

**CALIFORNIA DEPARTMENT OF WATER RESOURCES
CEQA RESPONSIBLE AGENCY FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR
EDWARDS SOLAR POWER PURCHASE AGREEMENT**

I. ENVIRONMENTAL REVIEW PROCESS

The California Department of Water Resources (DWR), as a Responsible Agency under the California Environmental Quality Act (CEQA), makes these findings under California Code of Regulations, title 14 (CEQA Guidelines), section 15096, subdivision (h), with regard to the proposed Power Purchase Agreement (PPA) between DWR and Edwards Solar 1B, LLC for generation of renewable energy at the Edwards Air Force Base (Project).

Edwards Air Force Base (AFB) Solar Project. The United States Department of the Air Force (USAF), as the Lead Agency under the National Environmental Policy Act (NEPA), and Kern County, as the Lead Agency under CEQA, completed and certified an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the Project. See “Final Environmental Impact Statement/Environmental Impact Report for the Edwards AFB Solar Project” (January 2020) (Federal Register Volume 83, Number 16, Page 4320; State Clearinghouse No. 2017111079). The EIS/EIR evaluated the Project at a project-level.

As articulated in the EIS/EIR, the Project would involve construction, operation, and maintenance of one solar photovoltaic (PV) power-generating facility at Edwards AFB. The final scale of the Project is anticipated to be greater than 100 MW but not more than 750 MW, with the generated energy distributed to investor owned utilities, municipalities, other energy off-takers and/or Edwards AFB. The construction scale of the Project would require a lease and development of up to 4,000 acres of non-excess land at Edwards AFB. The proposed solar facility would be located on Edwards AFB, approximately six miles northeast of the community of Rosamond and six miles south of Mojave, in southeastern Kern County, California.

On November 17, 2020, the Kern County Board of Supervisors certified the Final EIR for the Project and approved the Project. In so doing, the Kern County Board of Supervisors adopted CEQA Findings,¹ a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP). On November 19, 2020, Kern County filed a CEQA Notice of Determination (NOD) in compliance with Public Resources Code section 21152 to fulfill its CEQA responsibilities. On November 23, 2020, USAF signed the Record of Decision (ROD) to fulfill its NEPA responsibilities, deciding to undergo the Project based on analysis provided in the Final EIS, which includes all mitigation measures (85 Fed.Reg. 84307–84308 (Dec. 28, 2020)).

The custodian and location of the Final EIS/EIR and other documents and materials that constitute the record of the proceeding are: Kern County Administrative Center, 1115 Truxtun Avenue, Fifth Floor, Bakersfield, California 93301.

¹ Kern County’s findings under CEQA Guidelines, section 15091 include analyses of the mitigation measures for the generation tie-line portions of the Project, but do not include analyses of the mitigation measures for the portion of the Project on property owned by USAF.

DWR Role in the Project. DWR's role in the Project would be to enter into a PPA with the Project developer, Edwards Solar 1B, LLC, to continue implementing DWR's *Climate Action Plan Phase 1: Greenhouse Gas Emissions Reduction Plan, Update 2020* (July 2020), which sets DWR's greenhouse (GHG) emissions reduction goals and identifies emissions reduction measures, consistent with Senate Bill 32 (2016), Senate Bill 100 (2018), and other state climate laws. The proposed PPA would fulfill part of DWR's commitments to renewable energy procurement under Senate Bill 100 and pursuant to Measure OP-3 - Renewable Energy Procurement Plan, included in DWR's *Climate Action Plan Phase 1, Update 2020*.

DWR issued a Request for Proposal (RFP), dated September 12, 2019, seeking to purchase renewable energy and capacity, including attributes used to qualify for Resource Adequacy, and all associated Environmental Attributes, including Renewable Energy Credits, from a solar photovoltaic facility through a PPA. The proposal from Edwards Solar 1B, LLC to provide energy from the Project was deemed eligible for commencing contract negotiations. Pursuant to the proposed PPA, DWR will purchase 48 MW of capacity and associated energy from the Project for the period of 20 years. DWR has no ownership interest in the Project or any of its components. If DWR does not enter a PPA to purchase power from the Project, it is likely that that power will be purchased by other users.

DWR, as a Responsible Agency under CEQA, has reviewed and considered the environmental documentation prepared by USAF and Kern County, the Lead Agencies. DWR has carefully considered the environmental effects of the Project as shown in the Final EIS/EIR and has reached its own independent conclusion on whether and how to approve the PPA. It is important to note that DWR has no authority over the Project as a police power authority, or as a permitting or regulatory agency.

Based on its independent review, DWR makes the following findings.

II. SIGNIFICANT ADVERSE IMPACTS THAT ARE REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The EIS/EIR identified environmental impacts resulting from the Project that would be reduced to a less-than-significant level by mitigation measures set forth in the EIS/EIR. Kern County expressly incorporated mitigation measures into its project approval and adopted the MMRP to ensure that all adopted mitigation measures are implemented in a satisfactory manner and that implementation of the measures is documented.

The relevant impacts and mitigation measures, which are discussed in the EIS/EIR and in the County's CEQA Findings, are briefly described below:

- A. Impact 3.1-2: New Sources of Nighttime Lighting and Glare. The Project has the potential to create a new source of glare, which could adversely affect day or nighttime views in the project area. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.1-1a and MM 3.1-3b which require Project lighting to be directed downward and shielded to focus on desired areas only and avoid light trespass into adjacent areas, MM 3.1-1b which requires a landscape restoration and revegetation plan, MM 3.1-2a which requires Project buildings to use nonreflective

- materials and colors that are complementary to the desert landscape, and MM 3.1-3a which requires recycling and trash abatement and a pest management program.
- B. Impact 3.3-2: Violate any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation. The Project would result in a temporary increase of emissions during operation activities. The long-term operational impacts will be mitigated to a less-than-significant level by Mitigation Measures MM 3.1-1a and MM 3.3-1b which would require fugitive dust control measures, MM 3.3-2a and MM 3.3-2b which would require a grading plan, MM 3.3-3a and MM 3.3-3b which would require implementation of construction equipment standards, MM 3.3-4a and MM 3.3-4b which would require on-site idling standards, MM 3.3-5a and MM 3.3-5b which would require dust control measures, and MM 3.3-6a and MM 3.3-6b which would require on-site emissions control measures.
- C. Impact 3.3-4: Expose Sensitive Receptors to Substantial Pollutant Concentrations. The proposed project could expose sensitive receptors to substantial pollutant concentrations. However, implementation of Mitigation Measures MM 3.3-7b and MM 3.3-10a which would require training for all construction personnel regarding Valley Fever, and MM 3.3-8b which would require paying a fee to the Kern County Public Health Services Department for Valley Fever public awareness programs, would further reduce this impact to a less-than-significant level.
- D. Impact 3.5-1: Possible Habitat Modification. The construction and operation of the Project could result in the indirect or direct habitat alteration on certain species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or the CDFW or USFWS. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.5-1a and MM 3.5-1b which require a qualified biological monitor onsite, MM 3.5-3a and MM 3.5-2b which require a Worker Environmental Awareness Training and Education Program for all workers, MM 3.5-2a and MM 3.5-3b which require measures to avoid, minimize, and mitigation potential impacts to special-status wildlife from noise, dust, and lighting, MM 3.5-4a and MM 3.5-12b which require a Vegetation Salvage Mitigation and Monitoring Plan, MM 3.5-4b which requires general avoidance and protection measures, MM 3.5-5a which requires a Weed Management Plan, MM 3.5-5b and MM 3.5-6a which require a Raven Management Plan be implemented, MM 3.5-6b, which requires Avian Power Line Specifications to protect birds from electrocution or collision, MM 3.5-7a which requires a Bird Conservation Strategy, MM 3.5-9a and MM 3.5-7b which require measures to protect nesting birds and raptors, MM 3.5-8a and MM 3.5-8b which require preconstruction surveys and protective measures for desert tortoise, MM 3.5-9b and MM 3.5-11a which require preconstruction surveys and protective measures for burrowing owl, MM 3.5-10a which requires preconstruction clearance surveys and protective measures for special-status mammals, MM 3.5-10b which requires a Special-Status Mammals Management Plan, and MM 3.5-11b and 3.5-12a which require trench monitoring requirements to protect wildlife.
- E. Impact 3.5-2: Potential Adverse Impacts to Riparian Habitat or Other Sensitive Natural Communities. The project has the potential to impact sensitive natural communities such as Joshua tree woodland. The impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.5-1a through MM 3.5-12a, MM 3.5-1b, and MM 3.5-2b (described above), MM 3.5-14b which requires a Joshua Tree Impact Plan,

and MM 3.5-15b which requires funding the acquisition and management in perpetuity of Joshua tree woodland at a 1:1 ratio for impacted habitat.

- F. Impact 3.5-3: Potential Adverse Impact to Federally Protected Wetlands. The project would potentially have a substantial adverse impact on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. The impact would be mitigated to a less-than-significant level with Mitigation Measures MM 3.5-1a, MM 3.5-2a, MM 3.5-3a, MM 3.5-1b, and MM 3.5-2b (described above) and 3.5-13b which requires performing a jurisdictional delineation and complying with applicable State wetland regulations.
- G. Impact 3.5-5: Conflict with Local Policies and Ordinances Regarding Biological Resources. The project has the potential to interfere with a tree preservation policy or ordinance for the project site. The impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.5-13a which requires a Joshua Tree Woodland Preservation Plan, MM 3.5-14b and MM 3.5-15b (described above).
- H. Biological Resources Cumulative Impact: The proposed project in combination with other projects could have cumulatively considerable impacts to Biological Resources. The impact would be mitigated to a less-than-significant level by Mitigation Measures MM 3.5-1a through MM 3.5-13a and MM 3.5-1b through MM 3.5-15b (described above).
- I. Impact 3.6-1: Impact on Historical or Archaeological Resources. The Project could potentially cause a substantial adverse change in the significance of a historical or unique archaeological resource. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.6-1a which requires a Consultation Agreement with the State Historic Preservation Officer and a Cultural Resources Management Plan, MM 3.6-2a which requires data recovery and avoidance measures where preservation in place of a significant archaeological resource is not feasible, MM 3.6-1b which requires a qualified archaeologist to carry out all mitigation related to archaeological, cultural, and historical resources, MM 3.6-5a and MM 3.6-2b which require a Worker Cultural Awareness Training Program for all personnel, MM 3.6-3a and MM 3.6-3b which require Archaeological and Native American Resources Monitoring, MM 3.6-4a and MM 3.6-4b which specify measures to be followed for inadvertent archaeological or paleontological discoveries during construction, MM 3.6-6a which requires a Public Outreach and Education Program, MM 3.6-7a which requires an artifact relocation plan for previously identified and inadvertent discovery of cultural resources, and MM 3.6-4a and MM 3.6-8b which specify measures to be followed for discovery of human remains during construction.
- J. Impact 3.6-2: Impact on Paleontological Resources. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.6-8a which requires a Paleontological Resources Mitigation and Monitoring Plan, MM 3.6-9a which requires a Worker Paleontological Resources Awareness Training Program for all personnel, and MM 3.6-10a and MM 3.6-10b which require paleontological resources monitoring.
- K. Impact 3.6-3: Impact on Human Remains. The Project could disturb human remains, including those interred outside of formal cemeteries. This impact will be mitigated to

- a less-than-significant level by Mitigation Measures MM 3.6-4a and MM 3.6-8b (described above).
- L. Cultural Resource Cumulative Impact: The proposed project in combination with other projects could have cumulatively considerable impacts to Cultural Resources. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.6-1a through MM 3.6-11a and MM 3.6-1b through MM 3.6-8b.
 - M. Impact 3.16-1: Impact on Tribal Cultural Resources. The Project could cause a substantial adverse change in the significance of a tribal cultural resource. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.6-1b through MM 3.6-4b, and MM 3.6-8b (described above).
 - N. Impact 3.7-2: Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking. Project-related structures could be subject to damage from seismic ground shaking and related secondary geologic hazards. This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 3.7-1b, requiring preparation of a geotechnical report and implementation of certain measures and MM 3.7-2b which requires retaining a California registered and licensed professional engineer to design the Project to comply with seismic safety requirements.
 - O. Impact 3.7-3: Seismic Related Ground Failure. The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. This impact will be mitigated to a less-than-significant level by s Mitigation Measures MM 3.7-1b (described above) and MM 3.7-3b which requires limiting grading to the minimum area necessary and retaining a California registered and licensed professional engineer to submit final grading earthwork plans..
 - P. Impact 3.7-4: Construction-related Erosion. Construction activities during project implementation would involve grading and movement of earth which could result in substantial soil erosion or loss of topsoil. This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 3.7-4b which requires a Soil Erosion and Sedimentation Control Plan.
 - Q. Impact 3.7-5: Unstable Geologic Conditions. The project is located on unconsolidated alluvial sediments which may have the potential to result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.7-1b MM 3.7-4b (described above).
 - R. Impact 3.7-6: Expansive Soils. The Project site contains soils that may be expansive. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.7-1b and MM 3.7-4b (described above).
 - S. Impact 3.7-7: Soils Unsuitable for Septic Tanks or Alternative Wastewater Disposal. The Project may include structures that would require wastewater disposal that could have a significant impact if constructed on unsuitable soils. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.7-2a which requires a site-specific soil permeability report be prepared.
 - T. Geology and Soils Cumulative Impact: The Project has the potential to contribute to soil erosion and loss of topsoil and result in cumulative impacts to geology and soils. This impact will be mitigated to a less-than-significant level by Mitigation measures MM 3.7-1b through MM 3.7-4b (described above).

- U. Impact 3.9-1: Possible Risk to the Public or Environment through Routine Transport, Use, or Disposal of Hazardous Materials. The Project may result in an accidental release of hazardous materials into environment from project-related activities. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.9-1a and MM 3.9-1b which require a Hazardous Materials Business Plan, MM 3.9-2b which requires recycling construction waste when feasible, MM 3.9-2b and MM 3.9-3b which require a Spill Prevention, Control, and Countermeasure Plan, MM 3.9-3a and MM 3.9-4b which require herbicide control measures, and MM 3.9-7b which requires avoiding environmental contamination.
- V. Impact 3.9-2: Accidental Release of Hazardous Materials. The Project involves limited use of hazardous materials and thus has the potential to create a significant hazard to the public or the environment through accidental release of hazardous materials into the environment. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.9-1a through MM 3.9-3a, MM 3.9-1b through MM 3.9-4b, and MM 3.9-7b (described above), MM 3.9-4a and MM 3.9-6b which require measures if asbestos-containing materials are encountered during construction, MM 3.9-5a which requires that herbicides be applied in accordance with the Edwards Air Force Base Integrated Pest Management Plan, and MM 3.9-5b which requires notification and remediation if any abandoned or unrecorded wells are uncovered or damaged during construction.
- W. Impact 3.9-3: Project Location on Known Hazardous Materials Site. The Project is located on Edwards AFB, which is a property of concern on the National Priorities List of Uncontrolled Hazardous Waste Sites and has the potential to disturb contaminated soils or remedial equipment. This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 3.9-7b (described above).
- X. Impact 3.9-4: Possible Risk of Wildfire. The Project is in a Moderate Fire Hazard Severity Zone and thus has the potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.9-6a and MM 3.9-8b which require a Fire Safety Plan.
- Y. Hazardous Materials Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to hazardous material release. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.9-1a through MM 3.9-6a and MM 3.9-1b through MM 3.9-8b (described above).
- Z. Impact 3.10-1: Exceeding Wastewater Treatment Requirements. The Project has the potential to exceed wastewater treatment requirements of the Regional Water Quality Control Board. This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 3.10-1a and MM 3.10-1b which require coordination with appropriate utility service providers prior to construction to ensure adequate wastewater treatment exists.
- AA. Impact 3.10-5: Insufficient Landfill Capacity. The Project has the potential to adversely affect existing landfill capacity. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.10-2a and MM 3.10-2b which require a Recycling Coordinator, and MM 3.11-1a and MM 3.11-1b which require a Decommission Plan to ensure funding and implementation of decommissioning.

- BB. Infrastructure Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to wastewater treatment, infrastructure, stormwater runoff, and landfills. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.10-1a, MM 3.10-2a, MM 3.10-1b, MM 3.10-2b, MM 3.11-1a, and MM 3.11-1b (described above), and MM 3.16-3b which requires a Drainage Plan.
- CC. Land Use Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically regarding abandonment. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.11-1a and MM 3.11-1b (described above).
- DD. Impact 3.12-1. Excessive Noise. The Project has the potential to expose persons or to generate noise levels in excess of standards established in applicable plans, ordinances, or by other applicable agencies. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.12-1a and MM 3.12-1b which require noise reduction measures and MM 3.12-1a and MM 3.12-2b which require public notification prior to Project activities.
- EE. Impact 3.12-3: Temporary Noise Impact. The Project has the potential to result in substantial temporary or periodic increase in ambient noise levels in the Project vicinity above existing levels. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.12.1a, MM 3.12-1b, MM 3.12-2a, and MM 3.12-2b (described above).
- FF. Impact 3.12-4: Excessive Noise Levels Within Kern County Airport Land Use Compatibility Plan. The Project is in areas identified in the Kern County ALUCP and has the potential to expose people residing or working in the area to excessive noise levels. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.12-1a, MM 3.12-1b, MM 3.12-2a, and MM 3.12-2b (described above).
- GG. Noise Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to noise. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.12-1a, MM 3.12-1b, MM 3.12-2a, and MM 3.12-2b (described above).
- HH. Impact 3.15-1: Conflict with Traffic Plans, Ordinances, or Policies. During construction and decommissioning, the Project may cause traffic conditions to degrade to an unacceptable Level of Service. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.15-1a and MM 3.15-2b which require a Traffic Control Plan.
- II. Impact 3.15-2: Conflict with Congestion Management Program. The Project has the potential to conflict with an applicable congestion management program by increasing traffic volume. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.15-1b which requires that easement obstructions be removed and MM 3.15-1a and MM 3.15-2b (described above).
- JJ. Impact 3.15-3: Increase Traffic Hazards. The Project may require delivery of equipment by oversize vehicles which can create a traffic hazard. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.15-1a, MM 3.15-1b and MM 3.15-2b (described above).

- KK. Transportation and Traffic Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to transportation and traffic. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.15-1a, MM 3.15-1b and MM 3.15-2b (described above).
- LL. Impact 3.16-1: Violation of Water Quality Standards. The Project could generate discharges to surface water resources that could potentially violate water quality standards or waste discharge requirements. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.9-1b (described above), MM 3.16-1a and MM 3.16-1b which require a Stormwater Pollution Prevention Plan (SWPPP), MM 3.16-2a and MM 3.16-2b which require Federal Emergency Management (FEMA) flood zone mapping and strategic siting of Project structures, MM 3.16-3a and MM 3.16-3b which require a Final Flood Hazard Assessment, and MM 3.16-4a and MM 3.16-4b which require a Grading Plan that meets County guidelines.
- MM. Impact 3.16-3: Substantially Alter Existing Drainage. The Project could substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion and/or flooding on or off site. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.16-1a through MM 3.16-4a and MM 3.16-1b through MM 3.16-4b (described above).
- NN. Impact 3.16-4: Stormwater Runoff. The Project has the potential to create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or produce polluted runoff. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.16-1a, MM 3.16-4a, MM 3.16-1b, and MM 3.16-4b (described above), and MM 3.16-5a and MM 3.16-5b which require a Hydrologic Study and Drainage Plan to minimize runoff.
- OO. Impact 3.16-5: Substantial Degradation of Water Quality. The Project has the potential to otherwise substantially degrade water quality. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.7-2a, MM 3.7-2b, MM 3.16-1a through MM 3.16-4a, and MM 3.16-1b through MM 3.16-4b (described above).
- PP. Impact 3.16-6: Impeding Flows Within 100-year Flood Hazard Areas. The Project is located adjacent to areas within a 100-year flood zone and has the potential to impede or redirect flood flows. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.16-2a through MM 3.16-4a and MM 3.16-2b through MM 3.16-4b (described above).
- QQ. Hydrology and Water Quality Cumulative Impact: The Project has the potential to result in cumulatively considerable impacts related to hydrology and water quality. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 3.7-2a, MM 3.9-1a, MM 3.9-1b, MM 3.16-1a through MM 3.16-5a, and MM 3.16-1b through MM 3.16-4b (described above).
- RR. Impact 5-1: Wasteful or Unnecessary Use of Energy. The Project could result in an inefficient, wasteful, and/or unnecessary use of energy for transportation of materials and worker commutes. This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 5-1a and MM 5-1b which require a Transportation Energy Management Plan during construction and decommissioning.

Based on independent review, DWR concurs with the County's determinations that the mitigation measures set forth in the EIS/EIR will reduce the environmental impacts listed above to a less-than-significant level.

III. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The EIS/EIR identified several environmental impacts resulting from the Project that could not feasibly be mitigated to a less-than-significant level. The Project adopted mitigation measures for these impacts but found that the mitigation measures would not reduce the impacts to a less-than-significant level. A Statement of Overriding Considerations regarding these impacts is included in Section VI below.

The relevant impacts and mitigation measures, which are discussed in the EIS/EIR and in the County's CEQA Findings, are briefly described below:

A. Aesthetics

- a. Impact 3.1-1: Degrading Existing Visual Character or Quality. The Project has the potential to substantially degrade the existing visual character of quality of the site and its surroundings. Kern County adopted Mitigation Measures MM 3.1-1a, MM 3.1-1b , and MM 3.1-2a (described above), MM 3.1-2b and MM 3.1-3a which require recycling and trash abatement and a pest management program, MM 3.1-3b (described above), and MM 3.5-4a which requires a Vegetation Salvage Plan, but found that mitigation would not reduce impacts to a less-than-significant level because no feasible mitigation measures exist to preserve the existing open space landscape and restoration activities would occur over an unknown long period of time.
- b. Cumulative Impacts: The proposed Project in combination with other projects would result in significant and unavoidable cumulative aesthetic impacts. Kern County adopted Mitigation Measures MM 3.1-1a, MM 3.1-2a, MM 3.1-3a, MM 3.1-1b, MM 3.1-2b, and MM 3.1-3b (described above), but found that the proposed project would result in a cumulatively considerable aesthetic impact when considered with other reasonably foreseeable energy development projects in the area.

B. Air Quality

- a. Impact 3.3-1: Conflict or obstruct implementation of air quality plan. The proposed project would exceed the PM10 threshold during construction and result in conflict or obstruction of the implementation of applicable air quality plans. Kern County adopted Mitigation Measures MM 3.1-1a, MM 3.3-1b , MM 3.3-2a, MM 3.3-2b , MM 3.3-3a, MM 3.3-3b , MM 3.3-4a, MM 3.3-4b, MM 3.3-5a, MM 3.3-5b, MM 3.3-6a, and MM 3.3-6b (described above), but found that mitigation would not reduce short-term construction impacts to a less-than-significant level.

- b. Impact 3.3-2 Violation of Applicable Air Quality Standards. The project would violate an applicable air quality standard or contribute substantially to an existing or project air quality violation. Kern County adopted Mitigation Measures MM 3.3-1a through MM 3.3-9a, and MM 3.3-1b through 3.3-6b (described above) but found that mitigation would not reduce short-term construction-related impacts to a less-than-significant level.
- c. Impact 3.3-3: Cumulatively considerable impacts. Construction of the project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment. Kern County adopted Mitigation Measures MM 3.3-1a through MM 3.3-9a and MM 3.3-1b through 3.3-6b (described above) but found that mitigation would not reduce cumulative construction impacts to a less-than-significant level. Operational impacts would not be cumulatively considerable. TAC and CO impacts would not be cumulatively considerable.
- d. Cumulative Impacts: The project would result in a cumulatively considerable impact to air quality for an area in nonattainment. Kern County adopted Mitigation Measures MM 3.3-1a through MM 3.3-9a and MM 3.3-1b through 3.3-6b (described above) but found that mitigation would not reduce cumulative construction impacts to a less-than-significant level.

IV. MITIGATION MONITORING AND REPORTING PROGRAM

DWR has reviewed the MMRP, approved by the Kern County Board of Supervisors on November 17, 2020, as a condition of its approval of the Project, and which meets the requirements of CEQA Guidelines, section 15091, subdivision (d). Compliance with the County's MMRP will be required pursuant to the proposed PPA between DWR and Edwards Solar 1B, LLC.

V. ALTERNATIVES

CEQA Guidelines, section 15126.6, subdivision (a) states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Accordingly, the alternatives selected by the County for review in the EIR focus on alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the Project's objectives (i.e., the alternatives could impede to some degree the attainment of Project objectives, but still would enable the Project to obtain its basic objectives). Four alternatives, including the Preferred Project Alternative, were considered in the EIS/EIR, as follows:

- Alternative A: Preferred Alternative (4,000-acre EUL)
- Alternative B: Reduced Project Alternative (1,500-acre EUL)
- Alternative C: No Action/No Project Alternative

- Alternative D: No Ground-mounted Utility-Solar Development – Distributed Commercial and Industrial Rooftop Solar Only

The County found Alternative B would result in reduced impacts due to a reduced footprint and ground disturbance and would not result in any greater environmental impacts when compared to the Project. Alternative B would meet some of the project objectives. However, this alternative would still result in significant and unavoidable cumulative impacts to aesthetics. Although this alternative would achieve some of the project objectives, it would not achieve the goals of developing facilities to produce the necessary amount of clean electricity to help achieve California's renewable energy goals to the degree associated with the proposed project. Alternative B would also offset one-third of the GHG emissions offset by Alternative A, thus GHG impacts would be greater under Alternative B. Alternative B would also enhance existing electrical distribution infrastructure and provide greater support to existing and future customer loads to a lesser degree than Alternative A.

The County found Alternative C would avoid all significant environmental impacts because the proposed EUL action and solar array development would not occur; however, it would not meet any of the Project's objectives. Additionally, Alternative C would not help California meet its statutory and regulatory goal of increasing renewable power generation, including GHG reduction goals of the California Global Warming Solutions Act of 2006 (Health & Saf. Code, § 38500, et seq.).

The County found Alternative D would consist of the construction of the same amount of PV solar electricity as the proposed project. Rather than in the project site boundary, PV solar panels would be distributed on rooftops throughout the region. This alternative would avoid a EUL, Conditional Use Permit (CUP) and franchise agreement for the project site but may require other entitlements (such as a CUP or variance) on other sites. As compared to Alternative A, this alternative would avoid direct significant impacts to aesthetics, air quality, and cultural resources. This alternative would avoid significant and unavoidable impacts to project-level and cumulative aesthetics and air quality that would occur as a result of implementation of the proposed project. This alternative would also result in potentially reduced impacts to biological resources, cultural resources, geology and soils, hazards and hazardous materials, public services, traffic and utilities, water resources, and service systems. However, it would result in greater impacts to noise because construction may take place in closer proximity to sensitive receptors. This alternative would achieve most of the project objectives, such as offsetting energy generated from fossil fuels and helping to achieve California's renewable energy goals; however, given the size of the proposed project (4,000 acres), the project objectives, and the need to arrange a suitable assemblage of participating commercial and industrial properties that could accommodate facilities to generate industrial-scale solar power, it is impractical and infeasible to propose a distributed generation project of this type and still proceed within a reasonably similar timeframe or cost.

CEQA Guidelines, section 15126.6, subdivision (e)(2) requires the identification of an environmentally superior alternative to the project. An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Alternative C, the No Action/No Project Alternative, would be environmentally superior to the proposed project based on its minimization or avoidance of physical environmental impacts. CEQA Guidelines, section 15126.6, subdivision (e)(2) states that if the No Project Alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives.”

Alternative B, the 1,500-Acre EUL Alternative, would result in incrementally fewer impacts than the proposed project (Alternative A) except for GHG emissions. GHG impacts would be greater under Alternative B, since the potential offset or displacement of GHGs from operation of the solar generating facility, compared with traditional gas- or coal-fired power plants, would not be realized to the same extent. Even though impacts would be reduced in comparison to the proposed project, Alternative B would still result in significant and unavoidable impacts to aesthetics and air quality.

DWR has considered the alternatives analysis in the EIS/EIR and finds that it covers an adequate range and discussion of alternatives as such alternatives relate to the parts of the Project that DWR proposes to carry out, finance, or approve (see CEQA Guidelines, § 15096, subd. (g)). DWR finds that none of the alternatives examined in the EIR, except for the No Project Alternative, would avoid all the identified significant impacts. DWR further finds that the environmentally superior alternative, Alternative B, is not a feasible alternative for the reasons articulated by USAF and the County, summarized above.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resource Code section 21002 provides: “...in the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” When an agency approves a project which will result in the occurrence of significant effects on the environment which are identified in the EIR but are not avoided or substantially lessened, the agency shall adopt a statement of overriding considerations stating the specific reasons to support its action based on the final EIR and other information in the record (CEQA Guidelines, §§ 15093, subd. (b) & 15096, subd. (h)).

DWR’s independent review of the EIS/EIR for the Project determined that the following categories of environmental effects will remain significant even after the imposition of mitigation measures and the examination of alternatives:

- Aesthetics (project and cumulative)
- Air quality (temporary project and cumulative)

DWR adopts this Statement of Overriding Considerations and finds that, as part of the CEQA review and approval process: (a) the proposed Project has been modified to eliminate or substantially lessen significant effects on the environment, where feasible, and (b) the remaining unavoidable impacts of the proposed Project are an acceptable environmental cost in light of the

environmental, economic, legal, social, technological and other benefits of the Project, as discussed below.

The Importance of the Project. DWR finds the proposed Project is vital to reducing DWR's demand on fossil fuel energy and to comply with DWR's internal plans and policies aimed at utilizing renewable power generation. As part of its *Climate Action Plan Phase 1, Update 2020*, and pursuant to regulatory mandates in Assembly Bill 32, Senate Bills 32 and 100, and Executive Orders B-18-12, B-30-15, and B-55-18, DWR has committed to reducing its GHG emissions to at least 60% below the 1990 level by 2030, and to supply 100 percent of electricity load with zero-carbon resources and achieve carbon neutrality by 2045. Among other GHG emissions reduction measures, *Update 2020* requires implementation of Measure OP-3 – Renewable Energy Procurement Plan, which is designed to increase the proportion of energy used to operate the State Water Project (SWP) with energy supplies from renewable sources, including solar facilities. DWR's purchase of 48 MW of capacity and associated renewable energy from the Project for the period of 20 years would fulfill part of DWR's commitment to procure energy from renewable resources and diversify its resource mix. It would also meet DWR's technical requirements for a PPA for the benefit of the SWP, including commercial viability, eligibility for Renewable Energy Credits, delivery within the California Independent System Operator (CAISO) Balancing Authority Area, eligibility to qualify for CAISO's Resource Adequacy, and an economic price that captures the value of current Investment Tax Credits.

The proposed Project offers the following additional benefits as described in the Final EIR:

- Establishes a solar PV power-generating facility of sufficient size and configuration to produce approximately 145 GWh of energy annually during the 20-year PPA term of reliable electricity in order to assist the State of California in achieving its climate goals.
- Is designed to be constructed and operated in an economically feasible and commercially financeable manner and ensures that the facilities can be operated in a manner that allows electricity to be provided at a competitive price.
- Uses technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.
- Enhances existing electrical distribution infrastructure and provides greater support to existing and future customer loads.
- Provides jobs and supports the economic development of Kern County and the state of California.

DWR considered the environmental, economic, legal, social, technological and other benefits of the proposed Project and determined that the benefits of the proposed Project and DWR's participation in it outweigh the Project's significant and unavoidable environmental effects.


VII. NO SUPPLEMENTAL OR SUBSEQUENT EIR IS REQUIRED

DWR finds that no Subsequent or Supplemental EIR is required under CEQA. In particular, DWR finds that there are no substantial changes in the Project; no substantial changes in the circumstances under which the Project is undertaken; and no new information of substantial

importance, which gives rise to a new significant environmental impact or otherwise triggers the need for additional review under CEQA Guidelines, sections 15162 or 15163.

VIII. ADOPTION OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

DWR hereby formally adopts the Findings and Statement of Overriding Considerations set forth herein, which meet the requirements of CEQA Guidelines, sections 15091 and 15093.

 <hr/> <p>Ted Craddock Deputy Director State Water Project</p>	<p>1/19/2021</p> <hr/> <p>Date</p>
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