

Resolution Number _____

County of Mendocino
Ukiah, California

JULY 3, 2024

U_2023-0008 – HOOPER RANCH LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A MAJOR USE PERMIT U_2023-0008 FOR A MAJOR IMPACT SERVICES AND UTILITIES FACILITY TO INCLUDE A 20-ACRE SOLAR FARM.

WHEREAS, the applicant, HOOPER RANCH LLC AND RPCA SOLAR 10, LLC, filed an application with the Mendocino County Department of Planning and Building Services to establish a Major Impact Services and Utilities Facility to include a 20-acre Solar Farm located 2.3± miles northeast of Ukiah's city center on the west side of Redemeyer Road (CR 215A), 0.5± miles north of its intersection with Deerwood Drive (CR 215B); located at 2550 & 2350 Redemeyer Road; APNs: 178-050-01, 178-170-01, & -02; General Plan Agricultural Lands (AG40); Zoning Agricultural (AG40); Supervisorial District 1; (the "Project"); and

WHEREAS, an Initial Study and draft Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on May 28, 2024 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS a Mitigation Monitoring and Reporting Plan (MMRP) was developed to ensure compliance with mitigation conditions specified in the Mitigated Negative Declaration and has been attached to this resolution as Exhibit 'B'; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 3, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and Mitigated Negative Declaration. All interested persons were given an opportunity to hear and be heard regarding the Project and Mitigated Negative Declaration; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project and Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record, makes the following findings:

- 1. GENERAL PLAN FINDINGS:** The project spans three parcels designated under Mendocino County General Plan Chapter 3: Development Element, Policy DE-16, Land Use Category: AG-Agricultural Lands and is consistent with the general uses in the AG General Plan designation. The Development Element also recognizes climate change hazards and Policy DE-273 provides, in part, that the County shall allow the installation of renewable energy as a permitted use by right in all zoning districts. Resource Element Goal RM-9 emphasizes conservation and renewable sources to meet the County's energy needs. Further, the Energy Resources Policies of the Resource Element, Policy RM-54 & RM-55, encourages the installation of solar or other renewable energy systems to adequately address year-round energy resource needs. As proposed, the project is supported by the goals and policies contained in the General Plan and is consistent with the General Plan's encouragement of the installation of solar and other renewable energy systems to better address the County's energy needs.

2. **UKIAH VALLEY AREA PLAN FINDINGS:** The project is located within the Ukiah Valley Area Plan (UVAP), an element of the Mendocino County General Plan governing land use and development on the unincorporated lands in the Ukiah Valley. Section 7 of the UVAP contains the public policy discussion on energy and air quality matters within the Ukiah Valley. UVAP Policy EA1.1e promotes energy efficient planning practices that preserve opportunities for the development of renewable energy resources. As proposed, the project is supported by the policies contained in the UVAP and is consistent with the UVAP's encouragement for the development of renewable energy resources.
3. **ZONING CONSISTENCY FINDINGS:** The project spans three parcels zoned Agricultural (AG40) with a Seismic Study Combining District (SS) and a Special Flood Plain Combining District (FP). The Civic Use type of Major Impact Services and Utilities Facility is permitted within the AG district upon issuance of a Major Use Permit. As proposed and conditioned, the project is consistent with applicable zoning allowances and would not conflict with the AG zoning district or the SS and FP Combining Districts applied to the three subject parcels.
4. **USE PERMIT FINDINGS:**
 - a. **Mendocino County Code Section 20.196.020(A):** *That the establishment, maintenance, or operation of a use or building applied for is in conformity to the General Plan:* The project is consistent with the general uses provided under General Plan Development Policy DE-16 and supported by Policy DE-273 that provides, in part, that the County shall allow the installation of renewable energy sources. The project is also found to be consistent with General Plan Resource Element Goal RM-9 and Policy RM-54 & RM-55, as the proposed project would install a solar facility a renewable energy system to better address the County's energy needs.
 - b. **Mendocino County Code Section 20.196.020(B):** *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided:* The project is located within unincorporated Mendocino County with Redemeyer Road (CR 215A) providing the main public access. The proposed Civic Use type of a Major Impact Services and Utilities Facility to establish a 20± acre solar farm would interconnect to PG&E's pre-existing electrical distribution system located on-site. The project is located within the Municipal Separate Storm Sewer System (MS4) and would be subject to the requirements of County Code Chapter 16.30 for Stormwater Runoff Pollution Prevention Procedures. Much of the grading and site preparation with the associated project will occur in previously disturbed areas of the three subject parcels, and implementation of Best Management Practices would ensure the project would not result in significant erosion or run-off impacts. As conditioned, the project would be consistent with Use Permit Finding 20.196.020(B) and be provided adequate utilities, access roads, drainage and other necessary facilities.
 - c. **Mendocino County Code Section 20.196.020(C):** *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect:* The proposed project would interconnect to PG&E's pre-existing electrical distribution system located on-site and generate up to a total of 4.0 megawatts (MW) alternating current (AC) [5.6 MW direct current (DC)] equipped with a 4 MW energy storage system. The proposed solar farm would provide for a renewable energy source and transition the County away from nonrenewable energy resources adequately address year-round energy resource needs. With regards to nuisances, a 2018 U.S. Department

of Energy Solar PV and Glare Fact Sheet provides that Modern PV panels reflect as little as two percent of incoming sunlight, about the same as water and less than soil or even wood shingles. Solar PV modules are designed to reduced reflection, as any reflect light cannot be converted into electricity. If operated in conformance with the recommended Conditions of Approval, the project would be consistent with Use Permit Finding 20.196.020(C).

- d. **Mendocino County Code Section 20.196.020(D):** *That such use preserves the integrity of the zoning district:* The project is found to be consistent with Mendocino County Code Chapter 20.032, as the project proposes a Civic Use type of Major Impact Services and Utilities Facility which is a permitted use within the AG zoning district upon issuance of a Major Use Permit. Such civic uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. As proposed and conditioned, the project is consistent with applicable zoning allowances and would not conflict with the AG zoning district or the SS and FP Combining Districts applied to the three subject parcels.

- 5. **ENVIRONMENTAL FINDINGS:** An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less than significant with mitigation incorporated.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Major Use Permit subject to the Conditions of Approval and Mitigation Measures in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

BY: JULIA KROG
 Director Planning & Building Services

 CLIFFORD PAULIN, Chair
 Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

JULY 3, 2024

U_2023-0008 – HOOPER RANCH LLC

Major Use Permit for a Major Impact Services and Utilities Facility to include a 20-acre Solar Farm located 2.3± miles northeast of Ukiah's city center on the west side of Redemeyer Road (CR 215A), 0.5± miles north of its intersection with Deerwood Drive (CR 215B); located at 2550 & 2350 Redemeyer Road, Ukiah; APNs: 178-050-01, 178-170-01, & -02.

APPROVED PROJECT DESCRIPTION: Major Use Permit for a Major Impact Services and Utilities Facility to include a 20-acre Solar Farm that spans three parcels utilizing approximately 10,287 solar modules, 32 string inverters, and generating up to a total of 4.0 megawatts (MW) alternating current (AC) [5.6 MW direct current (DC)] equipped with a 4 MW energy storage system interconnecting to PG&E's pre-existing electrical distribution system located on-site.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

*(A double asterisk ** indicates the incorporated Mitigation Measures)*

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed as provided by Chapter 20.208 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of five (5) years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. The recommendations outlined in the Archaeological Report dated June 2023, prepared by Jessica Neal, Registered Professional Archaeologist (RPA) (#17230) shall be complied with. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
10. Conditions approving this permit shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
11. Pursuant to Mendocino County Ordinance No. 4313 Storm Water Runoff Pollution Prevention Procedure (Mendocino County Code Chapter 16.30 et. seq.), the applicant shall implement appropriate Best Management Practices (BMP) to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site).
12. Construction shall be limited to daytime hours, defined as one hour after sunrise and one hour before sunset to limit disturbing construction noise and minimize artificial lights.
13. The applicant shall construct a Commercial Road Approach onto Redemeyer Road (CR 215A), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
14. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County right-of-way.
15. Prior to commencement of operations the applicant shall submit a copy of their Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
16. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work is performed in compliance with applicable conditions.
17. All federal and state regulations regarding solar energy shall be adhered to.
18. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or

authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2966.75 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

PROJECT MITIGATION MEASURES

19. ****BIO-1:** Preconstruction Nesting Bird Survey. A nesting bird survey shall be performed by a qualified biologist no earlier than two weeks prior to any construction during the nesting season (March 1 – August 31) to determine if any native birds are nesting on or near the site (including a 150-foot buffer for raptors, where accessible). If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests shall be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Removal of any suitable nesting habitat (i.e. trees and vegetation) outside of the bird breeding season to avoid impacts to nesting birds is also recommended.
20. ****BIO-2:** Trash Receptacles. All trash and waste items generated by construction or crew activities shall be properly contained in a covered and locked trash receptacle and/or removed from the Project site daily. This includes biodegradable items, such as apple cores and banana peels that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species
21. ****BIO-3:** Common and Special-Status Wildlife Awareness. All Project personnel will visually check for animals in any pipes, culverts, or other open-ended materials and equipment stored on site for one or more overnight periods prior to moving, burying, or capping to ensure that no animals are present within the materials and equipment. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six (6) inches deep will be covered at the end of each workday by suitable materials that cannot be displaced or escape ramps will be placed in excavations. After opening and before filling, such holes, ditches, and trenches will be thoroughly inspected for trapped animals.
22. ****BIO-4:** Western Pond Turtle. If construction must occur during the breeding season (April-July), preconstruction surveys shall be performed by a qualified biologist one week prior to the onset of construction. The surveys shall include any area included in the Project footprint that is within 325 feet of Howard Creek and the pond north of the Project Area to determine whether any western pond turtle nests/burrows are present. If any active nests/burrows are present, they shall be flagged and avoided until the eggs have hatched or they are no longer active, as determined by the qualified biologist. Construction shall not occur within 50 feet of an active nest site (burrow), and proper water quality best management practices (BMP's) shall be utilized prior to Project construction to prevent erosion or hazardous materials from entering the pond adjacent to the northeast corner of the study area and Howard Creek south of the study area.
23. ****BIO-5:** Pallid Bat. To avoid impacts to foraging bats that may occur in the Project Area, Project activities shall be restricted to daytime hours, defined as one hour after sunrise and one hour before sunset.
24. ****BIO-6:** Worker Environmental Awareness Training. A qualified biologist shall conduct an environmental education program for all persons working on the Project prior to the onset of construction. A discussion of the biology and general behavior of any sensitive species which

may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered will be included in the training. Special-status species, including legal protection, penalties for violations, and Project-specific protective measures will also be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the training will be maintained at the worksite with the Project supervisor, and handout containing this information will be distributed for workers to carry on-site. Upon completion of the program, employees shall sign an attendance log stating they attended the program and understand all protective measures.

25. ****BIO-7: Special-status Plant Avoidance.** Prior to the onset of construction and within the blooming period for target species (which typically begin blooming April/May through June), a qualified botanist shall perform a special-status plant survey within the Project Area to determine if any special-status plants are evident and identifiable. The botanical field survey shall be floristic in nature, meaning that every plant taxon that occurs in the Project Area is identified to the taxonomic level necessary to determine rarity and listing status. During this initial special-status plant survey, habitat suitability can be further determined for any later blooming species with potential to occur and recommendation can be made for any follow up survey pass(es). Should any special-status plant species be encountered during surveys, those plants shall be avoided during project construction activities to the extent feasible, as detailed below. If full avoidance is not feasible, the project sponsors shall develop and implement a rare plant salvage plan, in consultation with CDFW (and U.S. Fish and Wildlife Service, if applicable), as detailed below.

- a. **AVOIDANCE:** Prior to the start of ground- or vegetation-disturbing activities, buffers will be established around each avoidable special status plant/population by a qualified biologist. The buffer area will be clearly staked, flagged, and signed for avoidance and maintained throughout the construction phase. The buffer zone shall be of sufficient size as determined by the qualified biologist to prevent direct or indirect disturbance to the plants from construction activities, erosion, inundation, or dust. No Project activities will be permitted within buffer zones.
- b. **SALVAGE:** If full avoidance is not feasible, the project sponsor shall develop and implement a rare plant salvage plan that addresses the following requirements, as appropriate for the species proposed for salvage.
 - i. **Collection:** Salvage of unavoidable plants will consist of collecting seed and bulb salvage (for herbaceous perennials) by a qualified biologist, in accordance with Table 1 below.
 - ii. **Replanting:** Salvaged plant stock will be replanted into appropriate receptor sites as near as feasible to the disturbance areas from which they were salvaged.
 - iii. **Storage:** If replanting cannot occur immediately or if timing is unsuitable for potential establishment success (e.g., planting during summer heat could lead to mortality), the qualified biologist shall transfer the seed or bulbs to a qualified horticultural institution such as California Botanic Garden, located in Claremont, for storage until planting conditions are suitable (generally during the late fall).
 - iv. **Monitoring:** Salvaged special-status plants will be monitored and maintained by a qualified biologist throughout the first year to increase the rate of re-establishment and reproductive success. Success criteria will equal a 1:1 replacement ratio (one plant must survive transplantation or seed must successfully germinate and set seed

TABLE 1. Salvage Approach for Rare Plant Species with Potential to Occur in the Project Area

Scientific Name Common Name	Status (Federal/State/CR PR)	Life Form Primary Habitat Associations, Elevation Range (feet), Blooming Period	Salvage Approach
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	None/None CRPR 1B.2	Perennial bulbiferous herb found in cismontane woodland and valley and foothill grassland. Elevation 170-1,000 feet. Blooms May-Jun.	Bulb Salvage and Seen Collection and Replanting. Bulbs and seeds will be directly transported or stored at a qualified nursery until replanting conditions are suitable.
<i>Fritillaria roderickii</i> Roderick's fritillary	None/Endangered CPRP 1B.1	Perennial bulbiferous herb found in coastal bluff scrub, coastal prairie, valley and foothill grassland. Elevation 50-1,310 feet. Blooms Mar-May.	Bulb Salvage and Seen Collection and Replanting. Bulbs and seeds will be directly transported or stored at a qualified nursery until replanting conditions are suitable.
<i>Hesperolinon adenophyllum</i> Glandular western flax	None/None CRPR 1B.2	Annual herb found in chaparral, cismontane woodland, valley and foothill grassland, usually serpentinite. Elevation 490-4,315 feet. Blooms May-Aug.	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified nursery until seeding conditions are suitable.
<i>Layia septentrionalis</i> Colusa layia	None/None CRPR 1B.2	Annual herb found in chaparral, cismontane woodland, valley and foothill grassland. Elevation 325-3,595 feet. Blooms Apr-May	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified nursery until seeding conditions are suitable.
<i>Plagiobothrys lithocaryus</i> Mayacamas popcornflower	None/Rare CRPR 1A	Annual herb found in chaparral, cismontane woodland, valley and foothill grassland (mesic). Elevation 985-1,475 feet. Blooms Apr-May	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified nursery until seeding conditions are suitable.
<i>Tracyina rostrata</i> Beaked tracyina	None/Threatened CRPR 1B.2	Annual herb found in chaparral, cismontane woodland, valley and foothill grassland. Elevation 295-4,165 feet. Blooms May-Jun.	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified nursery until seeding conditions are suitable.
<i>Trifolium amoneum</i> Two-fork clover	Endangered/None CRPR 1B.1	Annual herb found in coastal bluff scrub, valley and foothill grassland (sometimes serpentinite).	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified

		Elevation 15-1,360 feet. Blooms Apr-Jun	nursery until seeding conditions are suitable.
<i>Trifolium buckwestorium</i> Santa Cruz clover	Endangered/None CRPR 1B.1	Annual herb found in coastal bluff scrub, valley and foothill grassland (sometimes serpentinite) Elevation 15-1,360 feet. Blooms Apr-Jun.	Seed Collecting and Replanting. Seed will be collected and directly reseeded or stored at a qualified nursery until seeding conditions are suitable.

****ARCH-1:**

26. **HAZ-1: All project components containing hazardous materials, including but not limited to: batteries, transformers, and coolant, shall be inspected for integrity at least every six months. Faulty equipment shall be removed from the site immediately and replaced as soon as feasible, and any ground contamination shall be immediately reported to the Mendocino County Division of Environmental Health.

27. **FIRE-1: During fire season (as defined by CAL FIRE), all vegetation around the solar array and its supporting infrastructure shall be maintained to a minimum height above ground to prevent spread of wildfires to or from the solar array, consistent with State defensible space requirements.

SITE DECOMMISSIONING:

28. Closure Plan: Following the operational life of the project, the developer shall perform site closure activities in accordance with the recommendations contained in the submitted decommissioning plan to meet federal, state, and local requirements for the rehabilitation and revegetation of the project site after decommissioning as follows:

- a. Envirotemp FR3 Fluid, present in step-up transformers, shall be recycled and/or disposed per the Material Safety Data Sheet (MSDS), Bulletin 98082.
- b. Medium and large-scale lithium-ion batteries shall be disposed of per US Environmental Protection Agency (EPA) recommendations by contacting the manufacturer of the system for management options; do NOT put in the trash or municipal recycling bins.
- c. Refrigeration and air-conditioning equipment shall be dismantled on-site before disposal and must have refrigerant recovered in accordance with EPA regulations 40 CFR Part 82, subpart F, under section 608 of the Clean Air Act. The equipment utilized for recovery must be certified by an EPA-approved equipment testing organization.
- d. All batteries present in any equipment shall be removed from their host enclosures, handled per Title 40 of the EPA code of Federal Regulations (CFR) part 273, the California Code of Regulations, title 22, sections 66266.80 and 66266.81, and any other applicable regulations, and taken to either a recycling center or a hazardous waste consolidator authorized by the state of California.
- e. All modules shall be recycled at the end of their useful life. Solar panels shall be secured in pallets and taken to a recycling center authorized by the state of California. Such recycling centers must possess R2 and ISO14001 certifications (or their equivalents).

29. Closure Compliance: Project decommissioning shall be performed in accordance with all other plans, permits, and measures that would ensure the project conforms to applicable requirements and would avoid significant adverse impacts. These plans and permits may include, but not limited, to the following:

- a. Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP)
- b. Air Quality Permits
- c. Incidental Take Permit, Section 2081 of the Fish and Game Code
- d. Cultural Records Report
- e. Phase 1 Environmental Site Assessment (ESA) (to be performed at the end of decommissioning to verify site conditions)

| 30. **Restoration:** Upon termination of its use, the site shall be restored to its natural state, to include reseeded and replanting of native vegetation, and grading to natural contours.

EXHIBIT 'B' - MITIGATION MONITORING AND REPORTING

IMPACT NUMBER	IMPACT	MITIGATION MEASURE
BIO-1	Nesting Birds	<p>A nesting bird survey shall be performed by a qualified biologist no earlier than two weeks prior to any construction during the nesting season (March 1 – August 31) to determine if any native birds are nesting on or near the site (including a 150-foot buffer for raptors, where accessible). If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests shall be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Removal of any suitable nesting habitat (i.e. trees and vegetation) outside of the bird breeding season to avoid impacts to nesting birds is also recommended.</p>
BIO-2	Trash Receptacles	<p>All trash and waste items generated by construction or crew activities shall be properly contained in a covered and locked trash receptacle and/or removed from the Project site daily. This includes biodegradable items, such as apple cores and banana peels that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species</p>
BIO-3	Wildlife Awareness	<p>All Project personnel will visually check for animals in any pipes, culverts, or other open-ended materials and equipment stored on site for one or more overnight periods prior to moving, burying, or capping to ensure that no animals are present within the materials and equipment. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six (6) inches deep will be covered at the end of each workday by suitable materials that cannot be displaced or escape ramps will be placed in excavations. After opening and before filling, such holes, ditches, and trenches will be thoroughly inspected for trapped animals.</p>
BIO-4	Western Pond Turtle	<p>If construction must occur during the breeding season (April-July), preconstruction surveys shall be performed by a qualified biologist one week prior to the onset of construction. The surveys shall include any area included in the Project footprint that is within 325 feet of Howard Creek and the pond north of the Project Area to determine whether any western pond turtle nests/burrows are present. If any active nests/burrows are present, they shall be flagged and avoided until the eggs have hatched or they are no longer active, as determined by the qualified biologist. Construction shall not occur within 50 feet of an active nest site (burrow), and proper water quality best management practices (BMP's) shall be utilized prior to Project construction to prevent erosion or hazardous materials from entering the pond adjacent to the northeast corner of the study area and Howard Creek south of the study area.</p>
BIO-5	Pallid Bat	<p>To avoid impacts to foraging bats that may occur in the Project Area, Project activities shall be restricted to daytime hours, defined as one hour after sunrise and one hour before sunset.</p>

BIO-6 Worker Training

A qualified biologist shall conduct an environmental education program for all persons working on the Project prior to the onset of construction. A discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered will be included in the training. Special-status species, including legal protection, penalties for violations, and Project-specific protective measures will also be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the training will be maintained at the worksite with the Project supervisor, and handout containing this information will be distributed for workers to carry on-site. Upon completion of the program, employees shall sign an attendance log stating they attended the program and understand all protective measures.

BIO-7 Plant Avoidance

Prior to the onset of construction and within the blooming period for target species (which typically begin blooming April/May through June), a qualified botanist shall perform a special-status plant survey within the Project Area to determine if any special-status plants are evident and identifiable. The botanical field survey shall be floristic in nature, meaning that every plant taxon that occurs in the Project Area is identified to the taxonomic level necessary to determine rarity and listing status. During this initial special-status plant survey, habitat suitability can be further determined for any later blooming species with potential to occur and recommendation can be made for any follow up survey pass(es). Should any special-status plant species be encountered during surveys, those plants shall be avoided during project construction activities to the extent feasible, as detailed below. If full avoidance is not feasible, the project sponsors shall develop and implement a rare plant salvage plan, in consultation with CDFW (and U.S. Fish and Wildlife Service, if applicable), as detailed in the MND.

HAZ-1 Hazardous Materials

All project components containing hazardous materials, including but not limited to batteries, transformers and coolant, shall be inspected for integrity at least every six months. Faulty equipment shall be removed from the site immediately and replaced as soon as feasible, and any ground contamination shall be immediately reported to the Division of Environmental Health.

FIRE-1 Wildfire Damage

During fire season (as defined by CAL FIRE), all vegetation around the solar array and its supporting infrastructure shall be maintained to a minimum height above ground to prevent spread of wildfires caused by electrical discharge or heat.

PROGRAM (MMRP)

IMPLEMENTATION/ MONITORING RESPONSIBILITY	TIMING/SCHEDULE	VERIFICATION RESPONSIBILITY
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Contractors	Within 2 weeks prior to construction activities if done between March and August.	Contractors
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Contractors	Daily	Contractors
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Contractors	Daily	Contractors
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Contractors	One week prior to construction activities, if such activities occur between April and July.	Contractors
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Contractors	Daily	Contractors
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Contractors Prior to construction Contractors

Contractors Prior to construction and within the blooming period (April - June) County

Contractors At least every 6 months. County

Contractors As needed during fire season. Contractors