

**CALIFORNIA DEPARTMENT OF WATER RESOURCES  
CEQA RESPONSIBLE AGENCY FINDINGS  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR SANBORN 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 Section 15096(h) of the CEQA Guidelines, with regard to the proposed Power Purchase Agreement (PPA) between DWR and Sanborn Solar 1B, LLC for generation of renewable energy at the Sanborn Solar Project (Project).

Sanborn Solar Project. Kern County (County), as the Lead Agency under CEQA, has completed and certified an Environmental Impact Report (EIR) for the Project (see “Draft Environmental Impact Report” (February 2020) and “Final Environmental Impact Report Appendices A and B (May 15, 2020), State Clearinghouse No. 2019060259). The EIR evaluated the Project at a project-level.

As articulated in the EIR, the Project would involve construction and operation of one photovoltaic (PV) power-generating facility, on two discontinuous sites, which would produce a combined total of 300 megawatts (MW) of electricity with up to three (3) gigawatt hours (GWh) of energy storage on approximately 2,006 acres of land in unincorporated Kern County. The Project’s permanent facilities would include service roads, overhead and underground transmission lines, a step-up conversion station, solar arrays, substations, energy storage facilities, telecommunication equipment, perimeter security fencing, operations and maintenance facilities, and gen-tie lines.

On June 16, 2020, the Board of Supervisors of the County of Kern certified the Final EIR for the Project and approved the Project. In so doing, the Board of Supervisors of the County of Kern adopted CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Measure Monitoring Program (MMMP). On June 18, 2020, Kern County filed a CEQA Notice of Determination (NOD) in compliance with Section 21152 of the Public Resources Code to fulfill its CEQA responsibilities. The statute of limitations for legal challenges under CEQA to the Project approval by Kern County has passed, and no lawsuits challenging the Final EIR for the Project or Project approval by Kern County have been filed.

The custodian and location of the Final EIR and other documents and materials that constitute the record of the proceeding for the Project are: Kern County Planning and Natural Resource Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301.

DWR Role in the Project. DWR’s role in the Project would be to enter into a PPA with the Project developer, Sanborn 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, 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 Terra-Gen Power Holdings II, LLC (Sanborn Solar 1B, LLC's parent company) to provide energy from the proposed Project was deemed eligible for commencing contract discussions. Pursuant to the proposed PPA, DWR would purchase 36 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 into 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 Kern County, the Lead Agency. DWR has carefully considered the environmental effects of the proposed Project as shown in the Final 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 EIR identified a number of environmental impacts resulting from the proposed Project that would be reduced to a less-than-significant level by mitigation measures set forth in the EIR. The County expressly incorporated the mitigation measures into its Project approval and adopted the MMMP 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 EIR and in the County's CEQA Findings, are briefly described below:

Impact 4.1-4: Aesthetics – New Sources of Nighttime Lighting and Glare. The Project could create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.1-5 through MM 4.1-7, which require the Project proponent to demonstrate to Kern County Planning and Natural Resources Staff that the Project site complies with the applicable provisions of the *Dark Skies Ordinance* (Chapter 19.81 of the Kern County Zoning Ordinance), and also require, among other things, that the Project is designed to provide the minimum illumination needed to

achieve safety and security objectives, that solar panels and hardware are designed to minimize glare and spectral highlighting, and that all onsite buildings utilize non-reflective materials.

Impact 4.3-2: Air Quality – Exposure of sensitive receptors to pollutants. The Project could expose sensitive receptors to substantial pollutant concentrations with temporary construction and decommissioning impacts related to Valley Fever-containing dust.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.3-3 through MM 4.3-4. MM 4.3-3 requires minimizing exposures to potential Valley Fever-containing dust by implementing a number of control measures, including cleaning dust off equipment, vehicles, and other items; phasing grading and trenching work; spraying adjacent areas with water; requiring closed-cap construction vehicles equipped with a HEP-filtered air system; and training of personnel on Valley Fever and protection measures. MM 4.3-4 requires the Project developer to pay a one-time fee towards the County’s Valley Fever public awareness programs.

Impact 4.4-1: Biological Resources – Potential direct and indirect impacts to special-status plants and wildlife species and/or loss of habitat. The Project could have a substantial adverse effect, either directly or through habitat modifications, on certain species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

This impact would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.1-5, which requires compliance with the applicable provisions of the County’s Dark Skies Ordinance, and Mitigation Measures MM 4.4-1 through MM 4.4-12, which require, among other things, pre-construction surveys for plants and trees, recontouring of ground disturbed due to construction, an on-site USFWS-authorized biologist to oversee compliance and protection for species that may be affected during construction, an environmental awareness training and education program, general biological avoidance and protective measures during construction activities (flagging, pre-construction visual surveys, disturbance minimization, limited access roads and speed limits, escape ramps for wildlife, and a Maintenance, Trash Abatement, and Pest Management Program), USFWS-protocol level preconstruction desert tortoise surveys, a Raven Management Plan, an Avian Mortality Monitoring Program, and miscellaneous species-specific measures for potential species described in the CEQA document including but not limited to burrowing owl; nesting, special status and MBTA-protected birds; desert kit fox, etc.

Impact 4.4-2: Biological Resources – Potential to impact sensitive natural communities. The Project could have a substantial adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.4-13 through MM 4.4-14, which require a report detailing how all identified ephemeral drainages are avoided and requiring continual compliance with the report during the life of the Project. If

avoidance of these features is not feasible, the Regional Water Quality Control Board (RWQCB) and CDFW will be consulted, permits obtained and compensatory mitigation and associated Habitat Mitigation and Monitoring Plan (HMMP) prepared, if needed.

Impact 4.4-5: Biological Resources – Conflict with local policies or ordinances protecting biological resources. The Project could conflict with certain local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.4-1 through MM 4.4-14, which are described above.

Impact.4.5-1: Cultural Resources- Change in significance of a historical resource. The Project could cause a substantial adverse change in the significance of a historical resource, as defined in CEQA Guidelines Section 15064.5.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.5-1 through MM 4.5-4, which require retaining a lead archaeologist and Native American Tribal monitor, a cultural sensitivity training by the lead archaeologist prior to any ground disturbing activities, implementation of avoidance measures for a known archaeological site and new archaeological discoveries, and consulting on specific sensitive sites, both known and newly discovered.

Impact 4.5-2: Cultural Resources – Adverse change in the significance of an archaeological resource. The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.5-1 through MM 4.5-4, as described above.

Impact 4.5-3: Cultural Resources – Disturbance of 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 Measure MM 4.5-5, which requires halting work and contacting the Kern County coroner to evaluate the discovered remains and comply with Section 15064.4(e)(1) procedures and protocols in the CEQA Guidelines.

Impact 4.5: Cultural Resources – Cumulative impacts. The Project could have a cumulative environmental impact on cultural resources.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.5-1 through MM 4.5-5, as described above.

Impact 4.6-1: Energy – Petroleum and fuel consumption. The Project could result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.3-1, which requires implementation of diesel emission-reduction measures during construction activities.

Impact 4.7-2: Geology and Soils – Seismic concerns. The Project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-1 and MM 4.7-2, which require a reviewed and approved geotechnical study, retention of a California registered and licensed geotechnical engineer for design and plans, and design approval and inspection by the Kern County Building Inspection Department.

Impact 4.7-3: Geology and Soils – Soil erosion. The Project could result in substantial soil erosion or the loss of topsoil.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-3 and MM 4.7-4, which require Best Management Practices consistent with National Pollutant Discharge Elimination System (NPDES) General Construction Permit Program, preparation of an Erosion and Sedimentation Control Plan and Stormwater Pollution Prevention Plan, and grading limited to the minimum area necessary for construction.

Impact 4.7-4: Geology and Soils-Unstable geologic unit or soil. The Project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-1 and MM 4.7-2, as described above.

Impact 4.7-5: Geology and Soils – Expansive soils. The Project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property.

This impact will be mitigated to a less-than-significant level by Mitigation Measure 4.7-1, as described above.

Impact 4.7-7: Geology and Soils – Unique paleontological resource or site. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-5 through MM 4.7-7, which require Paleontological Resources Awareness Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of inadvertently uncovered paleontological resources.

Impact 4.7: Geology and Soils – Cumulative impacts. The Project could have a cumulative environmental impact on geology and soils and paleontological resources.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-1 through MM 4.7-7, as described above.

Impact 4.9-1: Hazardous Materials and Safety – Transport and disposal of hazardous materials. The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.9-1, which requires a Hazardous Materials Business Plan, and Mitigation Measure MM 4.17-1, which requires recycling of debris and waste generated during construction, operation, and decommissioning.

Impact 4.9-2: Hazardous Materials and Safety – Accidental hazardous materials release. The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.9-1 and MM 4.17-1 described above, and MM 4.9-2, which requires implementation of protection measures associated with herbicide application and submission of written records of all herbicide applications to the County.

Impact 4.9-5: Hazardous Materials and Safety – Safety hazard or excessive noise. The Project could result in a safety hazard or excessive noise for people residing or working in the project area, for a project located within the vicinity of a private airstrip.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.9-3, which requires consistency with the Airport Land Use Compatibility Plan (ALUCP) and General Plan policies of Kern County by requiring the developer to coordinate with the Department of Defense and obtain approval from the Federal Aviation Administration (FAA) and the public airports and military installations in the area.

Impact 4.9-6: Hazardous Materials and Safety – Emergency Response Plan/Evacuation Plan. The Project could impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.15-1, which requires a Kern County Public Works Department-Development Review and the California Department of Transportation-approved Construction Traffic Control Plan.

Impact 4.9-7: Hazardous Materials and Safety – Wildland fires. The Project could expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

This impact will be mitigated to a less-than-significant level by Mitigation Measure 4.14-1, which requires development and implementation of a County-approved Fire Safety Plan for use during construction, operation and decommissioning.

Impact 4.9: Hazardous Materials and Safety – Cumulative impacts. The Project could have a cumulative environmental impact related to hazards and hazardous materials.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.9-1, MM 4.9-2, MM 4.9-3, MM 4.14-1, MM 4.15-1, and MM 4.17-1, as described above.

Impact 4.10-1: Hydrology and Water Quality – Water quality and waste discharge requirements. The Project could violate water quality standards or waste discharge requirements, or otherwise degrade water quality.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.7-3, which requires implementation of best management practices (BMPs) consistent with the NPDES General Construction Permit Program, preparation of an Erosion and Sedimentation Control Plan and Stormwater Pollution Prevention Plan; Mitigation Measure MM 4.9-1, which requires a Hazardous Materials Business Plan; and Mitigation Measure MM 4.10-1, which requires a drainage plan in accordance with the Kern County Development Standards and Kern County Code of Building Regulations.

Impact 4.10-3: Hydrology and Water Quality – Erosion of drainage of a site/area, stream, or river. The Project could substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would result in substantial erosion and/or sedimentation on-site or off-site.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-3 and MM 4.10-1, as described above.

Impact 4.10-4: Hydrology and Water Quality – Flooding of drainage of a site/area, stream, or river. The Project could substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in flooding onsite or offsite.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.10-1, as described above.

Impact 4.10-5: Hydrology and Water Quality – Runoff capacity/exceedance. The Project could create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.10-1, as described above.

Impact 4.10-6: Hydrology and Water Quality – Potential to impede or redirect flood flows. The Project could place within a 100-year flood hazard area structures that would impede or redirect flood flows.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.10-1, as described above.

Impact 4.10-7: Hydrology and Water Quality – The Project could result in a flood hazard, tsunami, or seiche zone, and risk release of pollutants due to Project inundation.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.10-1, as described above.

Impact 4.10: Hydrology and Water Quality – Cumulative impacts. The Project could have a cumulative environmental impact on hydrological resources.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-3, MM 4.9-1, MM 4.9-2 and MM 4.10-1, as described above.

Impact 4.11-2: Land Use and Planning – Land use consistency. The Project could cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.9-3, as described above.

Impact 4.11: Land Use and Planning – Cumulative impacts. The Project could have a cumulative environmental impact on land use and planning.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.9-3, as described above, and Mitigation Measures MM 4.11-1 and MM 4.11-2. Mitigation Measure 4.11-1 requires the Project operator to prepare a Decommissioning Plan for County's approval, to factor in the costs of Project decommissioning in the Project Decommissioning Plan, and to



provide the financial assurance to the County. Mitigation Measure MM 4.11-2 requires consultation with the Department of Defense on telemetry to avoid frequency conflicts with military operations.

Impact 4.13: Noise – Cumulative impacts. The Project would not have a cumulative environmental impact on noise. Even though this impact is less-than-significant, it would be further reduced by implementation of Mitigation Measures MM 4.13-1 through MM 4.13-2, which require the implementation of short-term noise level practices during construction and establishment of a construction Noise Disturbance Coordinator.

Impact 4.14-1: Public Services – Fire protection and law enforcement services. The Project could result in adverse physical impacts associated with the need for new or physically altered governmental facilities—the construction of which could cause significant environmental impacts—in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services or law enforcement services.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.14-1 through MM 4.14-2, which require a Fire Safety Plan, payment of mitigation impact fees to offset potential impacts on sheriff protection services and taxes, and local job creation.

Impact 4.14: Public Services – Cumulative impacts. The Project would not have a cumulative environmental impact on public services. Even though this impact is less-than-significant, it would be further reduced by implementation of Mitigation Measures MM 4.14-1 through MM 4.14-2, as described above.

Impact 4.15-3: Traffic and Transportation – Traffic hazards. The Project could substantially increase hazards due to a geometric design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.15-1, which requires a Kern County Public Works Department-Development Review and the California Department of Transportation-approved Construction Traffic Control Plan.

Impact 4.15-4: Traffic and Transportation – Emergency access. The project would not result in inadequate emergency access. Even though this impact is less-than-significant, it would be further reduced by implementation of Mitigation Measure MM 4.15-1, as described above.

Impact 4.15: Traffic and Transportation – Cumulative impacts. The Project could have a cumulative environmental impact on transportation.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.15-1, as described above.

Impact 4.17-1: Utilities and Service Systems – Relocation or construction of new or expanded stormwater drainage facilities. The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Although this impact is determined to be less-than-significant, Mitigation Measures MM 4.7-3 and MM 4.10-1, as described above, would further reduce this impact.

Impact 4.17-3: Utilities and Service Systems – Solid waste reduction. The Project could generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.17-1, which requires a Recycling Coordinator to facilitate recycling of debris and waste generated during construction, operation, and decommissioning s.

Impact 4.17-4: Utilities and Service Systems – Solid waste statutes and regulations. The Project could be in non-compliance with federal, State, and local management and reduction statutes and regulations related to solid waste.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.17-1, as described above.

Impact 4.17: Utilities and Service Systems – Cumulative impacts. The Project could have a cumulative environmental impact on utilities and service systems.

This impact will be mitigated to a less-than-significant level by Mitigation Measures MM 4.7-3, MM 4.10-1 and MM 4.17-1, as described above.

Impact 4.18-2: Wildfire – Wildfire pollutants and spread. The Project could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.14-1, which requires development and implementation of a Fire Safety Plan for use during construction, operation and decommissioning.

Impact 4.18-3: Wildfire – Potential fire risk due to infrastructure. The Project could require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.14-1, as described above.

Impact 4.18-4: Wildfire – Flooding or landslide risks due to wildfire. The Project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

This impact will be mitigated to a less-than-significant level by Mitigation Measure MM 4.10-1, as described above.

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

### III. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The Final EIR indicates that the proposed Project would have significant and unavoidable impacts related to aesthetics (project and cumulative), air quality (temporary project and cumulative), biological resources (cumulative only), noise (temporary project only), and wildfire (cumulative only). These impacts will remain significant and unavoidable, even though some impacts would be lessened with the incorporation of the mitigation measures described below. A Statement of Overriding Considerations regarding these impacts is included in Section VI below.

Impact 4.1-3: Aesthetics – Degrade existing public views. The Project would, in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings.

The Project proponent/operator will be required to implement Mitigation Measures MM 4.1-1 through MM 4.1-4, which require a Maintenance, Trash Abatement, and Pest Management Program to be submitted for review and approval to the Kern County Planning and Natural Resources Department; the installation of metal fence slats or similar view-screening materials; the submission of a proposed color scheme and treatment plan for review and approval by Kern County Planning and Natural Resources Department; non-disturbance of natural vegetation unless necessary within the proposed Project boundary; and the submission of a Landscape Revegetation and Restoration Plan for the Project site to the Kern County Planning and Natural Resources Department for review and approval. These measures would help to reduce this impact, but not to less-than-significant levels. Because there are no feasible mitigation measures that can be implemented to maintain the existing open and undeveloped desert landscape character of the Project site, impacts to visual resources would remain significant and unavoidable.

Impact 4.1: Aesthetics – Cumulative impacts. The Project would result in a cumulatively considerable aesthetic impact to visual character and light and glare.

The implementation of Mitigation Measures MM 4.1-1 through MM 4.1-7, as described above, would help to reduce the impact to visual character, but not to less-than-significant levels. There

are no feasible mitigation measures that would allow for the preservation of the existing visual character of the area. Therefore, this impact would be significant and unavoidable. As it relates to impacts associated with light and glare, the Project would implement mitigation measures that would reduce the Project's impacts. However, given the number of proposed projects directly adjacent to and within proximity of the Project and the conversion of thousands of acres of land in a presently rural area, even with implementation of mitigation, the Project and cumulative projects combined would result in significant and unavoidable cumulative impacts related to light and glare.

Impact 4.3-1: Air Quality – Air Quality Plan conflicts. The Project would conflict with or obstruct implementation of the applicable air quality plan during construction and decommissioning activities.

The Project proponent/operator will be required to implement Mitigation Measures MM 4.3-1 through MM 4.3-2, which require implementation of diesel emission-reduction measures during construction and a Fugitive Dust Control Plan during construction. These measures would help to reduce this impact, but not to less-than-significant levels. Because it is anticipated that the Project would result in perceptible temporary levels of NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction and decommissioning, this impact would be significant and unavoidable.

Impact 4.3-2: Air Quality – Exposure of sensitive receptors to pollutants. The Project would expose sensitive receptors to substantial pollutant concentrations with temporary construction and decommissioning impacts related to criteria air pollutants.

The implementation of Mitigation Measures MM 4.3-1 through MM 4.3-2, as described above, would help to reduce this impact, but not to less-than-significant levels. This impact would be significant and unavoidable.

Impact 4.3-3: Air Quality – Cumulatively considerable net increase of any criteria pollutant. Construction and decommissioning of the Project would result in a cumulatively considerable net increase of certain criteria pollutants for which the Project's region is nonattainment under applicable federal or State ambient air quality standards.

The implementation of Mitigation Measures MM 4.3-1 through MM 4.3-4, as described above, would help to reduce this impact, but not to less-than-significant levels. Given the total number of development proposals within the region, along with the temporary levels of PM emissions generated during construction and decommissioning activities, this impact would be significant and unavoidable.

Impact 4.4: Biological Resources – Cumulative impacts. The Project would have a cumulative environmental impact on biological resources.

The implementation of Mitigation Measure MM 4.1-5 and Mitigation Measures MM 4.4-1 through MM 4.4-14, as described above, would help to reduce this impact, but not to less-than-

significant levels. When considered with the number of present and reasonably foreseeable future development projects in the Antelope Valley, the Project would result in a significant and unavoidable cumulative loss of foraging and nesting habitat for special-status species, even with the implementation of project-specific Mitigation Measures. The loss of such foraging and nesting habitat for special status species that may utilize habitat on the Project site would result in a significant and unavoidable cumulative impact.

Impact 4.13-1: Noise – Noise levels in excess of standards. The Project would result in generation of a substantial temporary increase in the ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

The implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3, which require the implementation of short-term noise level practices during construction, establishment of a construction Noise Disturbance Coordinator, and advance public noticing of the construction activities, would help to reduce this impact, but not to less-than-significant levels. It is anticipated that construction and decommissioning activities could generate noise greater than the standard for the Kern County General Plan and would result in temporary impacts that would be considered significant and unavoidable.

Impact 4.18: Wildfire – Cumulative impacts. Cumulative impacts would be significant and unavoidable, even with implementation of mitigation.

The implementation of Mitigation Measures MM 4.10-1 and MM 4.14-1, as described above, would help to reduce this impact, but not to less-than-significant levels. Given the location in a rural area, the Project and related projects have the potential to result in a cumulative impact related to the installation or maintenance of associated infrastructure and, thus, would result in a significant and unavoidable cumulative impact related to wildfire.

#### IV. MITIGATION MONITORING AND REPORTING PROGRAM

DWR has reviewed the MMMP (same as the Mitigation Monitoring and Reporting Program), approved by the Board of Supervisors of the County of Kern on June 16, 2020, as a condition of its approval of the Project, and which meets the requirements of CEQA Guidelines Section 15091(d). Compliance with the County’s MMMP will be required pursuant to the proposed PPA between DWR and Sanborn Solar 1B, LLC.

#### V. ALTERNATIVES

CEQA Guidelines Section 15126.6(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).

The objectives of the proposed Project, as articulated in the Final EIR, are to:

- Establish a large-scale solar PV and energy storage power-generating facility of sufficient size and configuration to produce reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power utility companies.
- Develop a site that was partially previously disturbed (northern site) in proximity to transmission infrastructure in order to minimize environmental impacts.
- Use proven and established PV and energy storage technology that is efficient, requires low maintenance, and is recyclable.
- Maximize the use of existing transmission infrastructure.
- Ensure that the project can be constructed in a technologically feasible manner and operated in a manner that allows electricity to be provided at a competitive price.
- Assist Kern County in promoting its role as the State's leading producer of renewable energy;
- Provide green jobs to Kern County and the state of California;
- Site and design the project in an environmentally responsible manner consistent with current Kern County guidelines.
- Support California's efforts to reduce GHG emissions consistent with the timeline established in 2006 under California Assembly Bill 32, the Global Warming Solutions Act of 2006, which requires the California Air Resources Board to reduce statewide emissions of GHGs to at least the 1990 emissions level by 2020. This timeline was updated in 2016 under Senate Bill 32, which requires that statewide GHG emissions are reduced to at least 40 percent below the statewide GHG emissions limit by 2030.

These Project objectives are consistent with DWR's *Climate Action Plan Phase 1: Greenhouse Gas Emissions Reduction Plan, Update 2020* (July 2020), which presents DWR's historical, current and projected future GHG emissions; DWR's goals for reducing GHG emissions; and DWR's GHG emissions reduction measures. DWR initially adopted its Greenhouse Gas Emissions Reduction Plan in 2012 as the first phase of its Climate Action Plan designed to guide decision-making related to DWR's energy use and GHG emissions. Consistent with the State climate change laws, policies, and goals at the time, the 2012 Plan established the following GHG emissions reduction goals: (1) near-term goal of reducing emissions by 50% below 1990 levels by 2020, and (2) long-term goal of reducing emissions by 80% below 1990 levels by 2050. As committed in the 2012 Plan, DWR has developed Update 2020 to review its GHG reductions since the 2012 Plan and to update strategies for further reduction consistent with legislative and regulatory changes including the GHG emissions reduction targets established in Senate Bill 32 (2016), Senate Bill 100 (2018), Executive Order B-18-12 (2012), Executive Order B-30-15 (2015), and Executive Order B-55-18 (2018). *Update 2020*, which was approved by the DWR Director in July 2020, establishes the following updated GHG emissions reduction goals:

- Mid-term Goal: By 2030, reduce GHG emissions to at least 60% below the 1990 level.
- Long-term Goal: By 2045, supply 100% of electricity load with zero-carbon resources and achieve carbon neutrality.

Among other GHG emissions reduction measures, *Update 2020* continues implementation of Measure OP-3 – Renewable Energy Procurement Plan, which is designed to increase the proportion of energy used to run the State Water Project (SWP) with energy supplies from renewable sources, including solar facilities.

Four alternatives to the Project were considered in the EIR, as follows:

- Alternative 1 - No Project
- Alternative 2 – General Plan/Specific Plan and Zoning Build-Out
- Alternative 3 – Reduced Acreage
- Alternative 4 – No Ground-Mounted Utility-Solar Development - Distributed Commercial and Industrial Rooftop Solar Only

The County found Alternative 1 would avoid creating all of the significant and unavoidable impacts associated with the Project and would result in less impact to the remaining environmental issue areas with the exception of GHG-related impacts. Since this alternative would not offset GHGs through the operation of a solar energy facility, GHG-related impacts would be greater under this alternative. Although this alternative would create less environmental impacts overall, Alternative 1 does not meet any of the Project objectives and would not help California meet its statutory and regulatory goal of increasing renewable power generation and GHG reduction goals.

The County found Alternative 2 would result in less impact to aesthetics, hazards and hazardous materials, and land use and planning. The alternative would result in similar impacts to agriculture and forestry resources, mineral resources, tribal cultural resources, and wildfires. This alternative would result in greater impacts in all remaining environmental issue areas. This alternative would eliminate significant and unavoidable impacts related to aesthetics. However, this alternative would not eliminate significant and unavoidable impacts associated with air quality (project and cumulative), biological resources (cumulative only), noise (project only), and wildfire (cumulative only). This alternative would also create additional significant and unavoidable impacts related to biological resources (project), cultural resources (project), and geology and soils (project). Alternative 2 would not achieve any of the Project objectives, including the Project objective related to helping California meet its statutory and regulatory goal of increasing renewable power generation and GHG reduction goals.

The County found Alternative 3 would be reduced in size compared to the Project, and would generate approximately 155 MW with up to 3 GWh of energy storage, due to the proportional reduction in project size and, therefore, all construction and operational methods, workforce, and timing for Alternative 3 would be reduced in comparison with the Project. Due to the reduced footprint, Alternative 3 would result in less or similar impacts for many of environmental issue areas.

However, this alternative would result in greater impacts related to GHG emissions given its reduced solar energy output. In addition, this alternative would not eliminate significant and unavoidable impacts associated with aesthetics (project and cumulative), air quality (project and cumulative), biological resources (cumulative only), noise (project only), and wildfire (cumulative only). 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.

The County found Alternative 4 would result in less impact related to aesthetics, agriculture and forestry resources, air quality, cultural resources, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, public services, transportation, utilities and service systems, and wildfires. Further, this alternative would avoid the significant and unavoidable impacts to aesthetics (project and cumulative), air quality (project and cumulative), biological resources (cumulative only), and noise (project and cumulative) that would occur under the Project. This alternative would partially satisfy the Project objective of assisting California in meeting its GHG emissions reduction goals. However, up to 3 GWh of energy storage (a component of the proposed Project) would not be constructed under this alternative. This alternative would not achieve other Project objectives, including developing on a previously disturbed site that is close to transmission infrastructure in order to minimize environmental impacts, maximizing the use of existing transmission infrastructure, and assisting California load-serving entities in meeting their obligations under California's Renewable Portfolio Standard (RPS) Program.

CEQA requires the identification of an environmentally superior alternative to the project (CEQA Guidelines Section 15126.6(e)(2)). If the No Project Alternative is found to be environmentally superior, the EIR shall also identify an environmentally superior alternative among the other alternatives. The EIR concluded that Alternative 1, the No Project Alternative, would be environmentally superior to the Project on the basis of its minimization or avoidance of physical environmental impacts. The EIR further identified Alternative 4, the No Ground-Mounted Utility-Solar Development Alternative, as the environmentally superior alternative among the other alternatives. However, as explained in the EIR, it is considered to be impracticable and infeasible to construct the No Ground Mounted Utility-Solar Development Alternative within the same timeframe and/or with the same efficiency as the proposed Project because the Project proponent lacks control and access to the sites required to develop 300 MW of distributed solar generated electricity and the required land to support up to 3GWh of energy storage. Additionally, Alternative 4 would not meet several Project objectives.

DWR has considered the alternatives analysis in the 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 Section 15096 (g)). DWR finds that none of the alternatives examined in the EIR, except for the No Project Alternative, would avoid all of the identified significant impacts. DWR further finds that the environmentally superior alternative, Alternative 4, is not a feasible alternative for the reasons articulated by the County and summarized above and because Alternative 4 would not fully satisfy core Project objectives.



## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

California 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 Sections 15093(b), 15096(h).)

DWR's independent review of the 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)
- Biological resources (cumulative only)
- Noise (temporary project only)
- Wildfire (cumulative only)

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 I, Update 2020*, and pursuant to regulatory mandates in Assembly Bill 32, Senate Bill 32, Senate Bill 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 SWP with energy supplies from renewable sources, including solar facilities. DWR's purchase of 36 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 large-scale solar PV and energy storage power-generating facility of sufficient size and configuration to produce 300 megawatts (MW) of reliable electricity with up to three (3) gigawatt hours (GWh) of energy storage 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.
- Develops a site that was partially previously disturbed and in proximity to existing transmission infrastructure in order to minimize environmental impacts.
- Uses proven and established PV and energy storage technology that is efficient, requires low maintenance, and is recyclable.
- Provides jobs to 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 CEQA review under Sections 15162 or 15163 of the CEQA Guidelines.

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.

	1/19/2021
Ted Craddock Deputy Director State Water Project	Date