or common wildlife species are present, which could be injured. If an animal is present, site workers shall wait for the individual to move to a safe location. If a special-status species is discovered under equipment or vehicles and does not move on its own, the Applicant shall contact Imperial County, CDFW, and/or USFWS to determine the appropriate action. All excavations (e.g., steep-walled holes, or trenches) more than 6 inches deep shall be covered with plywood or similar materials when not in use or fitted with at least one escape ramp constructed of earth dirt fill, wooden planks, or another material that wildlife could ascend to prevent entrapment. All excavations more than 6 inches deep shall be inspected daily for entrapped wildlife before construction activities begin and once immediately before being covered with plywood. Before excavations are filled, they shall be thoroughly inspected for entrapped wildlife. Any wildlife discovered shall be 	<p>Prior to ground-disturbing activities and during construction activities</p>	<p>Submit construction plans showing the inclusion of the biological protection measures listed in Mitigation Measure BIO-11 as specifications.</p>	<p>Imperial County Planning & Development Services and California Department of Fish and Wildlife</p>



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<p>allowed to escape unimpeded before field activities resume or shall be removed from excavated areas by a qualified biologist and released at a safe nearby location.</p> <ul style="list-style-type: none"> • Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition, including decompacting soil and revegetating. • All open ends of pipes, culverts, and conduits temporarily installed in open trenches or stored in staging/laydown areas shall be covered/capped at the end of each workday. Any such materials that have not been capped shall be inspected by construction personnel for wildlife before being moved, buried, or handled. Should wildlife become trapped, a qualified biologist shall be notified by construction personnel to remove and relocate the individual(s). If a listed species is discovered inside a pipe, that section of pipe shall not be moved. The Project shall contact CDFW and/or USFWS to determine the appropriate action. • All food-related trash items (wrappers, cans, bottles, food scraps, cigarettes, etc.), general trash, micro trash (nails, bits of metal and plastic, small construction debris, etc.), and other human-generated debris scheduled to be removed shall be stored in animal-proof containers and removed from the site on a regular basis (weekly during construction, and at least monthly during operations). No deliberate feeding of wildlife or domestic animals shall be allowed. • New light sources shall be minimized, and lighting shall be designed (e.g., using shielding and/or downcast lights) to limit the lighted area to the minimum necessary. • Use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation. 			

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ul style="list-style-type: none"> • To prevent harassment and mortality of listed, special status, and common wildlife species and destruction of their habitats, no domesticated animals shall be permitted on the site. • No firearms shall be allowed on the Project Site, unless otherwise approved for security personnel. • Use only native, insecticide-free plants for habitat restoration and enhancement actions. If plants are grown via contract, use grow specifications that limit harmful pesticide residues. • Protect pollinators and their habitats from pesticides, including insecticides, fungicides, and herbicides. If pesticides are used in areas with flowering plants, lessen their potential harm by adhering to the following guidance: <ul style="list-style-type: none"> ○ Avoid the use of neonicotinoids or other systemic insecticides, including coated seeds due to their ecosystem persistence, systemic nature, and toxicity to pollinators (Xerces Systemic Insecticides List [Xerces Society 2025]). ○ Avoid the use of insecticides that target lepidopterans (e.g., moths and butterflies), including biological pesticides (IRAC 2011). ○ Use targeted application methods, avoid large-scale broadcast applications, and take precautions to limit off-site movement (e.g., wind drift, discharge from surface water flows). ○ If pesticides are used for vector control treatments (e.g., mosquitoes), avoid treatment unless monitoring indicates that the species and numbers exceed a public health threshold. For any mosquito treatments, first employ prevention steps such as reducing standing water. Where possible, draw mosquitoes away 			



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>from sensitive sites (e.g., using dry ice traps) to limit treatment effects in sensitive habitat areas.</p>			
<p>Cultural Resources</p>			
<p>CUL-1 Evaluate Significance of Find (Unknown Archaeological Resources).</p> <p>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. 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 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.</p>	<p>During ground-disturbing activities</p>	<p>Submit archaeologist report for review. Submit proposed site plan for alternative work location within CUP site to the County for review and approval.</p>	<p>Imperial County Planning & Development Services</p>
<p>CUL-2 Human Remains.</p> <p>If subsurface deposits believed to be human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist who meets the Secretary of the Interior's Standards for prehistoric and historic archaeology and is familiar with the resources of the region, shall be retained to</p>	<p>During ground-disturbing activities</p>	<p>Submit archaeologist report for review. Submit proposed site plan for alternative work location within CUP site to the County for review and approval.</p>	<p>Imperial County Planning & Development Services</p>

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evaluate the significance of the find, and shall have the authority to modify the no work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Imperial County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented.
- If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 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 reinterment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the Imperial County Planning and Development Services Department, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Energy



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<p>ENG-1 Energy Conservation Control Measures. The project applicant shall implement all the following applicable energy conservation control measures during construction of the project:</p> <ul style="list-style-type: none"> • Idling times on all diesel-fueled commercial vehicles over 10,000 pounds shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure 13 CCR §2485). Clear signage to this effect shall be provided for construction workers at all access points. • Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by 13 CCR §2449 (“CARB Off-Road Diesel Regulations”). • All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available, and it is not feasible to use propane or natural gas 	<p>Prior to the issuance of a grading permit</p>	<p>A list of the construction equipment shall be submitted to the County Planning and Development Services Department and ICAPCD</p>	<p>Imperial County Planning & Development Services and ICAPCD</p>
<p>Geology and Soils</p>			
<p>MM GEO-1: Prepare Geotechnical Report(s) as Part of Final Engineering for the Project and Implement Required Measures.</p> <p>Facility design for all project components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the</p>	<p>Prior to issuance of building permits</p>	<p>A geotechnical and/or civil engineering report shall be submitted to Imperial County Public Works Department, Engineering Division for review and approval</p>	<p>Imperial County Public Works Department, Engineering Division</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>project applicant. The final geotechnical and/or civil engineering report shall address and make recommendations on the following:</p> <ul style="list-style-type: none"> • Site preparation • Soil bearing capacity • Appropriate sources and types of fill • Potential need for soil amendments • Structural foundations • Grading practices • Soil corrosion of concrete and steel • Erosion/winterization • Seismic ground shaking • Liquefaction • Expansive/unstable soils <p>In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicants. The final geotechnical and/or civil engineering report shall be submitted to Imperial County Public Works Department, Engineering Division for review and approval prior to issuance of building permits.</p>			
<p>GEO-2 Paleontological Resources.</p> <p>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</p>	<p>During ground disturbing activities</p>	<p>Submit Treatment and Monitoring Plan to County for review and approval if necessary.</p>	<p>Imperial County Planning & Development Services</p>



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
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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 to 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.

Hazards and Hazardous Materials

HAZ-1 Isopentane Management Measures.

A certified fire protection engineer survey and analysis of current and proposed fire suppression and detection equipment will be performed to evaluate the current systems performance and coverage of protection prior to construction. This analysis will evaluate proposed fire suppression and detection equipment in conjunction with existing equipment and be reviewed and approved by the Imperial County Fire Department and OES prior to building permits approval. The following measures will be required for the project:

1. All isopentane storage tanks will be protected by approved automatic fire suppression equipment. All automatic fire suppression will be installed and maintained to the current adapted fire code and regulation.
2. An approved automatic fire detection system will be installed as per the California Fire Code. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.

Prior to issuance of Building permits.

Submittal of Fire Protection engineering reports to Imperial County Fire Department and OES for review.

Imperial County Fire Department

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<ol style="list-style-type: none"> 3. Fire department access roads and gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site. 4. Applicants will provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal. 5. Each tank will be equipped with an automated water suppression system. 6. Each tank will be equipped with two flame detectors and one gas detector (for a total of 4 flame detectors and 2 gas detectors for the two tanks). <ol style="list-style-type: none"> a. In the case of an isopentane leak, the gas detector(s) will detect it immediately and send a notification to the operator at the control room (manned 24/7) to mobilize fixing the leak. b. In case of a fire, the flame detector(s) will detect it and immediately start the automatic fire suppression system. c. In case of a fire, there will also be a horn and strobe system that will turn on automatically to alert the plant employees. 7. Concrete containment areas will be constructed for the isopentane tanks. 8. Isopentane vessels will rarely be filled to 90 percent capacity. 9. Isopentane safety-control measures will be established. 10. A blast wall will be built between the two proposed isopentane vessels. 11. Diking and impoundment of the proposed isopentane tanks shall be installed to minimize the magnitude and extent of a tank failure. 			

Hydrology/Water Quality



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>HYD-1 Prepare SWPPP and Implement BMPs Prior to Construction and Site Restoration.</p> <p>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 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 appropriate agency 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 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) • Sediment control practices (e.g., temporary sediment basins, fiber rolls) • Temporary and post-construction on- and off-site runoff controls • Special considerations and BMPs for water crossings 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, potential of hydrogen (pH), and turbidity • Waste management, handling, and disposal control practices • Corrective action and spill contingency measures • Agency and responsible party contact information 	<p>Prior to Construction Activities</p>	<p>Submit a SWPPP to the County and SWRCB to review.</p>	<p>Imperial County Planning & Development Services, and SWRCB</p>

Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<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 • The SWPPP shall be prepared by a Qualified SWPPP Practitioner and/or Qualified SWPPP Developer 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), 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. 			
<p>HYD-2 Incorporate Post-Construction Runoff BMPs into Project Drainage Plan.</p> <p>The project Drainage Plan shall adhere to the County's Engineering Guidelines Manual, IID "Draft" Hydrology Manual, or other recognized source with approval by the County Engineer to control and manage the on- and off-site discharge of stormwater to existing 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.</p>	<p>Prior to issuance of a Certificate of Occupancy</p>	<p>Submit Drainage Plans to the County for Review</p>	<p>Imperial County Public Works Department, Engineering Division</p>

Tribal Cultural Resources



Mitigation Measure	Time Frame for Implementation	Steps to Compliance and Verification	Responsible Monitoring Agency
<p>TCR-1. If previously unidentified tribal cultural resources are identified during construction activities, construction work within 100 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist and tribal representative assesses the significance of the resource. The archaeologist, in consultation with Imperial County and any interested Tribes, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are determined to be a tribal cultural resource as defined in PRC Section 21074</p>	<p>During to ground-disturbing activities</p>	<p>Submit archaeologist treatment plan and evaluation prepared with tribal consultation for review to the County, and relevant Tribes.</p>	<p>Imperial County Planning & Development Services</p>

