

**CEQA ENVIRONMENTAL CHECKLIST FORM (REVISED JANUARY 7, 2019)**

- 1. Project Title:** Renewable Properties, LLC Byron Solar Project  
County Files #LP20-2028 and #LP20-2029
  
- 2. Lead Agency Name and Address:** Contra Costa County  
Department of Conservation and Development  
30 Muir Rd.  
Martinez, CA 94553
  
- 3. Contact Person and Phone Number:** Joseph W. Lawlor Jr, AICP; (925) 674-7802
  
- 4. Project Location:** 6.5-Acre Western Site  
5525 Hope Way  
Byron, CA 94514  
Assessor's Parcel Numbers: 002-210-019  
  
35-Acre Eastern Site  
Northeast of the Byron Highway and Rankin Road Intersection  
Byron, CA 94514  
Assessor's Parcel Number: 002-210-025
  
- 5. Project Sponsors' Names and Address:** RPCA Solar 2, LLC and RPCA Solar 3, LLC  
879 Sanchez Street  
San Francisco, CA 94114
  
- 6. General Plan Designation:** The subject properties are located within the Agricultural Lands (AL) General Plan Land Use designation.
  
- 7. Zoning:** The subject property is located within the A-2 General Agricultural (A-2) and A-3 Heavy Agricultural (A-3) Districts, and Solar Energy Generation (-SG) Combining District.
  
- 8. Description of Project:** The applicant is requesting approval of land use permits for two adjacent commercial solar facilities. One facility would be located entirely within a 6.5-acre project area of a 10-acre parcel (APN: 002-210-019). The second facility would be located entirely within a 35-acre project area of a 126.48-acre parcel (APN: 002-210-025). The Project will interconnect to Pacific Gas and Electric Company's (PG&E's) pre-existing electrical distribution system located on each site.

The project includes an exception request from collect and convey requirements specified in Chapter 914-2 of the County Subdivision Ordinance for each Land Use Permit approval. The exception requests would allow the existing drainage pattern to remain, where collection and conveyance, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse is required.

**9. Surrounding Land Uses and Setting:** The two project sites are located along Byron Highway near the intersection of Rankin Road in the Byron area of unincorporated Contra Costa County. The western site (APN: 002-210-019) consists of a largely undeveloped fallow pasture and annual grassland, and is dominated by upland non-native herbaceous vegetation. The 10- acre property is largely level, and slopes gently (0.4 to 0.6%) from west to east. The eastern portion of the property, which will remain undeveloped, is located within the FEMA Flood Zone A. A wireless telecommunication facility is located on the northwest corner of the property. The eastern site (APN: 002-210-025) also consists of undeveloped pasture and annual grassland, and is also dominated by upland non-native herbaceous vegetation. Along the center of the site, an approximately one-acre portion of the property is currently being used as storage for miscellaneous agricultural and automotive debris. Multiple unpaved roads run throughout the site.

Surrounding land uses include a wood mill and recycling center, agricultural uses (e.g., rangeland, crop farming), rock and material quarries, and rural residential properties. In the larger area, the Byron Airport is located approximately 0.75 miles southwest of the project, the Clifton Court Forebay is located approximately 1.3 miles east, and the census designated place of Byron is located approximately 1.2 miles to the northwest.

**10. Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement:**

Contra Costa County Public Works Department, Contra Costa County Department of Health Services, East Contra Costa Fire Protection District.

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Notice of the proposed project was sent to Native American tribes, as applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1. A Tribal Consultation List from the Native American Heritage Commission was used to identify tribes traditionally and culturally affiliated with the project area. Letters were sent to the list of contacts on April 23, 2020. The Ohlone Indian Tribe, Wilton, Confederated Villages of Lisjan, and North Valley Yokuts Tribe provided comments that have been considered in the review of the project.

### Environmental Factors Potentially Affected

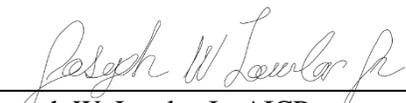
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy  |
| <input checked="" type="checkbox"/> Geology/Soils        | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials                 |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                     | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Services Systems      | <input type="checkbox"/> Wildfire                           | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
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Joseph W. Lawlor Jr, AICP  
Project Planner  
Contra Costa County  
Department of Conservation & Development

11/17/2020  
\_\_\_\_\_  
Date

## ENVIRONMENTAL CHECKLIST

<b>1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project have a substantial adverse effect on a scenic vista? (Less Than Significant Impact)*

Figure 9-1 of the Open Space Element of the County General Plan identifies major scenic ridges and scenic waterways in the County. According to this map, the project site is not located adjacent to scenic resources in the county. Thus, a less than significant impact on a scenic vista is expected.

- b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway? (Less Than Significant Impact With Mitigation)*

The Scenic Routes Map (Figure 5-4) of the County General Plan’s Transportation and Circulation Element identifies scenic routes in the County, including both State Scenic Highways and County designated Scenic Routes. The project site is located in the vicinity of Highway 4, a County designated scenic route. The scenic quality includes naturally pleasing elements such as the agricultural ranges and scattered native vegetation.

The impact from the solar panels would be limited since they would be located 500 and 1,000 feet away from the highway on the western and eastern sites respectively. Given this distance and the orientation of the panels, the impact on highway users views would be minimal.

Nevertheless, the solar infrastructure would be a new type of structure and contrast with the existing agricultural landscape character while adding some cumulative industrial visual impacts to the locality. Specifically, the facilities would both be surrounded by security fencing. This fencing could be considered inconsistent with the rural aesthetic of the area. To ensure the project

does not have a significant environmental impact by degrading the existing visual character or quality of public views, the following mitigation measure would be incorporated into the project. Thus, a less than significant impact is expected.

**Potential Impact:** *The security fence for the project could degrade the existing rural visual character of the area.*

**Mitigation Measure Aesthetics 1:** *Fencing that is visible from Byron Highway (Highway 4) shall be consistent with the rural character of the area, as determined by the CDD. Building materials for the fence shall be non-reflective and blend into its surroundings. If razor wire or barbed wire are used, they shall not be used on the portions of the fence facing Byron Highway. At least 30 days prior to issuance of a building permit, the applicant shall submit plans for the fence to CDD for review and approval.*

- c) *In non-urbanized areas, would the project 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? (Less Than Significant Impact With Mitigation)*

The visual changes from the project improvements could impact views from the site and from surrounding properties. This could have an impact on the visual character of the site; however, the change from pastoral land use to solar panels would not degrade the scenic quality. Additionally, Mitigation Measure *Aesthetics 1* would mitigate visual impacts from the adjacent highway. Furthermore, as stated in the Glare Impact Study, the panels are placed in a fashion that will not result in glare towards the roadway. Lastly, there are multiple commercial and industrial sites in the vicinity, and the proposed solar arrays would be consistent with this type of aesthetic environment.

- d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less Than Significant Impact With Mitigation)*

The lighting and glare analysis in this section addresses the two issues of nighttime illumination and reflected light (glare). Nighttime illumination impacts are evaluated in terms of the project's net change in ambient lighting conditions and proximity to light sensitive land uses. Reflected light impacts are analyzed to determine if project related glare would create a visual nuisance or hazard.

Nighttime illumination is not expected from the proposed solar facility. As required by the County Solar Ordinance, the facility may not include any type of lighted signal, lights, or other illumination, except as necessary for the operation of the facility. Should lighting be added to the facility, it could be considered a significant impact. To minimize this impact, the following mitigation measure would be included as a condition of project approval.

**Potential Impact:** *The lighting associated with the facility could cause a significant new source of light which would adversely affect day or nighttime views in the area.*

**Mitigation Measure Aesthetics 2:** *No lights or beacons may be installed, unless lights or beacons are required by a state or federal agency having jurisdiction over the facility, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the County Airport Land Use Commission.*

The Glare Impact Studies, prepared by Thomas Cleveland, dated September 20, 2020, review the glare impacts from the facility and state that no significant glare impacts are expected. As discussed in the study, through various inputs including project and site-specific attribute data, the potential for solar glare of any intensity for every minute of the year at many user-defined observation points and/or routes was reviewed. Based on this review, the Byron Highway Solar Project will not produce glare at any of the analyzed observation locations. The report does note, however, that for a few minutes near sunrise or sunset during certain months of the year pilots on final approach to runways 12 or 23 at the nearby Byron Airport may experience some low-intensity (“green”) glare, which, according to the report, would not create any hazard. Thus, a less than significant impact is expected.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020. *Open Space Element.*
- Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element.*
- Renewable Properties. *Byron Hot Springs Solar.* (Project Plans). Received 8/3/2020.
- Renewable Properties. *Byron Highway Solar.* (Project Plans). Received 8/3/2020.
- Thomas Cleveland. *Glare Impact Study of Byron Highway Solar Facility.* September 20, 2020.
- Thomas Cleveland. *Glare Impact Study of Byron Hot Springs Solar Facility.* September 20, 2020.

<b>2. AGRICULTURAL AND FOREST RESOURCES – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (No Impact)*

As shown on the California Department of Conservation’s Contra Costa County Important Farmland Finder map portal, the project sites include land classified as “Grazing Land” and “Other Land.” Neither of these designations qualify the properties as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). Thus, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance to a non-agricultural use; therefore, no impact is expected.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (Less Than Significant Impact)*

The project sites are in the A-2 and A-3 agricultural zoning districts and the Solar Energy Generation Combining District. When combined with the -SG combining district, commercial solar facilities are allowed in agriculturally zoned districts. The properties are not included in a Williamson Act contract, and there is no reason to believe the project would conflict with any existing agricultural uses. Furthermore, as required by the County’s solar ordinance the sites would be required to be restored to their pre-project agricultural state, following the solar generation use. Therefore, a less than significant impact is expected from a conflict with existing agricultural uses.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g) or conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)? (No Impact)*

The project site is not considered forest land as defined by California Public Resources Code Section 12220(g), timberland as defined by California Public Resources Code Section 4526, or zoned Timberland Production as defined by Government Code section 51104(g). Furthermore, the project site is within the A-2 and A-3 districts, and the -SG combining district, and the proposed use is an allowed use within the zoning districts. Thus, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland.

California Public Resources Code Section 12220, under the Forest Legacy Program Act, defines "forest land" as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code 4526, under the Forest Practice Act, defines "timberland" as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species are determined by the board on a district basis after consultation with the district committees and others.

California Government Code 51104, under the Timberland Productivity Act, defines "timberland" as privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 of the Government Code and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in Public Resources Code 4526 or 12220. With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone." As stated in the Contra Costa County General Plan, no land is used for timber harvesting in the County.

- d) *Would the project involve or result in the loss of forest land or conversion of forest land to non-forest use? (No Impact)*

The project site is not considered forest land, as discussed in "c" above.

- e) *Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use? (No Impact)*

The proposed project would add two commercial solar facilities on agriculturally designated parcels. Though some grazing is active on the eastern project site, most of that property will remain undeveloped and open for grazing. Furthermore, as required by the Solar Ordinance, the properties would be required to be returned to their pre-development agricultural state, following the solar use. Thus, the project would have a less than significant impact on the conversion of farmland.

#### Sources of Information

- Contra Costa County Code, Title 8, Zoning Ordinance.
- Contra Costa County General Plan 2005-2020. *Land Use Element*.
- California Department of Conservation. Accessed November 6, 2020. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/>

- Contra Costa County Department of Conservation and Development. Accessed November 6, 2020. *2016 Agricultural Preserves Map*.  
<http://www.co.contra-costa.ca.us/DocumentCenter/View/882/Map-of-Properties-Under-Contract?bidId=>

<b>3. AIR QUALITY – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan? (Less Than Significant Impact)*

Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the Bay Area 2017 Clean Air Plan. The purpose of the Clean Air Plan is to bring the air basin into compliance with the requirements of Federal and State air quality standards. BAAQMD has prepared CEQA Guidelines to assist lead agencies in air quality analysis, as well as to promote sustainable development in the region. The CEQA Guidelines support lead agencies in analyzing air quality impacts. If, after proper analysis, the project’s air quality impacts are found to be below the significance thresholds, then the air quality impacts may be considered less than significant. The Air District developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project’s air pollutant emissions.

As described in the Clean Air Plan, transitioning away from fossil fuel-based energy will reduce exposure to harmful air pollutants associated with power generation and oil refining. The proposed commercial solar facilities are part of this transition, and no air pollution emissions are expected from the operation of the facilities.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Less Than Significant Impact With Mitigations)*

The region is in nonattainment for the federal and state ozone standards, the state PM10 standards, and the federal and state PM2.5 standards. All air emissions related to construction within Contra Costa County are regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the Bay Area 2017 Clean Air Plan. The purpose of the Clean Air Plan is to bring the air basin into compliance with the requirements of Federal and State air quality standards. BAAQMD has prepared CEQA Guidelines to assist lead agencies in air quality analysis, as well as to promote sustainable development in the region. According to the 2017 Clean Air Plan, all construction projects should include BAAQMD Basic Construction Mitigations, to ensure they do not exceed the Thresholds of Significance for local community risks and hazards associated with Toxic Air Contaminates (TACs) and Particulate Matter (PM) 2.5. As such, with the implementation of the following BAAQMD, Basic Construction Mitigations, it is expected that the project would be consistent with the Bay Area 2017 Clean Air Plan and represent a less than significant impact with regards to construction air emissions.

***Potential Impact:*** *Exhaust emissions and particulates produced by construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.*

***Mitigation Measure Air Quality 1:*** *The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be included on all construction plans:*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.*
7. *Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).*
8. *Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).*
9. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*

10. *Replant vegetation in disturbed areas as quickly as possible.*
11. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
12. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
13. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

With implementation of the above mentioned mitigation, the impact on regional criteria air pollutants would be considered less than significant.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations? (**Less Than Significant Impact With Mitigation**)*

Construction and grading activities could produce combustion emissions from various sources, including heavy equipment engines, paving, and motor vehicles used by the construction workers. Dust would be generated during site clearing, grading, and construction activities, with the most dust occurring during grading activities. The amount of dust generated would be highly variable and would be dependent on the size of the area disturbed, amount of activity, soil conditions, and meteorological conditions. Although grading and construction activities would be temporary, such activities could have a potentially significant adverse environmental impact during project construction. Consequently, the applicant is required to implement the above BAAQMD recommended mitigation measures to reduce construction dust and exhaust impacts. Implementation of these mitigation measures would reduce the impact on the sensitive receptors during project construction to a less than significant level.

**Potential Impact:** *Exhaust emissions and particulates produced by construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.*

- d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (**Less Than Significant Impact with Mitigations**)*

The proposed project would not produce any major sources of odor and is not located in an area with existing issues (e.g. landfills, treatment plants). Therefore, the operation of the project would have a less than significant impact in terms of odors.

During construction and grading, diesel powered vehicles and equipment used on the site could create localized odors. However, given the remote location of the project and that these odors would be temporary; the impact would be considered less than significant.

**Sources of Information**

- Bay Area Air Quality Management District. 2017. *Bay Area 2017 Clean Air Plan*.
- Bay Area Air Quality Management District. 2017. *Air Quality Guidelines*.

<b>4. BIOLOGICAL RESOURCES – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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 California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Less Than Significant Impact With Mitigation)*

According to the California Department of Fish and Wildlife (CDFW) Public Access Lands map, the project site is not located in or adjacent to an area identified as a wildlife or ecological reserve

by the CDFW. According to the Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas map (Figure 8-1) of the County General Plan, the project site is not located in or adjacent to a significant ecological area. The nearest ecological resource identified is the Byron Hot Springs, which is located approximately half a mile west. Furthermore, the site is already fully disturbed from previous grazing and farming activities throughout the tenure of the property.

Though the project site is not located in or adjacent to a significant ecological area, given that the site is largely vacant and has open space in the vicinity, a biological resources study was conducted to provide a description of existing biological resources on the project site and to identify potentially significant impacts that could occur to sensitive biological resources from the future development of the solar facilities. Garcia and Associates prepared this Biological Resources Assessment and submitted a report, dated May 2020.

Section 15380 of the California Environmental Quality Act (CEQA) has a discussion regarding nonlisted taxa. This section states that a plant or animal species must be treated as rare or endangered even if it is not included on a federal or state list if a person or organization provides information showing that a taxon meets the state's definition and criteria for listing, then the species should be treated as such.

Based on this definition, 17 special-status wildlife species have been documented within a 2-mile radius of the Project Area. Of these 17 species, six have a moderate or greater potential to occur on the project site. These include California tiger salamander, California red-legged frog, Golden eagle, Swainson's hawk, burrowing owl, and San Joaquin kit fox.

40 special-status plant taxa have potential to occur within the Project Area; however, none are expected to occur on the site due to a lack of suitable habitat, the level of disturbance within the site, or because the site is outside of the species' known range. Seventeen taxa are covered by the ECCC HCP/NCCP and of those, seven have some potential to occur due to the presence of annual grassland habitat on the site: alkali milk-vetch (*Astragalus tener* var. *tener*), brittlescale (*Atriplex depressa*), big tarplant (*Blepharizonia plumosa*), round-leaved filaree (*California macrophylla*), recurved larkspur (*Delphinium recurvatum*), diamond-petaled poppy (*Eschscholzia rhombipetala*), and showy madia (*Madia radiata*). However, given the highly disturbed nature of the annual grassland within the Project Area, the potential for these seven species is low.

On March 27, 2020 Garcia and Associates biologist performed a field survey, including land cover and general aquatic resource mapping, a biological reconnaissance survey to determine the presence of special-status wildlife, an early-season floristic survey for special status plant species, and a tree survey to comply with the Contra Costa County Tree Protection and Preservation Ordinance. The survey was performed by Garcia and Associates biologist Kevin Ohol and botanist Eliza Shepard.

During the March 27, 2020 biological survey, an adult Swainson's hawk was observed actively hunting above the Project Area. No other special-status species were observed during the survey;

however, many of the other species have a moderate to high potential to occur within the Project Area due to the presence of suitable breeding habitat in the area.

In addition to special-status species, non-special-status native birds that are protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) may also be impacted.

Potential impacts to the species listed above and their habitats could occur during the removal of vegetation, ground-disturbing activities, or other construction-related activities. However, with the following mitigation measures, adverse effects to potentially impacted species would be mitigated to a less than significant level.

***Potential Impact:*** *Construction activities on the project site have the potential to impact special-status species due to ground disturbance and other construction activities.*

***Mitigation Measure Biology 1:*** *The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.*

*All workers will receive a Workers Environmental Awareness Training (WEAT) training by a qualified biologist. The WEAT will educate workers about all special-status species and related habitats potentially present in the Project Area, and the nature and purpose of protective measures, including BMPs and other required measures. Work areas, including staging areas, will be limited to those shown in the final Project description and included in the WEAT training. All heavy equipment, vehicles, and construction activities will be confined to these designated areas. The project biologist shall report that this training has been completed to the County's Department of Conservation and Development prior to commencement of construction activities.*

*A qualified biological monitor shall be on site during ground disturbance activities (piledriving, transformer and inverter pads, trenching, & gravel access roads) to facilitate compliance with permit conditions, as well as to monitor the work area.*

***Mitigation Measure Biology 2:*** *The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.*

- i. Work areas, staging areas, and access roads will be limited to those shown in the final Project description and clearly marked with flagging or fencing. All heavy equipment, vehicles, and construction activities will be confined to these designated areas. Vehicle speeds on unpaved roads will not exceed 15 miles per hour.*
- ii. Given that dusk, nighttime, and dawn are often the times when, San Joaquin kit fox, CTS and CRLF are most actively foraging and dispersing, all construction activities shall cease one half hour before sunset and shall not begin prior to one half hour before sunrise, or limited to the standard County construction hours, whichever is more restrictive. Except when necessary for construction, driver or pedestrian safety, lighting of the Project site by artificial lighting during nighttime hours shall be minimized to the maximum extent practicable by implementing the following:*

- a. *All exterior light fixtures within the Project Area shall be hooded, directed downward, or toward the area to be illuminated and in a manner that backscatter to the nighttime sky is minimized.*
- b. *Light sources shall be shielded to prevent light trespass outside the Project Area. Light shall not be visible from outside the footprint of the project facilities.*
- c. *If proposed, lighting shall be of minimum necessary brightness, consistent with worker safety.*
- d. *Motion-triggered lighting (including visible spectrum and infrared) shall not be used.*
- e. *Operational exterior, fixed lighting shall be limited to the minimum amount required by law.*

**Mitigation Measure Biology 3:** *The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.*

*Trash dumping, firearms, open fires (such as barbecues), hunting, and pets are prohibited at the work site. All trash and waste items generated by construction or crew activities shall be properly contained in a covered trash receptacle and removed from the Project Area daily or secured inside a covered, locking container. This includes biodegradable items such as apple cores and banana peels that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species, which would be considered a potentially significant impact under CEQA.*

**Mitigation Measure Biology 4:** *The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.*

*All Project personnel shall visually check for animals beneath vehicles and equipment immediately prior to operation to minimize the potential for special-status species to be harmed by crushing or entrapment, which would be considered a potentially significant impact under CEQA. Any pipes, culverts, or other open-ended materials and equipment stored onsite for one or more overnight periods will be inspected for animals prior to moving, burying, or capping to ensure that no animals are present within these materials and equipment.*

*To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six inches deep will be covered at the end of each work day by plywood or a similar material, or escape routes will be constructed with the materials that allow trapped wildlife to escape without slipping or being injured. After opening and before filling, any holes, ditches, or trenches will be thoroughly inspected for trapped animals by the project biologist or construction crew.*

*If a special-status species is discovered in the Project Area, the Project manager or Project biologist will be contacted. The Project manager or Project biologist will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS, etc.) within 24 hours when required by the agency.*

*If a no-take plant is identified, it is the responsibility of the property owner to prepare a long-term management and monitoring plan and coordinate with the USFWS and CDFW.*

*Special status wildlife species shall be allowed to move off site on their own, or as allowed for by the wildlife agency(ies) with jurisdiction over the species. Special-status species will not be taken or harassed. No threatened or endangered species will be moved unless under the direction of the appropriate agency and by a qualified and/or permitted biologist.*

**Mitigation Measure Biology 5:** *Soils shall be stockpiled within established work areas and stockpiles shall be located 50 feet from any potential water source (e.g. adjacent ditches, wetlands or vernal pools) to prevent sediment or siltation from entering potentially jurisdictional features or special-status species habitat adjacent to the site. Straw wattles (certified weed-free straw), and other BMPs as needed, will be installed following guidelines in the California Stormwater Quality Association Construction BMP handbook, to contain sediment or siltation. Stockpiled soils will be covered prior to precipitation events.*

*Equipment shall be refueled offsite to the extent possible. If refueling is needed onsite, it will occur at least 100 feet from a surface water feature, and in a designated refueling area with secondary containment/plastic sheeting and a spill containment kit. Spill prevention and cleanup kits shall be available on the site at all times either in construction trucks or equipment. If contaminated soils or materials are discovered on the project site, they will be excavated and removed from the site and disposed of appropriately.*

**Mitigation Measure Biology 6:** *All native birds in California are protected by the federal Migratory Bird Treaty Act (MBTA) and provisions of the California Fish and Game Code. Section 3503.5 of the California Fish and Game Code specifically protects raptors. Ground disturbance, noise, or removal of vegetation that would result in destruction of active bird nests or disruption of breeding/nesting activity could be a violation of the MBTA and the California Fish and Game Code, as well as a significant impact under CEQA.*

*A nesting bird survey shall be completed by a qualified biologist no earlier than one week prior to any construction during the nesting season (February 15–August 31) to determine if any native birds are nesting on or near the site (including a 500-foot buffer for raptors, including burrowing owl, and a .25-mile buffer for Swainson’s hawk). If any active nests are observed during surveys, a suitable avoidance buffer from the nests should be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. The qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the County’s Department of Conservation and Development for review and approval prior to the time that buffers are removed.*

**Mitigation Measure Biology 7:** *The following mitigation measures shall be implemented to prevent potential impacts to San Joaquin kit foxes.*

1. *A qualified biologist shall perform preconstruction surveys in accordance with the current USFWS-approved protocol for San Joaquin kit fox prior to ground- or vegetation-disturbing*

*activities associated with pre-construction, geotechnical or soils investigations, construction, operations, or maintenance. Any potential or known dens identified during the survey shall require additional monitoring, exclusion zones, and construction site exclusion fencing.*

*If any San Joaquin kit foxes, suitable burrows, or dens are detected during surveys, USFWS and/or CDFW shall be consulted to determine proper techniques to employ to avoid take of this species, which would be considered significant under CEQA.*

- 2. Security fences installed on the Project site shall be designed to enable passage of San Joaquin kit fox and their prey, while impeding the passage of larger predators, such as coyotes (*Canis latrans*) and larger domestic dogs. All fencing shall leave a minimum 4 to 6 inch opening between the fence mesh and the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence. Fences shall be monitored quarterly to ensure that any damage or vandalism is quickly repaired. Documentation of this monitoring shall be provided to DCD during periodic compliance reviews.*

**Mitigation Measure Biology 8:** *Ground-disturbing activities shall be conducted during the dry season (May 15-October 15) to minimize take of CTS and CRLF. Small mammal burrows that will be impacted by pier installation or other ground penetrating activities shall be excavated by a qualified biologist prior to construction activities.*

*If construction activities cannot be completed within the dry season, exclusion fencing shall be installed around the work area prior to October 15 to prevent CTS and CRLF from migrating into work areas. The fencing material and design should be reviewed and approved in writing by USFWS before installation. No BMPs or other construction materials containing monofilament netting, or other plastic netting that could entangle California tiger salamanders or other reptiles or amphibians will be used. If exclusion fence is not installed around the work area, all construction activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast.*

*In the event a CTS or CRLF is encountered onsite, construction activities in the area shall cease until the animal has left the location on its own will and is no longer in danger. The Project manager or Project biologist will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS, etc.) within 24 hours. No one other than a USFWS-approved biologist is permitted to handle or capture CTS or CRLF, and CTS or CRLF will not be taken or harassed.*

**Mitigation Measure Biology 9:** *The following mitigation shall be implemented to mitigate potential impacts on special-status species including, San Joaquin kit fox, California tiger salamander (CTS), and California Red Legged Frog (CRLF).*

*The project proponent shall obtain all necessary federal and state permits from the Army Corps of Engineers, USFWS, and CDFW for impacts to protected habitat (incidental take permits, Clean Water Act §404 permits, and other similar species and habitat-related permitting requirements) as applicable. If permits are required, the project proponent shall implement proposed mitigation*

*methods, including avoidance, minimization, and purchase of off-site habitat, or other required mitigation.*

***Mitigation Measure Biology 10:*** *The following mitigations shall be implemented to mitigate potential impacts on special-status plant species.*

- 1. To prevent the loss of topsoil and aid revegetation, the top 6 to 9 inches of soil will be excavated and stockpiled separately for reuse (un-compacted) over the filled and compacted dig locations.*
- 2. The general orientation of soil types will be maintained when backfilling excavation.*
- 3. Disturbed areas will be reseeded at a rate of approximately 60 pounds per acre with an East Contra Costa County Habitat Conservancy approved native seed mix.*

- b) Would the project 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 California Department of Fish and Game or U.S. Fish and Wildlife Service? (**Less Than Significant Impact**)*

According to the California Department of Fish and Wildlife (CDFW) Public Access Lands map, the project site is not located in or adjacent to an area identified as a wildlife or ecological reserve by the CDFW. According to the Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas map (Figure 8-1) of the County General Plan, the project site is not located in or adjacent to, a significant ecological area. Planned activities would have temporary impacts to pasture land cover. This land covers is not considered a sensitive natural community. Furthermore, there is no riparian habitat or other sensitive natural community located within the project work areas. As stated in the Garcia and Associates report, no potentially jurisdictional aquatic resources (wetlands or other waters) were observed within the Project area or within a 100-foot Project buffer. A small pool was present next to a cattle trough on the eastern site that appeared to consist of overflow from the trough. The pool had approximately 3 to 4 inches of water in it at the time of the survey. Two agricultural ditches were observed on the eastern project site. One occurs along the western boundary of the site and appears to connect to a larger agricultural ditch that eventually empties into the California Aqueduct. The other occurs along the eastern boundary of the site but does not appear to have any connectivity to any other potentially jurisdictional features. Both ditches were dry at the time of the field survey and were vegetated with upland plant species. The current project design would not result in disturbance of any potential wetland or other jurisdictional waters.

Based on the above information, the project would not 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Less Than Significant Impact)*

There are no state or federally protected wetlands or other jurisdictional waters in the designated work areas; thus, the project would not directly affect any state or federally protected wetlands or other jurisdictional waters. Section 404 of the Clean Water Act uses the Army Corps of Engineers definition of wetlands, which are defined as, “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” There are no isolated wetlands on the project site. Therefore, no substantial adverse effects on federally protected wetlands are expected.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? (Less Than Significant Impact With Mitigation)*

A wildlife corridor is defined as “any space, usually linear in shape that improves the ability of organisms to move among patches of their habitat”. Corridors can be viewed over broad spatial scales, from those connecting continents (e.g., Isthmus of Panama) to structures crossing canals or roads. Most wildlife corridors analyzed within the context of land use planning, including those in this IS/MND, are moderate in scale and used to facilitate regional wildlife movement among habitat patches and through human-dominated landscapes.

There are no wetlands, running water, or riparian habitat within the designated work area, therefore the project would not interfere with movement of native resident or migratory fish species. The project would include the installation of a security fence on the two sites, which would have the potential to limit wildlife movement at the project site. However, as required by mitigation measure **Biology 7**, security fences installed on the Project site must be designed to enable passage of San Joaquin kit fox and their prey, while impeding the passage of larger predators, such as coyotes (*Canis latrans*) and larger domestic dogs. Given that the project is surrounded by other open space areas, it is not expected that the security fences would limit the range of larger wildlife, which would bypass the facility by going around the fenced area.

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.). Further, California Fish and Game Code sections §3503, 3503.5, 3511, and 3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered “take.” With implementation of mitigation measure **Biology 6**, impacts to migratory birds are expected to be less than significant.

In 1984, the State legislated the California Endangered Species Act (CESA) (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats. State agencies will not approve private or public projects under their jurisdiction that would impact threatened or endangered species if reasonable and prudent alternatives are available. With implementation of mitigation measures ***Biology 1*** through ***Biology 9***, impacts to special-status species is expected to be less than significant.

Given all of the above, the project can be expected to have a less than significant impact in regards to interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

***Potential Impact:*** *The project would include the installation of a security fence on the two sites, which would have the potential to limit wildlife movement at the project site.*

***Mitigation Measure:*** *Mitigation measure Biology 7, would reduce the impact to a less than significant level.*

***Potential Impact:*** *If unmitigated, the project could have a potential impact on threatened or endangered species.*

***Mitigation Measure:*** *Implementation of mitigation measures Biology 1-9, would reduce the impact to a less than significant level.*

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less Than Significant Impact)*

The Conservation Element of the County's General Plan addresses the County's policies regarding the identification, preservation and management of natural resources in the unincorporated County. Within the Conservation Element, the "Significant Ecological Areas and Selected Locations of Protected Wildlife and Plant Species Areas" (Figure 8-1) identifies significant resources throughout the County. The map shows no resources in the vicinity of the project site. Thus, the project is not expected to conflict with any local policies or ordinances protecting biological resources.

The Contra Costa County Tree Protection and Preservation Ordinance provides for the protection of certain trees by regulating tree removal while allowing for reasonable development of private property. On any developable undeveloped property, the Ordinance requires tree alteration or removal to be considered as part of the project application. Based on the Biological Resources Assessment provided by Garcia and Associates, one Peruvian pepper tree (*Schinus mole*) is located at the northwestern corner of the Project Area and five southern blue gum (*Eucalyptus globulus*) were mapped within the 100-foot survey buffer. No impacts to these trees are expected. Thus, the project complies with the County's Tree Protection and Preservation Ordinance.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Less Than Significant Impact)*

There is one adopted habitat conservation plan in Contra Costa County: the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP). The plan was approved in May 2007 by the East Contra Costa County Habitat Conservancy, comprised of the cities of Brentwood, Clayton, Oakley, and Pittsburg, and Contra Costa County. The HCP/NCCP establishes a coordinated process for permitting and mitigating the incidental take of endangered species in East Contra Costa County. The plan lists Covered activities that fall into three distinct categories: (1) all activities and projects associated with urban growth within the urban development area (UDA); (2) activities and projects that occur inside the HCP/NCCP preserves; and (3) specific projects and activities outside the UDA. The project is within the boundaries of the ECCC HCP/NCCP; however commercial solar facilities are not a covered activity under the plan, and is not required to obtain coverage under the plan. The project could obtain coverage under the plan as a participating special entity if the project proponent opted to do so. Since the project is not required to participate in the HCP, the project would be consistent with the ECCC HCP/NCCP and there would be no impact.

**Sources of Information**

- California Department of Fish and Wildlife. Accessed November 6, 2020. <https://map.dfg.ca.gov/lands/>.
- Garcia and Associates. Biological Resources Assessment. Dated May 2020.
- East Contra Costa County Habitat Conservancy. Accessed November 6, 2020. <http://www.co.contra-costa.ca.us/depart/cd/water/HCP/>.
- Renewable Properties. *Byron Hot Springs Solar*. (Project Plans). Received 8/3/2020.
- Renewable Properties. *Byron Highway Solar*. (Project Plans). Received 8/3/2020.

<b>5. CULTURAL RESOURCES – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to California Environmental Quality Act Guidelines Section 15064.5? (Less Than Significant Impact With Mitigations)*

Historical resources are defined in the California Environmental Quality Act Guidelines Section 15064.5 as resources that fit any of the following definitions:

- Is listed in the California Register of Historic Places and has been determined to be eligible for listing by the State Historic Resources Commission;
- Is included in a local register of historic resources, and identified as significant in a historical resource survey that has been or will be included in the State Historic Resources Inventory; or
- Has been determined to be historically or culturally significant by a lead agency.

The project site is undeveloped, except for a wireless telecommunication facility on the western property. Cultural Resources Inventory Reports were completed by Garcia and Associates, including archaeological and historical records review and literature search for the western and eastern project sites. The review included assessment of historical resources on the project sites. No resources on the sites were found to be eligible for listing under any criteria for the California Register of Historical Resources (CRHR), the National Register of Historic Places (NRHP), or local listing. Thus, the project would not impact any known historical or culturally significant resources.

The archaeological sensitivity map of the County's General Plan (Figure 9-2), identifies the project area as "Moderately Sensitive Area," which may contain significant archeological resources. While unlikely since the site is fully disturbed, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic and prehistoric resources. Historic resources can include wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. If during project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant impact. The following mitigation measure would reduce the potentially significant impact to a less than significant level.

**Potential Impact:** Subsurface construction activities could potentially damage or destroy previously undiscovered historic and prehistoric resources.

**Cultural Resources 1:** *The following Mitigation Measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:*

- i. *All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood,*

*glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the cultural resource is also a tribal cultural resource (TCR) the representative (or consulting) tribe(s) will also require notification and opportunity to consult on the findings.*

*If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.*

- ii. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.*
- iii. In the event the Project design changes, and ground disturbance is anticipated beyond the Area of Potential Effect, as it is currently defined by the Cultural Resources Inventory Reports, further surveys shall be conducted in those new areas to assess the presence of cultural resources. Any newly discovered or previously recorded sites within the additional survey areas shall be recorded (or updated) on appropriate Department of Parks and Recreation (DPR) 523-series forms. If avoidance of these cultural resources is not feasible then an evaluation and/or data recovery program shall be drafted and implemented.*

Implementation of these mitigations would ensure a less than significant adverse environmental impact on historical resources.

- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to California Environmental Quality Act Guidelines Section 15064.5? (**Less Than Significant Impact With Mitigation**)*

As stated previously, the project site does not appear to host any historical resources. However, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic and prehistoric resources. In keeping with the CEQA guidelines, if archaeological remains are uncovered, work at the place of discovery should be halted

immediately until a qualified archaeologist can evaluate the finds. If during project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant impact. Mitigation Measure *Cultural Resources 1* would reduce the potentially significant impact to a less than significant level.

**Potential Impact:** *Surface construction activities could potentially damage or destroy previously undiscovered archeological resource.*

**Mitigation Measure:** *Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered archeological resources to a less than significant level.*

- c) *Would the project disturb any human remains, including those interred outside of formal cemeteries? (Less Than Significant Impact With Mitigation)*

There is a possibility that human remains could be present and accidental discovery could occur. If during project construction, subsurface construction activities damaged previously undiscovered human remains, there could be a potentially significant impact. Mitigation Measure *Cultural Resources 1* would reduce the potentially significant impact to a less than significant level.

**Potential Impact:** *Surface construction activities could potentially damage or destroy previously undiscovered human remains.*

**Mitigation Measure:** *Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered human remains to a less than significant level.*

**Sources of Information**

- Contra Costa County General Plan 2005-2020. *Open Space Element*.
- Garcia and Associates. *Cultural Resources Inventory Report, Byron Hot Springs*. May 2020.
- Garcia and Associates. *Cultural Resources Inventory Report, Byron Highway*. May 2020.

<b>6. ENERGY – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **SUMMARY:**

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Less than Significant Impact)*

Environmental effects related to energy include a project's energy requirements and its energy use efficiencies by amount and fuel type during construction and operation; the effects of the project on local and regional energy supplies; the effects of the project on peak and base period demands for electricity and other forms of energy; the degree to which the project complies with existing energy standards; the effects of the project on energy resources; and the project's projected transportation energy use requirements and its overall use of efficient transportation alternatives, if applicable. The following factors demonstrate a project's significance in relation to these effects: (1) Why certain measures were incorporated in the project and why other measures were dismissed; (2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid-waste; (3) The potential for reducing peak energy demand; (4) Alternate fuels (particularly renewable ones) or energy systems; and (5) Energy conservation which could result from recycling efforts.

The solar project has been designed to provide additional renewable energy to the electrical grid. The project would be interconnected to existing PG&E facilities on the project sites. Construction of the facilities would be temporary and are not expected to be significant, when considered in the context of the overall impact from the renewable energy project. Thus, given that the project would provide renewable energy generation, the project would not be considered to be wasteful, inefficient, or have unnecessary consumption of energy resources. Thus, a less than significant impact is expected.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Less Than Significant Impact)*

The Contra Costa County Climate Action Plan (CAP) includes a number of Green House Gas (GHG) emission reduction strategies. The strategies include measures such as implementing standards for green buildings and energy-efficient buildings, reducing parking requirements, and reducing waste disposal. Furthermore, the CAP specifically calls for the development of additional solar energy production resources in the County.

The project would not conflict with the policies outlined in the CAP. Furthermore, as the policies in the CAP are recommendations and not requirements, the project would not conflict with the CAP. Thus, the project would not be considered to have a significant impact.

## **Sources of Information**

- Contra Costa County, 2015. *Municipal Climate Action Plan*.

<b>7. GEOLOGY AND SOILS – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a) *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Less Than Significant Impact)*

The California Geological Survey (CGS) has delineated Alquist-Priolo (A-P) zones along the known active faults in California. The California Earthquake Hazards Zone Application ("EQ Zapp") is an online map that provides the location of A-P zones to check whether a property is in an earthquake hazard zone. According to the EQ Zapp map, the project sites are not within a earthquake hazard area. As a result, the potential impact from surface fault rupture would be less than significant.

ii) *Strong seismic ground shaking? (Less Than Significant Impact)*

Figure 10-4 (Estimated Seismic Ground Response) of the County General Plan Safety Element identifies the site in an area rated “Moderate-Low” damage susceptibility. The risk of structural damage from ground shaking is regulated by the building code and the County Grading Ordinance. The building code requires use of seismic parameters which allow structural engineers to design structures based on soil profile types and proximity of faults deemed capable of generating strong violent earthquake shaking. Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks within generally accepted limits. Thus, the environmental impact from seismic ground shaking would be considered to be less than significant.

*iii) Seismic-related ground failure, including liquefaction? (Less Than Significant Impact)*

According to the Figure 10-5 (Estimated Liquefaction Potential) of the County General Plan Safety Element, the site is located in an area of “Moderate to Low” liquefaction potential. Two soil types have been mapped by the NRCS within the Project Area, and include Solano loam soil throughout the majority of the Project Area, and approximately 1 acre of Solano loam (strongly alkaline soil) in the eastern portion of the Project Area (NRCS 2020). The soils on the site are considered to be “moderately expansive.” Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks within generally accepted limits. Thus, the environmental impact from seismic-related ground failure would be considered to be less than significant.

*iv) Landslides? (Less Than Significant Impact)*

In 1975 the United States Geological Survey (USGS) issued photo-interpretation maps of landslide and other surficial deposits of Contra Costa County. This mapping is presented on page 10-24 of the Safety Element of the County General Plan. According to this USGS map, there are no suspected landslides in proximity of the proposed project. It should be recognized that the USGS landslides are mapped solely on the basis of geologic interpretation of stereo pairs of aerial photographs analyzed by an experienced USGS geologist. The mapping was done without the benefit of a site visit or any subsurface data. Furthermore, landslides mapped by the USGS are not classified on the basis of the (a) activity status (i.e. active or dormant), (b) depth of slide plane (shallow or deep seated), or (c) type of landslide deposit, and they do not show landslides that have formed since 1975. Consequently the USGS map is not a substitute for a detailed site-specific investigation. Nevertheless, the map fulfills its function, which is to flag sites that may be at risk of landslide damage, where detailed geologic and geotechnical investigations are required to evaluate risks and develop measures to reduce risks to a practical minimum. Thus, a less than significant impact can be expected regarding landslide hazards.

- b) *Would the project result in substantial soil erosion or the loss of topsoil? (Less Than Significant Impact)*

The project site is largely level and the project would create minimal additional impervious surfaces. The stormwater on the project site would be allowed to percolate on site. As stated in the storm water control plans prepared by Charles Anderson, P.E., runoff from the solar arrays will disperse onto the grass-covered space between and underneath the arrays. Runoff from the proposed aggregate-surfaced road will be dispersed onto a grass-covered area of a minimum 5.0 ft in width. Based on the insignificant amount of additional impervious surface, no significant soil erosion or loss of topsoil is expected. Thus, a less than significant impact from soil erosion or top soil loss is expected.

- c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less Than Significant Impact)*

As discussed in a) iii above, the project site is in an area that has “moderate to low” liquefaction potential. Building and grading regulations can be expected to keep risks within generally acceptable limits. Thus, the environmental impact from an unstable geologic unit or soil would be considered to be less than significant.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (Less Than Significant Impact)*

With regard to its engineering properties, the underlying Solano loam soil is expansive. Generally, soils with a clay component are more prone to expansion. The expansion and contraction of soils could cause cracking, tilting, and eventual collapse of structures. However, building and grading regulations can be expected to keep risks within generally accepted limits. Thus, the environmental impact from a moderately expansive soil would be considered to be less than significant.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (No Impact)*

The project does not require a septic or wastewater-disposal system. Since the facilities are unmanned, they would not have any sanitary facilities, therefore, no impact is expected.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less Than Significant Impact With Mitigation)*

Similar to archaeological resources, there is a possibility that previously undiscovered buried fossils and other paleontological resources could be present and accidental discovery could occur. If during project construction, subsurface construction activities damaged previously

undiscovered historic and prehistoric resources, there could be a potentially significant impact. Mitigation Measure *Cultural Resources 1* would reduce the potentially significant impact to a less than significant level. No unique geologic features exist on the site. Thus, a less than significant impact would be expected with the included mitigations.

***Potential Impact:*** *There is a possibility that buried fossils and other paleontological resources could be present and accidental discovery could occur.*

***Mitigation Measure:*** *Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered paleontological resources to a less than significant level.*

**Sources of Information**

- California Department of Conservation. *EQ Zapp: California Earthquake Hazards Zone Application*. Accessed November 6, 2020.
- Charles Anderson, P.E., Anderson Pine Corporation. *Stormwater Control Plan for Byron Highway Solar*. Dated June 2020.
- Charles Anderson, P.E., Anderson Pine Corporation. *Stormwater Control Plan for Byron Hot Springs Solar*. Dated June 2020.
- Contra Costa County General Plan, 2005-2020. *Safety Element*.
- *United States Department of Agriculture, Natural Resources Conservation Service. 2020. Web Soil Survey. Accessed November 6, 2020. <http://websoilsurvey.nrcs.usda.gov>*

<b>8. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less Than Significant Impact)*

Greenhouse gases are gases that trap heat in the atmosphere and contribute to global climate change. Greenhouse gases include gases such as carbon dioxide, methane, nitrous oxide, and various fluorocarbons commonly found in aerosol sprays. Typically, a single residential or commercial construction project in the County would not generate enough greenhouse gas (GHG) emissions to substantially change the global average temperature; however, the accumulation of

GHG emissions from all projects both within the County and outside the County has contributed and will contribute to global climate change.

Senate Bill 97 directed the Governor's Office of Planning and Research (OPR) to develop CEQA Guidelines for evaluation of GHG emissions impacts and recommend mitigation strategies. In response, OPR released the Technical Advisory: CEQA and Climate Change, and proposed revisions to the State CEQA guidelines (April 14, 2009) for consideration of GHG emissions. The California Natural Resources Agency adopted the proposed State CEQA Guidelines revisions on December 30, 2009 and the revisions were effective beginning March 18, 2010.

The bright-line numeric threshold of 1,100 MT CO<sub>2</sub>/yr is a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable." This emissions rate is equivalent to a project size of approximately 60 single-family dwelling units. Future construction of the solar energy facility would generate some GHG emissions; however, the amount generated would not result in a significant adverse environmental impact, and would be offset by the renewable energy provided by the facilities. As the project does not exceed the screening criteria, the project would not result in the generation of GHG emissions that exceed the threshold of significance.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (**Less Than Significant Impact**)*

At a regional scale, the BAAQMD adopted the Bay Area 2017 Clean Air Plan that addresses GHG emissions as well as various criteria air pollutants. The BAAQMD Plan included a number of pollutant reduction strategies for the San Francisco Bay air basin. The provision of additional renewable energy can be expected to reduce reliance on other non-renewable sources and, thus, reduce pollutant levels from combustion based sources. Additionally, by providing additional renewable electricity for the grid, the availability of clean electricity for zero-emission vehicles would increase.

Within Contra Costa County, the Contra Costa County Board of Supervisors convened a Climate Change Working Group (CCWG) in May 2005, to identify existing County activities and policies that could reduce GHG emissions. In November 2005, the CCWG presented its Climate Protection Report to the Board of Supervisors, which included a list of existing and potential GHG reduction measures. This led to the quantification of relevant County information on GHGs in the December 2008 Municipal Climate Action Plan.

In April 2012, the Board directed the Department of Conservation and Development to prepare a Climate Action Plan (CAP) to address the reduction of GHG emissions in the unincorporated areas of the County. In December 2015, the Climate Action Plan was adopted by the Board of Supervisors. The Climate Action Plan includes a number of GHG emission reduction strategies. The strategies include measures such as promoting the development of local solar energy production. Thus, the project would be consistent with the local policy.

The project does not conflict with any other policies outlined in the CAP. Furthermore, as other measures identified in the CAP are recommendations and not requirements, the project would not conflict with the CAP and thus would not be considered to have a significant impact.

**Sources of Information**

- Bay Area Air Quality Management District, 2017. *Bay Area 2017 Clean Air Plan*.
- Bay Area Air Quality Management District, 2017. *Air Quality Guidelines*.
- Contra Costa County Code, *Title 8. Zoning Ordinance*.
- Contra Costa County, 2008. *Municipal Climate Action Plan*. Contra Costa County, 2015. *Climate Action Plan*.

<b>9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less Than Significant Impact)*

Subsequent to approval of the Land Use Permits, it is expected that the solar energy facilities would be constructed. There would be associated use of fuels, lubricants, paints, and other construction materials during the construction period. The use and handling of hazardous materials during construction would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. With compliance with existing regulations, the project would have a less than significant impact from construction.

Contra Costa County Ordinance Code Chapter 450-2 provides regulations administered by the Contra Costa County Department of Health Services, regarding hazardous material response plans, inventories, and risk management. Contra Costa County Ordinance Code Section 450-2.008(b) requires the establishment of a Hazardous Materials Business Plan (HMBP), if necessary, that specifies the use, quantities, storage, transportation, disposal and upset conditions for hazardous materials in accordance with state and county regulations. Thus, an HMBP may be required to ensure no significant public exposure from the potential use of hazardous materials at the project site, because the solar energy facilities would have battery storage, which may be covered by the ordinance. A Condition of Approval will be added if the project is approved, requiring evidence that it has complied with County Code Chapter 450-2 prior to commencement of business activities. Compliance with County regulations would ensure this impact would be less than significant.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? (**Less Than Significant Impact**)*

The proposed commercial solar energy generation use of the site would involve the storage of energy in lithium ion battery storage system. The battery energy storage system site is not near any residential uses or critical facilities such as a hospital or fire station. Additionally, large quantities of hazardous materials are not required as part of construction, operation, or decommissioning of the proposed Project. While lithium ion batteries can be flammable, they would be required to meet all applicable California Fire Codes. Furthermore, a HMBP may be required to ensure no significant public exposure from the release of hazardous materials at the project site. As described above, a Condition of Approval will be added if the project is approved, requiring evidence that it has complied with Contra Costa County Ordinance Code Chapter 450-2 prior to commencement of business activities. Compliance with County regulations would ensure this impact would be less than significant.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (**No Impact**)*

The nearest school is the Delta Vista High School, located approximately 1.85 miles north of the project site. Given the distance from the proposed facility, and that the project would not be expected to release hazardous materials into the environment, no impact on the school is expected.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Less Than Significant Impact)*

A review of regulatory databases maintained by County, State, and federal agencies found no documentation of hazardous materials violations or discharge on the subject property. The site is not listed on the State of California Hazardous Waste and Substance Sites (Cortese) List. California Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Cortese List is a planning document with hazardous material contaminated site information, used by the State, local agencies and developers to comply with the California Environmental Quality Act. Thus, the project is not expected to result in a significant hazard to the public or the environment.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (No Impact)*

The project site is located within the Byron Airport Influence Area, Compatibility Area C1 and C2. The project has been reviewed by the Federal Aviation Administration, which has determined that project does not exceed obstruction standards and would not be a hazard to air navigation. Thus, there would not be any hazard related to a public airport or public use airport.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Less Than Significant Impact)*

The proposed project would not impair implementation of or physically interfere with the County's adopted emergency response plan related to Byron Highway or Byron Hot Springs Road or the project site. Thus, project impacts on emergency response would be a less than significant.

The project site is adjacent to Byron Highway near Rankin Road. The addition of the solar energy facilities would not add any population to the area and is, thus, not expected to have a significant impact on emergency evacuation plans.

With respect to proposed onsite improvements, the East Contra Costa Fire Protection District has reviewed the project plans and provided routine comments for the site. Furthermore, the Fire Protection District would review the construction drawings for the project at the time of submittal of a building permit application.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Less Than Significant Impact)*

The commercial solar facilities would largely operate remotely or autonomously and, no people will regularly be at the project site. Thus, the project is not expected to expose people or structures either directly or indirectly to a significant risk from wildland fires.

**Sources of Information**

- California Department of Forestry and Fire Protection (CalFire). 2009. *Very High Fire Hazard Severity Zones in LRA Map*.
- Contra Costa County, 2000. *Contra Costa County Airport Land Use Compatibility Plan*.
- Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element*.
- Federal Aviation Administration. Byron Highway Letter Aeronautical Study No. 2019-AWP-10376-OE. Dated October 8, 2019.
- Federal Aviation Administration. Byron Highway Letter Aeronautical Study No. 2019-AWP-10397-OE. Dated October 8, 2019.

<b>10. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Less Than Significant Impact)*

The proposed project would comply with applicable water quality and discharge requirements. Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, and 16 incorporated cities in the county have formed the Contra Costa Clean Water Program. In October 2009, the Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB) adopted the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit for the Program, which regulates discharges from municipal storm drains. Provision C.3 of the Municipal Regional Permit places requirements on site design to minimize creation of impervious surfaces and control stormwater runoff. The County has the authority to enforce compliance with its Municipal Regional Permit through the County's adopted C.3 requirements. The C.3 requirements stipulate that projects creating and/or redeveloping at least 10,000 square feet of impervious surface shall treat stormwater runoff with permanent stormwater management facilities, along with measures to control runoff rates and volumes.

The proposed project would add an estimated 42,320 square feet of new impervious surface area. As described in the preliminary storm water control plans, multiple low impact development strategies have been identified to adequately address the additional stormwater runoff. These include solar array placement to allow for maximum pervious area, utilization of natural drainage features on the properties, the use of permeable pavement, and other strategies. Implementation of these measures would be required as a condition of approval.

The exceptions to the collect and convey standards can only be approved with the appropriate findings. Based on the applicant's exception request and proposal, the necessary finding could be made to support the request. Furthermore, the preliminary stormwater control plan has been reviewed by the County's Public Works division and shows that all stormwater will be managed adequately on site. Thus, with implementation of the practicable stormwater controls, the project would be compliant with applicable water quality standards or waste discharge requirements, resulting in a less than significant impact.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Less Than Significant Impact)*

The water service on the properties is provided by well water. Since the solar facility would operate largely remotely and autonomously, and does not include any irrigated landscaping, water usage at the sites can be expected to be minimal.

The increased impermeable area on the property would likely not reduce the amount of water percolating into ground water aquifers since the water will be directed to percolate elsewhere on

the sites. Thus, the project would not substantially decrease groundwater supplies or interfere with groundwater recharge.

c) *Would the project substantially alter the existing drainage pattern of the area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

i) *Result in substantial erosion or siltation on- or off-site? (**Less Than Significant Impact**)*

The proposed project would not substantially alter the drainage pattern of the site or area or result in substantial erosion or siltation. In the preliminary stormwater review, the grading pattern of the property will follow the existing drainage pattern and will follow existing drainage patterns on the sites. Accordingly, the proposed project would not substantially alter the drainage pattern of the site or area or result in substantial erosion or siltation.

ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

As described previously, the proposed project would not substantially alter the existing drainage pattern of the site or area. Thus, there would not be a significant risk due to an increase in the project-related volume of runoff that would result in onsite or off-site flooding.

iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (**Less Than Significant Impact**)*

The County Public Works Department has reviewed the applicants preliminary stormwater control plan and determined that proposed onsite surface drainage regimen would be appropriate for the area. Accordingly, the proposed project would not exceed the capacity of the stormwater system.

iv) *Impede or redirect flood flows? (**No Impact**)*

The improvements on the site are not expected to create any barrier that would impede or redirect flood flows, should flooding occur.

d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (**Less Than Significant Impact**)*

According to Flood Insurance Rate Maps (FIRM) 06001C0225G and, the development area is located in area that is outside of the Special Flood Hazard Area. The proposed project would not be susceptible to inundation by seiche or tsunami. The California Geological Survey (2009) has projected and mapped the tsunami hazard posed by a tidal wave that passes through the Golden

Gate and into San Francisco Bay, San Pablo Bay and Carquinez Strait. The project site is not included in the inundation area on any tsunami hazard map.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less Than Significant Impact)*

As stated above, the proposed project would comply with applicable water quality and discharge requirements. Provision C.3 of the Municipal Regional Permit places requirements on site design to minimize creation of impervious surfaces and control stormwater runoff. Thus, the project would not conflict with or obstruct implementation of a water quality control plan.

The Sustainable Groundwater Management Act (SGMA), effective January 1, 2015, established a framework of priorities and requirements to facilitate sustainable groundwater management throughout the State. The intent of SGMA is for groundwater to be managed by local public agencies and newly-formed Groundwater Sustainability Agencies (GSAs) to ensure a groundwater basin is operated within its sustainable yield through the development and implementation of a Groundwater Sustainability Plans (GSP). The project is located near the San Joaquin Valley – East Contra Costa basin management area, which is Medium Priority groundwater basin based on the Groundwater Basin Prioritization by the State Department of Water Resources (DWR). Given that the project would not rely on groundwater or impact water percolation, a less than significant impact to the basin is expected.

**Sources of Information**

- California Department of Water Resources. <https://water.ca.gov/Programs/Groundwater-Management>
- Federal Emergency Management Agency (FEMA). *National Flood Insurance Rate Map (FIRM)*. <https://www.fema.gov/national-flood-insurance-program-flood-hazard-mapping>.
- Charles Anderson, P.E., Anderson Pine Corporation. *Stormwater Control Plan for Byron Highway Solar*. Dated June 2020.
- Charles Anderson, P.E., Anderson Pine Corporation. *Stormwater Control Plan for Byron Hot Springs Solar*. Dated June 2020.

<b>11. LAND USE AND PLANNING – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project physically divide an established community? (No Impact)*

Development of the proposed project would not physically divide an established community. The proposed project would occur on an agricultural parcel within a rural commercial agricultural and industrial area. The community of Byron is approximately 1.5 miles north of the project and would not be impacted.

- b) *Would the project cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Less Than Significant Impact with Mitigation)*

**General Plan**

The proposed project would conform to the applicable General Plan land use designation. The site's current land use designation is AL, Agricultural Lands. Commercial solar energy facilities are an allowed use within the AL designation following the issuance of a Land Use Permit.

The Contra Costa General Plan contains the following relevant policies related to the project.

3-68. Support the concept of allowing for multiple uses, compatible with the predominantly agricultural watershed and public purposes of the area. Preserve designated agricultural lands for agricultural use, and also to allow certain other uses in the area, such as wind energy farms, mineral extraction, and reservoirs.

3-69. The Southeast County area is almost exclusively planned for agricultural, watershed, or public purposes. New land uses within this plan area should be limited to those which are compatible to the primary agricultural and watershed purposes of the area (farming, ranching, poultry raising, animal breeding, aviaries, apiaries, horticulture, floriculture and similar agricultural uses and structures) and consistent with the multiple use philosophy enumerated by this plan. Subject to specific project review and the policies listed within this plan, the following uses are generally consistent with the planned agricultural areas:

- (a) Public and private outdoor recreational facilities; (b) Dude ranches, riding academies, stables; (c) Wind energy conversion systems; (d) Single family residences on larger lots; (e) Mineral resources quarrying; (f) Oil and gas wells; (g) Pipelines and transmission lines; and (h) Veterinarian offices and kennels. (i) Public purpose uses.

9-31. Within the Southeast County area, applicants for subdivision or land use permits to allow nonresidential uses shall provide information to the County on the nature and extent of the archeological resources that exist in the area. The County Planning Agency shall be responsible for determining the balance between multiple use of the land and protection of resources.

These policies highlight the County's longstanding interest in preserving agricultural lands in east Contra Costa County. They also state that the County should balance the preservation of

agricultural use with certain other beneficial uses. The provision of solar energy in the County has become a priority as utilization on renewable energy has become desirable. The County has identified a select area of East County for solar development by applying filters to identify the lands most suitable for commercial solar development. These filters included slope, natural land cover, soil quality and classifications, zoning overlay status, General Plan land use designation, elevation, proximity to transmission lines and substations, and other factors. By including properties with necessary attributes for commercial solar development and excluding major agricultural and sensitive habitat resources, the allowed area, as designated in the solar generation combining district, balances the County's interest in encouraging local renewable energy with its long-term planning considerations in East County. Since the proposed project is located within this area, the facility would not conflict with the County's policies related to preservation of agriculture in East County.

### **Zoning**

Commercial solar energy generation facilities are allowed in the A-2 and A-3 agricultural zoning districts and the Solar Energy Generation Combining District. When combined with the -SG combining district, commercial solar facilities are allowed in agriculturally zoned districts. Furthermore, as required by the County's solar ordinance, the sites would be required to be restored to their pre-project agricultural state, following the solar generation use.

The facilities would also meet the applicable setbacks for the underlying zoning districts. Specifically, the A-3 designation on the western site requires 25-foot side yard, front yard, and rear yard setbacks, which are all met by the proposed project. The A-2 designation of the eastern site requires 20-foot side yard, 25-foot front yard, and 15-foot rear yard setback, which are all met by the proposed project. In accordance with the County's Solar Ordinance, no ground mounted array would exceed 25 feet in height. Additionally, the facility would avoid septic systems and aquatic habitat areas, as required by the ordinance.

The County's Solar Ordinance also requires that solar facilities that are visible from public roadways must be designed and installed to minimize visual and aesthetic impacts to the greatest extent feasible. The proposed facilities would be located behind a fence and would be setback at least 500 feet from Highway 4, the primary roadway in the area. Furthermore, Mitigation Measure *Aesthetics* 1, would require that the fencing that is visible from a public road, be consistent with the rural character of the area. Thus, the impact would be considered less than significant.

### **Sources of Information**

- Contra Costa County Code, Title 8, Zoning Ordinance.
- Renewable Properties. *Byron Hot Springs Solar*. (Project Plans). Received 8/3/2020.
- Renewable Properties. *Byron Highway Solar*. (Project Plans). Received 8/3/2020.
- Contra Costa County General Plan 2005-2020. *Land Use Element*.

<b>12. MINERAL RESOURCES – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (No Impact)*

Known mineral resource areas in the County are shown on Figure 8-4 (Mineral Resource Areas) of the General Plan Conservation Element. No known mineral resources have been identified in the project vicinity, and therefore the proposed project would not result in the loss of availability of any known mineral resource.

- b) *Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (No Impact)*

The project site is not within an area of known mineral importance according to the Conservation Element of the General Plan, and therefore, the project would not impact any mineral resource recovery site.

**Sources of Information**

- Contra Costa County General Plan 2005-2020. *Conservation Element.*

<b>13. NOISE – Would the project result in:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generation of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project result in generation of 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?(Less Than Significant Impact)*

Activities at the project site are not expected to expose persons to, or generate, noise levels in excess of the Community Noise Exposure Levels shown on Figure 11-6 of the General Plan Noise Element. Figure 11-6 shows that levels of 75 dB or less are normally acceptable and noise levels between 70 dB to 80 dB are conditionally acceptable in agricultural areas. Types and levels of noise generated from the uses associated with the future solar facility would be similar or quieter to noise levels from the existing agricultural and industrial uses in the area.

Operation of construction equipment could result in temporary noise impacts in the immediate vicinity. However, no sensitive uses are located near the project sites. Furthermore, use of heavy equipment would be temporary and cease once construction is complete. Thus, project noise impacts to the existing surrounding land uses would be less than significant.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? (Less Than Significant Impact)*

Operation of construction equipment could result in perceptible levels of ground-borne vibration in the immediate vicinity. However, no sensitive uses are located near the project sites. Furthermore, use of heavy equipment would be temporary and cease once construction is complete. Therefore, this impact would be less than significant.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Less Than Significant Impact)*

The project does not include a residential component and the operation of the facility would largely be done remotely or autonomously; thus, the project would not expose people residing or working in the project area to excessive noise levels.

**Sources of Information**

- Contra Costa County General Plan, 2005-2020, Noise *Element*.
- Contra Costa County, 2000. *Contra Costa County Airport Land Use Compatibility Plan*.

<b>14. POPULATION AND HOUSING – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) *Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (Less Than Significant Impact)*

The proposed project would result in the development of commercial solar energy generation facilities. The facilities would largely be operated remotely and autonomously, thus a significant addition to the population because of the project is not expected.

The electricity produced at the sites would be connected to the existing PG&E electrical grid and is expected to replace other non-renewable sources of electricity. Thus, the facilities would not be an extension of infrastructure in the area.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (No Impact)*

The project site is currently an agricultural property, and does not include any dwelling units. Thus, the proposed project would not displace any existing housing and would have no impact on housing displacement.

<b>15. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

a) ***Fire Protection?(Less Than Significant Impact)***

Fire protection and emergency medical response services for the project vicinity are provided by the East Contra Costa Fire Protection District (ECCFPD). As detailed in the comment letter on the proposed project from the Fire Protection District, the project is required to comply with the applicable provisions of the 2019 California Fire Code, the 2019 California Building Code, and applicable Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. Prior to the issuance of building permits, the construction drawings would be reviewed and approved by the ECCFPD. As a result, potential impacts of the proposed project relating to fire protection would be less than significant.

b) ***Police Protection? (Less Than Significant Impact)***

Police protection services in the project vicinity are provided by the Contra Costa County Sheriff’s Office, which provides patrol service to the Byron area. The addition of the solar facilities in the project area would not significantly affect the provision of police services to the area.

c) ***Schools? (Less Than Significant Impact)***

The project is not expected to have an impact on population, thus, there would be a less than significant impact on the provision of schools.

d) *Parks? (Less Than Significant Impact)*

As stated above, the project is not expected to induce population growth in the area; thus a less than significant impact on the provision of parks is expected.

e) *Other public facilities? (Less Than Significant Impact)*

Impacts to other public facilities, such as hospitals and libraries are usually caused by substantial increases in population. Implementation of the proposed project is not anticipated to induce population growth. The project is not anticipated to create substantial additional service demands besides those which have been preliminarily reviewed by various agencies of Contra Costa County, or result in adverse physical impacts associated with the delivery of fire, police, schools, parks, or other public services. Therefore, the impact to hospitals, libraries or other public facilities would be less than significant.

**Sources of Information**

- Contra Costa County Fire Protection District. April 22, 2020. *Agency Comment Letter*.

<b>16. RECREATION</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Less Than Significant Impact)*

As stated above, the project is not expected to induce population growth in the area. Thus, the impact of this increase in use of the parks and recreational facilities would be less than significant.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (Less Than Significant Impact)*

As stated above, the project is not expected to induce population growth in the area. Thus, the impact of this increase in use of the parks and recreational facilities would be less than significant, and no additional recreation facilities would be related to the construction of the project.

<b>17. TRANSPORTATION – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (Less Than Significant Impact)*

Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips. Since the project would yield less than 100 peak-hour AM or PM trips, the proposed project would not conflict with the circulation system in the Byron area.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)? (Less Than Significant Impact)*

The project would not increase the capacity of the electrical system and would, therefore, not induce any population or generate new vehicle trips. There would be the potential to generate vehicle trips during construction; however, these trips would be temporary and cease after construction is complete.

The CEQA thresholds of significance (“TOS”) impact criteria are provided in the Contra Costa County Transportation Analysis Guidelines (TAG), and require the proposed project’s transportation impact analysis to compare the VMT per person/employee to the VMT per person/employee for the County or Bay Area region. A proposed project should be considered to

have a significant impact if the project VMT is greater than: 15% below the Bay Area average commute VMT per employee. Since the facilities would be operated remotely and largely autonomously, the project’s impact in vehicles miles traveled would be less than significant.

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less Than Significant Impact)*

The project sites are on private property and are accessed from driveways off of Highway 4 and Byron Hot Springs Road. The driveways would be constructed or improved to meet the County’s design guidelines ingress and egress and, thus, would not be considered hazardous. Therefore, the project would result in a less than significant impact due to design features or incompatible uses.

- d) *Would the project result in inadequate emergency access? (Less Than Significant Impact)*

Construction activities would occur on the project site but would not restrict access for emergency vehicles traveling to or nearby the project site. During operation of the project, emergency access to the site would be provided by on site roadways. Therefore, operation of the proposed project would not result in inadequate emergency access, and a less than significant impacts would occur.

**Sources of Information**

- Contra Costa County Transportation Analysis Guidelines. June 23, 2020.

<b>18. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (**Less Than Significant Impact With Mitigations**)*

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (**Less Than Significant Impact With Mitigations**)*

As discussed in Sections 5.a through 5.c above, no historical resources have been identified on the project site. Further, according to the County's Archaeological Sensitivities map, Figure 9-2, of the County General Plan, the subject site is located in a "Moderately Sensitive Area," which may contain significant archeological resources. While unlikely since the site is fully disturbed, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic and prehistoric resources.

Pertaining to the significance of tribal cultural resources, there are no onsite historical resources, pursuant to Public Resources Code section 5020.1(k) that are included in a local register of historic resources.

Nevertheless, the expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources. Implementation of Mitigation Measure *Cultural Resources 1* would reduce the impact on cultural resources during project related work to a level that would be considered less than significant.

**Potential Impact:** *Construction and grading could cause ground disturbance which may impact heretofore undocumented tribal cultural resources.*

**Mitigation Measure:** *Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered tribal cultural resources to a less than significant level.*

- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (**Less Than Significant Impact With Mitigations**)*

As discussed in Sections 5.a through 5.c above, no historical resources have been identified on the project site. Further, according to the County's Archaeological Sensitivities map, Figure 9-2, of the County General Plan, the subject site is in a "Moderately Sensitive Area," which may contain significant archeological resources. While unlikely since the site is fully disturbed, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic and prehistoric resources.

Nevertheless, the expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources. Implementation of Mitigation Measure *Cultural Resources 1* would reduce the impact on cultural resources during project related work to a less than significant level.

***Potential Impact:*** *The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources.*

***Mitigation Measure:*** *Implementation of mitigations measure Cultural Resources 1 would reduce the impact on previously undiscovered tribal cultural resources to a less than significant level.*

<b>19. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (**Less Than Significant Impact**)*

The project is not proposing to construct any new or expanded water, wastewater treatment, stormwater drainage, or telecommunications facilities. The electricity generated by the facilities would be provided to the PG&E grid from existing onsite infrastructure. Thus, the project would not result in any environmental effects from construction of these facilities. A less than significant impact would occur.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (**Less Than Significant Impact**)*

The project would not induce any growth because the project would not increase capacity over what is provided by the existing electrical grid. Rather, this project is meant to improve existing, aging non-renewable infrastructure. Because operation of the project would not induce population growth, project operation would not increase demand for water supplies. No water is expected to be utilized during operation of the facilities.

- c) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (**Less Than Significant Impact**)*

Project operation would not generate wastewater; therefore, operation of the proposed project would not exceed wastewater treatment demand beyond the provider's existing commitments, and no impacts would occur.

- d) *Would the project 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? (**Less Than Significant Impact**)*

Construction waste would be hauled to one of the recycling centers and/or transfer stations located in the area. The recycling center and/or transfer station would sort through the material and pull out recyclable materials. Future construction of the proposed project would incrementally add to the construction waste headed to a landfill; however, the impact of the project-related incremental increase would be considered to be less than significant. Furthermore, construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the CDD at the time of application for a building permit. The Debris Recovery Program would reduce the construction debris headed to the landfill by diverting materials that could be recycled to appropriate recycling facilities.

Operation of the project would not generate municipal solid waste. Therefore, operations would not 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. Therefore, no operational impacts would occur.

- e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Less Than Significant Impact)*

Operation of the project would not generate municipal solid waste; therefore, operations would not conflict with any federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, no operational impacts would occur.

<b>20. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

As discussed in section 9.g above, the project site is no located in a fire hazard area designated by the California Department of Forestry and Fire Protection. The Department of Forestry and Fire Protection’s Very High Fire Hazard Severity Zone Map characterizes this area as a Non-Very High Fire Hazard Severity Zone area. Nevertheless, the County has reviewed the project’s impact on wildfire management.

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project is in the service district of the East Contra Costa Fire Protection District. The district has reviewed the project and stated that the project proponent must request that the Project site be annexed into the most current Community Facilities District for fire protection and emergency response services, or the developer will provide an alternative funding mechanism acceptable to the East Contra Costa Fire Protection District for the provision of fire protection and emergency response services. Given these guidelines, A less than significant impact is expected.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (No Impact)*

The facilities would largely be operated remotely or autonomously; thus, no project occupants could be impacted from a wildfire.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment??*

The East Contra Costa Fire Protection District has reviewed the project and does not expressed that the project would cause any significant impacts related to the installation of new infrastructure. The new roadways on the properties would meet the minimum requirements set by the Fire District and the County's Public Works Department. Additionally, the solar facility would tie into existing electrical facilities located on the project sites, so limited new infrastructure would be required. All infrastructure would meet the applicable regulatory requirements for design. Thus, a less than significant impact is expected.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The facilities would largely be operated remotely or autonomously; thus, no people would be impacted from flooding, landslides, slope instability, or drainage impacts. The building code requires use of parameters which allow structural engineers to design structures based on site characteristics. Quality construction, conservative design and compliance with building and grading regulations can be expected to keep risks to structures within generally accepted limits.

### **Sources of Information**

- California Department of Forestry and Fire Protection (CalFire). 2009. *Very High Fire Hazard Severity Zones in LRA Map*.
- *Agency Comment Letter Byron Solar Facilities*. East Contra Costa Fire Protection District. April 22, 2020.

<b>21. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

As discussed in individual sections of this Initial Study, the project to establish two commercial solar facilities may impact the quality of the environment (Aesthetics, Air Quality, Biological Resources, Geology, Cultural Resources, and Tribal Cultural Resources) but the impact would be reduced to a less than significant level with the adoption of the recommended Mitigation Measures that are specified in the respective sections of this Initial Study. The project is not expected to threaten any wildlife population, impact endangered plants or animals, or affect state cultural resources with the already identified Mitigation Measures.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

The proposed project would not create substantial cumulative impacts. The project site is located adjacent to an existing high-power electrical line and would be tied into the grid from existing

infrastructure on the subject properties. Additionally, the proposed project would be consistent with the existing surrounding commercial and agricultural development.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

This Initial Study has disclosed impacts that would be less than significant with the implementation of Mitigation Measures. All identified Mitigation Measures would be included in the conditions of approval for the proposed project, and the applicant would be responsible for implementation of the measures. As a result, there would not be any environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

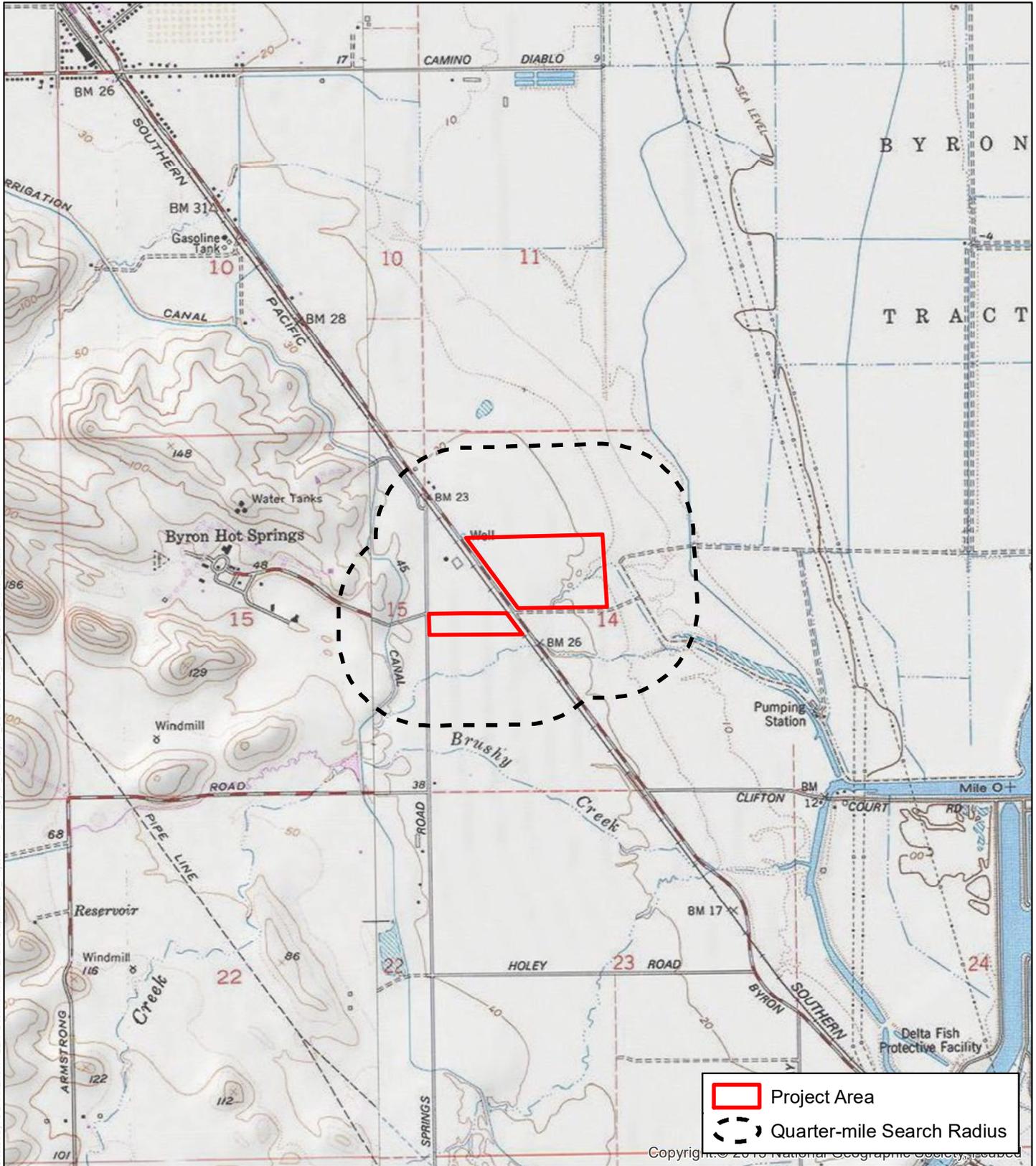
## **REFERENCES**

In the process of preparing the Initial Study Checklist and conduction of the evaluation, the following references (which are available for review at the Contra Costa County Department of Conservation and Development, 30 Muir Rd., Martinez, CA 94553) were consulted:

## **ATTACHMENTS**

- 1. Vicinity Map**
- 2. Site Plan**
- 3. MMRP**

# VICINITY MAP



Created By: C BARKERSWITZER Document Path: Z:\GIS-Graphics\GIS Projects\1461\_Phb\_Byron\_Solar\Byron\_CO\MBO\CULTI\_Byron\_CO\MBO\_Record\_Search.mxd

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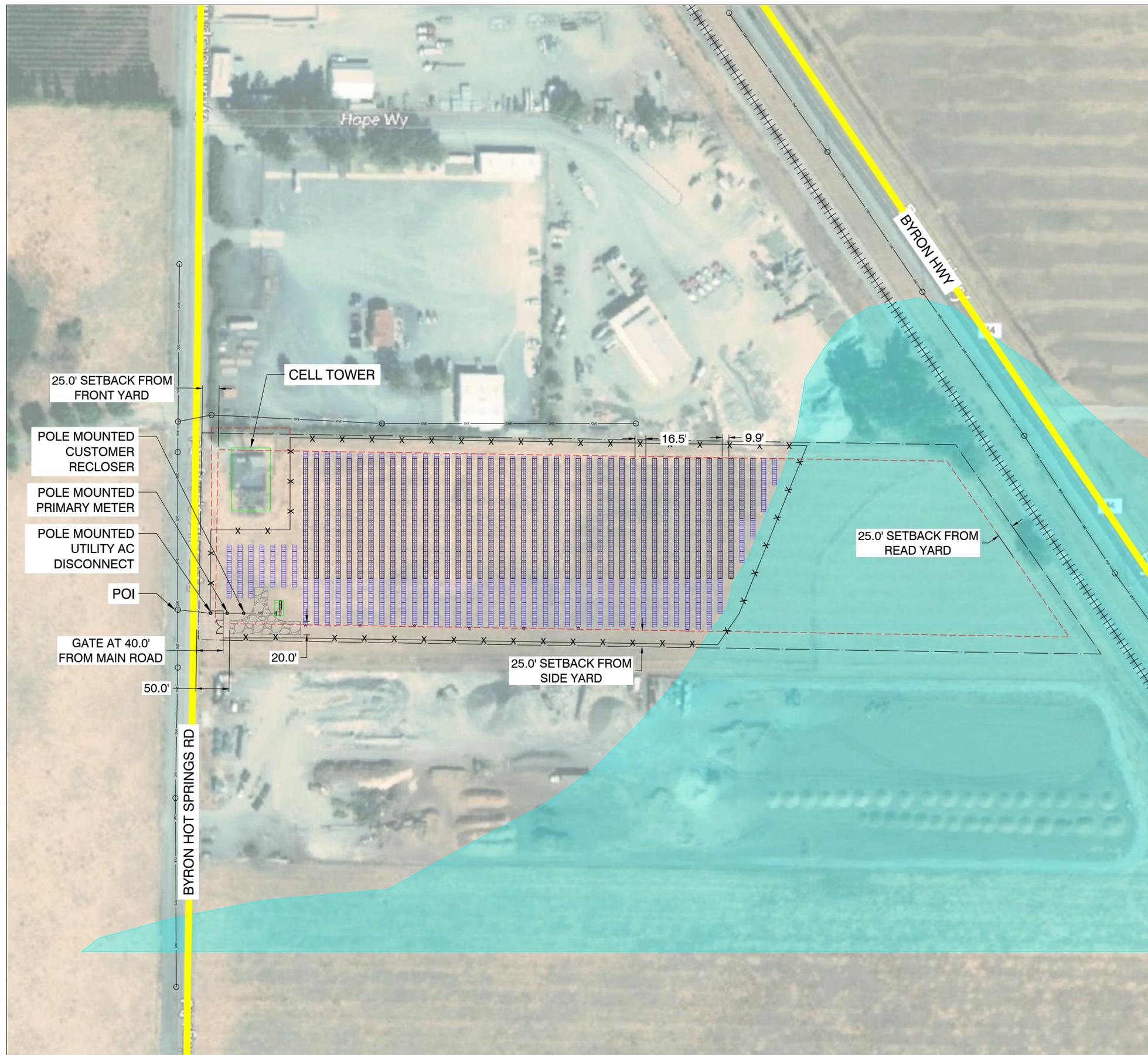


USGS 7.5' Quad: BYRON HOT SPRINGS (1968) and CLIFTON COURT FOREBAY (1978)  
 Legal Description: T01S, R03E, SEC 15

0 1,000 2,000 Feet  
 0 300 600 Meters

N  
 Scale 1:24,000  
 1 Inch = 2,000 Feet

Project Area Map



SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	1,361.61 kW
SYSTEM SIZE AC	990.00 kW*
DC/AC RATIO	1.375
MODULE MANUFACTURER	JINKO SOLAR
MODULE MODEL	JKM410M-72H-V
MODULE RATING	410 W
TOTAL MODULE QTY	3,321
MODULES PER STRING	27
TOTAL NO. OF STRINGS	123
INVERTER MODEL	SUNGROW SG125HV
INVERTER RATING	125 kW
INVERTER QTY	8
STEP-UP TRANSFORMER	21kV/600V, 1000kVA
RACKING	ATI HSAT
INTER-ROW SPACING	9.9'
PITCH	16.5'
GCR	40%
SITE AREA INSIDE FENCE	5.40 Ac

\* POWER LIMITED TO 990 kW AC BY PLANT CONTROLLER

LEGEND	
	ATI 54 MODULE TRACKER ROW
	ATI 27 MODULE TRACKER ROW
	POWER STATION - (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION
	SUNGROW 125kW STRING INVERTER (TYP. OF 8)
	20' WIDE SITE ACCESS GRAVEL ROAD
	PAVEMENT AISLE
	(E) FLOOD HAZARD AREA
	PUBLIC ROAD
	PROPERTY LINE
	PROJECT SITE SECURITY FENCE
	SETBACK
	(E) OH LINES
	MV CABLE
	RAILWAY TRACK

- GENERAL NOTES**
- REFER TO SINGLE LINE DIAGRAM FOR DETAILS.
  - INSTALLATION TO COMPLY WITH NEC 2014 ARTICLE 690 AND ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES OR REGULATIONS.
  - EQUIPMENT SHALL BE LABELED PER NEC 690 AND UTILITY REGULATIONS.
  - 20' ACCESS ROADS SHALL BE DESIGNED TO ACCOMMODATE ALL CONSTRUCTION, OPERATIONS, MAINTENANCE, AND UTILITY TRAFFIC THROUGHOUT THE SITE.
  - DIMENSIONS TO PROPERTY LINES AND EXISTING FEATURES ARE APPROXIMATE PENDING SURVEY.



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**BYRON HOT  
SPRINGS SOLAR**

BYRON HOT SPRINGS RD,  
BYRON, CA 94514, USA

LAT: 37.844931°  
LON: -121.621552°

REV. NO.	DESCRIPTION	DATE
0	FOR UTILITY APPLICATION	05/15/20

SHEET TITLE:  
**PRELIMINARY  
LAYOUT**

DRAWING NO.:  
**PV-100**

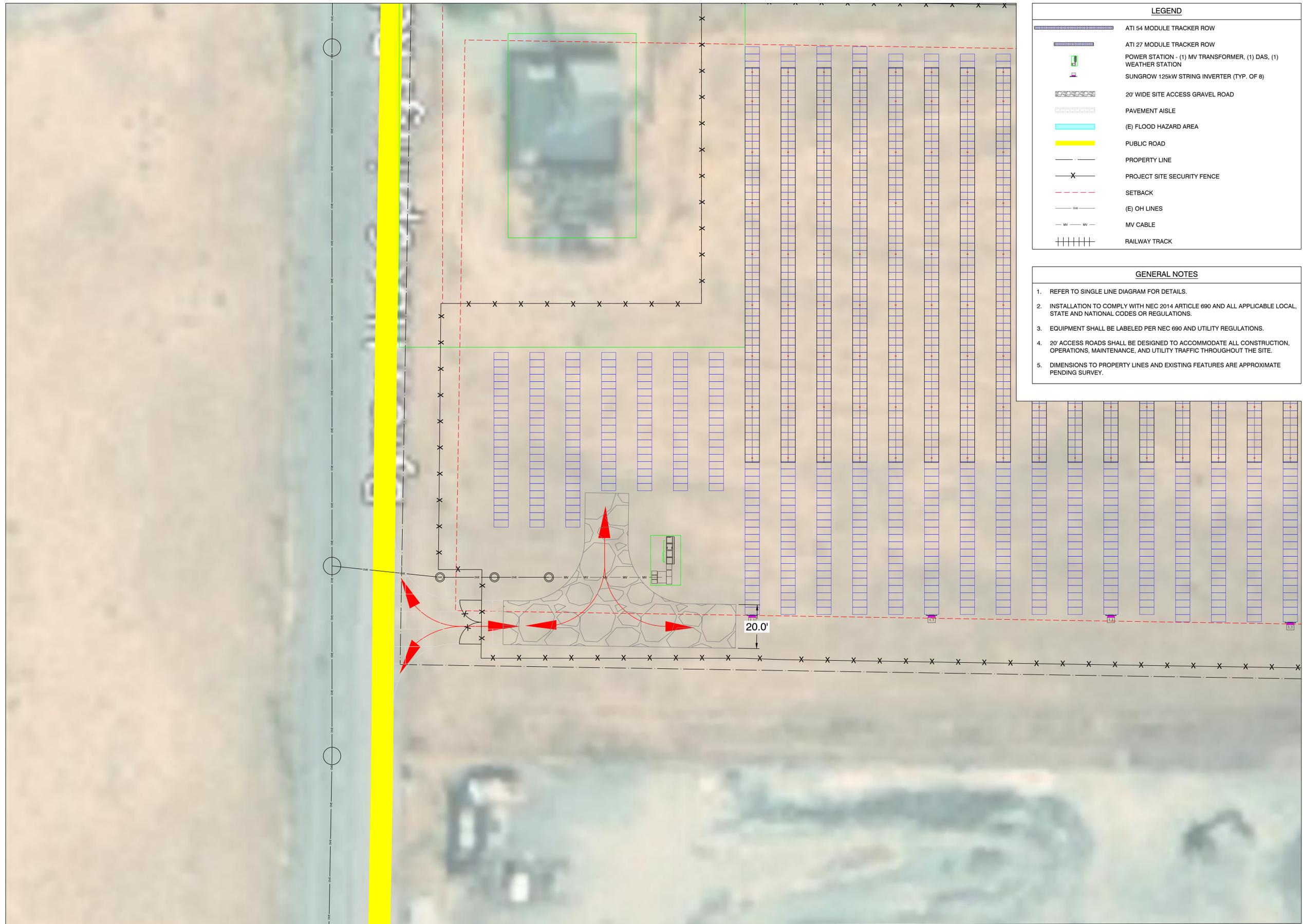
DRAWN BY:  
LR

REVIEWED BY:

DATE:  
05/15/20

SCALE:  
AS SHOWN

PROJECT NO.:



LEGEND	
	ATI 54 MODULE TRACKER ROW
	ATI 27 MODULE TRACKER ROW
	POWER STATION - (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION
	SUNGROW 125kW STRING INVERTER (TYP. OF 8)
	20' WIDE SITE ACCESS GRAVEL ROAD
	PAVEMENT AISLE
	(E) FLOOD HAZARD AREA
	PUBLIC ROAD
	PROPERTY LINE
	PROJECT SITE SECURITY FENCE
	SETBACK
	(E) OH LINES
	MV CABLE
	RAILWAY TRACK

- GENERAL NOTES**
- REFER TO SINGLE LINE DIAGRAM FOR DETAILS.
  - INSTALLATION TO COMPLY WITH NEC 2014 ARTICLE 690 AND ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES OR REGULATIONS.
  - EQUIPMENT SHALL BE LABELED PER NEC 690 AND UTILITY REGULATIONS.
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  - DIMENSIONS TO PROPERTY LINES AND EXISTING FEATURES ARE APPROXIMATE PENDING SURVEY.



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**BYRON HOT  
SPRINGS SOLAR**

BYRON HOT SPRINGS RD,  
BYRON, CA 94514, USA

LAT: 37.844931°  
LON: -121.621552°

REV. NO	DESCRIPTION	DATE
0	FOR UTILITY APPLICATION	05/15/20

SHEET TITLE:

**CIRCULATION PLAN  
FOR VEHICLES**

DRAWING NO.:  
**PV-101**

DRAWN BY: LR  
REVIEWED BY:

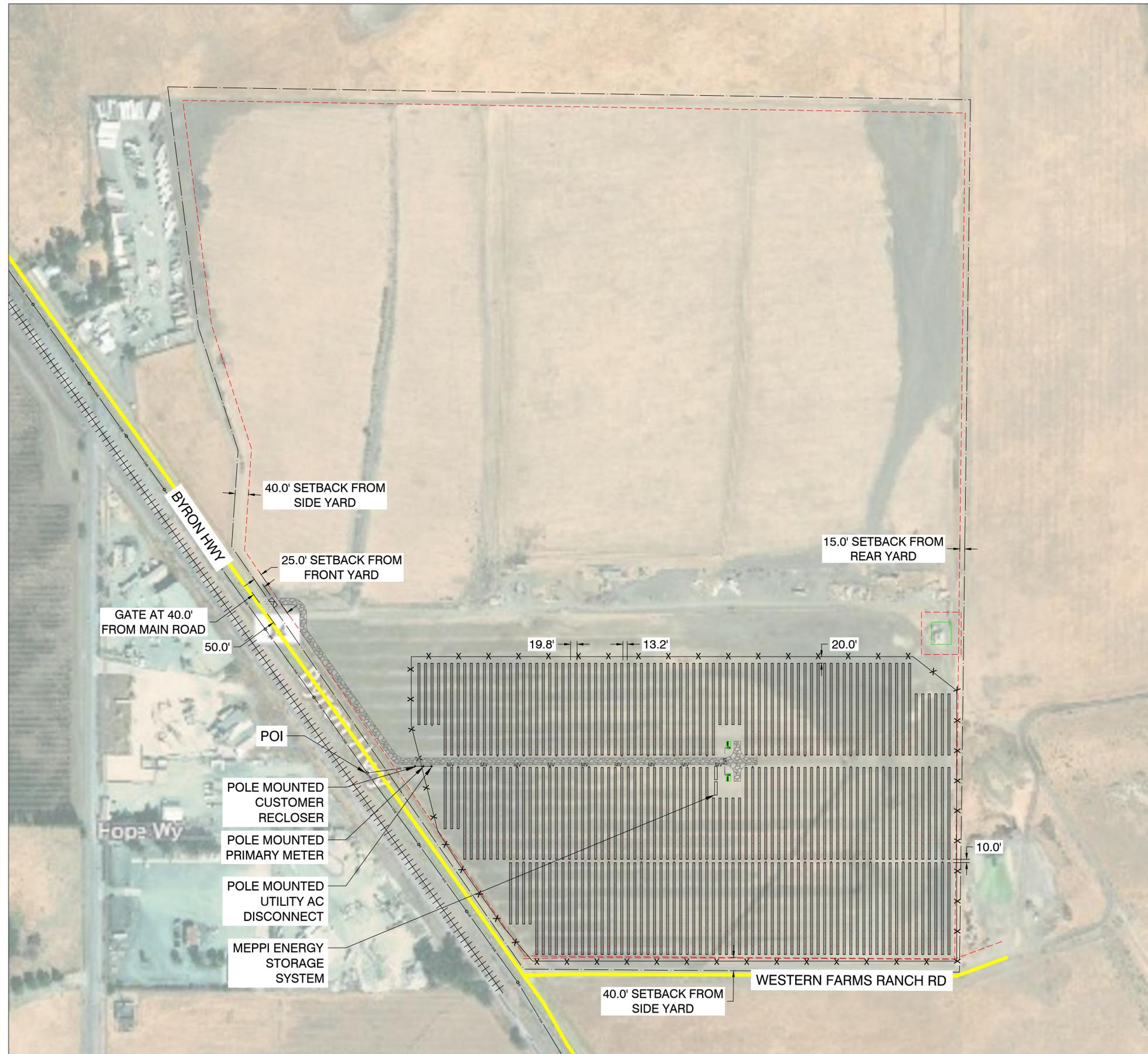
DATE: 05/15/20

SCALE: AS SHOWN

PROJECT NO.:

**1 CIRCULATION PLAN FOR VEHICLES**  
SCALE: 1" = 20'





SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	7,001.12 kW
SYSTEM SIZE AC	5,000.00 kW
DC/AC RATIO	1.40
MODULE MANUFACTURER	JINKO SOLAR
MODULE MODEL	JKM380M-72H
MODULE RATING	380 W
TOTAL MODULE QTY	18,424
MODULES PER STRING	28
TOTAL NO. OF STRINGS	658
INVERTER MODEL	SUNGROW SG125HV
INVERTER RATING	125 kW
INVERTER QTY	40
STEP-UP TRANSFORMER	(2) 21kV/600V, 2500kVA
RACKING	ATI HSAT
INTER-ROW SPACING	13.2'
PITCH	19.8'
GCR	33%
SITE AREA INSIDE FENCE	32.23 Ac

LEGEND	
	ATI 84 MODULE TRACKER ROW
	ATI 56 MODULE TRACKER ROW
	POWER STATION - (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION (TYP. OF 2)
	SUNGROW 125kW STRING INVERTER (TYP. OF 40)
	20' WIDE SITE ACCESS GRAVEL ROAD
	PAVEMENT AISLE
	ENERGY STORAGE
	PUBLIC ROAD
	PROPERTY LINE
	PROJECT SITE SECURITY FENCE
	SETBACK
	(E) OH LINES
	MV CABLE
	RAILWAY TRACK

- GENERAL NOTES**
- REFER TO SINGLE LINE DIAGRAM FOR DETAILS.
  - INSTALLATION TO COMPLY WITH NEC 2014 ARTICLE 690 AND ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES OR REGULATIONS.
  - EQUIPMENT SHALL BE LABELED PER NEC 690 AND UTILITY REGULATIONS.
  - 20' ACCESS ROADS SHALL BE DESIGNED TO ACCOMMODATE ALL CONSTRUCTION, OPERATIONS, MAINTENANCE, AND UTILITY TRAFFIC THROUGHOUT THE SITE.
  - DIMENSIONS TO PROPERTY LINES AND EXISTING FEATURES ARE APPROXIMATE PENDING SURVEY.



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**BYRON HIGHWAY  
SOLAR**

WESTERN FARMS RANCH RD,  
BYRON, CA 94514, USA

LAT: 37.847114°  
LON: -121.617308°

REV. NO.	DESCRIPTION	DATE
0	FOR UTILITY APPLICATION	05/15/20

SHEET TITLE:

**PRELIMINARY  
LAYOUT**

DRAWING NO.:

**PV-100**

DRAWN BY:

LR

REVIEWED BY:

DATE:

05/15/20

SCALE:

AS SHOWN

PROJECT NO.:

**1** **ARRAY PLAN**  
SCALE: 1" = 150'





LEGEND	
	ATI 84 MODULE TRACKER ROW
	ATI 56 MODULE TRACKER ROW
	POWER STATION - (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION (TYP. OF 2)
	SUNGROW 125KW STRING INVERTER (TYP. OF 40)
	20' WIDE SITE ACCESS GRAVEL ROAD
	PAVEMENT AISLE
	ENERGY STORAGE
	PUBLIC ROAD
	PROPERTY LINE
	PROJECT SITE SECURITY FENCE
	SETBACK
	(E) OH LINES
	MV CABLE
	RAILWAY TRACK

- GENERAL NOTES**
- REFER TO SINGLE LINE DIAGRAM FOR DETAILS.
  - INSTALLATION TO COMPLY WITH NEC 2014 ARTICLE 690 AND ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES OR REGULATIONS.
  - EQUIPMENT SHALL BE LABELED PER NEC 690 AND UTILITY REGULATIONS.
  - 20' ACCESS ROADS SHALL BE DESIGNED TO ACCOMMODATE ALL CONSTRUCTION, OPERATIONS, MAINTENANCE, AND UTILITY TRAFFIC THROUGHOUT THE SITE.
  - DIMENSIONS TO PROPERTY LINES AND EXISTING FEATURES ARE APPROXIMATE PENDING SURVEY.



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**BYRON HIGHWAY  
SOLAR**

WESTERN FARMS RANCH RD,  
BYRON, CA 94514, USA

LAT: 37.847114°  
LON: -121.617308°

REV. NO.	DESCRIPTION	DATE
0	FOR UTILITY APPLICATION	05/15/20

SHEET TITLE:  
**CIRCULATION PLAN  
FOR VEHICLES**

DRAWING NO.:  
**PV-101**

DRAWN BY:	LR
REVIEWED BY:	
DATE:	05/15/20
SCALE:	AS SHOWN
PROJECT NO.:	

**1 CIRCULATION PLAN FOR VEHICLES**  
SCALE: 1"=60'



RPCA Solar 3, LLC (Applicant); Ulrich Wingens Trust (Owner)

RPCA Solar 2, LLC (Applicant);  
Jeffrey Tamayo and Sara Tamayo Family Living Trust (Owner)

## **Mitigation Monitoring and Reporting Program County Files # LP20-2028 and LP20-2029**

### **6.5-Acre Western Site**

**5525 Hope Way**

**Byron, CA 94514**

**Assessor's Parcel Numbers: 002-210-019**

### **35-Acre Eastern Site**

**Northeast of Byron Highway and Rankin Road Intersection**

**Byron, CA 94514**

**Assessor's Parcel Number: 002-210-025**

**November 2020**

<b>SECTION 1: AESTHETICS</b>	
<b>Potential Impact:</b> The security fence for the project could degrade the existing rural visual character of the area.	
<b>Mitigation Measures:</b>	
<b>Mitigation Measure Aesthetics 1:</b> Fencing that is visible from Byron Highway (Highway 4) shall be consistent with the rural character of the area, as determined by the CDD. Building materials for the fence shall be non-reflective and blend into its surroundings. If razor wire or barbed wire are used, they shall not be used on the portions of the fence facing Byron Highway. At least 30 days prior to issuance of a building permit, the applicant shall submit plans for the fence to CDD for review and approval.	
Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.
<b>Potential Impact:</b> The lighting associated with the facility could cause a significant new source of light which would adversely affect day or nighttime views in the area.	
<b>Mitigation Measures:</b>	
<b>Mitigation Measure Aesthetics 2:</b> No lights or beacons may be installed, unless lights or beacons are required by a state or federal agency having jurisdiction over the facility, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the County Airport Land Use Commission.	
Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.
<b>SECTION 3: AIR QUALITY</b>	
<b>Potential Impact:</b> Exhaust emissions and particulates produced by construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.	
<b>Mitigation Measures:</b>	

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

Mitigation Monitoring and Reporting Program  
LP20-2028 and LP20-2029

**Mitigation Measure Air Quality 1:** The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be included on all construction plans:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- g. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- h. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.
- k. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- l. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- m. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

Mitigation Monitoring and Reporting Program  
LP20-2028 and LP20-2029  
Page 3 of 13

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include Basic Construction measures.
Responsible Department or Agency:	Project proponent and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Potential Impact:** Exhaust emissions and particulates produced by construction activities may cause exposure of the public or sensitive receptors to significant amounts of pollutants.

Implementation of mitigation measure **Air Quality 1** would reduce the impact from construction related particulates to a less than significant level.

**SECTION 4: BIOLOGICAL RESOURCES**

**Potential Impact:** Construction activities on the project site have the potential to impact special-status species due to ground disturbance and other construction activities.

**Mitigation Measures:**

**Mitigation Measure Biology 1:** The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.

All workers will receive a Workers Environmental Awareness Training (WEAT) training by a qualified biologist. The WEAT will educate workers about all special-status species and related habitats potentially present in the Project Area, and the nature and purpose of protective measures, including BMPs and other required measures. Work areas, including staging areas, will be limited to those shown in the final Project description and included in the WEAT training. All heavy equipment, vehicles, and construction activities will be confined to these designated areas. The project biologist shall report that this training has been completed to the County’s Department of Conservation and Development prior to commencement of construction activities.

A qualified biological monitor shall be on site during ground disturbance activities (piledriving, transformer and inverter pads, trenching, & gravel access roads) to facilitate compliance with permit conditions, as well as to monitor the work area.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.

Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.
<p><b>Mitigation Measure Biology 2:</b> The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.</p> <p>i. Work areas, staging areas, and access roads will be limited to those shown in the final Project description and clearly marked with flagging or fencing. All heavy equipment, vehicles, and construction activities will be confined to these designated areas. Vehicle speeds on unpaved roads will not exceed 15 miles per hour.</p> <p>ii. Given that dusk, nighttime, and dawn are often the times when, San Joaquin kit fox, CTS and CRLF are most actively foraging and dispersing, all construction activities shall cease one half hour before sunset and shall not begin prior to one half hour before sunrise, or limited to the standard County construction hours, whichever is more restrictive. Except when necessary for construction, driver or pedestrian safety, lighting of the Project site by artificial lighting during nighttime hours shall be minimized to the maximum extent practicable by implementing the following:</p> <p>a. All exterior light fixtures within the Project Area shall be hooded, directed downward, or toward the area to be illuminated and in a manner that backscatter to the nighttime sky is minimized.</p> <p>b. Light sources shall be shielded to prevent light trespass outside the Project Area. Light shall not be visible from outside the footprint of the project facilities.</p> <p>c. All lighting shall be of minimum necessary brightness, consistent with worker safety.</p> <p>d. Motion-triggered lighting (including visible spectrum and infrared) shall not be used.</p> <p>e. Operational exterior, fixed lighting shall be limited to the minimum amount required by law.</p>	
Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

Mitigation Monitoring and Reporting Program  
LP20-2028 and LP20-2029

**Mitigation Measure Biology 3:** The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.

Trash dumping, firearms, open fires (such as barbecues), hunting, and pets are prohibited at the work site. All trash and waste items generated by construction or crew activities shall be properly contained in a covered trash receptacle and removed from the Project Area daily or secured inside a covered, locking container. This includes biodegradable items such as apple cores and banana peels that attract predators such as raccoons and American crows that could prey upon sensitive wildlife species, which would be considered a potentially significant impact under CEQA.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Mitigation Measure Biology 4:** The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.

All Project personnel shall visually check for animals beneath vehicles and equipment immediately prior to operation to minimize the potential for special-status species to be harmed by crushing or entrapment, which would be considered a potentially significant impact under CEQA. Any pipes, culverts, or other open-ended materials and equipment stored onsite for one or more overnight periods will be inspected for animals prior to moving, burying, or capping to ensure that no animals are present within these materials and equipment.

To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than six inches deep will be covered at the end of each work day by plywood or a similar material, or escape routes will be constructed with the materials that allow trapped wildlife to escape without slipping or being injured. After opening and before filling, any holes, ditches, or trenches will be thoroughly inspected for trapped animals by the project biologist or construction crew.

If a special-status species is discovered in the Project Area, the Project manager or Project biologist will be contacted. The Project manager or Project biologist will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS, etc.) within 24 hours when required by the agency.

If a no-take plant is identified, it is the responsibility of the property owner to prepare a long-term management and monitoring plan and coordinate with the USFWS and CDFW, as statutorily required.

Special status wildlife species shall be allowed to move off site on their own, or as allowed for by the wildlife agency(ies) with jurisdiction over the species. Special-status species will not be taken or harassed. No threatened or endangered species will be moved unless under the direction of the appropriate agency and by a qualified and/or permitted biologist.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Mitigation Measure Biology 5:** Soils shall be stockpiled within established work areas and stockpiles shall be located 50 feet from any potential water source (e.g. adjacent ditches, wetlands or vernal pools) to prevent sediment or siltation from entering potentially jurisdictional features or special-status species habitat adjacent to the site. Straw wattles (certified weed-free straw), and other BMPs as needed, will be installed following guidelines in the California Stormwater Quality Association Construction BMP handbook, to contain sediment or siltation. Stockpiled soils will be covered prior to precipitation events.

Equipment shall be refueled offsite to the extent possible. If refueling is needed onsite, it will occur at least 100 feet from a surface water feature, and in a designated refueling area with secondary containment/plastic sheeting and a spill containment kit. Spill prevention and cleanup kits shall be available on the site at all times either in construction trucks or equipment. If contaminated soils or materials are discovered on the project site, they will be excavated and removed from the site and disposed of appropriately.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Mitigation Measure Biology 6:** All native birds in California are protected by the federal Migratory Bird Treaty Act (MBTA) and provisions of the California Fish and Game Code. Section 3503.5 of the California Fish and Game Code specifically protects raptors. Ground disturbance, noise, or removal of vegetation that would result in destruction of active bird nests or disruption of breeding/nesting activity could be a violation of the MBTA and the California Fish and Game Code, as well as a significant impact under CEQA.

A nesting bird survey shall be completed by a qualified biologist no earlier than one week prior to any construction during the nesting season (February 15–August 31) to determine if any native birds are nesting on or near the site (including a 500-foot buffer for raptors, including burrowing owl, and a .25-mile buffer for Swainson’s hawk). If any active nests are observed during surveys, a suitable avoidance buffer from the nests should be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. The qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the County’s Department of Conservation and Development for review and approval prior to the time that buffers are removed.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Mitigation Measure Biology 7:** The following mitigation measures shall be implemented to prevent potential impacts to San Joaquin kit foxes.

1.A qualified biologist shall perform preconstruction surveys in accordance with the current USFWS-approved protocol for San Joaquin kit fox prior to ground- or vegetation-disturbing activities associated with pre-construction, geotechnical or soils investigations, construction, operations, or maintenance. Any potential or known dens identified during the survey shall require additional monitoring, exclusion zones, and construction site exclusion fencing.

If any San Joaquin kit foxes, suitable burrows, or dens are detected during surveys, USFWS and/or CDFW shall be consulted to determine proper techniques to employ to avoid take of this species, which would be considered significant under CEQA.

<p>2. Security fences installed on the Project Site shall be designed to enable passage of San Joaquin kit fox and their prey, while impeding the passage of larger predators, such as coyotes (<i>Canis latrans</i>) and larger domestic dogs. All fencing shall leave a minimum 4 to 6 inch opening between the fence and the ground. The bottom of the fence shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that pass under the fence. Fences shall be monitored quarterly to ensure that any damage or vandalism is quickly repaired. Documentation of this monitoring shall be provided to DCD during periodic compliance reviews.</p>	
Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.
<p><b>Mitigation Measure Biology 8:</b> Ground-disturbing activities shall be conducted during the dry season (May 15-October 15) to minimize take of CTS and CRLF. Small mammal burrows that will be impacted by pier installation or other ground penetrating activities shall be excavated by a qualified biologist prior to construction activities.</p> <p>If construction activities cannot be completed within the dry season, exclusion fencing shall be installed around the work area prior to October 15 to prevent CTS and CRLF from migrating into work areas. The fencing material and design should be reviewed and approved in writing by USFWS before installation. No BMPs or other construction materials containing monofilament netting, or other plastic netting that could entangle California tiger salamanders or other reptiles or amphibians will be used. If exclusion fence is not installed around the work area, all construction activities shall cease when a 70 percent or greater chance of rainfall is predicted within 72 hours. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast.</p> <p>In the event a CTS or CRLF is encountered onsite, construction activities in the area shall cease until the animal has left the location on its own will and is no longer in danger. The Project manager or Project biologist will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS, etc.) within 24 hours. No one other than a USFWS-approved biologist is permitted to handle or capture CTS or CRLF, and CTS or CRLF will not be taken or harassed.</p>	
Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include

Abbreviations:

Condition of Approval (COA)  
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	construction restrictions, and applicant shall submit to CDD necessary documentation.
Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.

**Mitigation Measure Biology 9:** The following mitigation shall be implemented to mitigate potential impacts on special-status species including, San Joaquin kit fox, California tiger salamander (CTS), and California Red Legged Frog (CRLF).

The project proponent shall obtains all necessary federal and state permits from the Army Corps of Engineers, USFW, and CDFW for impacts to protected habitat (incidental take permits, Clean Water Act §404 permits, and other similar species and habitat-related permitting requirements) as applicable. If permits are required, the project proponent shall implement proposed mitigation methods, including avoidance, minimization, and purchase of off-site habitat, or other required mitigation.

Implementing Action:	COA
Timing Verification:	Applicant shall provide evidence of agency permits if obtained.
Responsible Department or Agency:	Project proponent, and CDD.
Compliance Verification:	CDD review and documentation if permits obtained.

**Mitigation Measure Biology 10:** The following mitigations shall be implemented to mitigate potential impacts on special-status plant species.

- 1.To prevent the loss of topsoil and aid revegetation when excavating, the top 6 to 9 inches of soil will be excavated and stockpiled separately for reuse (un-compacted) over the filled and compacted dig locations.
- 2.The general orientation of soil types will be maintained when backfilling excavation.
- 3.Disturbed areas will be reseeded at a rate of approximately 60 pounds per acre with a native pollinator seed mix or East Contra Costa County Habitat Conservancy approved native seed mix. Documentation, including photographic evidence of the reseeded shall be provided to CDD for verification.

Implementing Action:	COA
Timing Verification:	Prior to CDD issuance of a grading or building permit, all construction plan sets shall include construction restrictions, and applicant shall submit to CDD necessary documentation.

Responsible Department or Agency:	Project proponent, Building Inspection, and CDD.
Compliance Verification:	CDD Plan Check review of plans prior to issuance of building or grading permit, and field verification by the Building Inspection Division.
<b>Potential Impact:</b> The project would include the installation of a security fence on the two sites, which would have the potential to limit wildlife movement at the project site.	
<b>Mitigation Measure:</b> Mitigation measure Biology 7, would reduce the impact to a less than significant level.	
<b>Potential Impact:</b> If unmitigated, the project could have a potential impact on threatened or endangered species.	
<b>Mitigation Measure:</b> Implementation of mitigation measures Biology 1-9, would reduce the impact to a less than significant level.	
<b>SECTION 5: CULTURAL RESOURCES</b>	
<b>Potential Impact:</b> Subsurface construction activities could potentially damage or destroy previously undiscovered historic and prehistoric resources.	
<b>Mitigation Measures:</b>	
<b>Cultural Resources 1:</b> The following Mitigation Measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:	
<ul style="list-style-type: none"> <li>i. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the cultural resource is also a tribal cultural resource (TCR) the representative (or consulting) tribe(s) will also require notification and opportunity to consult on the findings.</li> </ul> <p>If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.</p>	

- ii. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.
  
- iii. In the event the Project design changes, and ground disturbance is anticipated beyond the Area of Potential Effect, as it is currently defined by the Cultural Resources Inventory Reports, further surveys shall be conducted in those new areas to assess the presence of cultural resources. Any newly discovered or previously recorded sites within the additional survey areas shall be recorded (or updated) on appropriate Department of Parks and Recreation (DPR) 523-series forms. If avoidance of these cultural resources is not feasible then an evaluation and/or data recovery program shall be drafted and implemented.

Implementing Action:	COA
Timing of Verification:	During initial review of construction plan sets and throughout project.
Responsible Department, Agency, or Party:	Project proponent and CDD.
Compliance Verification:	Include on plan sets during plan check and submittal of archaeologist report in the event of a find, for CDD review.

**Potential Impact:** Surface construction activities could potentially damage or destroy previously undiscovered archeological resource.

**Mitigation Measure:** Implementation of mitigations measure **Cultural Resources 1** would reduce the impact on previously undiscovered archeological resources to a less than significant level.

**Potential Impact:** Surface construction activities could potentially damage or destroy previously undiscovered human remains.

**Mitigation Measure:** Implementation of mitigations measure **Cultural Resources 1** would reduce the impact on previously undiscovered human remains to a less than significant level.

**SECTION 7: GEOLOGY AND SOILS**

**Potential Impact:** There is a possibility that buried fossils and other paleontological resources could be present and accidental discovery could occur.

**Mitigation Measures:** Implementation of mitigations measure **Cultural Resources 1** would reduce the impact on previously undiscovered paleontological resources to a less than significant level.

**SECTION 18: TRIBAL CULTURAL RESOURCES**

**Potential Impact:** Construction and grading could cause ground disturbance which may impact heretofore undocumented tribal cultural resources.

**Mitigation Measure:** Implementation of mitigations measure **Cultural Resources 1** would reduce the impact on tribal cultural resources during project related work.

**Potential Impact:** The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The expected construction and grading could cause ground disturbance which may impact heretofore undocumented cultural resources.

**Mitigation Measure:** Implementation of mitigations measure **Cultural Resources 1** would reduce the impact on tribal cultural resources during project related work.

**SECTION 21: MANDATORY FINDINGS OF SIGNIFICANCE**

**Potential Impact:** As discussed in individual sections of the Initial Study, the project may impact the quality of the environment (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and soils, and Tribal/Cultural Resources).

**Mitigation Measures:** The impact would be reduced to a less than significant level with the adoption of the recommended Mitigation Measures that are specified in the respective sections of the Initial Study.