

Final Environmental Impact Report

SCH# 2020099017

Volume 4

Chapter 7 – Response to Comments

KUDU SOLAR PROJECT

By 69SV 8ME LLC (8Minute Energy)

(PP20405)

Zone Change Case No. 14, Map No. 152;
Conditional Use Permit No. 28, Map No. 152;
General Plan Amendment No. 10, Map No. 152 (Circulation);
Non-Summary Vacations of Public Access Easements



Kern County
Planning and Natural Resources Department
Bakersfield, California

January 2022

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**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

January 28, 2022

File: ZCC #14, Map 152; CUP #10, Map 152;
GPA #10, Map 152 (Circulation); Non-
summary Vacation

S.D. #2 – Scrivner

ADDRESSEE LIST (See Distribution List)

**RE: Response to Comments for Draft Environmental Impact Report – Kudu Solar Project by 69SV
8ME LLC (8Minute Energy) (SCH #2020099017)**

Dear Interested Party:

Enclosed is a document entitled *Volume 4 - Chapter 7 - Response to Comments*, for the above-referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and prepare a written response addressing each comment. This document is Chapter 7 of the Final EIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on **February 10, 2022** at 7:00 p.m., or soon thereafter, at the Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project. If you have any questions regarding this letter, please contact me at (661) 862-5041 or TolentinoM@kerncounty.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Tolentino".

Mark Tolentino, Planner II
Advanced Planning Division

COMMENTING AGENCIES AND INTERESTED PERSONS: Kern County Public Works Department - Floodplain Management Section, Brian Blasé; Kern County Public Health Services Department – Environmental Health Division - Dayana Torres; San Manuel Band of Mission Indians – Ryan Nordness; Kern County Public Works Department – County Surveyor – Brian Blacklock; Kern County Fire Department - Office of the Assistant Fire Marshall, Michael Nicholas; Santa Rosa Rancheria Tach-Yokut Tribe – Samantha McCarty; California Department of Transportation – District 9 – Dennee Alcalá; California Department of Fish and Wildlife – Julie Vance

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Kudu Solar RTC Mailing List

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Building & Development/Floodplain

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Kern County Public Works Department/
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Michael Nicholas,
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Santa Rosa Rancheria Tachi Yokut Tribe
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Chapter 7

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Volume 4

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Kern County
Planning and Natural Resources Department
Bakersfield, California

Technical Assistance by:
Michael Baker International

January 2022

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7.1 Introduction

Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning and Natural Resources Department is serving as “Lead Agency” for the preparation of the Environmental Impact Report (EIR) for the Kudu Solar Project (project or proposed project). The Final EIR presents the environmental information and analyses that have been prepared for the project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. The Final EIR which includes the responses to comments, the Draft EIR, and the Mitigation Measure Monitoring Program, will be used by the Planning Commission and the Board of Supervisors in the decision-making process for the proposed project.

Environmental Review Process

A Notice of Preparation (NOP)/Initial Study (IS) (SCH No. 2020099017) was circulated for a 30-day public review period beginning on September 15, 2020, and ending October 15, 2020. Nine individual written comment letters were received. No comments were received at the October 2, 2020 public scoping meeting, held virtually via the Microsoft TEAMS online application. All public comments received relevant to CEQA-related issues were considered by the County in preparing the Draft EIR.

The Draft EIR for the proposed project was circulated for a 45-day public review period beginning on November 19, 2021, and ending January 3, 2022. A total of 7 comment letters were received on the Draft EIR during this period. One additional comment letter was received on the Draft EIR following the close of the public review period.

Section 15088 of the *CEQA Guidelines* requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing the comments received. The response to comments is contained in this document — Volume 4, Chapter 7 of the Draft EIR. Volumes 1, 2, 3, and 4 together constitute the Final EIR.

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7.2 Revisions to the Draft EIR

The revisions that follow were made to the text of the Draft EIR. Amended text is identified by page number. Additions to the Draft EIR text are shown with underline and text removed from the Draft EIR is shown with ~~striketrough~~. The revisions, as outlined below, fall within the scope of the original project analysis included in the Draft EIR and do not result in an increase to any identified impacts or produce any new impacts. No new significant environmental impact would result from the changes or from a new mitigation measure proposed to be implemented. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to *CEQA Guidelines* Section 15088.5 (Recirculation of an EIR Prior to Certification).

Global Changes: The following “global changes” are intended to apply to the Draft EIR in all instances where such text shown below appears within the document. The text revisions are not repeated herein for each occurrence within the Draft EIR in order to streamline this document.

Changes to the Draft EIR

Chapter 1, Executive Summary; Page 1-2:

California City (Responsible Agency):

- The City of California City is a Responsible Agency under CEQA. For the parcels within the City of California City limits, the City ~~is~~ will require the project proponent to obtain a Conditional Use Project (CUP) from the City to allow for the construction and operation of a solar facility, in the O/RA (Open Space/Residential/Agricultural) zone (CUP 19-04), of a 1,281.53-acre PV solar facility with a total project generating capacity, in both Kern County and California City, of up to 500 MW of alternating current power and 600 MWh of storage capacity (CUP 19-04). On May 11, 2021, the City of California City adopted Planning Commission Resolution No. 21-04, which updates Title 9, Chapter 2 Zoning, Article 4 of the California City Municipal Code to include solar and power generation as a conditional use in O/RA zoned districts. Additionally, the project proponent has requested to remove the future section and mid-section lines for the portion of the project within the City of California City’s jurisdiction. The City will determine during the CUP process (Sec. 9-2-2501 of the California City Municipal Code) what section lines would be required to be preserved and what section lines would be removed.

Chapter 1, Executive Summary; Page 1-4:

This Draft Environmental Impact Report (EIR) has been prepared by Kern County as the Lead Agency under CEQA. The Draft EIR provides information about the environmental setting and impacts of the project and alternatives. It informs the public about the project and its impacts and provides information to meet the needs of local, State, and federal permitting agencies that are required to consider the project. The EIR will be used by Kern County to determine whether to approve the requested: CUP to allow for construction and operation of a solar facility in the A (Exclusive Agriculture) District – Kern County (CUP #28, Map 152); ~~CUP to allow for construction and operation of a solar facility in the O/RA (Open Space/Residential/Agricultural) zone – California City (CUP 19-04)~~ GPA to amend to the Circulation Element of the Kern County General Plan (GPA #10, Map 152); the requested ZCC required for the project

(ZCC #14, Map 152); and the non-summary vacations of public access easements within the project boundaries.

Chapter 1, Executive Summary; Page 1-9:

The project site is not within a mineral recovery area or within a designated mineral and petroleum resource site designated by the Kern County or California City General Plans, nor is it identified as a mineral resource zone by the Department of Conservation’s California Geologic Energy Management Division (CalGEM) State Mining and Geology Board. ~~& Open~~

Chapter 1, Executive Summary; Page 1-11:

The project has the following objectives:

- Construct and operate a solar energy facility capable of producing up to 500 MW of electricity and up to 600 MW hours of energy storage to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030.

Chapter 1, Executive Summary; Table 1-3, Summary of Project Impacts that are Less than Significant or Less than Significant with Mitigation; Page 1-18:

Hazards and Hazardous Materials (Project)	<u>MM 4.1-6KC, MM 4.1-6CC, MM 4.1-7KC, and 4.1-7CC; MM 4.9-1KC through MM 4.9-3KC; MM 4.9-1CC through MM 4.9-3CC; MM 4.13-1KC and MM 4.13-1CC; MM 4.16- 1KC and MM 4.16-1CC</u>
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Chapter 1, Executive Summary; Table 1-3, Summary of Project Impacts that are Less than Significant or Less than Significant with Mitigation; Page 1-18:

Public Services (Project and Cumulative)	<u>MM 4.9-4KC and MM 4.9-4CC; MM 4.13-1KC through MM 4.13-5KC and MM 4.13-1CC through MM 4.13-5CC</u>
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Chapter 1, Executive Summary; Table 1-4, Summary of Significant and Unavoidable Project-Level and Cumulative Impacts of the Solar Facility; Page 1-20:

Resources	Project Impacts	Cumulative Impacts	Mitigation Measures
Biological Resources	There would be no significant and unavoidable project impacts.	Given the number of present and reasonably foreseeable future development projects in the Fremont Valley, the project, when combined with these other projects, would have an incremental contribution to the cumulative loss of foraging and nesting habitat for special-status species. While the project would have less than significant impacts on sensitive biological resources with implementation of Mitigation Measures MM 4.1-5KC, MM 4.4-1KC through MM 4.4-23KC and MM 4.1-5CC, and MM 4.4-1CC through MM 4.4-22CC at the project level, when combined with related development projects, cumulative impacts would be significant and unavoidable .	MM 4.1-35KC, MM 4.1-7KC, MM 4.4-1KC through MM 4.4-23KC and MM 4.1- 35 CC, MM 4.1-7CC, and MM 4.4-1CC through MM 4.4-22CC

Chapter 1, Executive Summary, Section 1.6.5, Irreversible Impacts; Page 1-22:

Section 15126.2(ed) of the *CEQA Guidelines* defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the project. Irreversible impacts can also result from damage caused by environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to ensure that such consumption is justified.

Chapter 1, Executive Summary, Section 1.6.6, Growth Inducement; Page 1-22:

The Kern County General Plan recognizes that certain forms of growth are beneficial, both economically and socially. Section 15126.2(de) of the *CEQA Guidelines* provides the following guidance on growth-inducing impacts:

“A project is identified as growth-inducing if it “would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

Chapter 1, Executive Summary, Section 1.6.6, Industrial Power Plant Alternative; Page 1-25:

- It may conflict with the City of California City Municipal Airport, Mojave Air and Space Port, Kern County Airport Land Use Compatibility Plan, and the Edwards Air Force Base due to the heights of the cooling towers and smoke stacks.

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Pages 1-34 to 1-36:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.1-3: The project would substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.</p>	<p>Significant and unavoidable</p>	<p>MM 4.1-1KC: Prior to issuance of a grading or building permit, a Maintenance, Trash Abatement, and Pest Management Program shall be submitted for review and approval to the Kern County Planning and Natural Resources Department. The program shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> a. The project proponent/operator shall clear debris from the project area at least four times per year; this can be done in conjunction with regular panel washing and site maintenance activities. b. The project proponent/operator shall erect signs with contact information for the project proponent/operator’s maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department. c. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during construction and operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans. d. Trash and food items shall be contained in closed secured containers at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs. <p>MM 4.1-2KC: The project proponent shall install metal fence slats or similar view-screening materials, as approved by the Kern County Planning and Natural Resources Department, in all on-site perimeter fencing for any portion of the solar site that is adjacent to parcels zoned for residential use, including E (Estate Residential), R-1 (Low-Density Residential), R-2 (Medium-Density Residential), R-3 (High-Density Residential), or PL (Platted Lands) zoning, unless the adjacent property is owned by the project</p>	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>proponent (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project proponent sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.</p> <p>MM 4.1-3KC: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Planning and Natural Resources Department, that will ensure all project facilities, including operations and maintenance buildings; <u>and</u> array facilities, etc. blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.</p> <p>MM 4.1-4KC: Wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All natural vegetation adjacent to the proposed project boundary shall remain in place as permitted by Fire Code. Prior to the commencement of project operations and decommissioning, the project proponent/operator shall submit a Landscape Revegetation and Restoration Plan for the project site to the Kern County Planning and Natural Resources Department for review and approval. The plan shall include the measures detailed below.</p> <ol style="list-style-type: none"> a. In areas temporarily disturbed during construction and decommissioning (including grading or removal of root balls resulting in loose soil), the ground surface shall be revegetated with a native seed mix or native plants (including Mohave creosote scrub habitat) or allowed to revegetate with the existing native seed bank in the topsoil reestablish vegetation. Areas that contain permanent features such as perimeter roads, maintenance roads or under arrays do not require revegetation. b. The plan must include but is not limited to: (1) the approved California native seed mix that will be used on-site; (2) a timeline for seeding the site; (3) the details of which areas are to be revegetated; (4) a list of the consultation efforts completed; (5) the methods and schedule for installation of fencing that complies with wildlife agency regulations; and (6) a clear prohibition of the use of toxic rodenticides. c. During decommissioning and site restoration, ground cover shall include native seed mix and shall be spread where earthmoving 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>activities have taken place, as needed to establish revegetation. The seed mix or native plants shall be determined through consultation with professionals such as landscape architect(s), horticulturist(s), botanist(s), etc. with local knowledge as shown on submitted resume and shall be approved by the Kern County Planning and Natural Resources Department prior to planting. Phased seeding may be used if a phased construction approach is used (i.e., the entire site need not be seeded all at the same time).</p> <p>d. Vegetation/ground cover shall be continuously maintained on the site by the project operator.</p> <p>e. The revegetation and restoration of the site shall be monitored annually for a three-year period following restoration activities that occur post-construction and post-decommissioning. Based on annual monitoring visits during the three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for each of the three years. Should efforts to revegetate with the existing native seed bank in the top soil prove in <u>by</u> the second year to not be successful, reevaluation of revegetation methods shall be made in consultation with the Kern County Planning and Natural Resources Department and an additional year shall be added to the monitoring program to ensure coverage is achieved. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, establishes perennials, and is consistent with conditions prior to implementation of the proposed project, where feasible.</p>	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Pages 1-37 to 1-42:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.3-1: The project would conflict with or obstruct implementation of the applicable air quality plan.</p>	<p>Potentially significant</p>	<p>MM 4.3-1KC: The project operator shall ensure that construction, operation, and decommissioning of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. The project operator shall develop a fugitive dust control plan (Plan) for the project. The Plan shall address short-term construction and long-term operational activities. The Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to the start of any earthmoving activity. The project operator shall also develop a decommissioning fugitive dust control plan (Decommissioning Plan) for the project if a decision is made to decommission and remove the solar facilities in the future. The Decommissioning Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to any decommissioning activities.</p> <p>Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:</p> <p>a. The following dust control measures shall be implemented:</p> <ol style="list-style-type: none"> 1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative. 2. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation. 3. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent. 	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ol style="list-style-type: none"> 4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District. 5. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches. 6. Areas disturbed by clearing, earth-moving, or excavation activities shall be minimized at all times. 7. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust. 8. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds. 9. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate. 10. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of disking, thereby, leaving the ground undisturbed and with a mulch covering. <p>b. After clearing, grading, earth-moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented during site construction:</p> <ol style="list-style-type: none"> 1. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative. 2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels. 3. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>c. During all phases of construction, the following vehicular control measures shall be implemented:</p> <ol style="list-style-type: none"> 1. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. 2. Visible speed limit signs shall be posted at the project site entrance(s). 3. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways. 4. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard. 5. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited. 6. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, <u>wheel washer</u>, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires. <p>MM 4.3-2KC: The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:</p> <ol style="list-style-type: none"> a. All equipment shall be maintained in accordance with the manufacturer's specifications. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> b. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. c. No individual piece of construction equipment shall operate longer than eight cumulative hours per day. d. Electric equipment shall be used whenever feasible in lieu of diesel or gasoline-powered equipment. e. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO_x emissions. f. On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines. <p>MM 4.3-3KC: The project operator shall continuously comply with the following measures during construction and operation to control NO_x emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:</p> <ul style="list-style-type: none"> a. 2006 engines or pre-2006 engines with California Air Resources Board-certified Level 3 diesel emission controls will be used to the extent possible. b. All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards to the greatest extent possible. This does not apply to worker personal vehicles. c. The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer's specifications. <p>MM 4.3-4KC: The project operator shall continuously comply with the following measures during operation to control fugitive dust emissions:</p> <ul style="list-style-type: none"> a. The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.</p> <p>b. The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.</p> <p>Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.</p>	

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Pages 1-54 to 1-55:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.4-1: The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or a special-status species in local or regional plans, policies, or regulations or by CDFW or USFWS.</p>	<p>Potentially significant</p>	<p>...</p> <p>c. If required by the Agricultural Commissioner, the project operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant Act removal permit has been obtained.</p> <p>MM 4.4-14KC: The following measures shall be implemented to reduce direct impacts to sensitive natural communities. To the extent feasible, the following avoidance and minimization measures shall be implemented:</p> <p>a. Where feasible, the project shall be designed to avoid disturbance of Creosote Bush – White Bursage – Desert Senna Scrub (<i>Larrea tridentata</i> – <i>Ambrosia dumosa</i> – <i>Senna armata</i>) Association.</p> <p>b. Where it is not feasible to avoid direct impacts to sensitive natural communities, the project operator shall implement the following measures:</p> <p>1. Compensatory mitigation for impacts to sensitive natural communities shall occur either on-site or off-site and would occur</p>	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>at a ratio no less than 1:1 for each Sensitive Natural Community impacted. A Habitat Mitigation and Monitoring Plan shall be prepared or the impacts to sensitive natural communities shall be addressed in the Project's incidental take permit Incidental Take Permit or Lake and Streambed Alteration Agreement during a coordination with the California Department of Fish and Wildlife.</p> <p>2. If on-site mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics for restoration or enhancement of sensitive habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the vicinity of the development site. If mitigation is implemented off-site, compensatory lands shall contain similar or more well-developed habitat and preferably be located in the vicinity of the site or watershed. Off-site land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the compensatory land.</p> <p>c. Where direct impacts to western Joshua trees are unavoidable, if western Joshua tree is listed as a 'candidate,' 'threatened,' or 'endangered' species under the California Endangered Species Act at the time of issuance of a building or grading permit in areas that would involve the removal of western Joshua trees, the project proponent may pursue one of the following mitigation options:</p> <ol style="list-style-type: none"> 1. The project operator shall provide evidence to the Kern County Planning and Natural Resources Department demonstrating that that impacts to western Joshua tree have been mitigated in accordance with Section 2084 of the California Fish and Game Code; or 2. The project operator shall mitigate for permanent impacts to western Joshua tree, should an incidental take permit Incidental Take Permit be required from California Department of Fish and Wildlife, through an approved mitigation bank, in-lieu fee program, or other California Department of Fish and Wildlife-approved process. Compensatory mitigation for permanent impacts to western Joshua tree shall be determined and acquired in consultation with the wildlife or resource agency. Verification 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>of compliance shall be submitted to the Kern County Planning and Natural Resources prior to project construction in areas that would involve removal of western Joshua trees.</p> <p>MM 4.4-15KC: The measures listed below shall be implemented prior to and during construction, operations, and decommissioning at the project site...</p>	

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Pages 1-55 to 1-56:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.4-1: The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or a special-status species in local or regional plans, policies, or regulations or by CDFW or USFWS.</p>	<p>Potentially significant</p>	<p>...</p> <p>2. The project operator shall mitigate for permanent impacts to western Joshua tree, should an incidental take permit Incidental Take Permit be required from California Department of Fish and Wildlife, through an approved mitigation bank, in-lieu fee program, or other California Department of Fish and Wildlife-approved process. Compensatory mitigation for permanent impacts to western Joshua tree shall be determined and acquired in consultation with the wildlife or resource agency. Verification of compliance shall be submitted to the Kern County Planning and Natural Resources prior to project construction in areas that would involve removal of western Joshua trees.</p> <p>MM 4.4-15KC: The measures listed below shall be implemented prior to and during construction, operations, and decommissioning at the project site.</p> <p>a. The project operator has filed for an incidental take permit Incidental Take Permit for Mohave ground squirrel and desert tortoise with California Department of Fish and Wildlife, and a Habitat Conservation Plan with the United States Fish and Wildlife Service for</p>	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>desert tortoise. The project proponent shall mitigate for permanent impacts to suitable desert tortoise and/or Mohave ground squirrel habitat, through an approved mitigation bank, in-lieu fee program, or other mechanism accepted by California Department of Fish and Wildlife and/or United States Fish and Wildlife Service, as outlined in each agency's <u>agency's</u> respective permit. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency and may be mitigated alongside impact on covered species. <u>Compensatory mitigation would provide habitat for desert tortoise, Mohave ground squirrel, as well as rare plants and State Waters (only if impacted by the project). Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department prior to the onset of activities that have the potential to impact covered species.</u></p> <p>b. Prepare a Habitat Mitigation and Monitoring Plan (if required, should an incidental take permit be required for the project) or provide a copy of the project's incidental take permit that outlines all project compensatory mitigation for desert tortoise, and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife.</p> <ol style="list-style-type: none"> 1. Compensatory mitigation shall provide ecological benefits to covered species that are similar to or better than the project's impacts on covered species. Mitigation sites in the vicinity of the project are preferable. 2. Mitigation shall meet California Department of Fish and Wildlife's durability requirements. 3. The plan, or Interim Incidental Take Permit <u>Interim Incidental Take Permit</u>, shall identify conservation actions, where applicable, to demonstrate that the compensatory lands are managed to provide durable environmental benefits to the covered species. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4. The plan, or Interim-incidental Take Permit, shall identify conservation actions, where applicable, to demonstrate that the compensatory lands are managed to provide durable environmental benefits to the covered species.</p> <p>MM 4.4-16KC: The following measures shall be implemented during project construction and decommissioning activities with respect to burrowing owls....</p>	

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Page 1-64:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.4-2: The project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS.</p>	Potentially significant	<p>Implement Mitigation Measure MM 4.4-14KC.</p> <p>MM 4.4-22KC: Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided to the extent practicable and shall be continually complied with during the life of the project. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board and the Kern County Planning and Natural Resources Department. The report shall include information as shown below as a plan as necessary and shall outline compliance to the following:</p> <ol style="list-style-type: none"> a. Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided to the extent practicable. This may be shown in plan form. b. Any material/spoils from project activities should be located away from jurisdictional areas. Jurisdictional areas shall be protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and/or straw bale barriers, as appropriate. Protection measures shall follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan and in the Hazardous Materials Business Plan. c. Prior to the start of construction activities, the project proponent/operator shall provide evidence that all fueling, hazardous materials 	Less than significant

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>storage areas, and operations and maintenance activities shall be sited at least 100 feet away from on-site drainages and other water features, as identified in the project-specific delineation of wetlands and waters.</p> <p>d. Any spillage of hazardous material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified....</p>	

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Pages 1-68 to 1-69:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.5-3: The project would disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>Potentially Significant</p>	<p>MM 4.5-4KC: If human remains are uncovered during project construction, the project contractor shall immediately halt work within 100 feet of the find, contact the Kern County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the California Environmental Quality Act Guidelines. The Kern County Planning and Natural Resources Department shall also be notified of the discovery. If the County coroner determines that the remains are Native American, the coroner shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code (PRC) 5097.98 (as amended by Assembly Bill 2641). Per <u>Public Resources Code</u> Section 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (<u>Public Resources Code</u> Section 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et seq.) directing identification of the next-of-kin shall apply.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Pages 1-69 to 1-70:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.7-2: <u>The project would</u> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving strong seismic ground shaking.</p>	<p>Potentially significant</p>	<p>MM 4.7-1KC: Prior to the issuance of building or grading permits for the proposed project, the project proponent/operator shall conduct a final geotechnical study to confirm the findings of the preliminary geotechnical engineering report regarding soil conditions and geologic hazards on the project site.</p> <p>a. The final geotechnical study must be signed by a California-registered and licensed professional engineer and must include, but not limited to the following:</p> <ol style="list-style-type: none"> 1. Location of fault traces and potential for surface rupture and ground-shaking potential; 2. Maximum considered earthquake and associated ground acceleration; 3. Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows; 4. Stability of any existing or proposed cut-and-fill slopes; 5. Collapsible or expansive soils; 6. Foundation material type; 7. Potential for wind erosion, water erosion, sedimentation, and flooding; 8. Location and description of unprotected drainage that could be impacted by the proposed development; and, 9. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground and any seismic hazards. <p>b. The project proponent/operator shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent/operator shall not locate project facilities on or immediately adjacent to a fault trace. All structures shall be offset at least 100 feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the</p>	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>fault trace(s) to avoid siting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, alternate setback distances may be proposed.</p> <p>c. The final geotechnical study shall be submitted for review and approval by the Kern County Public Works Department. The Kern County Public Works Department shall evaluate final facility siting design prior to the issuance of any building or grading permits to verify that geological constraints have been avoided. Final design requirements shall also be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department.</p>	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-72:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.7-9: <u>The project would directly</u> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064.</p>	<p>Potentially significant</p>	<p>MM 4.7-3KC: Prior to the commencement of ground-disturbing activities, a qualified professional paleontologist shall be retained to prepare and implement a Paleontological Resources Mitigation Plan for the project. A Qualified Paleontologist is an individual who meets the education and professional experience standards as set forth by the Society of Vertebrate Paleontology (2010), which recommends the paleontologist shall have at least a master’s degree or equivalent work experience in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques. The Paleontological Resources Mitigation Plan shall describe mitigation recommendations in detail, including paleontological monitoring procedures; communication protocols to be followed in the event that an unanticipated fossil discovery is made during project development; and preparation, curation, and reporting requirements.</p> <p>MM 4.7-4KC: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology’s Professional Standards (2010), to carry out all mitigation measures related to paleontological resources.</p>	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> d. Prior to the start of any ground-disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form. e. The Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements. f. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources. g. The Paleontological Resources Awareness Training Guides shall be kept on-site and available for all personnel to review and be familiar with as necessary. 	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-73:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.7-9: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064.</p>	<p>Potentially significant</p>	<p>...</p> <p>h. The Paleontological Resources Awareness Training Guides shall be kept on-site and available for all personnel to review and be familiar with as necessary.</p> <p>MM 4.7-5KC: A qualified paleontologist or designated monitor shall be on-site initially to spot-check excavations below a depth of four <u>one</u>-foot below the ground surface in a given area. If it is determined that sediments consist of older alluvium, then full-time paleontological monitoring shall ensue. If sediments are determined to consist of Holocene Quaternary alluvium, paleontological monitoring shall be suspended until an excavation depth of five <u>five</u> feet below the ground surface is reached in the area.</p> <p>a. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Natural Resources Department and shall be based on a review of geologic maps and grading plans.</p> <p>1. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the paleontologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted.</p> <p>b. Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if deemed necessary.</p> <p>c. Following the completion of construction, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-74:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impacts	Potentially significant	Implement Mitigation Measures MM 4.7-1KC and MM 4.7-3KC through MM 4.7-6KC, <u>MM 4.10-1KC</u> and MM 4.10-2KC (see Section 4.10, Hydrology and Water Quality, for full mitigation measure text).	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-76 to 1-77:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-3: The project would result in a safety hazard for people residing or working in the project area, for a project located within the adopted Kern County Airport Land Use Compatibility Plan.</p>	Potentially significant	<p>Implement Mitigation Measures MM 4.1-6KC and MM 4.1-7KC (see Section 4.1, Aesthetics, for full mitigation measure text).</p> <p>MM 4.9-3KC: Prior to issuance of building and grading permits for portions of the project that meet the Federal Aviation Administration’s noticing requirements, the project proponent/operator shall comply with the following:</p> <ol style="list-style-type: none"> a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17. b. Obtain a Federal Aviation Administration issued “Determination of No Hazard to Air Navigation.” This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impacts. c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plan has been provided to the operators of the Mejave Air and Space Port <u>California City Municipal Airport</u>. 	Less than significant

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.10-1: The project would violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality.	Potentially significant	Implement Mitigation Measure MM 4.9-1KC (see Section 4.9, Hazards and Hazardous Materials). MM 4.10-1KC: Prior to issuance of a grading permit...	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-80:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.10-8: The project would conflict Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Potentially significant	Implement Mitigation Measures MM 4.10-1KC and MM 4.10-2KC.	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Pages 1-83 to 1-85:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 4.12-1: The project would generate a substantial temporary or permanent increase in 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.	Potentially Significant	MM 4.12-1KC: To reduce temporary construction-related noise impacts, the following shall be implemented by the project proponent/operator: a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction	Less than significant

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible.</p> <p>b. Construction equipment shall be fitted...</p>	

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Page 1-89:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impacts	Potentially significant	Implement Mitigation Measures MM 4.9-4KC (see Section 4.9, Hazards and Hazardous Materials, for full mitigation measure text). and MM 4.13-1KC through MM 4.13-5KC.	Less than significant

Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County; Pages 1-92 to 1-93:

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.16-3: The project would 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.</p>	Potentially significant	<p>MM 4.16-1KC: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible.</p> <p>a. An on-site Recycling Coordinator shall be designated by the project proponent/operator to facilitate recycling as part of the Maintenance, Trash Abatement, and Pest Management Program.</p> <p>b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.</p> <p>c. The on-site Recycling Coordinator shall also be responsible for ensuring waste requiring special disposal are handled according to state local regulations that are in effect at the time of disposal.</p>	Less than significant

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>d. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.</p> <p>e. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction, operations, and decommissioning. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.</p>	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- Kern County;
Page 1-94:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.17-3: Require <u>The project would require</u> 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.</p>	Potentially significant	Implement Mitigation Measure MM 4.13-1KC (see Section 4.13, <i>Public Services</i> , for full mitigation measure text).	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-95:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.1-1: Have <u>The project would have</u> a substantial adverse effect on a scenic vista.</p>	Less than significant	No mitigation measures are required.	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-95:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.1-2: <u>The project would</u> substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.</p>	<p>Less than significant</p>	<p>No mitigation measures are required.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Pages 1-95 to 1-96:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.1-3: <u>The project would</u> substantially degrade the existing visual character or quality of public views of the site and its surroundings.</p>	<p>Significant and unavoidable</p>	<p>MM 4.1-1CC: Prior to issuance of a grading or building permit, a Maintenance, Trash Abatement, and Pest Management Program shall be submitted for review and approval to the City of California City Community Development Department. The program shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> a. The project proponent/operator shall clear debris from the project area at least four times per year; this can be done in conjunction with regular panel washing and site maintenance activities. b. The project proponent/operator shall erect signs with contact information for the project proponent/operator’s maintenance staff at regular intervals along the site boundary, as required by the City of California City Community Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the City of California City Community Development Department. c. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during construction and operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans. 	<p>Significant and unavoidable</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>d. Trash and food items shall be contained in closed secured containers at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.</p> <p>MM 4.1-2CC: The project proponent shall install metal fence slats or similar view-screening materials, as approved by the City of California City Community Development Department, in all on-site perimeter fencing for any portion of the solar site that is adjacent to parcels zoned for residential use, unless the adjacent property is owned by the project proponent (to be verified by the City of California City Community Development Department) or a public or private agency that has submitted correspondence to the City of California City Community Development Department requesting this requirement be waived. Should the project proponent sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.</p> <p>MM 4.1-3CC: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the City of California City Community Development Department, that will ensure all project facilities, including operations and maintenance buildings, and array facilities, etc. blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.</p> <p>MM 4.1-4CC: Wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All natural vegetation adjacent to the proposed project boundary shall remain in place as permitted by Fire Code. Prior to the commencement of project operations and decommissioning, the project proponent/operator shall submit a Landscape Revegetation and Restoration Plan for the project site to the City of California City Community Development Department for review and approval. The plan shall include the measures detailed below.</p> <p>a. In areas temporarily disturbed during construction and decommissioning (including grading or removal of root balls resulting in loose soil), the ground surface shall be revegetated with a native seed mix or native plants (including Mohave creosote scrub habitat) and/or allowed to revegetate with the existing native seed bank in the topsoil where possible to establish revegetation. Areas that contain</p>	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>permanent features such as perimeter roads, maintenance roads or under arrays do not require revegetation.</p> <p>b. The plan must include but is not limited to: (1) the approved California native seed mix that will be used on-site; (2) a timeline for seeding the site; (3) the details of which areas are to be revegetated; (4) a list of the consultation efforts completed; (5) the methods and schedule for installation of fencing that complies with wildlife agency regulations; and (6) a clear prohibition of the use of toxic rodenticides.</p> <p>c. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place, as needed to establish revegetation. The seed mix or native plants shall be determined through consultation with professionals such as landscape architect(s), horticulturist(s), botanist(s), etc. with local knowledge as shown on submitted resume and shall be approved by the City of California City Community Development Department prior to planting. Phased seeding may be used if a phased construction approach is used (i.e., the entire site need not be seeded all at the same time).</p> <p>d. Vegetation/ground cover shall be continuously maintained on the site by the project operator.</p> <p>e. The revegetation and restoration of the site shall be monitored annually for a three-year period following restoration activities that occur post-construction and post-decommissioning. Based on annual monitoring visits during the three-year periods, an annual evaluation report shall be submitted to the City of California City Community Development Department for each of the three years. Should efforts to revegetate with the existing native seed bank in the top soil prove in the second year to not be successful, re-evaluation of revegetation methods shall be made in consultation with the City of California City Community Development Department and an additional year shall be added to the monitoring program to ensure coverage is achieved. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, establishes perennials, and is consistent with conditions prior to implementation of the proposed project, where feasible.</p>	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Pages 1-97 to 1-98:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.1-4: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p>	<p>Potentially significant</p>	<p>MM 4.1-5CC: Prior to construction and prior to final activation of the solar facility, the project proponent shall demonstrate to the City of California City Community Development Department that the project site complies with the applicable standards regarding project lighting within the City and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not be exposed or extend below the shields.</p> <p>MM 4.1-6CC: Prior to the issuance of building permits, the project proponent shall demonstrate the solar panels and hardware are designed to minimize glare and spectral highlighting. Emerging technologies shall be used, such as diffusion coatings and nanotechnological innovations, to effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient with respect to converting incident sunlight into electrical power while also reducing the amount of glare generated by the panels. Specifications of such designs shall be submitted to the City of California City Community Development Department for review and final approval.</p> <p>MM 4.1-7CC: Prior to final activation of the solar facility, the project operator shall demonstrate that the operations and maintenance building, energy storage facilities, and collector facilities utilize materials that minimize glare, as approved by the City of California City Community Development Department.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-98:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.2-1: The project would conflict with existing zoning for agricultural use or a Williamson Act Contract.</p>	<p>Less than significant</p>	<p>No mitigation measures are required.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Pages 1-98 to 1-103:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.3-1: The project would conflict with or obstruct implementation of the applicable air quality plan.</p>	<p>Potentially Significant</p>	<p>MM 4.3-1CC: The project operator shall ensure that construction, operation, and decommissioning of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. The project operator shall develop a fugitive dust control plan (Plan) for the project. The Plan shall address short-term construction and long-term operational activities. The Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to the start of any earthmoving activity. The project operator shall also develop a decommissioning fugitive dust control plan (Decommissioning Plan) for the project if a decision is made to decommission and remove the solar facilities in the future. The Decommissioning Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to any decommissioning activities.</p> <p>Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:</p> <p>a. The following dust control measures shall be implemented during land preparation, excavation, and/or demolition:</p> <ol style="list-style-type: none"> 1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative. 2. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation. 	<p>Less than significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ol style="list-style-type: none"> 3. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent. 4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District. 5. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches. 6. Areas disturbed by clearing, earth-moving, or excavation activities shall be minimized at all times. 7. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust. 8. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds. 9. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate. 10. Where acceptable to the California City Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering. <p>b. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:</p> <ol style="list-style-type: none"> 1. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ol style="list-style-type: none"> 2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels. 3. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust. c. During all phases of construction, the following vehicular control measures shall be implemented: <ol style="list-style-type: none"> 1. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. 2. Visible speed limit signs shall be posted at the project site entrance(s). 3. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways. 4. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard. 5. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited. 6. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel <u>wheel</u> washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>MM 4.3-2CC: The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:</p> <ul style="list-style-type: none"> a. All equipment shall be maintained in accordance with the manufacturer’s specifications. b. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. c. No individual piece of construction equipment shall operate no longer than eight cumulative hours per day. d. Electric equipment shall be used whenever feasible in lieu of diesel or gasoline-powered equipment. e. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions. f. On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines. <p>MM 4.3-3CC: The project operator shall continuously comply with the following measures during construction and operation to control NO_x emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:</p> <ul style="list-style-type: none"> a. 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible. b. All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards to the greatest extent possible. This does not apply to worker personal vehicles. c. The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer’s specifications. 	

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>MM 4.3-4CC:The project operator shall continuously comply with the following measures during operation to control fugitive dust emissions:</p> <ul style="list-style-type: none"> a. The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation b. The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes. c. Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex. 	

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Pages 1-134 to 1-135:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-1: <u>The project would</u> create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p>	<p>Potentially significant</p>	<p>Implement Mitigation Measures MM 4.16-1CC (see Section 4.16, <i>Utilities and Service Systems</i>, for full mitigation measure text).</p> <p>MM 4.9-1CC: During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan, as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System at http://cers.calepa.ca.gov/ for review and acceptance by the City of California City.</p> <p>a. The Hazardous Materials Business Plan shall:</p> <ol style="list-style-type: none"> 1. Delineate hazardous material and hazardous waste storage areas; 2. Describe proper handling, storage, transport, and disposal techniques, including which routes will be used to transport hazardous materials; 3. Describe methods to be used to avoid spills and minimize impacts in the event of a spill; 4. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; 5. Establish public and agency notification procedures for spills and other emergencies including fires; and 6. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site. <p>b. The project proponent/operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.</p> <p>c. A copy of the approved Hazardous Materials Business Plan shall be submitted to the California City Community Development Department.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Pages 1-135 to 1-136:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-2: <u>The project would</u> 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.</p>	<p>Potentially significant</p>	<p>Implement Mitigation Measures MM 4.9-1CC and MM 4.16-1CC (see Section 4.16, <i>Utilities and Service Systems</i>, for full mitigation measure text).</p> <p>MM 4.9-2CC: During project construction and operation, the project proponent/operator shall continuously comply with the following:</p> <ol style="list-style-type: none"> a. The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. b. Herbicides shall be mixed and applied in conformance with the manufacturer’s directions. c. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife. d. Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. e. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. f. A written record of all herbicide applications on the site, including dates and amounts shall be furnished to the California City Community Development Department. 	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-136:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-3: <u>The project would</u> result in a safety hazard for people residing or working in the project area, for a project located within the adopted Kern County Airport Land Use Compatibility Plan.</p>	<p>Potentially significant</p>	<p>Implement Mitigation Measures MM 4.1-6CC and MM 4.1-7CC (see Section 4.1, <i>Aesthetics</i>, for full mitigation measure text).</p> <p>MM 4.9-3CC: Prior to issuance of building and grading permits for portions of the project that meet the Federal Aviation Administration’s noticing requirements, the project proponent/operator shall comply with the following:</p> <ol style="list-style-type: none"> a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17. b. Obtain a Federal Aviation Administration issued “Determination of No Hazard to Air Navigation.” This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impacts. c. Provide documentation to the California City Community Development Department demonstrating that a copy of the final site plan has been provided to the operators of California City Municipal Airport. 	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-137:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-4: <u>The project would</u> impair implementation of, or physically interferes with, an adopted emergency response plan or emergency evacuation plan.</p>	<p>Less than significant</p>	<p>No mitigation measures are required.</p>	<p>Less than significant</p>

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance -- California City;
Page 1-137:**

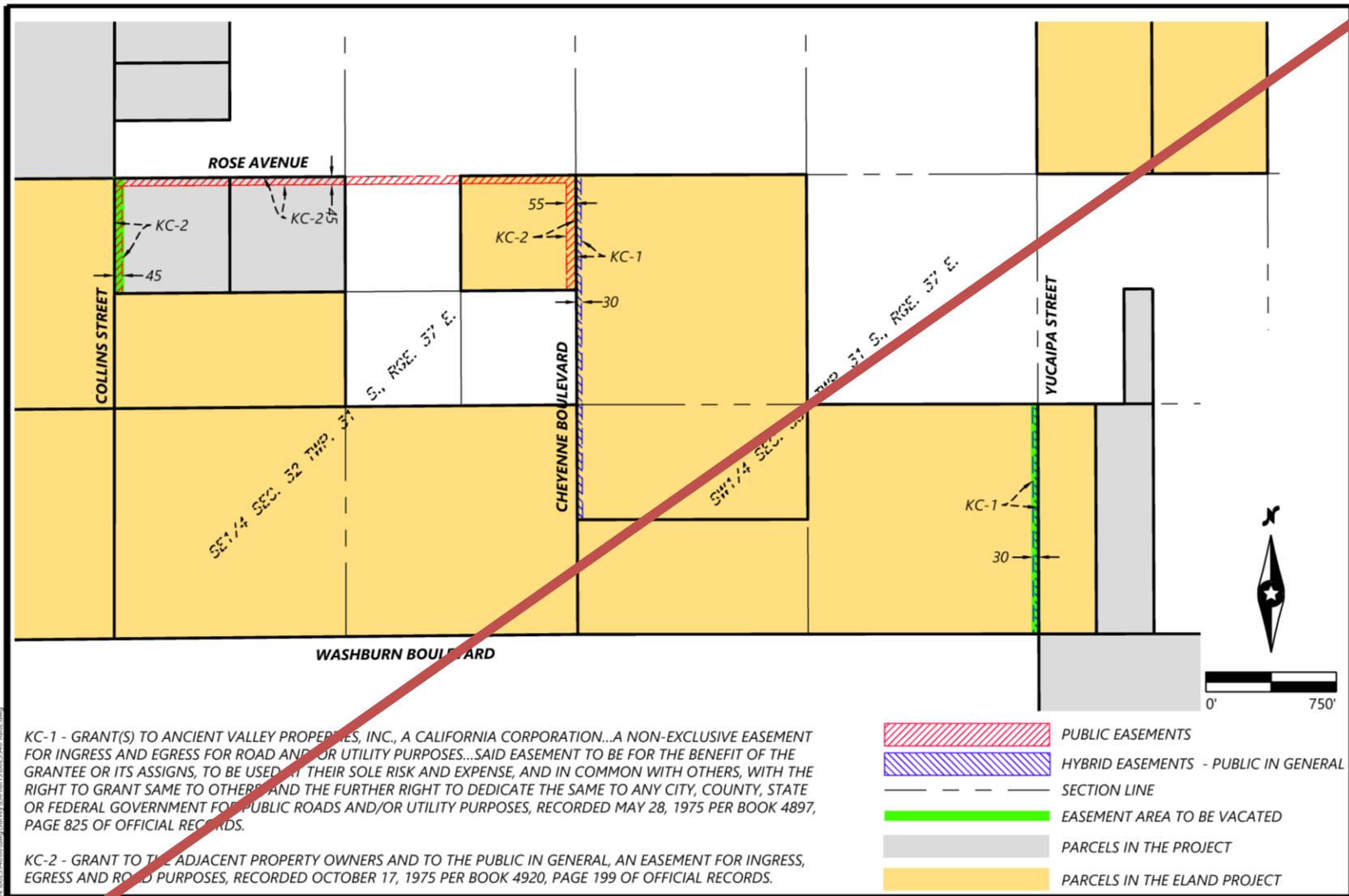
Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.9-5: The project would Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.</p>	Potentially significant	Implement Mitigation Measure MM 4.13-ICC (see Section 4.13, <i>Public Services</i> , for full mitigation measure text).	Less than significant

**Chapter 1, Executive Summary, Table 1-7, Summary of Impacts, Mitigation Measures, and Levels of Significance – California City;
Page 1-143:**

Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>Impact 4.12-1: The project would generate a substantial temporary or permanent increase in 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.</p>	Potentially Significant	<p>MM 4.12-ICC: To reduce temporary construction-related noise impacts, the following shall be implemented by the project proponent/operator:</p> <ol style="list-style-type: none"> a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. Equipment staging shall be located in areas that will create the greatest distance between construction related noise sources and noise sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. b. Construction equipment shall be fitted with noise-reduction features... 	Less than significant

**Chapter 3, Project Description, Proposed Nonsummary Vacation of Public Access Easements;
Figure 3-11A, Page 3-28:**

“Figure 3-11A, *Proposed Nonsummary Vacation of Public Access Easements – Kern County*, has been revised as follows to depict requested easements that can be vacated by the County and to show proposed private access easements to be recorded for continued access should access to any parcels by the vacation be severed.”

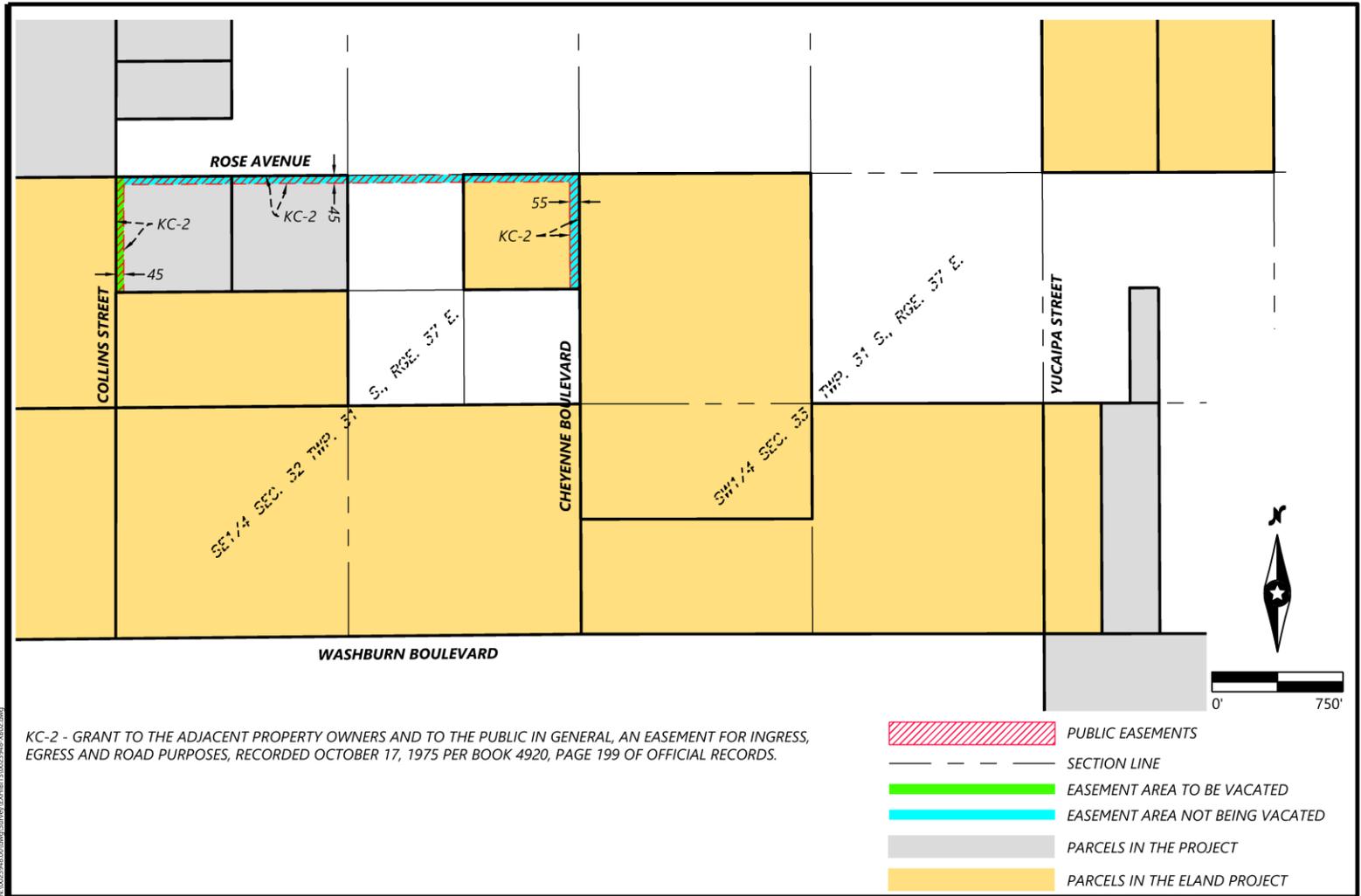


Source: Westwood Professional Services, 11/15/2021

ZCC 14, Map No. 152 GPA 10, Map No. 152
 CUP 28, Map No. 152 CUP 19-04 (California City)

KERN COUNTY, CALIFORNIA ■ KUDU SOLAR ■ BY: 69SV 8ME LLC

FIGURE 3-11A. PROPOSED NONSUMMARY VACATION OF PUBLIC ACCESS EASEMENTS – KERN COUNTY



Source: Westwood Professional Services, 1/12/2022

ZCC 24, Map No. 152 GPA 10, Map No. 152
 CUP 28, Map No. 152 CUP 19-04 (California City)

KERN COUNTY, CALIFORNIA ■ KUDU SOLAR ■ BY: 69SV 8ME LLC

FIGURE 3-11A. PROPOSED NONSUMMARY VACATION OF PUBLIC ACCESS EASEMENTS – KERN COUNTY

Section 4.1, Aesthetics; Page 4.1-43:

Mitigation Measures MM 4.1-1KC through MM 4.1-46KC and MM 4.1-1CC through MM 4.1-46CC would be incorporated to reduce visual impacts to the extent feasible, and include requirements to provide ongoing site maintenance including trash and debris removal; preserve and enhance scenic vegetation where possible; install visually screening features that would limit the visibility of project features; minimize color contrast through the selection of appropriate paint colors and surface treatments for project facilities; and limit impacts from the location of tall, intrusive project facilities near public viewing areas. To the greatest extent possible, the locations of the tallest project structures (substations, energy storage buildings, operations and maintenance [O&M] facilities, and other ancillary systems, etc.) would be positioned away from public areas to reduce their visual presence and intrusion. Because there are no feasible mitigation measures that can be implemented to maintain the existing open and predominantly undeveloped desert landscape character of the project site, the project would substantially degrade the existing visual character and scenic quality of public views of the site and its surroundings, as seen and described from the KOPs, and impacts on visual resources would remain significant and unavoidable.

Section 4.1, Aesthetics; Page 4.3-44:

MM 4.1-3KC: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Planning and Natural Resources Department, that will ensure all project facilities, including operations and maintenance buildings, and array facilities, ~~etc.~~ blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.

Section 4.1, Aesthetics; Page 4.3-46:

MM 4.1-3CC: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the City of California City Community Development Department, that will ensure all project facilities, including operations and maintenance buildings, and array facilities, ~~etc.~~ blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.

Section 4.3, Air Quality; Pages 4.3-37 to 4.3-39:

Mitigation Measures

Kern County

MM 4.3-1KC: The project operator shall ensure that construction, operation, and decommissioning of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. The project operator shall develop a fugitive dust control plan (Plan) for the project. The Plan shall address short-term construction and long-term operational activities. The Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to the start of any

earthmoving activity. The project operator shall also develop a decommissioning fugitive dust control plan (Decommissioning Plan) for the project if a decision is made to decommission and remove the solar facilities in the future. The Decommissioning Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to any decommissioning activities.

Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- a. The following dust control measures shall be implemented:
 1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.
 2. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.
 3. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.
 4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.
 5. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.
 6. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
 7. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
 8. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
 9. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.

10. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:
 1. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.
 2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.
 3. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.
 - c. During all phases of construction, the following vehicular control measures shall be implemented:
 1. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
 2. Visible speed limit signs shall be posted at the project site entrance(s).
 3. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.
 4. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
 5. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.
 6. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, ~~wheel~~ wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

Section 4.3, Air Quality; Pages 4.3-40 to 4.3-42

City of California City

MM 4.3-1CC: The project operator shall ensure that construction, operation, and decommissioning of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. The project operator shall develop a fugitive dust control plan (Plan) for the project. The Plan shall address short-term construction and long-term operational activities. The Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to the start of any earthmoving activity. The project operator shall also develop a decommissioning fugitive dust control plan (Decommissioning Plan) for the project if a decision is made to decommission and remove the solar facilities in the future. The Decommissioning Plan shall be endorsed by the Eastern Kern Air Pollution Control District prior to any decommissioning activities.

Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- a. The following dust control measures shall be implemented during land preparation, excavation, and/or demolition:
 1. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.
 2. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.
 3. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.
 4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.
 5. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.

6. Areas disturbed by clearing, earth-moving, or excavation activities shall be minimized at all times.
 7. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
 8. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
 9. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.
 10. Where acceptable to the California City Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:
1. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.
 2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.
 3. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.
- c. During all phases of construction, the following vehicular control measures shall be implemented:
1. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
 2. Visible speed limit signs shall be posted at the project site entrance(s).
 3. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.
 4. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.

5. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.
6. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, ~~wheel~~ wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

Section 4.3, Air Quality; Pages 4.3-49 to 4.3-50:

MM 4.3-6KC: Prior to ground disturbance activities, the project proponent shall provide a “Valley Fever Training Information Packet” and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the Kern County Planning and Natural Resources Department. All evidence of the training session(s) and handout(s) shall be submitted to the Kern County Planning and Natural Resources Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Kern County Planning and Natural Resources Department regarding the “Valley Fever Training Handout” and session(s) shall include the following:

- ~~1~~a. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
- ~~2~~b. Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; systems of exposure; and instructions for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent symptoms lasting more than three days shall be recommended to seek immediate medical advice.
- ~~3~~c. Training on methods that may help prevent Valley Fever infection.
- ~~4~~d. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though the use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the Kern County Planning and Natural Resources Department. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

Section 4.3, Air Quality; Pages 4.3-50 to 4.3-51:

MM 4.3-6CC: Prior to ground disturbance activities, the project proponent shall provide a “Valley Fever Training Information Packet” and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the California City Community Development Department. All evidence of the training session(s) and handout(s) shall be submitted to the California City Community Development Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the California City Community Development Department regarding the “Valley Fever Training Handout” and session(s) shall include the following:

- ~~1~~.a. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
- ~~2~~.b. Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; systems of exposure; and instructions for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent symptoms lasting more than three days shall be recommended to seek immediate medical advice.
- ~~3~~.c. Training on methods that may help prevent Valley Fever infection.
- ~~4~~.d. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though the use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the California City Community Development Department. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

Section 4.4, Biological Resources; Page 4.4-30:

Western Joshua Tree. A small number of Western Joshua trees were found scattered on the western portion of the project area in Kern County As summarized in Table 4.4-45, *CDNPA Plants and Number of Individuals in Action Area*, these included one Western Joshua tree shorter than two feet tall, and four Western Joshua trees between two and eight feet tall. Potential permanent, direct impacts to on-site Western Joshua trees primarily include the complete loss of this species within the boundaries of the project area from removal of existing vegetation and permanent development of the site. Potential permanent, indirect impacts to Western Joshua trees may arise from population fragmentation in regard to surrounding regional occurrences of this species and this habitat type. Such impacts would be reduced to less than significant through implementation of Mitigation Measures MM 4.4-1KC through MM 4.4-7KC, and MM 4.4-1CC through MM 4.4-7CC. In addition, Mitigation Measure MM 4.4-13KC would apply if Western Joshua tree

is no longer listed as a candidate, threatened, or endangered species under the CESA at the time of issuance of a building or grading permit, whereas Mitigation Measure MM 4.4-14KC would apply if Western Joshua tree is still listed as a candidate, threatened, or endangered species under the CESA at the time of issuance of a building or grading permit in areas that would involve the removal of Western Joshua trees.

Section 4.4, Biological Resources; Page 4.4-38:

MM 4.4-2KC: Prior to the issuance of grading or building permits, and for the duration of construction activities, all new construction workers at the project site shall attend a Worker Environmental Awareness Program, developed and presented by the project Lead Biologist. As part of the Worker Environmental Awareness Program training, the project Lead Biologist shall perform the following training-related tasks:

- a. Provide the training materials for Worker Environmental Awareness Program training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations), and applicable fire protection measures. ~~WEAP~~ Worker Environmental Awareness Program training shall also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.
- b. Send a copy of all ~~WEAP~~ Worker Environmental Awareness Program training materials to the Kern County Planning and Natural Resources Department.
- c. Maintain a list on-site of all employees who have undergone ~~WEAP~~ Worker Environmental Awareness Program training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department, as necessary.

Section 4.4, Biological Resources; Page 4.4-46:

MM 4.4-15KC: The measures listed below shall be implemented prior to and during construction, operations, and decommissioning at the project site.

- a. The project operator has filed for an incidental take permit ~~Incidental Take Permit~~ for Mohave ground squirrel and desert tortoise with California Department of Fish and Wildlife, and a Habitat Conservation Plan with the United States Fish and Wildlife Service for desert tortoise. The project ~~operator~~ proponent shall mitigate for permanent impacts to suitable desert tortoise and/or Mohave ground squirrel habitat, through an approved mitigation bank, in-lieu fee program, or other mechanism accepted by California Department of Fish and Wildlife and/or United States Fish and Wildlife Service, as outlined in ~~the each~~ agency's permit. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency and may be mitigated alongside impact on covered species. Compensatory mitigation would provide habitat for desert tortoise and Mohave ground squirrel, as well as rare plants and State Waters (only if impacted by the project).

Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department prior to the onset of activities that have the potential to impact covered species.

- b. Prepare a Habitat Mitigation and Monitoring Plan (if required, should an incidental take permit be required for the project) or provide a copy of the project's incidental take permit that outlines all project compensatory mitigation for desert tortoise, and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife.
 1. Compensatory mitigation shall provide ecological benefits to covered species that are similar to or better than the project's impacts on covered species. Mitigation sites in the vicinity of the project are preferable.
 2. Mitigation shall meet California Department of Fish and Wildlife's durability requirements.
 3. The plan, or incidental take permit, shall identify conservation actions, where applicable, to demonstrate that the compensatory lands are managed to provide durable environmental benefits to the covered species.
 4. The plan, or incidental take permit, shall identify an approach for funding assurance for the long term management of the conserved land.

Section 4.4, Biological Resources; Pages 4.4-46 to 4.4-49:

MM 4.4-16KC: The following measures shall be implemented during project construction and decommissioning activities with respect to burrowing owls.

- a. A project Lead Biologist shall be on-site during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows not more than 14 days prior to ground disturbance and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with other preconstruction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
- b. If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the Staff Report from an active burrow during the

nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 4.4-6, *Burrowing Owl Burrow Buffers*, below, and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15) or as outlined in the Project’s Habitat Conservation Plan or ~~Incidental Take Permit~~ incidental take permit.

- c. During the nonbreeding (winter) season (October 16 to March 31), consistent with the table below (*Burrowing Owl Burrow Buffers*), all ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012).

Table 7-1. Burrowing Owl Burrow Buffers

Location	Time of Year	Level of Disturbance (in feet)		
		Low	Medium	High
Nesting Sites	April 1-Aug 15	656	1,640	1,640
Nesting Sites	Aug 16 - Oct 15	656	656	1,640
Any occupied burrow	Oct 16 - Mar 31	164	328	1,640
Source: California Department of Fish and Game 2012				

- d. Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:
 1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
 2. Type of scope to be used and appropriate timing of scoping to avoid impacts;
 3. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can’t escape, i.e., look for sign immediately inside the door).

4. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
 5. Removal of other potential owl burrow surrogates or refugia on-site;
 6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;
 7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
 8. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.
 9. Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.
 10. Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).
- c. In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or heavy material shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.
 - d. During construction and decommissioning activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.

Section 4.4, Biological Resources; Pages 4.4-60 to 4.4-62:

- MM 4.4-15CC:** The following measures shall be implemented during project construction and decommissioning activities with respect to burrowing owls.
- a. A project Lead Biologist shall be on-site during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct

preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows not more than 14 days prior to ground disturbance and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with other preconstruction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and California City Community Development Department.

- b. If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the Staff Report from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 4.4-6, *Burrowing Owl Burrow Buffers*, below, and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15) or as specified by the ~~Incidental Take Permit~~ incidental take permit issued by California Department of Fish and Wildlife.
- c. During the nonbreeding (winter) season (October 16 to March 31), consistent with the table below (*Burrowing Owl Burrow Buffers*), all ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012).

Table 7-26. Burrowing Owl Burrow Buffers

Location	Time of Year	Level of Disturbance (in feet)		
		Low	Medium	High
Nesting Sites	April 1-Aug 15	656	1,640	1,640
Nesting Sites	Aug 16 - Oct 15	656	656	1,640
Any occupied burrow	Oct 16 - Mar 31	164	328	1,640

Source: California Department of Fish and Game 2012

- d. Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the California City Community Development Department. The plan shall include, at a minimum:
 1. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
 2. Type of scope to be used and appropriate timing of scoping to avoid impacts;
 3. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape, i.e., look for sign immediately inside the door).
 4. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
 5. Removal of other potential owl burrow surrogates or refugia on-site;
 6. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;
 7. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
 8. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.
 9. Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.
 10. Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).
- e. In accordance with the Burrowing Owl Exclusion Plan, a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or heavy material shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.

- f. During construction and decommissioning activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, California City Community Development Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.

Section 4.4, Biological Resources; Page 4.4-70:

Impact 4.4-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Solar Facility

With the mitigation measures identified earlier to offset impacts to sensitive wildlife, plants, natural communities and aquatic resources, the proposed project is considered consistent with the Land Use, Open Space, and Conservation Elements of the Kern County General Plan, as well as the Open Space and Conservation Element of the California City General Plan.

~~The project is also located within the Mojave Specific Plan area. The Mojave Specific Plan encourages the preservation of western Joshua trees, Joshua tree woodlands, wildflower displays, or other biologically sensitive flora.~~ Additionally, while the California Desert Native Plants Act is a State act, Kern County administers the permit program for removal of the species covered in the act. As indicated previously, the project would have the potential to result in impacts to western Joshua tree, as well as other native desert plants that may be directly impacted through construction or decommissioning or indirectly impacted through dust and soil compaction or other conditions leading to habitat degradation. Implementation of Mitigation Measures MM 4.4-1KC through MM 4.4-7KC, MM 4.4-9KC through MM 4.4-14KC, MM 4.4-1CC through MM 4.4-7CC, and MM 4.4-9CC through MM 4.4-13CC would reduce project impacts to less than significant.

Section 4.4, Biological Resources; Page 4.4-73:

Mitigation Measures

Kern County

Implement Mitigation Measures MM 4.1-5KC (see Section 4.1, *Aesthetics*, for full Mitigation Measure text); and MM 4.4-1KC through MM 4.4-23KC.

City of California City

Implement Mitigation Measures MM 4.1-5CC (see Section 4.1, *Aesthetics*, for full Mitigation Measure text); and MM 4.4-1CC through MM 4.4-22CC.

Level of Significance after Mitigation

Kern County

Despite implementation of Mitigation Measures MM 4.1-5KC and MM 4.4-1KC through MM 4.4-23KC, cumulative impacts would be significant and unavoidable due to the cumulative loss of habitat to special status and transient wildlife species, including desert tortoise, Mohave ground squirrel, migratory birds, American badger, and desert kit fox. Although the project proponent will consult with the Kern County Agricultural Commissioner and obtain permits for the removal of plants protected under the California Desert Native Plant Act, the removal of these plants, including silver cholla and Joshua tree, will be significant and unavoidable and will combine with other projects in the region to create an incremental cumulative loss of these species.

Section 4.5, Cultural Resources; Page 4.5-33:

Cumulative Setting, Impacts, and Mitigation Measures

An analysis of cumulative impacts takes into consideration the entirety of impacts that the project's requested conditional use permit, zone changes, and general plan amendment discussed in Chapter 3, *Project Description* of this EIR, would have on cultural resources. The geographic area of analysis of cumulative impacts for cultural resources includes the Fremont Valley and western Antelope Valley. This geographic scope of analysis is appropriate because the archaeological and historical resources within this area are expected to be similar to those that occur on the project site because of their proximity, and because the similar environments, landforms, and hydrology would result in similar land-use—and thus, site types. Similar geology within this vicinity would likely yield fossils of similar sensitivity and quantity. The area considered is large enough area to encompass any project effects on cultural resources that may combine with similar effects caused by other past, current, and reasonably foreseeable future projects, and provides a reasonable context wherein cumulative actions could affect such resources. Multiple projects, including solar energy production facilities, are proposed throughout the Fremont Valley and western Antelope Valley. Cumulative impacts to cultural resources could therefore occur if other related projects, in conjunction with the proposed project, had or would have impacts on cultural resources that, when considered together, would be significant.

Section 4.9, Hazards and Hazardous Materials; Page 4.9-39:

Mitigation Measures

Kern County

Implement Mitigation Measures MM 4.1-6KC and MM 4.1-7KC (see Section 4.1, *Aesthetics*, for full mitigation measure text).

MM 4.9-3KC: Prior to issuance of building and grading permits for portions of the project that meet the Federal Aviation Administration's noticing requirements, the project proponent/operator shall comply with the following:

- a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17.
- b. Obtain a Federal Aviation Administration issued “Determination of No Hazard to Air Navigation.” This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impacts.
- c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plan has been provided to the operators of ~~California City Municipal Airport~~ California City Municipal Airport.

Section 4.11, Land Use and Planning; Page 4.11-32:

The anticipated impacts of the project in conjunction with cumulative development in the area of the project would increase urbanization and result in the loss of open space within the desert region of the County. Potential land use impacts require evaluation on a case-by-case basis because of the interactive effects of a specific development and its immediate environment. As described in Table 4.11-2, the project would be consistent with the goals and policies of the Kern County General Plan. As evaluated in detail in Table 4.11-3, the proposed project is consistent with goals and policies of the California City General Plan. In addition, with approval of all discretionary actions, including implementation of conditions of the CUPs, the project would be a permitted use that would not conflict with the land use designation or zoning classification for the site. Therefore, the project would not result in a cumulatively considerable impact regarding land use.

Section 4.11, Land Use and Planning; Pages 4.11-33 to 4.11-34:

Mitigation Measures

Kern County

Implementation of Mitigation Measure MM 4.9-3KC would be required (see Section 4.9, *Hazards and Hazardous Materials*, for full mitigation text).

MM 4.11-1KC: Prior to the issuance of any building permit, the project proponent/operator shall provide the Kern County Planning and Natural Resources Department with a Decommissioning Plan for review and approval. The plan shall be carried out by the proposed operator or a County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator.

- a. The Decommissioning Plan shall include, but is not limited to, the following:
 1. Factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from the removal of support structures (including all underground equipment), and control of fugitive dust on the remaining undeveloped land.

2. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations.
 3. The assumption, when preparing the estimate, is that the project proponent/operator is incapable of performing the work or has abandoned the solar facility, thereby resulting in the County hiring an independent contractor to perform the decommission work.
- b. In addition to submittal of a Decommissioning Plan, the project proponent/operator shall post or establish and maintain with the County financial assurances related to the deconstruction of the site as identified on the approved Decommission Plan should at any point in time the project proponent/operator determine it is not in their best interest to operate the facility. The financial assurance required prior to issuance of any building permit shall be established using one of the following:
1. An irrevocable letter of credit;
 2. A surety bond;
 3. A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommissioning plan; or
 4. Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.
- c. The financial assurances documents shall include the following verbiage, including any required verbiage through Kern County Planning and Natural Resources Department's consultation and review with Kern County Counsel:
1. Financial institution or Surety Company shall give the County a minimum of 120 days² notice of intent to terminate the letter of credit or bond.
 2. Financial assurances shall be reviewed annually by the respective counties or County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommissioning Plan.
 3. Should the project proponent/operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance.
 4. Financial institution or Surety Company shall be licensed to conduct business in the state of California.
- d. Once deconstruction has occurred, financial assurances for that portion of the site will no longer be required and any financial assurance posted will be adjusted or returned accordingly. Any funds not utilized through decommissioning of the site by the County shall be returned to the project proponent/operator.

- e. Should any portion of the solar field not be in operational condition for a consecutive period of twenty-four (24) months, that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project proponent/operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project proponent/operator may provide the County with a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Department Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance.
- f. In no case shall a solar field which has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.

Section 4.12, Land Use and Planning, Table 4.11-2; Page 4.11-53:

2.3.6 Vacation of Existing or Recorded Future Streets, Highways, or Public Easements		
Goal 1: Provide a means for guiding decisions on vacating public roads.	Consistent	As discussed in Chapter 3, Project Description , of this EIR, the project has requested approval of a General Plan Amendment to the Circulation Element of the Kern County General Plan, to eliminate future road reservations, and has requested vacations of public access easements; those requests are subject to approval by the Kern County Board of Supervisors. With the approval of the aforementioned requests for a General Plan Amendment and non-summary vacations of public access easement, the proposed project would be consistent with this goal.
Goal 2: Kern County intends to set up a system maintaining and coordinating road vacation procedures in all elements of the General Plan and the incorporated cities general plans.	Consistent	As discussed in Chapter 3, Project Description , of this EIR, the project has requested approval of a General Plan Amendment to the Circulation Element for the removal of section and mid-section line road reservations within the County and within California City. These areas are not currently improved. The purpose of the request is to facilitate the optimal layout of solar panels by removing unused and unrecorded road reservations on vacant land. These would not eliminate any legal access for any property or persons in the area. No vacations of any existing roadway rights-of-ways or easements would occur.

Section 4.12, Noise; Page 4.12-1:

This section of the EIR describes the affected environment and regulatory setting relating to noise and ground-borne vibration for the proposed project. It also describes the impacts associated with noise and ground-borne vibration that would result from implementation of the project, and includes mitigation measures that would reduce these impacts, where applicable. The information and analysis in this section is largely based on the *Kudu Solar Project Noise Study* prepared by Rincon Consultants, Inc. (Rincon 20202021) located in Appendix J of this EIR.

Section 4.12, Noise, Table 4.12-2; Page 4.12-9:

Table 7-3. Noise Monitoring Results in the Project Site Vicinity

Measurement	Measurement Location	Approximate Distance to Primary Noise Source	Sample Times	Noise Level (dBA L _{eq}) ¹
Short-Term				
ST-1	Cheyenne Boulevard/Phillips Road in Kern County	40 feet from centerline of Phillips Road	12:31 p.m. – 12:46 p.m.	51
ST-2	Mitchell Boulevard/Lindbergh Boulevard, California City	90 feet from centerline of Lindbergh Boulevard	11:32 a.m. – 11:47 a.m.	52
ST-3	Phillips Road near Sage Street in Kern County	25 feet from centerline of Phillips Road	1:43 p.m.– 1:58 p.m.	55
ST-4	Neuralia Road and Esther Avenue	30 feet from center of Neuralia Road	1:02 p.m. – 1:17 p.m.	63
Long-Term²				
LT-1	Cheyenne Boulevard/Phillips Road in Kern County	40 feet from centerline of Phillips Road	September 18-19, 2019	58
LT-2	Mitchell Boulevard/Lindbergh Boulevard, California City	90 feet from centerline of Lindbergh Boulevard	September 18-19, 2019	52
Source: Rincon 2020 2021 (see Appendix J).				
Notes:				
¹ The equivalent noise level (L _{eq}) is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). For these measurements, the L _{eq} was over a 15-minute period.				
² Long-term measurements (24 hours) were taken from September 18, 2019 at 12:28 p.m. to September 19, 2019 at 11:28 a.m. (LT-1) and September 18, 2019 at 11:31 a.m. to September 19, 2019 at 10:31 a.m. (LT-2).				

Section 4.12, Noise, Table 4.12-7; Page 4.12-27:

Table 7-4. Noise Levels at Various Distances from Construction

Receptor	Distance from Construction (feet)	Noise Level at Receptor (dBA L _{eq})
Reference distance	50	89
Single-family residence off Yerba Boulevard ¹	1,300	61
Single-family residence in California City ²	3,250	53
Source: Rincon 2020 2021 (see Appendix J).		
Notes:		
¹ Closest noise-sensitive land uses from different areas of the project in Kern County.		
² Closest noise-sensitive land use in California City.		

Section 4.12, Noise, Table 4.12-8; Page 4.12-29:

Table 7-5. Typical Noise Levels at Various Distances from Collector Line Construction

Receptor	Distance from Construction (feet)	Noise Level at Receptor (dBA L _{eq})
Reference distance	50	84
Single-family residence in Kern County ¹	50	84
Single-family residence in California City ²	8,300	40
Source: Rincon 2020 2021 (see Appendix J).		
Notes:		
¹ Closest noise-sensitive land use in the Kern County single-family neighborhood bordered by Yuma Street, Yucaipa Street, Cheyenne Boulevard, and Phillips Road in Kern County.		
² Closest noise-sensitive land use in California City.		

Section 4.12, Noise, Table 4.12-9; Page 4.12-31:

Table 7-6. Cumulative Construction Noise Levels for Worst-Case Scenario

Project Site	Distance from Construction (feet)	Noise Level at Receptor (dBA Leq)
Project Parcel	2,000	52
Project Parcel	3,100	48
Project Parcel	3,500	57
Project Parcel	3,600	57
Project Parcel	4,500	45
Cumulative Noise Level¹		84

Source: Rincon ~~2020~~2021 (see Appendix J).

Notes:

1. The cumulative noise level was calculated at the sensitive receptor (i.e., single-family residence off Morongo Drive near Phillips Road in Kern County) situated adjacent to collector line construction and closest to construction at the project parcels to provide a worst-case scenario.

Section 4.12, Noise, Table 4.12-10; Page 4.12-32:

Table 7-7. Construction Traffic Noise

Roadway	Nearest Sensitive Receiver	Distance from Roadway to Nearest Sensitive Receiver (feet)	Existing Traffic Noise (dBA Leq)	With Construction Traffic Noise (dBA Leq)	Change in Traffic Noise (dBA Leq)	FTA Allowable Noise Exposure Increase (dBA Leq)
SR 14	Single-family residences in Kern County	300	54	55	1	5
Phillips Road	Single-family residences in Kern County	80	53	58	5	5
Neuralia Road	Single-family residences in Kern County	105	52	57	5	5

Source: Rincon ~~2020~~2021 (see Appendix J).

Section 4.12, Noise, Table 4.12-11; Page 4.12-32:

Table 7-8. Estimated Noise Rating for Equipment Utilized During Project Operations

Equipment Type	Reference Noise Level (dBA Leq)	Distance from Source (feet)
PV Panel	44	50
500+ kW Inverter (unenclosed)	52	75
Transformer	58	3.3
Inverter HVAC System	58	75

Source: Rincon ~~2020~~2021 (see Appendix J).

Section 4.12, Noise, Table 4.12-12; Page 4.12-33:

Table 7-9. Operational Noise Levels at Nearest Sensitive Receivers

Receiver	Description	Jurisdiction	Noise Level at Receiver		Exceed Threshold?
			dBA L _{eq}	dBA L _{dn}	
R1	Esther Avenue Residence	Kern County	24	30	No
R2	Isabella Boulevard Residence	Kern County	21	27	No
R3	Near Dodson Avenue and Isabella Boulevard	Kern County	21	27	No
R4	Yerba Boulevard Residence	Kern County	25	31	No
R5	Southeast Phillips Road Residence	Kern County	27	33	No
R6	Southwestern Phillips Road Residence	Kern County	28	34	No
R7	Residence south of Lindbergh Boulevard	California City	23	30	No
R8	Denhart Avenue Residence	California City	18	24	No

Source: Rincon ~~2020~~2021 (see Appendix J).

Section 4.12, Noise, Table 4.12-13; Page 4.12-36:

Table 7-10. Operational Traffic Noise

Roadway	Nearest Sensitive Receiver	Distance from Roadway to Centerline to Nearest Sensitive Receiver (feet)	Existing Traffic Noise (dBA L _{eq})	With-Operational Traffic Noise (dBA L _{eq})	Change in Traffic Noise (dBA L _{eq})	FTA Allowable Noise Exposure Increase (dBA L _{eq})
SR 14	Single-family residences in Kern County	300	54	54	<1	5
Phillips Road	Single-family residences in Kern County	80	53	54	1	5
Neuralia Road	Single-family residences in Kern County	105	52	52	<1	5

Source: Rincon ~~2020~~2021 (see Appendix J).

Section 4.12, Noise; Page 4.12-36:

Mitigation Measures

Kern County

MM 4.12-1KC: To reduce temporary construction-related noise impacts, the following shall be implemented by the project proponent/operator:

- a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. ~~Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible.~~
- b. Construction equipment shall be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer...

Section 4.12, Noise; Page 4.12-38:

City of California City

MM 4.12-1CC: To reduce temporary construction-related noise impacts, the following shall be implemented by the project proponent/operator:

- a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. ~~Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible.~~
- b. Construction equipment shall be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer...

Section 4.12, Noise; Page 4.12-42 to 4.12-43:

Impact 4.12-4: The project would expose people residing or working in the project area to excessive noise levels, for a project located within the Kern County Airport Land Use Compatibility Plan.

The southern portion of the project site is located within an area covered by the Kern County Airport Land Use Compatibility Plan (ALUCP). The project site is located immediately north of the California City Municipal Airport. Specifically, the project site is located in “Compatibility Zone B1 – Approach/Departure Zone and Adjacent to Runway” (APN 302-020-08) and “Compatibility Zone C – Common Traffic Pattern” (APN 302-020-08, -09, -11, -14, -15, -16, -17, -18, and 302-470-14). According to Kern County ALUCP Table 2A, *Compatibility Criteria*, Compatibility Zone B1 is subject to substantial noise levels and Compatibility Zone C is subject to frequent noise intrusion.

As discussed in the *Technical Guidance for Evaluating Selected Solar Technologies on Airports* by the FAA, “solar facilities are generally a compatible land use at airports because of their low profile and ease of integration with existing facilities” (FAA 2018). While the proposed project is not located on airport property, the proposed project would provide a buffer between more dense development and the California City Municipal Airport. Further, the project would not contain habitable structures that would subject occupants to aircraft noise.

The project would be consistent with the County’s ALUCP and would be required to comply with applicable FAA regulations. Kern County’s ALUCP consistency review process would identify and minimize any potential conflict with airport operations, while the FAA’s review would ensure that project infrastructure does not present an aeronautical hazard. As discussed in Section 4.9, *Hazards and Hazardous Materials*, implementation of Mitigation Measures MM 4.9-3KC and MM 4.9-3CC would ensure the proposed project would be consistent with the ALUCP and General Plan policies of Kern County and California City by requiring the developer to coordinate with the Department of Defense (DoD), FAA, and the public airports and military installations in the area. With implementation of Mitigation Measures MM 4.9-3KC and MM 4.9-3CC, impacts would be less than significant.

Mitigation Measures

Kern County

Implement Mitigation Measure MM 4.9-3KC (see Section 4.9, *Hazards and Hazardous Materials*, for full text).

City of California City

Implement Mitigation Measure MM 4.9-3CC (see Section 4.9, *Hazards and Hazardous Materials*, for full text).

Level of Significance after Mitigation

Kern County

With ~~incorporation~~ implementation of Mitigation Measure MM 4.9-3KC, impacts would be less than significant.

City of California City

With ~~incorporation~~ implementation of Mitigation Measure MM 4.9-3CC, impacts would be less than significant.

Section 4.14, Transportation; Pages 4.14-21 to 4.14-23:

Mitigation Measures

Kern County

MM 4.14-1KC: Prior to the issuance of construction or building permits, the project proponent/operator shall:

- a. Obtain all necessary encroachment permits for work within the road right-of-way or use of oversized/overweight vehicles that will utilize County-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved Construction Traffic Control Plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, Kern County Public Works Department - Development Review Division prior to the commencement of construction or decommissioning activities.
- b. Enter into a secured agreement with Kern County to ensure that any County-maintained roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.
- c. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department - Development Review Division and the California Department of Transportation offices for District 9, as appropriate. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation *Manual on Uniform Traffic Control Devices* and *Work Area Traffic Control Handbook* and must include, but not be limited to, the following issues:
 1. Timing of deliveries of heavy equipment and building materials;
 2. Directing construction traffic with a flag person;
 3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

4. Ensuring access for emergency vehicles to the project site;
 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 6. Maintaining access to adjacent property;
 7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible;
- d. Institute construction work hours as necessary, such that the arrival and/or departure times of workers would be staggered as necessary; ~~and~~
 - e. Identifying vehicle safety procedures for entering and exiting site access roads.
 - f. Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-County maintained roads that may result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Works Department - Development Review Division, and Kern County Planning and Natural Resources Department.
 - g. Within 30 days of completion of construction, the project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in electronic format. The County, in consultation with the project proponent/operator's engineer, shall determine the extent of remediation required, if any.

Chapter 5, Consequences of Project Implementation; Page 5-4:

Section 15126.2(~~ed~~) of the CEQA Guidelines defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the project. Irreversible impacts can also result from damage caused by environmental accidents associated with the project. Additionally, irretrievable commitments of resources should be evaluated to ensure that such consumption is justified.

Chapter 5, Consequences of Project Implementation; Page 5-4:

The Kern County General Plan and California City General Plan recognize that certain forms of growth are beneficial, both economically and socially. Section 15126.2(~~ed~~) of the CEQA Guidelines states the following regarding growth-inducing impacts: a project is identified as growth-inducing if it would “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

Chapter 6, Alternatives; Page 6-9:

6.4.1 Alternative 1: No Project Alternative

The CEQA Guidelines require EIRs to include a “No Project Alternative” for the purpose of allowing decision makers to compare the effects of approving or denying a project altogether. Accordingly, Alternative 1 assumes that development of the up to 500 MW PV solar facility with up to 600 MWh energy storage capacity on the approximately 1,955-acre site would not occur. The No Project Alternative would not require a general plan amendments, zone change, ~~eases~~, conditional use permits, or non-summary vacations of public access easements from Kern County, or a conditional use permit from California City for construction and operation of the proposed solar and energy storage project. The No Project Alternative would maintain the current zoning classifications, land use designations, and existing land uses, which consist mostly of undeveloped desert vegetation. No physical changes would be made to the project site.

Chapter 10, Bibliography; Page 10-9:

Fremont Basin RWMG (Regional Water Management Group). 2018. Fremont Valley Basin Groundwater Management Plan. Prepared by the Regional Water Management Group of the Fremont Basin Integrated Regional Water Management Region, with support from Woodard & Curran. http://www.californiacity-ca.gov/CC/images/Appendix-B_Final-FVB-GWMP_wAppx.pdf.

Rincon ~~Consultants, Inc. 2020~~2021. Kudu Solar Farm Project, Noise Study. ~~February 2020~~.

SCAQMD (South Coast Air Quality Management District). 2015. *South Coast Air Quality Management District Amicus Curiae Brief*. <https://www.courts.ca.gov/documents/9-s219783-ac-south-coast-air-quality-mgt-dist-041315.pdf>.

7.3 Responses to Comments

A list of agencies and interested parties who have commented on the Draft EIR is provided below. A copy of each numbered comment letter and a lettered response to each comment are provided following this list.

Federal Agencies

No comment letters from federal agencies were received.

State Agencies

Letter 1: California Department of Transportation, District 9, Gayle J. Rosander, External Project Liaison (December 16, 2021)

Local Agencies

Letter 2: Kern County Public Works Department (KCPWD), County Surveyor, Brian R. Blacklock, PLS (December 13, 2021)

Letter 3: Kern County Public Works Department (KCPWD), Floodplain Management Section, for Kevin Hamilton by Brian Blase (November 24, 2021)

Letter 4: Kern County Fire Department, Michael Nicholas, Assistant Fire Marshal (December 14, 2021)

Letter 5: Kern County Public Health Services Department, Dayana Torres, EHS (December 3, 2021)

Interested Parties and Organizations

Letter 6: Santa Rosa Rancheria Tachi-Yokut Tribe, Samantha McCarty (December 15, 2021)

Letter 7: San Manuel Band of Mission Indians, Ryan Nordness (December 9, 2021)

Letters Received After January 3, 2022 Close of Public Comment Period

Letter 8: California Department of Fish and Wildlife, Julie A. Vance, Regional Manager (January 13, 2022)

State Agencies

Comment Letter 1: California Department of Transportation (CALTRANS), District 9, Gayle J. Rosander (December 16, 2021)

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 9
500 SOUTH MAIN STREET | BISHOP, CA 93514
(760) 874-8330 | FAX (760) 872-0678 TTY 711
www.dot.ca.gov



December 16, 2021

Mr. Mark Tolentino
Kern Planning/Natural Resources Dept.
2700 M Street, Suite 100
Bakersfield, California 93301

File: Ker-14-27.3
DEIR
SCH#: 2020099017

Kudu Solar - Draft Environmental Impact Report (DEIR)

Dear Mr. Tolentino:

Thank you for giving the California Department of Transportation (Caltrans) District 9 the opportunity to review the DEIR for the Kudu Solar Farm project in eastern Kern County and California City. We offer the following:

- The Philips Rd Intersection Evaluation (Appendix K-2) does not specifically address the requests (e.g. geometrics, queueing) of our September 29, 2020 Notice of Preparation letter. However, we do not require an evaluation update. Considering the construction trip data provided and the lengths of existing SR 14 right and left turn lanes, it appears that the intersection should suffice for the construction phase.
- The DEIR is not conclusive of the gen-tie alternative for crossing SR 14. As a reminder, a new encroachment permit is required even if it is at the existing Eland location. Details regarding state highway gen-tie crossings may be found in Section 600 Utility Permits of the *Encroachment Permit Manual* at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada.pdf>

The permit application may be found at:
<https://dot.ca.gov/programs/traffic-operations/ep/applications>

For permitting details, you may contact Stephen Winzenread, PE at (760) 874-8348.

- We look forward to reviewing of the forthcoming Traffic Management Plan, for any effect on SR 14 and its travelers.

We value our cooperative working relationship with Kern County regarding development the public transportation system. For any questions, feel free to contact me at (760) 874-8330 or at gayle.rosander@dot.ca.gov.

Sincerely,

GAYLE J. ROSANDER
External Project Liaison

c: State Clearinghouse
Mark Reistetter, Caltrans D-9

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1-A

1-B

1-C

1-D

Response to Letter 1: California Department of Transportation (CALTRANS), District 9, Gayle J. Rosander (December 16, 2021)

1-A: Thank you for your comment. The participation of Caltrans in the public review of this document is appreciated. The commenter states that the Philips Road Intersection Evaluation does not specifically address the requests (e.g. geometrics, queueing) of the comment letter dated September 29, 2020 as submitted by Caltrans in response to the EIR Notice of Preparation. The commenter notes that Caltrans does not require an update to the evaluation as a result, but rather, that, based on the construction trip data provided and the lengths of existing SR 14 right and left turn lanes, it appears that the intersection should be adequate for the project construction phase.

As Caltrans indicates that the trip data provided and the lengths of existing SR 14 right and left turn lanes are adequate to make the determination that the intersection will accommodate project-generated construction tips, no further analysis is requested or required. The comments provided have been noted for the record; no revisions to the Draft EIR are necessary.

1-B: The commenter states that the EIR is inconclusive of the gen-tie alternative for crossing SR 14 and that a new encroachment permit is required even if the crossing occur at the existing Eland location. The commenter provides reference to Section 600 Utility Permits of the Caltrans' Encroachment Permit Manual for state highway gen-tie crossings and information on how to access the permit application.

The County has confirmed with the applicant that Kudu will collocate with/tie into the Eland 1 gen-tie line (to be constructed with the Eland 1 Solar Project, as indicated in Section 2.0, Project Description, of the Kudu Solar Project EIR). In the event that the gen-tie line for Kudu Solar were to deviate from the approved/permitted Eland gen-tie route for the portion affecting SR 14, a new encroachment permit would then be required. The comments provided have been noted for the record; no revisions to the Draft EIR are necessary.

1-C: The commenter states that Caltrans will review the forthcoming Traffic Management Plan for potential effects on SR 14 when the document is prepared and made available.

As required by Mitigation measure MM 4.14-1KC(c), a Traffic Control Management Plan must be submitted to Caltrans District 9 for review and approval prior to issuance of construction or building permits. The County acknowledges the comments provided for the record. As such, comments are informational and do not raise a specific concern relative to CEQA, no further response is required.

1-D: The comment is in summary of the letter and provides contact information in the event that the County has questions regarding the comments provided.

The County acknowledges the comments provided for the record and will be provided to the Kern County Planning Commission and Board of Supervisors for consideration. As such comments are informational and do not raise a specific concern relative to CEQA, no further response is required.

Local Agencies

Comment Letter 2: Kern County Public Works Department (KCPWD), County Surveyor, Brian R. Blacklock, PLS (December 13, 2021)

LETTER 2 KERN COUNTY PUBLIC WORKS, COUNTY SURVEYOR

From: [Brian Blacklock](#)
To: [Mark Tolentino](#)
Cc: [Jeremy Brock](#); [Katrina Slayton](#)
Subject: Kudu Solar Project
Date: Monday, December 13, 2021 4:32:02 PM
Attachments: [0079_001.pdf](#)
[image001.png](#)

Mark,

I have reviewed the above noted project Notice of Preparation of a Draft Environmental Impact Report. Please see the attached document. Together with the following:

The Non-Summary Vacations shall be public access easement and/or irrevocable offers of dedications. The County cannot vacate private access easements. Proof of easements are to be provided by the applicant. This will included copies of the recorded documents and a map showing the easements, widths and recording information. All adjacent properties that used those access easements shall have dedicated to them appropriate access easements after the vacations are completed.

2-A

I recommend the following conditions be placed on the Conditional Use Permits:

1. Prior to issuance of a building or grading permit: All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.
2. Prior to Final Inspection: All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the Professional Land Surveyor's Act.
3. Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).

2-B

2-C

2-D

2-E

Thank you for the opportunity to review and comment on this project. Should you have any questions please contact me.

Sincerely,
Brian R. Blacklock, PLS
County Surveyor
Kern County Public Works Department
2700 M Street, Suite 400
Bakersfield, Ca 93301

(661)862-8881
blacklockb@kerncounty.com



**Response to Letter 2: Kern County Public Works Department (KCPWD), County Surveyor,
Brian R. Blacklock, PLS (December 13, 2021)**

2-A: Thank you for your comment. The participation of the KCPWD County Surveyor in the public review of this document is appreciated. The attached document in reference was noted to be a signed and dated County-created inter-departmental memo confirming receipt of the EIR and as such is not included above. The commenter states that all non-summary vacations shall be public access easements and/or irrevocable offers of dedications, as the County cannot vacate private easements. The commenter states that proof of easements are to be provided by the applicant and that all adjacent properties that use the easements to be vacated shall have dedicated to them appropriate access easements following completion of the vacations.

The County acknowledges this request. All non-summary vacations will be public access easements and/or irrevocable offers of dedications. The applicant will be required to submit proof of such easements and proof that all adjacent properties that use the easements to be vacated will have dedicated to them appropriate access easements following completion of the vacations. Such actions will be made Conditions of Approval for the project.

2-B: The commenter requests that prior to issuance of a building or grading permit, all survey monuments shall be tied out by a licensed land surveyor and that a corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing.

The County acknowledges this request. Prior to issuance of a building or grading permit, all survey monuments will be tied out by a licensed land surveyor and a corner record for each monument or record of survey will be submitted to the County Surveyor for review and processing. This action will be made a Condition of Approval for the project.

2-C: The commenter requests that prior to final inspection, all survey monuments destroyed during construction of the project be re-set or have suitable witness corner set. A post-construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing.

The County acknowledges this request. Prior to final inspection, all survey monuments destroyed during construction of the project will be re-set or have suitable witness corner set. A post-construction corner record for each monument re-set or a record of survey will be submitted to the County Surveyor for processing. This action will be made a Condition of Approval for the project.

2-D: The commenter requests that all survey monuments shall be accessible by a licensed land surveyor or their representatives per Section 8774 of the Professional Land Surveyor's Act and Civil Code 846.5(a).

The County acknowledges this request. All survey monuments will be accessible by a licensed land surveyor or their representatives per Section 8774 of the Professional Land Surveyor's Act and Civil Code 846.5(a). This action will be made a Condition of Approval for the project.

2-E: This comment is in summary and acknowledges the opportunity to review and comment on the project. This comment is informational and does not raise a specific concern relative to CEQA, and nonetheless has been noted for the record and will be provided to the Kern County Planning Commission and Board of Supervisors for consideration. No further response is required.

Comment Letter 3: Kern County Public Works Department (KCPWD), Floodplain Management Section, for Kevin Hamilton by Brian Blase (November 24, 2021)

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
Mark Tolentino

Date: November 24, 2021

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

**Subject: Draft Environmental Impact Report
Kudu Solar Project**

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

3-A

The subject property is subject to flooding.

3-B

Therefore, this section recommends the following be included as Conditions of Approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department, per the Kern County Development Standards.

3-C

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

3-D

Response to Letter 3: Kern County Public Works Department (KCPWD), Floodplain Management Section, for Kevin Hamilton by Brian Blase (November 24, 2021)

3-A: Thank you for your comment. The participation of the KCPWD Floodplain Management Section in the public review of this document is appreciated. The commenter notes that stormwater runoff from the site would increase due to the increase in impervious surfaces resulting with project implementation.

The Draft EIR acknowledges that project implementation would increase the amount of impervious surfaces on-site, which may in turn result in a potential increase in stormwater runoff. However, the majority of the project site would remain pervious and would therefore continue to absorb precipitation. Such characteristics were evaluated in the Draft EIR pursuant to CEQA, as applicable; refer to Section 4.10, *Hydrology and Water Quality*, of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.

3-B: The commenter notes that the project site is subject to flooding.

The Draft EIR acknowledges that the subject property is subject to flooding. Such characteristics were evaluated in the Draft EIR pursuant to CEQA, as applicable; refer to Section 4.10, *Hydrology and Water Quality*. The comments provided have been noted for the record, and no revisions to the Draft EIR are required.

3-C: The commenter requests that the project proponent submit a plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way, and that such actions be made Conditions of Approval for the project.

As analyzed in the Draft EIR, the site engineering and design plans for the project would conform to requirements of the Kern County Code of Building Regulations, the Kern County Development Standards, and the Floodplain Management Ordinance, as well as goals and policies of the Kern County General Plan and City of California City General Plan. Furthermore, site drainage plans would be required to comply with Division Four of the Kern County Development Standards, which provide guidelines including site development standards and mitigation, flood control requirements, erosion control, and on-site drainage flow requirements. Project conformance with such existing regulations pertaining to erosion and site drainage would neither alter the course of a stream or river nor result in substantial erosion on-site or off-site. As described in Section 4.10 of the Draft EIR, implementation of mitigation measures MM 4.10-1KC and MM 4.10-1CC, which would require preparation and implementation of a stormwater pollution prevention plan, and mitigation measures MM 4.10-2KC and MM 4.10-2CC, which would require preparation and implementation of a final hydrologic study and drainage plan, would reduce project impacts in this regard to less than significant and would be incorporated as Conditions of Approval. The comments provided have been noted for the record, and revisions to the Draft EIR are not necessary.

3-D: The commenter requests that the project proponent be required to incorporate flood hazard requirements into the project design per County standards as a Condition of Approval.

Refer to Response 3-C, above.

The comments have been noted for the record and will be provided to the Kern County Planning Commission and Board of Supervisors for consideration.

**Comment Letter 4: Kern County Fire Department, Michael Nicholas, Assistant Fire Marshal
(December 14, 2021)**

**Office of the Fire Marshal
Kern County Fire Department**

Fire Prevention
2820 M St. • Bakersfield, CA 93301 • www.kerncountyfire.org
Telephone 661-391-3310 • FAX 661-636-0466/67 • TTY Relay 800-735-2929



December 14, 2021

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn.: Mark Tolentino

Re: Kern County Fire Department Comments Regarding Planning Department Project

To Whom It May Concern,

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding Draft EIR for Kudu Solar Project (SCH#2020099017). Upon initial review, it has been determined that all ground mounted solar array projects over 1MW will require Fire Department plan review prior to construction and meet requirements set forth in KCFD Solar Panel Standard. Solar array projects over 20MW will require special fee calculation from KCFD prior to permit issuance. All Battery Energy Storage Systems must be applied for directly with KCFD for separate permitting and pre-construction approval. All proposed batteries must be UL9540A 2019 4th Edition tested for large scale burns to determine adequate design and mitigation measures.

4-A

A more detailed review and project comments will be conducted when the building permit is pulled and plans are submitted to KCFD.

4-B

Please feel free to call our Fire Prevention Office at 661-391-3310 with any questions.

Sincerely,
Michael Nicholas
Assistant Fire Marshal
Kern County Fire Department

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Taft, Tehachapi, Wasco, and all Unincorporated Areas of Kern County

**Response to Letter 4: Kern County Fire Department, Michael Nicholas, Assistant Fire Marshal
(December 14, 2021)**

4-A: Thank you for your comment. The participation of the Kern County Fire Department in the public review of this document is appreciated. The commenter describes the Kern County Fire Department's (KCFD) local regulatory authority to enforce state and local codes related to fire protection and health and safety. The commenter states that the project will be required to meet standards set forth by the KCFD and to submit plans and obtain a permit from the KCFD for installation of a battery energy storage system. Additionally, the commenter indicates that the project would be subject to payment of applicable fees prior to permit issuance.

The County acknowledges the comments provided; such requirements as stated will be made Conditions of Approval for the project. This comment does not otherwise raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are necessary.

4-B: The commenter states that the KCFD will provide more detailed review comments at the time of KCFD plan review and building permit issuance.

This comment does not raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, revisions to the Draft EIR are not necessary and comments will be provided to the Kern County Planning Commission and Board of Supervisors for consideration.

**Response to Letter 5: Kern County Public Health Services Department, Dayana Torres, EHS
(December 3, 2021)**

5-A: Thank you for your comment. The participation of the Public Health Services Department/Environmental Health Division in the public review of this document is appreciated. The commenter notes that the Kern County Public Health Services Department has the regulatory authority to enforce state regulations and local codes relating to waste discharge, water supply requirements, and other items regarding public safety and the environment.

The County acknowledges the comments provided for the record. As such comments are informational and do not raise a specific concern relative to CEQA, no further response is required.

5-B: The commenter requests that the project proponent log onto the California Environmental Reporting System (CERS) to create an account and facility to allow for uploading of relevant project documents and provides contact information. The commenter requests that this be made a Condition of Approval.

The County acknowledges this request and this action will be made a Condition of Approval for the project. The comments do not otherwise raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are necessary.

5-C: The commenter notes that the method of water supply and sewage disposal for the project shall be approved by Kern County Environmental Health Division. The commenter requests that this be made a Condition of Approval.

The County acknowledges this request. This action will be made a Condition of Approval for the project. The comments do not otherwise raise a substantive issue on the content of the Draft EIR. The comments provided have been noted for the record, and no revisions to the Draft EIR are necessary.

5-D: The commenter notes that if any abandoned wells on the property are discovered during project construction, the applicant shall contact the Land and Water Division for permitting and destruction procedures. The commenter requests that this be made a Condition of Approval.

The County acknowledges this request. This action will be made a Condition of Approval for the project. The comments do not otherwise raise a substantive issue on the content of the Draft EIR.

The comments provided have been noted for the record. No revisions to the Draft EIR are necessary and the comments will be provided to the Kern County Planning Commission and Board of Supervisors for consideration.

Persons and Organizations

Comment Letter 6: Santa Rosa Rancheria Tachi-Yokut Tribe, Samantha McCarty (December 15, 2021)

From: [Samantha McCarty](#)
To: [Mark Tolentino](#)
Cc: [Shana Powers](#); [Maria Gonzales](#); [Paige Berggren](#); [Damion Cuara](#); [William K. Barrios](#); [Colin Rambo](#)
Subject: Kudu Solar Project (SCH #2020099017)
Date: Wednesday, December 15, 2021 8:36:51 AM

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Dear Mark,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: Kudu Solar Project (SCH #2020099017). The Tribe will be deferring to the Tejon Indian Tribe for this project and their cultural resource manager, Colin Rambo, is CC'd in this email. If you have any questions, comments, and or concerns please contact the Santa Rosa Rancheria Cultural Department. Thank you.

6-A

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe

Cultural Specialist II

SMcCarty@tachi-yokut-nsn.gov

Office: (559) 924-1278 x 4091

Cell: (559) 633-6640

***PLEASE KEEP ALL CULTURAL STAFF IN EMAILS UNLESS STATED OTHERWISE**

Response to Letter 6: Santa Rosa Rancheria Tachi-Yokut Tribe, Samantha McCarty (December 15, 2021)

6-A: Thank you for your comment. The participation of the Santa Rosa Rancheria Tachi-Yokut Tribe in the public review of this document is appreciated. The commenter states that the Santa Rosa Rancheria Tachi-Yokut Tribe defers to the Tejon Indian Tribe and their cultural resources manager (Colin Rambo) regarding the project.

The County acknowledges the comments provided and that the tribe is deferring to the Tejon Indian Tribe regarding the proposed project. The comments provided have been noted for the record; no revisions to the Draft EIR are necessary.

Comment Letter 7: San Manuel Band of Mission Indians, Ryan Nordness (December 9, 2021)

From: [Ryan Nordness](#)
To: [Mark Tolentino](#)
Subject: RE: Public Review and hearing of Draft Environmental Impact Report for the Proposed Kudu Solar Project, Kern County, CA
Date: Thursday, December 9, 2021 2:28:41 PM

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above-referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on November 23rd. The proposed project is located outside of Serrano ancestral territory and, as such, SMBMI will not be requesting to receive consulting party status with the lead agency or to participate in the scoping, development, or review of documents created pursuant to legal and regulatory mandates.

7-A

Kind regards,
Ryan Nordness
Cultural Resource Analyst
San Manuel Band of Mission Indians

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Response to Letter 7: San Manuel Band of Mission Indians, Ryan Nordness (December 9, 2021)

7-A: Thank you for your comment. The participation of the San Manuel Band of Mission Indians in the public review process of this document is appreciated. The commenter states that the project site is located outside of the Serrano ancestral territory. As such, the tribe is not requesting consultation with the County or to participate in the scoping, development, or review of project documents.

The County understands that the SMBMI is not requesting further consultation relative to potential Native American resources in the project area. The comments provided have been noted for the record; no revisions to the Draft EIR are necessary.

Letters Received After January 3, 2022 Close of Public Comment Period

Comment Letter 8: California Department of Fish and Wildlife (CDFW), Julie A. Vance, Regional Manager (January 13, 2022)

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 13, 2022

Mark Tolentino
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, California 93301

**Subject: Kudu Solar Farm by 69SV 8ME LLC Draft Environmental Impact Report (DEIR)
State Clearinghouse No. 2020099017**

Dear Mr. Tolentino:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report from the Kern County Planning and Natural Resources Department for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

8-A

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code. While the comment period may have ended, CDFW would appreciate if you will still consider our comments.

8-B

After reviewing the DEIR, CDFW does not have any additional recommended mitigation measures at this time. The DEIR states the Project will apply for an Incidental Take Permit (ITP) pursuant Fish and Game Code section 2081 subsection (b). Be advised that some proposed mitigation measures will, or have the potential to, result in take of species listed pursuant to the California Endangered Species Act (CESA) as defined by Fish and Game Code section 86, which includes capture and pursuit, and require an ITP to comply with CESA. For example, if a desert tortoise (*Gopherus agassizii*) or Mohave ground squirrel (*Xerospermophilus mohavensis*), species listed as threatened pursuant to CESA, are present within the permanent exclusion fence or "passively restricted" with temporary exclusion fence as described in Mitigation Measure 4.4-8KC, this would constitute capture and take authorization would be necessary to comply with CESA. If the Project proponent does not acquire an ITP, some proposed mitigation

8-C

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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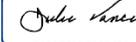
Mark Tolentino
Kern County Planning and Natural Resources Department
January 13, 2022
Page 2

measures specified in the DEIR may not be feasible and consultation with CDFW would be warranted to discuss alternative mitigation measures that may reduce Project-related impacts and avoid take, and/or if take can be avoided.

8-C
cont'd

CDFW appreciates the opportunity to comment on the Project to assist Kern County Planning and Natural Resources Department in identifying and mitigating the Project's impacts on biological resources. If you have any questions, please contact Jaime Marquez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3200, or by electronic mail at Jaime.Marquez@wildlife.ca.gov.

8-D

Sincerely,
DocuSigned by:

FAB3F09FE08045A...
Julie A. Vance
Regional Manager

**Response to Letter 8: California Department of Fish and Wildlife (CDFW), Julie A. Vance,
Regional Manager (January 13, 2022)**

8-A: Thank you for your comment. The participation of the California Department of Fish and Wildlife (CDFW) in the public review of this document is appreciated. The commenter provides introductory comments noting that CDFW received the Kudu Solar EIR and appreciates the opportunity to provide comments and recommendations relative to the agency's role and responsibilities.

The comments provided do not raise an issue relative to CEQA nor question the adequacy of the Draft EIR. No further response is required.

8-B: The commenter acknowledges submittal of CDFW's comments subsequent to the close of the public comment period for the Draft EIR and requests that the comments still be considered by the County.

The comments provided do not raise an issue relative to CEQA nor question the adequacy of the Draft EIR. No further response is required.

8-C: The commenter indicates that, after review of the Draft EIR, CDFW has no further recommended mitigation measures at this time. The commenter states that the Draft EIR indicates that the project applicant will apply for an incidental take permit (ITP) and advises that certain proposed mitigation measures will, or may have the potential to, result in the take of species listed pursuant to the California Endangered Species Act (CESA) and may require the ITP to comply with CESA. The commenter also notes that if the project applicant does not acquire an ITP, some proposed mitigation measures in the Draft EIR may not be feasible and that consultation with CDFW would be warranted to identify mitigation that may reduce project impacts and potentially avoid take.

As discussed in the Draft EIR, no unauthorized take of special status species is proposed. As required by Mitigation Measures MM 4.4-8KC and 4.4-8CC, a Lead Biologist assisted by biological monitors would be required to be onsite for all ground disturbing activities, and to conduct clearance surveys and monitor activities during and after installation of exclusionary fencing to ensure that no special status species, including Mojave ground squirrel and Desert Tortoise are entrapped within the exclusionary fencing. Additionally, Mitigation Measures MM 4.4-15KC and MM 4.4-15CC require the project proponent/operator to acquire an incidental take permit (ITP) if required by CDFW or USFW. As stated in the Draft EIR, the project proponent has already filed for an ITP. Furthermore, issuance of building and grading permits is contingent upon satisfaction of all listed mitigation measures in the Mitigation Monitoring and Reporting Program, which lists CDFW as a responsible monitoring agency for the above mitigation measures.

The comment has been noted for the record and no revisions to the EIR are required.

8-D: This comment is made in summary and offers CDFW contact information.

This comment does not raise an issue relative to CEQA nor question the adequacy of the Draft EIR; no further response is required. The comments have been noted for the record and will be provided to the Kern County Planning Commission and Board of Supervisors for consideration.