
**CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINDINGS
(PUBLIC RESOURCE CODE § 21081, CEQA GUIDELINES § 15091)
FOR THE
FINAL ENVIRONMENTAL IMPACT REPORT
CENTINELA SOLAR ENERGY PROJECT
(SCH No. 2010111056)**

1.0 INTRODUCTION

The following Findings are made for the Environmental Impact Report (EIR) for the proposed Centinela Solar Energy Project (the “Project”). The EIR analyzes the significant and potentially significant environmental impacts, which may occur as a result of the Project.

The Project involves the approval of a Conditional Use Permit (CUP #10-0017) and Variance (V11-0003), by the County of Imperial. The approval of the conditional use permit would allow for the construction and operation of the proposed solar power plant on parcels zoned for agriculture (i.e., A-2, A-2-R and A-3). The approval of the variance would allow the transmission towers to exceed the 120-foot height limit within the A-2-R and A-3 zones.

The Project consists of two primary components: 1) the 275-megawatt (MW) solar generation equipment and associated facilities on privately owned land (the “CSE Facility”); and 2) 230-kilovolt (kV) aboveground, electric transmission line(s) and associated facilities (the “Gen-tie Line”) that will connect the generation facilities with the Imperial Valley Substation. These facilities would be located on both private land and land managed by the United States Bureau of Land Management (BLM).

The electricity generation process associated with the Project would use photovoltaic panels to convert sunlight into electricity. As part of the project, the facility would interconnect to the utility grid at the Imperial Valley Substation via an approximately seven-mile long transmission line (i.e. the Gen-tie Line). The proposed permanent right-of-way (ROW) for the electrical transmission line corridor on lands managed by the BLM would be 125-feet wide while the width of the permanent easement on private land will be 100 feet with an additional 50-foot wide temporary easement available for construction.

1.1 PURPOSE OF CEQA FINDINGS; TERMINOLOGY

CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under Public Resources Code §21081 and CEQA Guidelines §15091 above, where a Final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record regarding each of the significant effects. In turn, the three possible findings specified in CEQA Guidelines §15091(a) are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

CEQA Guidelines §15092(b) provides that no agency shall approve a project for which an EIR was prepared unless either:

1. The project approved will not have a significant effect on the environment, or
2. The agency has:
 - A. Eliminated or substantially lessened all significant effects where feasible as shown in the findings under Section 15091, and;
 - B. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

1.2 ENVIRONMENTAL IMPACT REPORT PROCESS

After the County reviewed the application for the proposed project, it concluded that the project could have a significant impact on the environment and that preparation of an environmental impact report was determined to be the appropriate CEQA environmental document. The County issued a Notice of Preparation (NOP) on November 12, 2010. The NOP was distributed to city, county, and state and federal agencies, other public agencies, and various interested private organizations and individuals. Six comment letters were received during the 30-day NOP review period. A public scoping meeting was held on November 18, 2010. A copy of the NOP and written comments received in response to the NOP are included in Appendix A of the Draft EIR.

Based upon comments the County received in response to the NOP, it was determined that the Draft EIR should analyze project related environmental impacts relative to the following fifteen substantive potential impact areas in the Environmental Consequences section:

- Visual Resources
- Land Use and Special Designations
- Transportation and Circulation
- Air Quality
- Greenhouse Gas Emissions/Climate Change
- Geology and Soils
- Cultural Resources
- Noise
- Agricultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Biological Resources
- Paleontological Resources
- Environmental Justice
- Recreation

Additionally, the Draft EIR was included other CEQA substantive sections including an Executive Summary, Introduction, Project Description (Proposed Action and Alternatives), Cumulative Impacts, Other CEQA Required Considerations, and a listing of Effects Found Not to be Significant.

2.0 PROJECT DESCRIPTION

The Project (which includes the CSE Facility on private land and Gen-tie Line corridor through private property easements and federal [BLM] land) is in Imperial County, south of Seeley, California, near Mount Signal and approximately eight miles southwest of the City of El Centro. Imperial County is located in Southern California, bordering Mexico, and east of San Diego County.

The Project consists of two primary components: 1) the 275-megawatt (MW) solar generation equipment and associated facilities on approximately 2,067 acres of privately owned land, undeveloped agricultural land (the “CSE Facility”); and, 2) 230-kilovolt (kV) aboveground, electric transmission line(s) and associated facilities (the “Gen-tie Line”) that will connect the generation facilities with the Imperial Valley Substation. These facilities would be located on both private land and land managed by the BLM.

The electricity generation process associated with the Project would use photovoltaic panels to convert sunlight into electricity. As part of the project, the facility would interconnect to the utility grid at the Imperial Valley Substation via an approximately seven-mile long transmission line (i.e. the Gen-tie Line). The proposed permanent right-of-way (ROW) for the electrical transmission line corridor on lands managed by the BLM would be 125-foot wide. The width of the permanent easement on private land will be 100 feet with an additional 50-foot wide temporary easement available for construction.

2.1 PROJECT PURPOSE AND OBJECTIVES

The purpose of the Project is to use Imperial County’s abundance of available solar energy (sunlight) to generate renewable energy. The following objectives have been identified for the Project. These objectives also provide a basis for identification of alternatives evaluated in the EIR.

- Construct and operate a solar energy facility which would help meet the increasing demand for clean, renewable electrical power.
- Construct and operate a solar power facility with minimal impacts to the environment by locating the facility on previously disturbed land.
- Operate a facility at a location that ranks amongst the highest in solar resource potential in the nation.
- Align transmission lines with existing lines contained within an existing utility corridor to minimize impacts to BLM land.
- Provide economic investment and diversification of the economic base for Imperial County.
- Reinforce Imperial County’s position as a leader in the renewable energy sector.
- Operate a renewable energy facility that does not produce substantial noise, does not emit greenhouse gases (GHGs), and reduces existing water use on the project site.
- Meet the increasing demand for clean, renewable electrical power.
- Help reduce reliance on foreign sources of fuel, promote national security, diversify energy portfolios, contribute to the reduction of GHG emissions and generate “green” jobs.
- Contribute much needed on-peak power to the electrical grid in California.
- Help California meet its statutory and regulatory goal of increasing renewable power generation.

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- Assist California in meeting its Renewable Portfolio Standard goals of 33 percent of electrical power retail sales by 2020 consistent with SB X1 2.
 - Support U.S. Secretary of the Interior Salazar's Orders 3283 and 3285 making the production, development and delivery of renewable energy top priorities for the United States.
 - Support the GHG reduction goals of Assembly Bill 832 (California Global Warming Solutions Act of 2006).

2.2 DISCRETIONARY ACTIONS/APPROVALS BY THE COUNTY OF IMPERIAL

The County is the "lead agency" for this Project. Lead agency is defined as, "the public agency, which has the principal responsibility for carrying out or approving a project." The County must undertake the following discretionary actions and approvals for the Project:

1. Conditional Use Permit (CUP #10-0017). The proposed Project would require approval of a Conditional Use Permit by the County of Imperial that would allow for the construction and operation of the proposed solar power plant on the solar energy facility site which consists of twenty privately-owned (i.e. located outside of BLM lands) legal parcels zoned A-2 - General Agriculture, A-2-R - General Agriculture, Rural Zone, and A-3 - Heavy Agriculture. Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" is a use that is permitted in the A-2, A-2-R and A-3 Zones, subject to securing a conditional use permit. ("Transmission lines, including supporting towers, poles, microwave towers, utility substations" are permitted uses within the A-3 Zone.)
2. Site Plan. Site Plan and Architectural Review is required for all non-residential projects.
3. Variance (V11-0003). A variance is required for the solar energy facility site in order to exceed the height limit for transmission towers within the A-2, A-2-R and A-3 Zones. The existing A-2, A-2-R and A-3 zones allow a maximum height limit of 120-feet; whereas, transmission towers of up to 130 feet in height are proposed. This variance applies to the towers that would be located within the private lands under the jurisdiction of the County of Imperial and public lands under the jurisdiction of the BLM.
4. Certification of the Final EIR. After the required public review for the Draft EIR/EA, the County of Imperial will respond to written comments, edit the document, and produce a Final EIR to be certified by the Planning Commission and/or Board of Supervisors prior to making a decision on the project.

Additionally, the project will involve issuance of other permits and approvals necessary and desirable to implement the project including such things as building permits, grading permits, and septic system permits. A variety of entitlement actions and discretionary permits will be required from the County of Imperial to implement the components of the Proposed Action:

- Grading Plan for the project site and roadways
- Construction Traffic Control Plan
- Building Permits
- Encroachment Permits from the County of Imperial Public Works Department for access to the lot(s) and for any proposed road crossings.

2.3 DISCRETIONARY ACTIONS/APPROVALS BY OTHER AGENCIES

Responsible agencies are those agencies that possess discretionary authority to approve one or more actions involved with implementation of the Project. Trustee Agencies are state agencies that possess discretionary authority or jurisdiction by law over natural resources affected by the Project. For this Project, these agencies may include:

- A. Imperial County Fire Department – approval of final design of the proposed fire system.
- B. California Department of Transportation – encroachment permit.
- C. California Regional Water Quality Control Board – Notice of Intent, water quality certification.
- D. California Department of Fish and Game (Trustee Agency) – endangered species act compliance, burrowing owl mitigation.
- E. U.S. Army Corps of Engineers – Clean Water Act Section 404 Nationwide Permit
- F. U.S. Fish and Wildlife Service – Endangered Species Act compliance
- G. Imperial Irrigation District – Encroachment permit
- H. Imperial County Air Pollution Control District – Rule 801 compliance

3.0 PROJECT LOCATION

The site of the proposed solar energy facility is on approximately 2,067 acres of privately-owned, undeveloped and agricultural lands, in unincorporated Imperial County south of Seeley, California, near Mount Signal and approximately eight miles southwest of the City of El Centro. The CSE facility portion of the project site consists of twenty privately-owned parcels: Assessor Parcel Numbers (APN): 052-170-018, 052-170-019, 052-170-034, 052-170-035, 052-170-036, 052-170-050, 052-170-052, 052-170-068, 052-170-074, 052-170-076, 052-170-077, 052-170-078, 052-430-009, 052-180-032, 052-180-033, 052-170-058, 052-190-010, 052-190-009, 052-190-008, and 052-190-007.

The proposed Gen-tie Line would be within the Yuha Desert, and within the BLM Utility Corridor “N” of the California Desert Conservation Area Plan.

4.0 ISSUES ADDRESSED IN THE EIR/EA

The EIR/EA contains an environmental analysis of the potential impacts associated with implementing the Project. These issues include visual resources; land use; transportation/circulation; air quality; greenhouse gas emissions; geology/soils and mineral resources; cultural resources; noise; agricultural resources; health, safety and hazardous materials/fire and fuels management; hydrology and water quality; biological resources; paleontological resources; socioeconomic conditions and environmental justice; recreation; and, special designations.

5.0 MITIGATION MONITORING PROGRAM

Pursuant to PRC §21081.6, the County has adopted a detailed mitigation and monitoring program prepared under the County's direction. The program is designed to ensure that all mitigation measures and Conditions of Approval as hereafter required are in fact implemented on a timely basis as the Project is implemented.

6.0 RECORD OF PROCEEDINGS

For all purposes of CEQA compliance, including these Findings, the administrative record of all County proceedings and decisions regarding the environmental analysis of the Project include but are not limited to:

- The Draft and Final EIR for the Project, together with all appendices and technical reports referred to therein, whether separately bound or not, or on a CD;
- All reports, letters, applications, memoranda, maps or other planning and engineering documents prepared by the County, its planning consultant and environmental consultant, the Applicant or others and presented to or before the decision-makers or staff;
- All minutes of any public workshops, meetings or hearings, and any recorded or verbatim transcripts or videotapes thereof;
- Any letters, reports or other documents or evidence submitted into the record at any public workshops, meetings or hearings; and
- Matters of common general knowledge to the County which it may consider, including applicable state or local laws, ordinances and policies, the General Plan and all applicable planning programs and policies of the County.

Documents or other materials that constitute the record of proceedings upon which these Findings are made are located at the Department of Planning and Development Services of the County of Imperial, 801 Main Street, El Centro, CA 92243.

7.0 FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS, REQUIRED MITIGATION MEASURES AND SUPPORTING FACTS

The County, having reviewed and considered the information contained in the Draft EIR/EA, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potential significant environmental effects identified in the Draft EIR/EA.

7.1 AIR QUALITY

7.1.1 CONFLICT WITH APPLICABLE AIR QUALITY PLAN

- A. Potential Impact.** Construction emissions were determined to be significant for NO_x before mitigation. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to an applicable air quality plan would be mitigated to below a level of significance with implementation of

Mitigation Measures implementation of mitigation measures AQ1, AQ-2, and AQ -3 of the Final EIR.

Mitigation Measure AQ-1

AQ-1 The following practices are required to reduce construction related PM₁₀ impacts to a level below significance:

- Apply water during grading/grubbing activities to all active disturbed areas at least once per day and as frequently as needed to comply with the 20% opacity standards.
- Apply water to all onsite roadways at least once per day or use magnesium chloride or other County approved dust suppression additives and apply water once daily.
- Reduce all construction related traffic speeds onsite to below 15 miles per hour (mph).

Mitigation Measure AQ-2

AQ-2 The following practices are standard mitigation measures for Fugitive PM₁₀ Control based on guidance from the *ICAPCD 2007 CEQA Air Quality Handbook* regarding construction sites larger than 5 acres in size. These measures shall be implemented by the project contractor.

- All disturbed areas, including Bulk Material storage which is not being actively used, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.
- All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.
- All Track-Out or Carry-Out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.
- Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.
- The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited

to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

Mitigation Measure AQ-3

AQ-3 The following practices are standard mitigation measures for construction combustion equipment based on guidance from the *ICAPCD 2007 CEQA Air Quality Handbook* regarding construction sites larger than 5 acres in size. These measures apply to NO_x emissions and shall be implemented by the project contractor.

- Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.
- Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

7.1.2 VIOLATE AIR QUALITY STANDARD/CAUSE AIR QUALITY VIOLATION CONSTRUCTION

A. Potential Impact. Construction emissions of NO_x and PM10 would exceed the ICAPCD significance thresholds. This is considered a potentially significant impact.

B. Facts in Support of Finding. The Project's potentially significant impact to violation of an air quality standard or an air quality violation during construction would be mitigated to below a level of significance with implementation of Mitigation Measures AQ-1, AQ-2 and AQ-3 (as listed above) of the Final EIR.

7.1.3 DIESEL-RELATED TOXIC EMISSIONS

A. Potential Impact. The project would generate high levels of emissions during month six of Phase I construction. This is considered a potentially significant impact.

B. Facts in Support of Finding. With the incorporation of BACT, as required, the Project would result in less than significant impacts with regard to exposure of sensitive receptors to substantial pollutant concentrations (i.e. diesel-related toxic emissions).

7.2 GEOLOGY AND SOILS

7.2.1 EXPOSURE TO SEISMIC RISK/UNSTABLE SOILS

A. Potential Impact. The project could be exposed to strong seismic ground shaking and liquefaction. This is considered a potentially significant impact.

B. Facts in Support of Finding. The Project's potentially significant impact to seismic risk and unstable soils would be mitigated to below a level of significance with implementation of Mitigation Measures GS-1, GS-2 and GS-3 of the Final EIR.

Mitigation Measure GS-1

- GS-1** The Applicant shall implement the recommendations of the Preliminary Geotechnical Investigation Report and any subsequent geotechnical investigations on the final project design regarding seismicity.

The project shall be engineered and constructed using earthquake resistant design and materials. Design of structures on the CSE Facility site and along the Gen-tie Line route shall comply with the latest edition of the California Building Code for a “Maximum Considered Earthquake” for Site Class D (stiff soil profile). The design shall incorporate the seismic coefficients provided in Section 2.4 of the Preliminary Geotechnical Investigation Report prepared by Landmark (2011). All geotechnical investigations shall be conducted and incorporated into project design prior to issuance of a building permit from the Imperial County Planning and Development Services, Building Division.

Mitigation Measure GS-2

- GS-2** A site specific geotechnical investigation shall be prepared for the Gen-tie Line route to determine potential for liquefaction induced settlement. The investigation shall be conducted prior to issuance of a building permit by the Imperial County Planning and Development Services, Building Division.

The Applicant shall implement the recommendations of the Preliminary Geotechnical Investigation Report and any subsequent geotechnical investigations with regard to site preparation, building foundations and settlement, drilled piers, driven steel piles, Gen-tie Line foundations, building slabs on-grade. These recommendations shall be required as a condition of project approval by the Imperial County Planning and Development Services, Building Division.

Ground improvement methods shall be implemented to mitigate potential for liquefaction damage to structures on the CSE site and Gen-tie Line. Available methods include deep soil mixing (cement), vibro-compaction, vibro-replacement, geopiers, stone columns, compaction, grouting, deep dynamic compaction, deep foundation system, rigid mat foundations. All recommendations and improvement methods shall be incorporated into final building design prior to issuance of building permit by the Imperial County Planning and Development Services, Building Division.

Mitigation Measure GS-3

- GS-3** To reduce potential for differential settlement upon liquefaction, final foundation design shall require structures to be founded on either: 1) grade-beam footings to tie floor slabs and isolated columns to continuous footings (conventional or post-tensioned); or, 2) structural flat-plate mats, either conventionally reinforced or tied with post-tensioned tendons. Foundation design shall be incorporated into final building plans prior to issuance of building permit by the Imperial County Planning and Development Services, Building Division.

7.2.2 SOIL EROSION

- A. Potential Impact.** Soil erosion could occur during construction. This is considered a potentially significant impact.

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- B. Facts in Support of Finding.** The Project's potentially significant impact associated with soil erosion would be mitigated to below a level of significance through required compliance with applicable standards (approval of a grading plan by the County Engineer; implementation of a dust control plan (Rule 801); and compliance with the National Pollutant Discharge Elimination System [NPDES] Construction General Permit).

7.2.3 EXPANSIVE AND CORROSIVE SOILS

- A. Potential Impact.** Exposure of proposed structures to expansive soils and potential damage to foundations as a result of soil chemistry on the project site could occur. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact relative to expansive and corrosive soils would be mitigated to below a level of significance with implementation of Mitigation Measures GS-4, GS-5 and GS-6 of the Final EIR.

Mitigation Measure GS-4

GS-4 The following actions shall be required as conditions of project approval by the Imperial County Planning and Development Services, Building Division:

- Expansive silts/clays on the CSE Facility and Gen-tie Line route shall be replaced. The requirement to replace expansive silt/clay soils is limited to areas of foundations for buildings or foundations support heavier structures but is not necessary for PV module piles or inverter enclosure structure foundations.
- Subgrade soils shall be conditioned to a minimum of 5 percent above optimum moisture (ASTM D1557) within the drying zone of surface soils.
- Foundations shall be designed to resist shrink/swell forces of silt/clay soil.

Mitigation Measure GS-5

GS-5 The following actions shall be required as conditions of project approval by the Imperial County Planning and Development Services, Building Division:

- The Applicant shall implement the recommendations of the Preliminary Geotechnical Investigation Report and any subsequent geotechnical investigations based on final project design with regard to concrete mixes and corrosivity.
- The project shall comply with the recommendations of the California Building Code regarding concrete subjected to moderate sulfate concentrations.

Mitigation Measure GS-6

GS-6 The following actions shall be required as conditions of project approval by the Imperial County Planning and Development Services, Building Division:

- Steel pipes coated with epoxy corrosion inhibitors, asphaltic and epoxy coatings, cathodic protection or encapsulating the portion of the pipe lying above groundwater with a minimum of 3-inches of densely consolidated concrete shall be used to mitigate corrosion of

steel. No unprotected metallic water pipes or conduits shall be placed below building foundations.

- Foundations designs shall provide a minimum concrete cover of 3-inches around steel reinforcing or embedded components (anchor bolts, etc.) exposed to native soil or landscape water (to 18 inches above grade). If the 3-inch concrete edge distance cannot be achieved, all embedded steel components (anchor bolts, etc.) shall be epoxy dipped for corrosion protection or a corrosion inhibitor and a permanent waterproofing membrane shall be placed along the exterior face of the exterior footings. Hold-down straps shall not be used at foundation edges due to corrosion of metal at its protrusion from the slab edge. Additionally, the concrete shall be thoroughly vibrated at footings during placement to decrease the permeability of the concrete.
- Copper piping within 18-inches of ground surface shall be wrapped with two layers of 10 millimeter plumbers' tape or sleeved with polyvinylchloride (PVC) piping to prevent contact with soil. The trap primer shall be completely encapsulated in a PVC sleeve and Type K copper should be used if polyethylene tubing cannot be used. Fire protection piping (risers) shall be placed outside of the building foundation.

7.3 CULTURAL RESOURCES

7.3.1 SUBSTANTIAL ADVERSE CHANGE TO A HISTORICAL RESOURCE

- A. Potential Impact.** The Proposed Action APE includes a total of 43 cultural resources. One of these resources has been determined eligible, and four are recommended eligible. Ground disturbance from grading, excavation, and trenching during construction, operation, maintenance, or decommission of the project, could cause a "substantial adverse change" in the "significance" of these sites. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact would be mitigated to below a level of significance with implementation of Mitigation Measures CR-1, CR-2, CR-3, CR-5, and CR-6 of the Final EIR.

Mitigation Measure CR-1

CR-1 To the extent practicable, the CSE Facility and Gen-tie Line will be engineered and designed to avoid any cultural resources eligible for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). Such resources will be mitigated as specified in accordance with the approved historic properties treatment plan for the project.

Mitigation Measure CR-2

CR-2 Cultural resources sites eligible for listing in the CRHR or NRHP adjacent to project features but not directly impacted by construction shall be avoided during construction. Temporary fencing or other approved marking around the perimeter of such sites will be required to ensure that project impacts remain within the proposed impact area and that cultural resources are avoided by project personnel.

Mitigation Measure CR-3

CR-3 In the event of an unanticipated discovery of cultural resources, including prehistoric, and historic archaeological finds, during construction or operation, all grading, excavation, and site

disturbance shall cease in the area of the discovery, and the find left undisturbed until a qualified professional archaeologist is contacted to evaluate the discovery and make recommendations as to significance, disposition, mitigation, and/or salvage. Applicant shall provide contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation.

Mitigation Measure CR-5

CR-5 A cultural monitor will be present in areas where construction or restoration surface-disturbing activities are occurring throughout the work day from initial clearing through habitat restoration.

Mitigation Measure CR-6

CR-6 The areal limits of construction activities would be predetermined, with activity confined within those limits. No paint or permanent discoloring agents may be applied to rocks or vegetation to indicate survey or construction activity limits.

7.3.2 SUBSTANTIAL ADVERSE CHANGE TO AN ARCHAEOLOGICAL RESOURCE

A. Potential Impact. The APE includes multiple cultural resources. Ground disturbance from grading, excavation, and trenching during construction, operation, maintenance, or decommission of the project, could cause a “substantial adverse change” in the “significance” of these sites. This is considered a potentially significant impact

B. Facts in Support of Finding. The Project’s potentially significant impact would be mitigated to below a level of significance with implementation of Mitigation Measures ~~CR-2,~~ CR-2, CR-3, CR-5, and CR-6 (as listed above) of the Final EIR.

7.3.3 DISTURB HUMAN REMAINS

A. Potential Impact. There are no known human remains in the Proposed Action APE. However, during subsurface excavation activities for the Proposed Action, there will be a potential to impact previously unknown human remains. This is considered a potentially significant impact.

B. Facts in Support of Finding. The Project’s potentially significant impact to unknown human remains would be mitigated to below a level of significance with implementation of Mitigation Measures CR-4 and CR-5 of the Final EIR.

Mitigation Measure CR-4

CR-4 If human remains are discovered, work will be halted in that area, and the procedures set forth in CEQA Guidelines Sec. 15064.5 (d) and (e), California PRC Sec. 5097.98 and state HSC Sec. 7050.5, and the Native American Graves Protection and Repatriation Act (NAGPRA) shall be followed, as applicable.

Mitigation Measure CR-5

Refer to Mitigation Measure CR-5, above.

7.4 AGRICULTURAL RESOURCES

7.4.1 CONVERSION OF PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE

- A. Potential Impact.** Implementation of the proposed Project would convert of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be mitigated to below a level of significance with implementation of Mitigation Measures AR-1 and AR-3 of the Final EIR.

Mitigation Measure AR-1

AR-1 Prior to the issuance of a grading permit or building permit (whichever is issued first) for the Proposed Action, the mitigation of impacts to agricultural lands shall be accomplished via one of the following options:

Non-Prime Farmland

- **Option 1:** The Permittee shall procure Agricultural Conservation Easements on a 1 to 1 basis on land of equal size, of equal quality of farmland, outside the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits.
- **Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the total acres of proposed site, based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County. The County Board of Supervisors will be contemplating adoption of a public benefit agreement for solar projects. The agreement language contains provisions for mitigation of temporary loss of agricultural land. Agreement to the public benefit agreement can satisfactorily mitigate temporary loss of land.

Prime Farmland

- **Option 1:** Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits.
- **Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30% of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County. The County Board of Supervisors will be contemplating adoption of a public benefit agreement for solar projects. The agreement language contains provisions for mitigation of temporary loss of agricultural

land. Agreement to the public benefit agreement can satisfactorily mitigate temporary loss of land.

- **Option 3:** The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland

Mitigation Measure AR-3

In addition to Options 1, 2 and/or 3 identified in association with Prime and Non-Prime Farmland under Mitigation Measure AR-1, the Permittee shall submit to Imperial County a site reclamation plan to return the soils to its current agricultural condition prior to the issuance of any building permits. The reclamation plan shall include a site reclamation cost estimate prepared by a California-licensed general contractor or civil engineer. The Permittee shall provide a financial assurance/bonding in the amount equal to the site reclamation cost estimate to return the land to its current agricultural condition after the solar facilities ceases operations and closes.

7.4.2 CONFLICTS WITH ZONING OR WILLIAMSON ACT CONTRACT

- A. Potential Impact.** Early termination of the Williamson Act contracts is being requested to facilitate development of the project. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to early termination of the Williamson Act contracts would be mitigated to below a level of significance with implementation of Mitigation Measures AR-1 and AR-2 of the Final EIR.

Mitigation Measure AR-1

Refer to Mitigation Measure AR-1, above.

Mitigation Measure AR-2

AR-2 Prior to the issuance of a grading permit or building permit (whichever is issued first) for grading or improvement activities on parcels 052-170-076, 052-170-078 and 052-170-035, conflicts with Williamson Act contracts shall be accomplished via one of the following options:

- **Option 1:** The Permittee shall be required to initiate the Williamson Act "Cancellation process. However, the Williamson Act contract cancellation is an option under limited circumstances and conditions set forth in Government code (GC) 51280 et seq. In such cases, landowners may petition a board/council for Williamson Act contract cancellation. The board/council may grant tentative cancellation only if it makes required statutory findings GC 51282 (a).
- **Option 2:** If cancellation findings and requirements are met, the landowner proceeds with the process as listed below:
 1. The landowner submits a petition for Williamson Act contract cancellation to Planning and Development Services Department over the contract land. When the department accepts the petition application as complete, it sends a notice to the Department of Conservation with specific information. (51282, 51284)
 2. The Planning & Development Services Department completes the CEQA process for the alternative use proposed for the contracted land. The CEQA documents must contain analysis of the environmental impacts resulting from development of the alternative use.
 3. The project will be circulated to the State Clearinghouse for a minimum of 30 days; the Department of Conservation reviews the cancellation notice, proposed findings, CEQA and other applicable documents. The Department of Conservation notifies the County of

review results. Prior to acting on the proposed cancellation, the board shall consider the comments by the Director of Conservation (51284.1 (c,d)).

4. The County Assessor must determine the cancellation valuation of the land and the cancellation fees (51283). This process is being done concurrent to the CEQA analysis.
5. After mandatory circulation to the state and any other responsible agencies, the project will be heard before the Imperial County Planning Commission, Commission will make recommendation to the board for action.
6. When the board approves the tentative cancellation it passes a resolution that includes documenting the justification for findings (51283.4)
7. Once the Williamson Act Cancellation process is completed, the property owner will be required to pay the Department of Conservation a cancellation fee equal to 12.5 percent of the cancellation valuation (unrestricted fair market value of the property GC 51283 (b)).

7.4.3 CONVERSION OF FARMLAND

A. Potential Impact. The proposed Project could adversely affect adjacent agricultural lands associated with potential pest and weed nuisance conditions for conversion of farmland. This is considered a potentially significant impact.

B. Facts in Support of Finding. The Project's potentially significant impact on adjacent agricultural lands would be mitigated to below a level of significance with implementation of Mitigation Measure AR-4 of the Final EIR.

Mitigation Measure AR-4

AR-4 Prior to the issuance of a grading permit or building permit (whichever occurs first), a Weed and Pest Control Plan shall be developed by the Project Applicant and approved by the County of Imperial Agricultural Commissioner. The Plan shall provide the following:

- 1) Monitoring, preventative, and management strategies for weed and pest control during construction activities at the CSE Facility and portions of the Gen-Tie line that are adjacent agricultural lands;
- 2) Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation; and,
- 3) A long-term strategy for weed and pest control and management during the operation of the CSE Facility and portions of the Gen-Tie line that are adjacent agricultural lands. Such strategies may include, but are not limited to:
 - a. Use of specific types of ground cover and maintenance (mowing, replacement, etc.) of such ground cover;
 - b. Use of specific types of herbicides and pesticides on a scheduled basis; and
 - c. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on adjacent agricultural lands.

7.5 HAZARDS AND HAZARDOUS MATERIALS

7.5.1 ON-SITE HAZARDS

- A. Potential Impact.** Oil stained soils, unauthorized solid waste piles and 55 gallon drums are on the project site. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact from on-site hazards would be mitigated to below a level of significance with implementation of Mitigation Measures HM-1 and HM-2 of the Final EIR.

Mitigation Measure HM-1

HM-1 The Applicant shall implement the recommendations of the Phase I Environmental Site Assessments regarding remediation of on-site hazards prior to issuance of a grading permit by the Imperial County Planning and Development Services Department.

- Remove and dispose of the upper 12-inches of oil stained soils on parcel 052-170-018.
- Remove and properly dispose of solid waste and 55-gallon drums shall be removed on parcel 052-170-018.

Mitigation Measure HM-2

HM-2 If during grading or excavation work, the contractor observes visual or olfactory evidence of contamination or if soil contamination is otherwise suspected, work near the excavation site shall be terminated, the work area cordoned off, and appropriate health and safety procedures implemented for the location by the contractor's Health & Safety Officer. Samples shall be collected by an Occupational Safety and Health Administration-trained individual with a minimum of 40-hours hazardous material site worker training. Laboratory data from suspected contaminated material shall be reviewed by the contractor's Health and Safety Officer. If the sample testing determines that contamination is not present, work may proceed at the site. However, if contamination is detected above regulatory limits, the Bureau of Land Management and the Imperial County Public Health Department shall be notified. All actions related to encountering unanticipated hazardous materials at the site shall be documented and submitted to the Bureau of Land Management for federal lands and the Imperial County Public Health Department for County lands.

7.5.2 AIRPORT LAND USE COMPATIBILITY PLAN

- A. Potential Impact.** Segments of the Gen-tie Line that span the Westside Main Canal and SR 98 potentially creating a visibility and safety issue for aircraft. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact from visibility and safety issues for aircraft would be mitigated to below a level of significance with implementation of Mitigation Measure HM-3 of the Final EIR.

Mitigation Measure HM-3

HM-3 The Gen-tie tower structures on private land shall be lighted and marker balls shall be attached on all spans over the Westside Main Canal and SR 98 per the recommendations of the ALUC.

7.6 BIOLOGICAL RESOURCES

7.6.1 VEGETATION COMMUNITIES

- A. Potential Impact.** The proposed Project would result in approximately 1,924.64 acres of permanent impacts and an additional 17.25 acres of temporary impacts to vegetation communities. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to vegetation communities would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 and BIO-4 of the Final EIR.

Mitigation Measure BIO-1

BIO-1 Vegetation Communities

Mitigation for permanent and temporary impacts to creosote bush-white burr sage scrub, arrow weed scrub, arrow weed scrub/tamarisk scrub, tamarisk scrub, big salt bush scrub, bush seepweed scrub, palo verde woodland, mesquite woodland, mesquite-catclaw scrub, mesquite bosque, encelia-white bursage wash scrub, ephedra-encelia wash scrub, smoke tree wash scrub and white bursage scrub shall be accomplished through required mitigation acres. Table 7 from the BTR describes the proposed impacts to each vegetation community. (The BTR is provided on the attached CD of Technical Appendices as **Appendix J** of this EIR/EA). All native habitats in the project area are considered potentially suitable flat-tailed horned lizard habitat and are within a designated management area. As such, disturbance to these habitats will be mitigated at a 6:1 ratio (see BIO-5). Thus, disturbance to native vegetation communities will not require unique mitigation but will rely on the requirements of mitigation measure BIO-5.

Mitigation Measure BIO-4

BIO-4 General O&M

A number of general mitigation measures, designed to reduce potential direct and indirect impacts to resources in the project area will be implemented after construction as standard Operation and Maintenance protocols. To reduce the potential impact to biological resources during operations and maintenance, the following will be implemented:

- A brief Annual Report will be submitted to the relevant resource agencies documenting the implementation of the following general measures as well as any resource-specific measures such as habitat restoration and/or compensation:
 - Speed limits along all Gen-tie Line access roads and unpaved roads within the solar energy facility will not exceed 15 miles per hour. Gen-tie line access for O&M activities shall be kept to the minimum necessary for operations and be accomplished during the winter months when feasible. This limited access and annual timing is designed to prevent FTHL mortality.
 - Annual formal Worker Education Training shall be established for all employees and any subcontractors at the CSE Facility to provide instruction on sensitive species identification; measures to avoid contact, disturbance, and injury; and reporting procedures in the case of dead and/or injured wildlife species. The USFWS and the BLM shall be notified per approved guidelines and channels of authority if mortality should occur. Species requiring reporting will be decided in consultation with the BLM and USFWS and will be detailed in the Wildlife Mortality Reporting Program.

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- A Raven Control Plan shall be implemented that details specific measures for storage and disposal of all litter and trash produced by the CSE Facility and its employees. This plan is designed to discourage scavengers that may also prey on wildlife in the vicinity. All employees will be familiar with this plan and littering shall be prohibited. This plan will be approved by the BLM and CDFG.
 - A Weed Management Plan shall be implemented that describes specific on-going measures to remove weedy plant species from the solar energy facility and encourages native plant growth. This plan should be prepared in conformance with herbicide and native seed/planting guidelines outlined in the project's Site Reclamation and Revegetation Plan, and will be approved by the BLM.
 - A Wildlife Mortality Reporting Program shall be implemented to identify and report any dead or injured animals observed by personnel conducting O&M activities within the solar energy facility and along the Gen-tie Line. An appropriate reporting format for dead or injured special status wildlife observed within the solar energy facility and along the Gen-tie Line will be developed in coordination with the USFWS and the BLM. In addition, reporting of any dead or injured avian species found along the Gen-tie line will follow the existing USFWS Bird Fatality/Injury Reporting Program (<https://birdreport.fws.gov/>). Species requiring reporting will be decided in consultation with the BLM and USFWS.
 - An Avian and Bat Protection Plan (ABPP) shall be implemented that outlines conservation measures for construction and O&M activities that might reduce potential impacts to bird populations. These measures incorporate APLIC design guidelines for overhead utilities (2006) by incorporating recommended or other methods that enhance the visibility of the lines to avian species. The ABPP will also address disturbance minimization, timing of construction, minimization of activities that would attract prey and predators, and incorporation of the Wildlife Mortality Reporting Program and Raven Control Plan discussed above.

7.6.2 IMPACTS TO CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES

- A. Potential Impact.** The proposed Project could adversely affect special federal and/or state listed species, as well as BLM sensitive wildlife species including southwestern willow flycatcher, Yuma clapper, mountain plover, Sandhill crane, burrowing owl, pallid bat, California leaf-nosed bat, golden eagle, Colorado Desert fringe-toed lizard, and flat-tailed horned lizard. Adverse affects to the avian species include removal of foraging habitat, noise and lighting, and collision risks; adverse affects to reptile species include loss of habitat during construction, and direct mortality, injury or harassment of individuals during construction and operations and maintenance activities. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to candidate, sensitive or special status species would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 through BIO-8 of the Final EIR.

Mitigation Measure BIO-1

Refer to Mitigation Measure BIO-1, above.

Mitigation Measure BIO-2

Noxious, Invasive and Non-Native Weeds

To minimize the introduction and spread of weed species a Weed Management Plan will be developed and implemented. The weed management plan will include a discussion of specific weeds identified on site that will be targeted for eradication or control as well as a variety of measures that will be undertaken during construction and O&M activities to prevent the introduction and spread of new weed species as a result of the project.

General measures to prevent the spread of weeds include:

- Limiting disturbance areas during construction to the minimal required to perform work and limiting ingress and egress to defined routes
- Maintaining vehicle wash and inspection stations, and closely monitoring the types of materials brought onto the site to minimize the potential for weed introduction
- Use of certified weed free mulch, straw wattles, hay bales and seed mixes
- Reestablishing native vegetation along the gen-tie line as quickly as practicable on disturbed sites is the most effective long-term strategy to avoid weed invasions
- Monitoring and rapid implementation of control measures to ensure early detection and eradication for need weed invasions.

Weed control methods that may be used include both physical and chemical control. Physical control methods include manual hand pulling of weeds, or the use of hand and power tools to uproot, girdle, or cut plants. Herbicide applications are a widely used, effective control method for removing infestations of invasive weed species. However, inadvertent application of herbicide to adjacent native plants must be avoided, which can often be challenging when weeds are interspersed with native cover. Before applying herbicide, contractors will be required to obtain any required permits from state and local authorities. Only a State of California and federally certified contractor will be permitted to perform herbicide applications. All herbicides will be applied in accordance with applicable laws, regulations, and permit stipulations. Only herbicides and adjuvants approved by the State of California and federal agency for use on public lands will be used within or adjacent to the project site. Invasive plants species on BLM lands would be prevented, controlled, and treated through an Integrated Pest Management approach per the Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Report (PER 2007). Only herbicides approved by BLM in California will be used on BLM lands. Herbicide application can only occur on BLM lands with an approved Pesticide Use Proposal (PUP).

Mitigation Measure BIO-3

BIO-3 Burrowing Owl

Burrowing owls are known to occur in and along the active agricultural fields within the proposed CSE facility site. The following measures will avoid, minimize, or mitigate potential impact to burrowing owl during construction activities:

- 1) To the extent practicable, initial grading and clearing within the project footprint should take place between September 1 and January 31 to avoid impacts to any breeding burrowing owls. Occupied burrows shall not be removed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that either (a) the birds have not begun egg-laying and

incubation; or (b) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If initial grading and clearing within the project footprint is to begin during the breeding season (February 1 through August 31), the following measures (#2 through #4 below) will be implemented.

- 2) Within 30-days prior to initiation of initial grading and clearing, pre-construction clearance surveys for this species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of this species within the grading area. The proposed grading areas shall be clearly demarcated in the field or via GPS by the project engineers and Designated Biologist prior to the commencement of the pre-construction clearance survey. The surveys shall follow the protocols provided in the Burrowing Owl Survey Protocol and Mitigation Guidelines.
- 3) When removal of occupied burrows is unavoidable, the following mitigation measures shall be implemented outside of the breeding season. Passive relocation methods are to be used by the biological monitors to move the owls out of the impact zone. This includes covering or excavating all burrows and installing one-way doors into occupied burrows. This will allow any animals inside to leave the burrow, but will exclude any animals from re-entering the burrow. A period of at least one week is required after the relocation effort to allow the birds to leave the impacted area before excavation of the burrow can begin. The burrows should then be excavated and filled in to prevent their reuse. The removal of active burrows on-site requires construction of new burrows or the enhancement of existing unsuitable burrows (i.e., enlargement or clearing of debris) at a mitigation ratio of 2:1 at least 50 meters from the impacted area and must be constructed as part of the above-described relocation efforts.
- 4) As the project construction schedule and details are finalized, an approved biologist shall ensure that the BUOW Mitigation and Monitoring Plan will be updated and detail the approved, site-specific methodology proposed to minimize and mitigate impacts to this species. Passive relocation, destruction of burrows, and construction of artificial burrows can only be completed upon prior approval by and in cooperation with the CDFG.
- 5) These measures shall be implemented, if passive relocation of some burrows are determined to be an unfavorable alternative for BUOW and occupied burrows are near construction activities: During the BUOW nesting season (February 1 to August 31), the qualified biologist shall establish and mark a 250 foot non-disturbance buffer circle around the burrow. The buffer shall be staked and roped-off prior to initiating any construction activity. No activity shall take place within the avoidance buffer area to ensure that disturbance to nesting birds does not occur. Any disturbance to nesting BUOW would require prior consultation, approval and mitigation in accordance with California Fish and Game requirements. .
- 6) Disturbing nesting BUOW that may cause changes of behavior, plugging the burrow entrance or causing the burrow to collapse could effectively destroy the nest, and as such, require a State permit.
- 7) If an active, non-breeding BUOW burrow is detected during preconstruction surveys, prior to onsite construction related activities, the qualified biologist shall establish and flag an avoidance buffer circle around the burrow area at a 160-foot radius.

Compensation

Consultation with CDFG intended to determine the amount and conditions of compensatory mitigation for foraging habitat lost as a result of project implementation is currently ongoing. The applicant is currently preparing a compensatory mitigation plan that includes on-site mitigation. Consultation with CDFG regarding on-site mitigation is ongoing and agency approval of the project Burrowing Owl Mitigation Plan would be required before the start of construction. If on-site mitigation is not possible, the applicant would mitigate for impacts to foraging habitat either through the National Fish and Wildlife Foundation's Impact-Directed Environmental Accounts program or independent acquisition of like habitat. Exact mitigation acreages will be determined in consultation with CDFG in accordance with the CDFG Staff Report Guidelines on Burrowing Owl Mitigation (1995).

Mitigation Measure BIO-4

Refer to Mitigation Measure BIO-4, above.

Mitigation Measure BIO-5

BIO-5 Flat-tailed Horned Lizard

In accordance with the FTHL Rangewide Management Strategy (ICC 2003), the measures proposed below are designed to avoid, minimize, and/or compensate for potential direct and indirect effects construction of the proposed project may have on FTHL. The following will be implemented when conducting construction activities on the Gen-tie Line and within the creosote bush-white burr sage scrub and other native vegetation types in the Gen-tie line ROW:

- 1) Prior to ground-disturbing activities, an individual shall be designated and approved by the BLM as the Designated Biologist¹ (i.e. field contact representative) along with approved Biological Monitors as needed for construction, particularly within the Yuha MA. The Designated Biologist will be designated for the period during which on-going construction and post-construction monitoring and reporting by an approved biologist is required, such as annual reporting on habitat restoration. Each successive Designated Biologist will be approved by the BLM's Authorized Officer (i.e., BLM field manager, El Centro). The Designated Biologist will have the authority to ensure compliance with the conservation measures for the FTHL and will be the primary agency contact for the implementation of these measures. The Designated Biologist will organize and oversee the work of the biological monitors and have the authority and responsibility to halt activities that are in violation of the conservation measures. An organizational chart shall be provided to BLM prior to ground-disturbing activities with a clear chain of command and contact information (cell phones). A detailed list of responsibilities for the Designated Biologist is summarized below. To avoid and minimize impacts to biological resources, the Designated Biologist will:
 - Notify BLM's Authorizing Officer at least 14 calendar days before initiating ground disturbing activities.

¹ A qualified designated biologist must have (1) a bachelor's degree with an emphasis in ecology, natural resource management, or related science; (2) three years of experience in field biology or current certification of a nationally recognized biological society, such as the Ecological Society of America or the wildlife society (3) previous experience with applying terms and conditions of a biological opinion; and, (4) the appropriate permit and/or training if conducting focused or protocol surveys for listed or proposed species.

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- Immediately notify BLM's Authorized Officer in writing if the Project applicant is not in compliance with any conservation measures, including but not limited to any actual or anticipated failure to implement conservation measures within the time periods specified.
 - Conduct compliance inspections at a minimum of once per month during on-going construction after clearing, grubbing, and grading are completed, and submit a monthly compliance report to BLM's Authorized Officer until construction is complete.
- 2) The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) will be delineated with stakes and flagging prior to construction activities. Where feasible, the areas shall be cleared of FTHL and fenced (according to the Strategy) to exclude FTHL from re-entering these construction areas, particularly in the MA and other high-use areas such as for staging of equipment or parking areas. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor, such as the agricultural fields rather than native desert. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the flagged and cleared areas. To the extent possible, surface disturbance will be timed to minimize mortality to FTHL (see FTHL Construction Measure #7 below).
- 3) Approved Biological monitor(s) will assist the Designated Biologist in conducting pre-construction surveys and in monitoring of mobilization, ground disturbance, grading, construction, operation, closure, and restoration activities. The biological monitor(s) will have experience conducting FTHL field monitoring, have sufficient education and field experience to understand FTHL biology, be able to identify FTHL scat, and be able to identify and follow FTHL tracks. The Designated Biologist will submit the resume, at least three references, and contact information of the proposed biological monitors to the BLM for approval. To avoid and minimize impacts to biological resources, the Biological Monitors will assist the Designated Biologist with the following:
- Be present during construction (e.g., grubbing, grading, solar panel installation) activities that take place in FTHL habitat to avoid or minimize take of FTHL. Activities include, but are not limited to, ensuring compliance with all impact avoidance and minimization measures, monitoring for FTHLs and removing lizards from harm's way, and checking avoidance areas (e.g., washes) to ensure that signs, and stakes are intact and that human activities are restricted in these avoidance zones.
 - At the end of each work day, inspect all potential wildlife pitfalls (trenches, bores and other excavations) for wildlife and then backfill. If backfilling is not feasible, all trenches, bores, and other excavations will be contoured at a 3:1 slope at the ends to provide wildlife escape ramps, or completely and securely covered to prevent wildlife access.
 - During construction, examine areas of active surface disturbance periodically, at least hourly, when surface temperatures exceed 29°Celsius (C; 85°F) for the presence of FTHL.
- 4) Prior to Project initiation, a worker environmental awareness program (WEAP) shall be developed and implemented, and will be available in both English and Spanish. Wallet-sized cards summarizing this information will be provided to all construction, operation, and maintenance personnel. The education program will include the following aspects:

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- biology and status of the FTHL,
 - protection measures designed to reduce potential impact to the species,
 - function of flagging designating authorized work areas,
 - reporting procedures to be used if a FTHL is encountered in the field, and
 - driving procedures and techniques for commuting to, and driving on, the project site, to reduce mortality of FTHL on roads.
- 5) FTHLs shall be removed from harm's way during all construction activities, per mitigation measure #6 below. To the extent feasible, methods to find FTHLs will be designed to achieve a maximal capture rate and will include, but not be limited to using strip transects, tracking, and raking around shrubs. During construction, the minimum survey effort will be 30 minutes per 0.40 ha (30 minutes per 1 ac). Persons that handle FTHLs will first obtain all necessary permits and authorization from the CDFG. If the species is federally listed, only persons authorized by both CDFG will handle FTHLs. FTHL removal surveys will also include:
- A Horned Lizard Observation Data Sheet and a Project Reporting Form, per Appendix 8 of the RMS, will be completed. During construction, quarterly reports describing FTHL removal activity, per the reporting requirements described in Mitigation Measure #1 above, will be submitted to the BLM.
- 6) The removal of FTHLs out of harm's way shall include relocation to nearby suitable habitat in low-impact (e.g., away from roads and solar panels) areas of the Yuha MA. Relocated FTHLs will be placed in the shade of a large shrub in undisturbed habitat. If surface temperatures in the sun are less than 24° Celsius (C) 75° Fahrenheit (F) or exceed 38°C (100° F), the Designated Biologist or biological monitor, if authorized, will hold the FTHL for later release. Initially, captured FTHLs will be held in a cloth bag, cooler, or other appropriate clean, dry container from which the lizard cannot escape. Lizards will be held at temperatures between 75° F and 90° F and will not be exposed to direct sunlight. Release will occur as soon as possible after capture and during daylight hours. The Designated Biologist or biological monitor will be allowed some judgment and discretion when relocating lizards to maximize survival of FTHLs found in the Project area.
- 7) To the maximum extent practicable, grading in FTHL habitat will be conducted during the active season, which is defined as March 1 through September 30, or if ground temperatures are between 24°C (75° F) and 38 °C (100° F). If grading cannot be conducted during this time, any FTHLs found will be removed to low-impact areas (see above) where suitable burrowing habitat exists, (e.g., sandy substrates and shrub cover).
- 8) Temporarily disturbed areas associated with Gen-tie Line construction and staging areas, will be revegetated according to the Site Reclamation and Revegetation Plan (SRRP) approved by the BLM. The SRRP must be approved in writing by the BLM prior to any vegetation-disturbing activities. Restoration involves recontouring the land, replacing the topsoil (if it was collected), and maintaining (i.e., weeding, replacement planting, supplemental watering, etc.), and monitoring the restored area for a period of 5 years (or less if the restoration meets all success criteria). Components of the SRRP will typically include:

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- The incorporation of Desert Bioregion Revegetation/Restoration Guidance measures. These measures generally include alleviating soil compaction, returning the surface to its original contour, pitting or imprinting the surface to allow small areas where seeds and rain water can be captured, planting seedlings that have acquired the necessary root mass to survive without watering, planting seedlings in the spring with herbivory cages, broadcasting locally collected seed immediately prior to the rainy season, and covering the seeds with mulch.

Operations and Maintenance

To reduce the potential impact to FTHL during O&M, the following will be implemented when conducting O&M along the Gen-tie line:

- 1) At least 15 days prior to the commencement of construction and within 15 days following completion of construction activities, the Designated Biologist will provide the BLM a Project FTHL Status Report, which will include, at a minimum:
 - A general description of the status of the project site within the MA.
 - A copy of the table in the Project biological monitoring report with notes showing the current implementation status of each conservation measure.
 - An assessment of the effectiveness of each completed or partially completed measure in avoiding and minimizing project impacts
 - A completed a Project Reporting Form from the Flat-tailed Horned Lizard Rangeland Management Strategy (RMS; ICC 2003)
 - A summary of information regarding any FTHL mortality in conjunction with the Project's Wildlife Mortality Reporting Program.
 - Recommendations on how conservation measures might be changed to more effectively avoid, minimize, and offset future project impacts on the FTHL.
- 2) The Designated Biologist or biological monitor(s) will evaluate and implement the best measures to reduce FTHL mortality along access and maintenance roads, particularly during the FTHL active season (March 1 through September 30). These measures will include:
 - A speed limit of 15 miles per hour when driving access roads within suitable FTHL habitat. The Designated Biologist may reduce this speed limit to 10 mph in areas identified as active wildlife corridors as needed to reduced mortality. All vehicles required for O&M within suitable FTHL habitat must remain on the designated access/maintenance roads. Cross country vehicle and equipment use outside of designated work areas in suitable FTHL habitat shall be prohibited.
 - O&M activities occurring within suitable FTHL habitat including weed abatement or any other O&M activity that may result in ground disturbance will be conducted outside of the FTHL active season whenever feasible. If any O&M activities must be conducted during the FTHL active season that may result in ground disturbance within suitable FTHL habitat, such as weed abatement or vehicles requiring access outside of a designated access road, a biological monitor will be present during activities to reduce FTHL impacts.

Implementation of these measures would be based on annual FTHL activity levels, the best professional judgment of the Designated Biologist, and site specific road utilization. FTHL found on access/maintenance roads will be relocated out of harm's way by the Designated Biologist or qualified FTHL monitor.

Compensation

In accordance with the Flat-tailed Horned Lizard Rangelwide Management Strategy, mitigation would be required for impacts to FTHL habitat. FTHL are known to occur in the native vegetation along the proposed Gen-tie ROW. In accordance with the Rangelwide Management Strategy, compensation for permanent impact to this habitat within the Yuha Desert FTHL MA will be at a 6:1 ratio. Acreages of proposed disturbance to FTHL habitat by alternative can be found in Table 8 of the BTR.

No mitigation for FTHL is required for the active agricultural land within the CSE solar energy facility or the Gen-tie Line on agricultural land, as it does not provide habitat for this species.

Mitigation Measure BIO-6

BIO-6 Nesting Raptors

Raptors and active raptor nests are protected under California Fish and Game Code 3503.5, 3503, 3513. To prevent direct and indirect noise impact to nesting raptors such as red-tailed hawk, the following measures should be implemented:

- To the extent practicable, initial grading and clearing within the project site should take place outside the raptors' breeding season of February 1 to July 15.
- If construction occurs between February 1 and July 15, an approved biologist shall conduct a pre-construction clearance survey for nesting raptors in suitable nesting habitat (e.g., tall trees or transmission towers) that occurs within 500 feet of the survey area. If any active raptor nest is located, the nest area will be flagged, and a 500-foot buffer zone delineated, flagged, or otherwise marked. No work activity may occur within this buffer area, until an approved biologist determines that the fledglings are independent of the nest.

Operations and Maintenance Mitigation

Mitigation for potential impact to raptors and other avian species due to collision with the proposed Gen-tie line is discussed below in BIO-7 (Mitigation for Migratory Birds and Other Sensitive Non-migratory Bird Species), including the development of an ABPP.

Mitigation Measure BIO-7

BIO-7 Migratory Birds and Other Sensitive Non-migratory Bird Species

To reduce the potential indirect impact to migratory birds, bats and raptors, an Avian and Bat Protection Plan (ABPP) shall be prepared following the USFWS's guidelines and then implemented by the Project proponent. This ABPP will outline conservation measures for construction and O&M activities that might reduce potential impacts to bird populations and will be developed by the applicant in conjunction with and input from the USFWS.

Construction Conservation Measures

Construction conservation measures to be addressed in the ABPP include:

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- Minimizing disturbance to vegetation to the maximum extent practicable.
 - For the protection of migratory birds, prior to construction, the applicant shall prepare an Avian and Bat Protection Plan (ABPP) for review by the BLM and FWS that will specify the procedures by which: a). Biologists shall conduct a preconstruction migratory bird nesting survey in the project area that takes place during the breeding season (January 15 through August 15); b) If any active nest is located, the nest area shall be flagged for avoidance, and a 200-foot buffer zone will be delineated, flagged, or otherwise marked; 300-foot buffers shall be established for Federally listed bird nests and 500-foot for nesting raptors; c) No work activity shall occur within this avoidance buffer areas until an approved biologist determines that the fledglings are independent of the nest or has verified nest failure; d) Regular reporting and notification requirements shall be met; e) Buffer reduction under certain warranted circumstances shall be possible following coordination with the Federal and State wildlife agencies based on individual species biology and behavior. This ABPP achieves compliance with the Migratory Bird Act.
 - Minimize wildfire potential.
 - Minimize activities that attract prey and predators.
 - Control of non-native plants
 - Apply APLIC design guidelines for overhead utilities (APLIC 2006) by incorporating recommended or other methods that enhance the visibility of the lines to avian species.
 - All overhead electric lines shall be designed to be raptor-safe in accordance with the Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee [APLIC] 2006).
 - For the span of the Gen-tie Line crossing the Westside Main Canal, bird flight diverters shall be installed on the shield wire(s) with spacing in accordance with manufacturer's recommendations.

Operations and Maintenance Measures

Operations and maintenance conservation measures to be incorporated into the ABPP include:

- Ensure that no project features including evaporation ponds or other impounded structures by covering or enclosing will act as attractive nuisances or entrap wildlife or avian species.
- Preparation of a Raven Control Plan that avoids introducing water and food resources in the area surrounding the solar energy facility.
- Incorporate APLIC guidelines for overhead utilities as appropriate to minimize avian collisions with Gen-tie Line facilities (APLIC 2006).
- Minimize noise
- Minimize use of outdoor lighting.
- Implement post—construction avian monitoring that will incorporate the Wildlife Mortality Reporting Program.

Mitigation Measure BIO-8

BIO-8 Jurisdictional Waters

The Proposed Action is anticipated to impact up to 6.3 acres of CDFG jurisdictional riparian habitat. Mitigation for permanent impacts to CDFG riparian habitat is typically at a 2:1 ratio, while mitigation for temporary impacts to CDFG riparian habitat is typically at a 1:1 ratio. The Applicant anticipates offsetting these impacts through independent acquisition of compensatory lands or through a combined NFWF contribution for FTHL compensation as detailed in Mitigation Measure B5, or through compensation as detailed in Mitigation Measure B3 replacement for burrowing owl foraging habitat. As the acreage for FTHL mitigation well exceeds the amount required for impacts to CDFG resources, it is not anticipated that additional mitigation would be necessary as long as the FTHL or burrowing owl compensation meets the requirements and approval of CDFG as riparian habitat mitigation. A Section 1600 Streambed Alteration Agreement would also need to be authorized for impact to CDFG resources.

- Minimize project effects on wetlands, streambeds, and stream banks (i.e., California Department of Fish and Game (CDFG) or U.S. Army Corps of Engineers (ACOE) jurisdictional areas) by designing and siting project features outside of these areas to the extent practicable.
- Roads shall be maintained at-grade and built as near as practicable at right angles to streams and washes. Culverts shall be installed where necessary. All construction and maintenance activities shall be conducted in a manner that will minimize disturbance to native vegetation, drainage channels, and intermittent or perennial stream banks. In addition, road construction shall include dust control measures in accordance with local dust control requirements. All existing unmarked roads shall be left in a condition equal to or better than their condition prior to the construction of the electric line.

7.6.3 IMPACTS TO RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITY

- A. Potential Impact.** The proposed Project potentially affects three sensitive natural communities including: creosote bush–white bursage scrub, mesquite woodland, and desert wash. Soil disturbance associated with construction, and operations and maintenance could result in the introduction of nonnative invasive plant species that would undermine the habitat quality and integrity of the native plant communities. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project’s potentially significant impact to riparian habitat or sensitive natural community would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 through BIO-8 (as listed above) of the Final EIR.

7.6.4 IMPACTS TO WETLANDS

- A. Potential Impact.** The Project’s would affect ACOE jurisdictional waters on private lands and jurisdictional habitat on BLM managed lands. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project’s potentially significant impact to wetlands would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-3, BIO-5 and BIO-8 (as listed above) of the Final EIR.

7.6.5 INTERFERE WITH MOVEMENT OF NATIVE OR MIGRATORY FISH AND WILDLIFE SPECIES

- A. Potential Impact.** The proposed CSE Facility on private lands will require the installation of a chain link perimeter fence, which would inhibit medium and large-sized mammals from moving through the CSE Facility. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to movement of native or migratory fish and wildlife species would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 through BIO-8 (as listed above) of the Final EIR.

7.7 PALEONTOLOGICAL RESOURCES

7.7.1 DESTRUCTION OF PALEONTOLOGICAL RESOURCES

- A. Potential Impact.** Excavation activities associated with construction of the Gen-tie line on previously undisturbed lands managed by the BLM could directly destroy paleontologically sensitive geologic rock units with high fossil yield potential. Deeper excavation activities (20 to 40 feet in depth) associated with construction of tower structures on private lands could result in a direct impact to paleontologically sensitive geologic rock units, as any resources at these depths are anticipated to be intact. This is considered a potentially significant impact.
- B. Facts in Support of Finding.** The Project's potentially significant impact to destruction of paleontological resources would be mitigated to below a level of significance with implementation of Mitigation Measures PR-1 through PR-5 of the Final EIR.

Mitigation Measure PR-1

PR-1 Based on results from the field survey conducted on July 6, 2011, the need for additional mitigation to protect paleontological resources shall be determined. The Authorized Officer, in consultation with Regional Paleontologist or the Paleontology Lead, shall analyze the Addendum (SDNHM, 2011) for survey findings and any mitigation recommendations. If no further mitigation is needed, the Authorized Officer will promptly notify the Applicant that no additional paleontological surveys or mitigation measures will be required and the project may proceed pending any other approvals. The project file must be documented indicating acceptance of the survey report and identifying any additional mitigation requirements. If it is determined that additional mitigation efforts are needed to protect or preserve the paleontological resources, the Applicant would be notified as soon as possible. The Authorized Officer and/or the Paleontology Lead usually develop and approve the mitigation procedures or recommend a project be redesigned in consultation with the Applicant. Factors such as locality or specimen significance, economics, safety, and project urgency will be considered when developing mitigation measures. Additional mitigation measures shall be developed and implemented as timely as possible so as not to delay project actions.

- Relocation. The preferred mitigation technique is to change the project location based on the results of the field survey. Relocation, however, may necessitate a field survey of the new area, as well as resurveys by other resource specialists. Anticipation of this contingency prior to or during the original survey may allow for survey of an expanded area at the same time. If relocation will eliminate impacts and is acceptable to all parties, then a report to the file, including a map showing the original and revised locations, must be completed

documenting the change. Approval for the project to proceed in the revised location may then be granted by the Authorized Officer to the Applicant. When avoidance is not possible, appropriate mitigation may include excavation or collection (data recovery), stabilization, monitoring, protective barriers and signs, or other physical and administrative protection measures.

Deferred Fossil Collection. In some cases, fossil material may have been identified, but not completely collected during the initial field survey, such as a partial dinosaur or other large fossil assemblage. It may be possible to complete the recovery of this material and all related data prior to beginning construction activities, and thus mitigate the adverse impact. This may require a shift in the project schedule and must be coordinated with the Applicant. Approval by the Authorized Officer for the project to proceed will only be granted when recovery of the fossil material and field data is completed. A report to the file and the Applicant documenting the recovery and indicating that no further mitigation is required must be completed, and the report signed by the Authorized Officer. If the discovery cannot be fully collected within the available time frame, it may have to be avoided by relocating or redesigning the project.

Mitigation Measure PR-2

PR-2 Based on the field survey and reporting results identified in Mitigation Measure PR-1, a Monitoring Plan shall be developed and implemented (if required).

A monitoring plan can be developed by a BLM paleontologist or a qualified paleontologist hired by the Applicant. The plan must be appropriately scaled to the size and complexity of the anticipated monitoring. If developed by a third party, the appropriate Paleontology Lead or Regional Paleontologist shall review the plan for sufficiency prior to acceptance. Monitoring of the project may proceed when the monitoring plan is approved by the Authorized Officer. A monitoring plan indicates the treatments recommended for the area of the proposed disturbance and must minimally address the following:

1. The recommended approach to additional specimen collection, such as total or partial recovery or sampling; and,
2. The specific locations and intensity of monitoring or sampling recommended for each geologic unit, stratigraphic layer, or area impacted. Monitoring intensity is determined based on the analysis of existing data and/or field surveys and any previous monitoring efforts.

Types of Monitoring. There are two types of monitoring: a) on-site, performed during ongoing operations, and b) spot-checks, performed during or after disturbance, or at key times during the progress of the project.

- a. On-site monitoring – In areas with a high probability for buried fossils, the presence of a monitor at the site of disturbance at all times that disturbance is occurring may be warranted. The need for a full-time monitor is based on the findings of the survey, the local geology, and the proposed actions. Efforts will be made to complete fossil recovery with minimal work stoppage. However, in some cases, an extended period of work stoppage may be required, so coordination with the Applicant or representative is important. Prior to beginning the monitoring work, the monitor, company supervisor, and machinery

operators shall agree on procedures for brief work stoppages to allow for examination of finds. It is critical that safety be of utmost concern because of the presence of heavy machinery and open trenches. The monitor must assess any finds, collect loose fossil material and related data, and take appropriate steps to mitigate any current or potential damage. Consideration of the size of the expected fossils must also be considered; for example, microfossils may not be visible during excavation activities. It may be appropriate to collect samples of matrix for later recovery of micro-vertebrate fossils or other analyses. Activities planned to occur during nighttime should be assessed relative to the potential to uncover significant fossils. Fossils may not be visible at night in trenching or grading operations, so construction activities may need to be suspended during night time in sensitive areas.

- b. Spot-checking – In areas with a moderate to high probability for unknown fossil material, it may be more appropriate to check only at key times rather than maintain continuous monitoring of operations. Key times for scheduling spot-checking are when the fossil-bearing bedrock is exposed to view or prior to placing spoil material back into the excavation. Spot-checking requires close coordination with the Applicant and the paleontologist, and usually requires the paleontologist to be available on short notice.

The paleontologist shall report areas potentially containing fossils in the final report to allow for future assessment of sites, even if no fossils were located during the project monitoring.

Types of Field Personnel. It may be necessary to employ a number of paleontology field personnel simultaneously. There may be a lack of fully qualified paleontologists to perform all the necessary monitoring during the scheduled times of construction. Use of additional personnel for field work is permissible, but Field Agents and Field Monitors (described below) must be requested by the Permittee and authorized by the BLM prior to field work.

1. Principal Investigator – The person listed as Permittee (Permit item 1a) on the Paleontological Resources Use Permit is the Principal Investigator (PI) and is responsible for all actions under the permit, for meeting all permit terms and conditions, and for the performance of all other personnel. This person is also the contact person for the Applicant and the BLM.
2. Field Agent – Other qualified paleontologists may perform field work independently of the Plunder the conditions of this permit. Résumés must be submitted to BLM and must demonstrate qualifications equivalent to those of Permittees. Field Agents must be listed on the permit under “Name(s) of individual(s) responsible for planning, supervising, and carrying outfield work” (Permit item 8) or authorized in a separate letter from BLM. They must follow all the permit terms and conditions applicable to field work and must carry a copy of the permit, included terms and conditions, and separate authorizing letter (if used) while in the field. Fieldwork results must be reported to the PI, who will then submit required reports.
3. Field Monitor – Field Monitors may be used for supplemental on-site monitoring of surface disturbing activities when the PI or a Field Agent is performing field work elsewhere. Field Monitors must have sufficient field experience to demonstrate acceptable knowledge of fossil identification, collection methods, and paleontological techniques. The PI must supply

a summary of each person's experience to the BLM prior to field work. Field Monitors must be approved by the BLM prior to performing field work and must carry a copy of the permit while in the field. The PI or Field Agent must be in communication with the Field Monitor using a portable communication device, such as a cell phone or two-way radio, and are required to be near enough to the Field Monitor to allow for prompt examination of all fossil discoveries (no more than two hours away) by the PI or Field Agent.

4. Field Assistant – Additional personnel not meeting the previously cited experience or knowledge levels may be used during field work, but must be under direct, on-site supervision of either the PI or a Field Agent as part of a supervised crew. Field assistants must have at least four to eight hours of training or experience received from a qualified paleontologist in identifying paleontological resources prior to performing field work or when first used in this capacity. A listing of all Field Assistants (including contact information) must be supplied prior to any field work. All discoveries made by a Field Assistant must be immediately reported to the PI or Field Agent on site. To ensure proper supervision, an appropriate ratio of Field Assistants per PI or Field Agent must be maintained. The complexity of the project, the area to be covered, and the experience of the assistants are some of the factors that should be considered in determining the proper ratio, but commonly five to seven assistants is the maximum number that can be supervised by one PI or Field Agent.

Work Stoppage. If significant fossil material is discovered during construction activities, the PI, Field Agents, and Field Monitors have the authority to temporarily halt surface disturbing actions until an assessment of the find is completed and appropriate protection measures taken. Efforts will be made to complete fossil recovery with minimal work stoppage. However, in some cases, an extended period of work stoppage may be required. If the paleontological resource can be avoided, mitigated, or collected within approximately two hours, work may resume after approval from the PI or Field Agent, and the Authorized Officer must be notified as soon as possible of the discovery and any mitigation efforts that were undertaken. If the find cannot be mitigated within a reasonable time (two hours), the concurrence of the Authorized Officer or official representative for a longer work stoppage must be obtained. Work may not resume until approval is granted from both the PI or Agent and the Authorized Officer.

Mitigation Measure PR-3

- PR-3** Upon completion of all field work, the PI must submit within 30 days, a written final report to the Authorized Officer, Paleontology Lead, and the designated repository. A copy of the report may be provided to the Applicant if required, but without the BLM Locality forms. Reports must include the details and information as specified on page 14 of Attachment 1 of the BLM's "Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources", as applicable.

If the survey was performed by BLM, a report similar in contents must be written and filed in the project file, and the Applicant notified as soon as possible upon completion.

Mitigation Measure PR-4

- PR-4** When the final report with the specimen inventory and the signed receipt of confirmation of museum deposition are accepted by the BLM, mitigation for paleontological resources related to the project will be considered completed. The Applicant will be notified in writing as soon as

possible by the Authorized Officer after consulting with the Paleontology Lead or Regional Paleontologist and a copy of the notification placed in the project file.

The responsibility of the Applicant ends when appropriate mitigation related directly to the project is completed and final approval is received from the Authorized Officer. Any additional field collection, quarrying, final specimen preparation, etc. will be considered to be research, and will be the responsibility of the consulting paleontologist or another approved party. The Applicant will not be held responsible for completion of any research project. However, the Applicant can choose to sponsor further research. A separate research permit will be required for additional research activities.

Mitigation Measure PR-5

PR-5 Fossil specimens and related data collected from BLM land during field surveys and mitigation remain the property of the Federal government. They must be placed in the approved repository(s) identified on the Paleontological Resource Use Permit held by the consulting paleontologist as soon as practical and receipt(s) of collections submitted to the BLM, but no later than 60 days after all field work is completed. Written approval from the Paleontology Lead or Regional Paleontologist is required if additional time is needed for transfer of all specimens and field data.