

## Appendix 3: Mitigation Measures and Applicant-Proposed Measures Unchanged from 2010 Final EIR

These measures are unchanged from the measures that were presented in the 2010 Final EIR and are not available for comment. Mitigation measures that have not changed are presented below in Section 3.1. Applicant Proposed Measures (APMs) that have not changed are presented in Section 3.2.

### 3.1 Mitigation Measures Unchanged

#### 3.1.1 Introduction to Environmental Analysis

**EM-1 Provide funding for environmental monitoring.** Prior to issuance of building or grading permits, whichever occurs first, the Applicant shall provide funding for the County of San Benito to ensure monitoring for all measures requiring environmental mitigation. The goal of the mitigation monitoring program is to ensure compliance with County Conditions of Approval and EIR mitigation measures. Monitoring will be carried out during all applicable construction, operational, and decommissioning stages of the project.

A mitigation monitoring plan shall be developed that includes the County-approved environmental mitigation measures and any other conditions of approval. This plan shall include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The mitigation monitoring plan shall also include a post-construction program to monitor construction measures that extend beyond the construction period and mitigation measures required during the operational phase. The plan shall also include the decommissioning phase of the project.

The Applicant shall also be responsible for funding work necessitated by mitigation measures that requires use of individuals with special expertise (e.g., botanist, wildlife biologist).

#### 3.1.2 Aesthetics

**MM AE-1.1 Reduce night lighting impacts.** The Applicant shall design and install all temporary construction and decommissioning lighting and permanent exterior lighting according to the following conditions:

- Lamps and reflectors are not visible from beyond the proposed project site, including any off-site security buffer areas.
- Lighting does not cause excessive reflected glare.
- Direct lighting does not illuminate the nighttime sky.
- Illumination of the proposed project and its immediate vicinity is minimized.
- The proposed project lighting mitigation plan complies with local policies and ordinances (for Class 2 in Zone 3 see County Ordinance 19.31.006 and 19.31.009).

The Applicant shall submit to San Benito County for review and approval a lighting mitigation plan that includes the following requirements:

- Location and direction of light fixtures that take the lighting mitigation requirements into account.
- Lighting design that considers setbacks of proposed project features from the proposed project site boundary to aid in satisfying the lighting mitigation requirements.
- Lighting that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated.
- Light fixtures that have cutoff angles sufficient to prevent lamps and reflectors from being visible beyond the proposed project boundary, except where necessary for security.
- Lights not occupied on a continuous basis that have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

At least 60 days prior to installation of any permanent exterior lighting or temporary construction/decommissioning lighting, the Applicant shall contact San Benito County to discuss the documentation required in the lighting mitigation plan. At least 30 days prior to installation of any permanent exterior lighting, the Applicant shall submit to San Benito County for review and approval the lighting mitigation plan. If the County determines that the plan requires revision, the proposed project owner shall provide to San Benito County a revised plan for review and approval. The proposed project owner shall not order any exterior lighting until receiving County approval of the lighting mitigation plan.

Prior to commercial operation, the Applicant shall notify San Benito County when the operational lighting installation has been completed and is ready for inspection. If, after inspection, the County notifies the Applicant that modifications to the lighting are needed, within 30 days of receiving that notification the Applicant shall implement the modifications and notify the County that they have been completed and are ready for inspection.

Within 48 hours of receiving a lighting complaint, the Applicant shall provide San Benito County with either (1) a complaint resolution proposal to resolve the complaint and a schedule for its implementation, or (2) written confirmation that lighting is in compliance with the lighting plan and the building permit. The proposed project owner shall notify the County within 48 hours of implementing a resolution. A complaint resolution report shall be submitted to County within 30 days thereafter.

**MM AE-3.1 Treat surfaces of project structures and buildings.** The Applicant shall treat the surfaces of all project structures and buildings visible to the public such that (1) their colors minimize visual intrusion and contrast by blending with the existing colors of the surrounding landscape, (2) their colors and finishes do not create excessive glare, and (3) their colors and finishes are consistent with local policies and ordinances.

Following in-field consultation with San Benito County Planning & Building staff and other representatives as deemed necessary, the proposed project owner shall submit

for County review and approval, a specific Surface Treatment Plan that will satisfy these requirements. The treatment plan shall include the following:

- A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finish(es).
- A list of each major project structure, building, tank, pipe, wall, and fencing, specifying the color(s) and finish(es) proposed for each. Colors must be identified by vendor, name, and number, or according to a universal designation system.
- One set of color brochures or color chips showing each proposed color and finish.
- A specific schedule for completion of the treatment.
- A procedure to ensure proper treatment maintenance for the life of the project.

**Develop Treatment Plan.** At least 60 days prior to physical construction specifying to the vendor the colors and finishes of the first structures or buildings that are surface treated during manufacture, the Applicant shall submit the proposed treatment plan to the County for review and approval. If the County determines that the plan requires revision, the proposed project owner shall provide to the County a plan with the specified revision(s) for review and approval before any treatment is applied. Any modifications to the treatment plan must be submitted the County for review and approval.

The Applicant shall not specify to the vendors the treatment of any buildings or structures to be treated during manufacturing and shall not perform the final treatment on any buildings or structures in the field until the Applicant receives notification of approval of the treatment plan by the County. Subsequent modifications to the approved treatment plan shall be prohibited without the County's approval.

**Report to the County.** Prior to the start of commercial operation, the Applicant shall notify the County that surface treatment of all listed structures and buildings has been completed, and that they are ready for inspection. The Applicant shall submit to the County one set of electronic color photographs from the same KVPs used for project analysis. The Applicant shall provide a status report regarding surface treatment maintenance in the Annual Compliance Report. The report shall specify (1) the condition of the surfaces of all structures and buildings at the end of the reporting year, (2) maintenance activities that occurred during the reporting year, and (3) the schedule of maintenance activities for the next year.

### 3.1.3 Agriculture

**MM AG-2.1 Create agricultural conservation easement(s).** Prior to the issuance of building permits, the Applicant shall pay for the creation of either (a) 4,563-acre conservation easement(s) on grazing land, or (b) 285-acre conservation easement(s) on high quality cropland in the San Juan Valley. The 285 acres in (b) shall be classified as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program. Conservation easement(s) or adequate funds to create them shall be given to a qualified agricultural land trust, as determined by the Department of Planning and Building. The qualified agricultural land trust must: (1) Have adopted the Land Trust Alliance's *Standards and Practices*; (2) Have substantial experience creating and stewarding agricultural conservation easements; (3) Have a stewardship endowment to help pay for its perpetual

stewardship obligations. Preference shall be given to a local agricultural land trust if it meets these standards.

Fees shall also be provided to cover (1) administrative costs incurred in the creation of the conservation easement(s) and (2) a contribution to the land trust's stewardship endowment to pay for the long-term cost of monitoring and enforcing the terms of the conservation easement(s) in perpetuity. The total amount of these fees shall be determined by the qualified land trust in consultation with the County.

Either notice that conservation easement(s) have been recorded or proof that funds to acquire them have been received by the agricultural land trust shall be filed with the Department of Planning Building prior to the issuance of building permits. When conservation easement(s) are recorded, a "notice of conservation easement" shall also be filed with the County Recorder. Annual monitoring reports for the conservation easement(s) created shall also be provided to the County by the land trust.

### 3.1.4 Air Quality

No mitigation measures remain unchanged from the 2010 Final EIR.

### 3.1.5 Climate Change/Greenhouse Gas

There were no mitigation measures for Climate Change/Greenhouse Gas in the 2010 Final EIR.  
~~mitigation measures remain unchanged from the 2010 Final EIR.~~

### 3.1.6 Biological Resources

**MM BR-G.1 Implement a Worker Environmental Education Program.** Prior to any project activities on the site (i.e., surveying, mobilization, fencing, grading, or construction), a Worker Environmental Education Program (WEEP) shall be implemented by a qualified biologist or qualified biologists. Both the biologist(s) and the WEEP shall be subject to County approval. The WEEP shall be put into action prior to the beginning of any project activities and implemented throughout the duration of project construction. The WEEP shall include, at a minimum, the following items:

- Training materials and briefings shall include but not be limited to: a discussion of the Federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant community habitats; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements.
- A discussion of hazardous substance spill prevention and containment measures.
- A discussion of measures to be implemented for avoidance of the sensitive resources discussed above and the identification of an on-site contact on in the event of the discovery of sensitive species on the site. This will include a discussion on microtrash and its potential harmful effects on California condors.
- Protocols to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers and the identifica-

tion of an on-site representative to whom the road kill will be reported. Road kill shall be reported to the appropriate local animal control agency within 24 hours.

- Maps showing the known locations of special-status wildlife, populations of rare plants and sensitive vegetative communities, seasonal depressions and known waterbodies, wetland habitat, exclusion areas, and other construction limitations (e.g., limited operating periods). These features shall be included on the projects plans and specifications drawings.
- Literature and photographs or illustrations of potentially occurring special-status plant and/or wildlife species will be provided to all project contractors and heavy equipment operators.
- The Applicant shall provide to the County of San Benito evidence that all on-site construction and security personnel have completed the WEEP prior to the start of site mobilization. A special hardhat sticker or wallet size card shall be issued to all personnel completing the training which shall be carried with the trained personnel at all times while on the project site. All new personnel shall receive this training and may work in the field for no more than five days without participating in the WEEP. A log of all personnel who have completed the WEEP training shall be kept on site.
- A weather protected bulletin board or binder shall be centrally placed or kept on site (e.g., in the break room, construction foreman's vehicle, construction trailer) for the duration of the construction. This board or binder will provide key provisions of regulations or project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.
- Develop a stand-alone version of the WEEP, that covers all previously discussed items above, and that can be used as a reference for maintenance personnel during project operations.

**Milestones:** WEEP will be prepared prior to the issuance of a building permit or site mobilization whichever occurs first. The WEEP will be approved by the County and implemented for the duration of construction activities.

**Monitoring:** An environmental monitor will be retained during construction of the project and will be directly involved with the implementation and enforcement of the WEEP. A log of all personnel who have completed the WEEP training shall be kept on site.

#### MM BR-G.4

**Implement biological monitoring of construction activities.** Prior to the commencement of ground disturbance or site mobilization activities, the Applicant shall retain County-approved, qualified biologist(s) with demonstrated expertise with listed and/or special-status plants, terrestrial mammals and reptiles to monitor all construction activities on a daily basis. The qualified biologist(s) shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of the listed or special-status species identified in Section C.6 of this EIR. Any listed or special-status plants shall be flagged for avoidance. Any special-status terrestrial species found within a project impact area shall be relocated by the authorized biologist and relocated to suitable habitat outside the impact area. If the installation of exclusion fencing is deemed necessary by the authorized biologist, the authorized biologist shall direct the installation of the fence. Fencing shall be long-lasting and UV-stable and shall

be maintained and repaired as directed by biological monitor(s). Clearance surveys for special-status species shall be conducted by the authorized biologist prior to the initiation of construction each day.

If, during construction, the biological monitor observes a dead or injured threatened or endangered wildlife species on the construction site, the monitor shall contact the USFWS, CDFW and County by the end of the day, or at the beginning of the next working day if the agency office is closed and, a written report shall be sent to the County of San Benito, CDFW and/or USFWS within five calendar days. The report will include the date, time of the finding or incident (if known), and location of the carcass and circumstances of its death (if known). The biological monitor shall, immediately upon finding the remains, coordinate with the on-site construction foreman to discuss the events that caused the mortality, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. Species remains shall be collected and frozen as soon as possible, and CDFW and/or USFWS shall be contacted regarding ultimate disposal of the remains.

**Milestones:** Monitoring shall occur from the first day of work through the duration of construction activities.

**Monitoring:** Environmental monitor will assist on-site biological monitor(s).

**MM BR-1.2** **Develop and implement a Grazing Plan for the project site.** Managed livestock grazing has been proposed for the project site. Prior to the issuance of a construction permit the Applicant shall retain a County-approved qualified restoration ecologist or biologist to prepare a Grazing Plan to be administered during the construction and operation of the project. The Grazing Plan shall be submitted to the County of San Benito for review and approval. The Grazing Plan shall include, but not be limited to, the following:

1. Timing and duration of grazing.
2. Discussion of the ecological impacts of replacing cattle grazing with sheep grazing.
3. Detailed measures to ensure the persistence and prevent the extirpation of annual grassland species, including listed and rare plant species.
4. The requirement that interior fencing for grazing management be constructed of three strand wire and posts and shall include detailed maps of fencing locations.
5. Analysis of the potential for sheep grazing to contribute to the spread of invasive weed seed.
6. Development of a detailed monitoring component to examine the effects of sheep grazing on wildlife on the project site and the effects of changes in vegetation related to shading from solar panels on grazing.

The Grazing Plan will be an adaptive management tool. Grazing management strategies will be evaluated over time. Modifications to the strategies used or to the techniques used to accomplish each strategy will be implemented based on results, experience, and the latest research. Proposed alterations to the plan would require the review and approval of the County.

**Milestones:** Prior to the issuance of a construction permit the County must approve the Grazing Plan.

**Monitoring:** An environmental monitor shall be retained to ensure the compliance with measures set forth in the Grazing Plan.

**MM BR-7a.1 Impacts to all potential breeding habitat for western spadefoot toad shall be avoided to the extent feasible.** If work within this habitat cannot be avoided, work shall be conducted outside the breeding season of adult western spadefoot toads and the subsequent developmental period of larvae. Therefore, when possible, no work within this habitat will be conducted between January 31 and April 1 or until the habitat is completely dry. If vehicles are required to drive over these areas mats or pads that prevent compaction shall be used. If avoidance is not feasible and work must occur during the wet season, the Applicant shall implement pre-construction surveys for western spadefoot toad. If adult toads or larvae/tadpoles are found a 200-foot buffer shall be placed around these areas and shall remain in place until the larva/tadpoles complete metamorphosis and retreat to upland areas.

The biologist shall document all suitable occupied and unoccupied western spadefoot toad habitat. Prior to final County inspection or occupancy, whichever comes first, the biologist shall prepare a written report detailing the survey results, when necessary, and compliance with avoidance measures for County review and approval. Copies of this report shall also be provided to the CDFW.

**Milestones:** Prior to the commencement of construction activities implement avoidance and minimization measures.

**Monitoring:** Environmental monitor shall ensure implementation of avoidance measures and, when necessary, that buffer delineations are kept in good working order.

**MM BR-7a.2 Conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizard and implement avoidance measures.** The Applicant shall retain a County-approved, qualified biologist to conduct pre-construction surveys immediately prior to (i.e., the morning of the commencement of) ground disturbance. If San Joaquin coachwhips or coast horned lizards are found within the area of disturbance and can be captured, the biologist will relocate the animals to a pre-approved location outside the project area. The candidate locations for species relocation will be identified prior to construction and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. A final report identifying the number of animals moved, any mortality identified during the relocation event, and the general health of the species shall be completed and submitted to the County on a monthly basis.

Habitat suitability and occupancy data will be used to determine whether proposed mitigation lands for biological resources meet the requirements for CSSC species mitigation as outlined in Mitigation Measure BR-G.5.

**Milestones:** Prior to the disturbance of habitat conduct pre-construction surveys for San Joaquin coachwhip and coast horned lizards. Re-locate when identified.

**Monitoring:** Environmental monitor shall monitor for occurrences of these species when construction activities occur in suitable habitat.

**MM BR-7b.1 Conduct pre-construction surveys for non-breeding birds designated as California Species of Special Concern.** The Applicant shall retain a qualified, County-approved biologist to conduct pre-construction surveys for birds designated as California Species of Special

Concern (CSSC) in areas proposed for ground disturbance prior to ground-disturbing activities. The timing of surveys shall be determined in consultation with California Department of Fish and Wildlife. Habitat suitability and occupancy data will be used to determine whether proposed mitigation lands for biological resources meet the requirements for CSSC species mitigation as outlined in Mitigation Measure BR-G.5.

**MM BR-7c.1 Conduct pre-construction surveys for short-nosed kangaroo rat, San Joaquin pocket mouse, and Tulare grasshopper mouse and implementation of avoidance measures.** No more than 30 days prior to commencement of ground disturbing activities the Applicant shall retain a County-approved, qualified biologist to conduct pre-construction surveys for each phase of the project. If occupied habitat for Short-nosed kangaroo rat, San Joaquin pocket mouse, and/or Tulare grasshopper mouse is found it shall be flagged. Impacts to occupied habitat shall be avoided to the extent feasible. If individuals are found within an area proposed for disturbance and can be captured, the biologist will relocate them to a pre-approved area outside the project area. The candidate locations for species relocation will be identified prior to construction and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. A final report identifying the number of animals moved, any mortality identified during the relocation event, and the general health of the species shall be completed and submitted to the County on a monthly basis.

Habitat suitability and occupancy data will be used to determine whether proposed mitigation lands for biological resources meet the requirements for CSSC species mitigation as outlined in Mitigation Measure BR-G.5.

**Milestones:** Prior to the disturbance of habitat conduct pre-construction surveys for Short-nosed kangaroo rat, San Joaquin pocket mouse, Tulare grasshopper mouse. Flag occupied areas and re-locate when identified.

**Monitoring:** Environmental monitor shall monitor for occurrences of these species when construction activities occur in suitable habitat.

**MM BR-8.2 Avoid disturbance to ephemeral pools occupied by vernal pool fairy shrimp to the maximum extent practicable, and mitigate for any unavoidable impacts.** For ephemeral pools occupied by vernal pool fairy shrimp as determined by the protocol surveys described above, the Applicant shall avoid filling or disturbing such pools to the maximum extent practicable. This includes avoiding any ground disturbance within 100 feet of the edges of such pools.

To the extent that the fill or disturbance of ephemeral pools occupied by vernal pool fairy shrimp cannot be avoided, each acre, or fraction thereof, of occupied vernal pool habitat which is filled or disturbed shall be compensated by the preservation and management of 2 acres of occupied vernal pool fairy shrimp habitat (2:1 preservation ratio) and the creation, management, and preservation of 1 acre of vernal pool habitat (1:1 creation ratio) at a location approved and pursuant to authorization received from the USFWS. The Applicant may also satisfy this mitigation requirement through the purchase of credits at a USFWS-approved mitigation bank.

**MM BR-8.3 Avoid seasonal depressions and known waterbodies.** All known seasonal depressions and water bodies that have been verified to be occupied by listed fairy shrimp shall be shown on all applicable construction plans and submitted with the construction permit

application. The Applicant shall avoid seasonal depressions known to support listed fairy shrimp (see Impact BR-20). A 100-foot buffer shall be placed around these seasonal depressions and known waterbodies to prevent equipment from entering these areas. This buffer shall be shown on all applicable construction plans (with a highly visible method easily identifiable by construction workers in the field). On-site delineation of this buffer shall be in place prior to the commencement of construction activities. The method used for delineating the buffer shall be kept in good working order for the duration of the construction period, and removed prior to final County inspection.

If avoidance of known populations of listed fairy shrimp is not possible, consultation with the USFWS regarding the potential impacts to the species will be necessary.

**Milestone:** Seasonal depressions and known waterbodies to be shown on construction plans. An on-site delineation of the buffer will be installed prior to commencement of construction activities and maintained throughout the construction period

**Monitoring:** The environmental monitor will periodically check to ensure that the on-site delineation method is in good working order and that construction activities have remained outside of these areas.

**MM BR-12.2 Avoid and report California condors.** Should a condor land within the project area all work shall be stopped within 500 feet of the condor until the bird has left the area on its own. If the bird fails to leave the area because of injury or other factors the Applicant shall contact the USFWS /CDFW and County for direction. All California condor sightings in the project area shall be reported directly to the USFWS/CDFW and County within 24 hours.

~~**MM BR 13.1 Focused pre construction burrowing owl surveys and implementation of avoidance measures.** No more than 30 days prior to the commencement of initial ground disturbing activities, the Applicant shall implement focused pre construction reconnaissance level surveys for burrowing owls. Surveys shall be conducted prior to the initiation of ground disturbance and be conducted by County approved, qualified biologist(s) with experience surveying for burrowing owls. Surveys for burrowing owls shall be conducted in conformance with the California Burrowing Owl Consortium's 1995 protocols, which consist of a minimum of three site visits. Surveys shall be completed within all areas proposed for ground disturbance and shall include the following avoidance measures:~~

- ~~1. Occupied burrows shall not be disturbed during the nesting season (1 February through 31 August) unless a qualified County approved biologist verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls present on site after 1 February will be assumed to be nesting unless evidence indicates otherwise. A 250 foot exclusion buffer around any active nest would be erected. This protected buffer area will remain in effect until 31 August, or based upon monitoring evidence, until the young owls are foraging independently or the nest is no longer active.~~
- ~~2. For burrowing owls present during the non breeding season (generally 1 September to 31 January), a 150 ft buffer zone will be maintained around the occupied burrow(s).~~
- ~~3. If there is any danger that owls will be injured or killed as a result of construction activity, during the non breeding season, the birds may be evicted during the non-~~

~~breeding season. Relocation of owls during the non-breeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows excavated to ensure no burrowing owl is within the burrow and then backfilled immediately prior to the initiation of grading. To avoid the potential for owls evicted from a burrow to occupy other burrows within the impact area, one-way doors will be placed in all potentially suitable burrows within the impact area when eviction occurs.~~

~~**Milestones:** Prior to the commencement of construction activities the required surveys shall be conducted and any required buffers shall be put in place.~~

~~**Monitoring:** Biological monitor shall ensure implementation of avoidance measures and that buffer delineations are kept in good working order.~~

**MM BR-14.1 Implement Avian Power Line Interaction Committee guidelines (APLIC).** The Applicant will be required to construct all transmission facilities, towers, poles and lines in accordance with and comply with all policies set forth in the *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (APLIC, 2006) and *Reducing Avian Collisions with Power Lines: State of the Art in 2012* (APLIC, 2012), to minimize avian electrocutions as a result of the construction of the project. Details of design components shall be indicated on all construction plans and measures to comply with APLIC policies and guidelines shall be detailed in a separate attachment, all of which will be submitted with the construction permit application. The Applicant shall be required to monitor for new versions of the APLIC guidelines and update designs or implement new measures as needed during project construction provided these actions do not require the purchase of previously ordered transmission line structures.

**Milestones:** Designs and documentation of compliance with the APLIC guidelines to be submitted with the construction permit application. A review of compliance with submitted materials will be conducted prior to the final County inspection.

**Monitoring:** None required.

~~**MM BR-15.1 Survey pre construction maternity colony or hibernaculum for sensitive bats.** No more than 15 days prior to grading near or the removal of towers, trees or other structures the Applicant shall retain a County qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.~~

~~If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other CDFW methods) for nearby alternative maternity colony sites. If the biologist determines in consultation with and with the approval of the CDFW and the County that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat. If no active roosts are found, then no further action is required. If active maternity roosts are absent, but a hibernaculum (i.e., a non-maternity roost) is present, then MM BR-15.2 is not necessary, but MM BR-15.3 is required.~~

**Milestones:** Prior to the commencement of construction activities that will involve grading near or the removal of towers, trees or other structures surveys will be conducted and prior to final County inspection the County will conduct a review of compliance with the above avoidance measures.

**Monitoring:** Biological monitor shall routinely inspect known maternity roosts or hibernacula.

~~**MM BR 15.2 — Provide substitute roosting habitat.** If a maternity roost will be impacted by the Project, and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony shall be provided on, or in close proximity to, the Project site no less than three months prior to the eviction of the colony. Alternative roost sites will be constructed in accordance with the specific bats requirements in coordination with the County. By making the roosting habitat available prior to eviction (MM BR 15.3), the colony will have a better chance of finding and using the roost. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. The CDFW shall also be notified of any hibernacula or active nurseries within the construction zone.~~

~~If construction of alternative roost sites is required, the biologist shall provide a written report, documenting the required coordination with CDFW as well as the location of roost sites. This report shall be provided to the County.~~

~~**Milestones:** Construction of alternative roost sites as required for the duration of construction activities and submission of a written report detailing activities and submitted to the County prior to final County inspection.~~

~~**Monitoring:** None required.~~

~~**MM BR 15.3 — Exclude bats prior to eviction from roosts.** If non breeding bat hibernacula are found in structures, towers or trees scheduled to be removed, the individuals shall be safely evicted, under the direction of a qualified biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one way doors). In situations requiring one way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one way doors is not necessary in the judgment of the qualified biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal).~~

~~If an active maternity roost is located in an area to be impacted by the Project, and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after 31 July) using the exclusion techniques described above.~~

~~**Milestones:** Exclusion of non breeding bat hibernacula found in structures, towers or trees scheduled to be removed as needed for the duration of construction activities.~~

~~**Monitoring:** None required.~~

**MM BR-16.2 Minimize impacts of foundation support installations.** The Applicant shall evaluate and implement feasible foundation installation systems to minimize noise and vibration that would affect ground-dwelling wildlife.

**MM BR-18.1 Conduct focused pre-construction surveys for American badger surveys and implementation of avoidance measures.** No more than 30 days prior to the commencement of construction activities, the Applicant shall retain a County-qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

Prior to the final County inspection or occupancy, whichever comes first, a written report documenting all badger related activities (e.g., den flagging, monitoring, badger removal) shall be provided to the County of San Benito. A copy of the report will also be provided to the CDFW.

**Milestones:** Prior to the commencement of construction activities pre-construction surveys will be conducted and prior to final County inspection, the County will conduct a review of compliance with the above avoidance measures.

**Monitoring:** Biological monitor shall routinely inspect protected dens and ensure that delineation methods are in good working order.

**MM BR-23.1 Create conservation easement on all project areas retired from the development footprint.** Prior to the start of construction, the Applicant shall record a permanent biological conservation easement on the entire footprint of the approved project that requires preservation in perpetuity of project areas retired from the development footprint at the time they are retired. The Applicant shall provide funds for a “qualified land trust” (defined below) to acquire appropriate conservation easement(s), or shall donate appropriate conservation easement(s) to a qualified land trust or to an appropriate mitigation bank. The Applicant could also purchase a conservation easement, rather than fee title, from a landowner. A qualified land trust is defined as one that:

- Has substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species
- Has substantial experience managing conservation easements on rangeland
- Has adopted the Land Trust Alliance’s *Standards and Practices*

- Has a stewardship endowment fund to pay for its perpetual stewardship obligations.

The County shall determine whether a proposed conservation easement holder meets these requirements.

The Applicant shall also be responsible for donating to the land trust fees sufficient to cover: (1) Administrative costs incurred by the land trust in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and (2) provide funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the land trust in consultation with the County.

Conservation easement(s) shall also be subject to the following conditions:

- The locations of acceptable conservation easement(s) shall be developed with approval of CDFW and USFWS.
- The primary purpose of the conservation easement(s) shall be conservation of impacted species and vegetative communities, but the conservation easement(s) shall also allow livestock grazing when and where it is compatible with or deemed beneficial for the habitat needs of impacted species.

Conservation easement(s) shall:

- Be held in perpetuity by a qualified land trust (defined above).
- Be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s) along with a recorded “notice of conservation easement”; (2) Include “conservation easement” in the title of the recorded agreement(s); (3) Name CDFW or another organization to which the conservation easement(s) will be conveyed if the original holder is dissolved.
- Be subject to the management requirements outlined in Mitigation Measure BR-G.6 (Develop and implement a Habitat Mitigation and Monitoring Plan for mitigation lands).

In addition to recordation of a conservation easement, the following requirement related to project repowering shall be met: if the approved project is repowered at a future time, the repowered project footprint shall be no greater than that of the approved project.

**Milestones:** Conservation easement on approved project footprint shall be recorded prior to commencement of construction.

**Monitoring:** Documentation of recorded conservation easement shall be submitted to the San Benito County Department of Planning and Building.

### 3.1.7 Cultural and Paleontological Resources

**MM CR-2.2** **Treat previously unidentified archaeological resources discovered during construction.** If archaeological remains are discovered during construction, the Applicant shall immediately cease all work activities within 100 feet of the discovery and notify the County within 24 hours. Work shall not resume in the affected area until a Registered Professional Archaeologist familiar with the resources of the region inspects the discovery and

determines whether further investigation is required to evaluate the significance and CRHR eligibility of the site, including performing additional test excavation or other studies, as necessary, to fully evaluate the significance of the discovered resource. If the site meets California Register of Historic Resources significance criteria and further damage cannot be avoided, then a data recovery plan shall be developed and implemented prior to resuming ground disturbance in the affected area. The data recovery plan shall make provisions for data collection, laboratory processing and technical analyses, final reporting, and curation of archaeological remains, and shall be reviewed and approved by the County Department of Planning and Building prior to implementation. All such work shall be fully funded by the Applicant.

**MM CR-2.3 Inadvertent discovery of human remains.** If human remains are uncovered, or in any other case when human remains are discovered during construction, the San Benito County Coroner is to be notified immediately to arrange their proper treatment and disposition and the Applicant shall immediately cease all work activities within 300 feet of the discovery. If the remains are identified — on the basis of archaeological context, age, cultural associations, or biological traits — as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent, who will determine the manner in which the remains are treated.

**MM CR-2.4 Implement workers environmental awareness program.** All construction personnel shall be trained regarding the recognition of possible buried cultural remains and protection of all cultural resources, including prehistoric and historic resources during construction, prior to the initiation of construction or ground-disturbing activities. Training shall inform all construction personnel of the procedures to be followed upon the discovery of archaeological materials, including Native American burials. All personnel shall be instructed that unauthorized collection or disturbance of artifacts or other cultural materials within or outside the project area by the Applicant, their representatives, their contractors, or their employees will not be allowed. Violators will be subject to prosecution under the appropriate State and federal laws, and violations will be grounds for removal from the project. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order. The following issues shall be addressed in training or in preparation for construction:

- All construction contracts shall include clauses that require construction personnel to attend training so they are aware of the potential for inadvertently exposing buried archaeological deposits, their responsibility to avoid and protect all cultural resources, and the penalties for collection, vandalism, or inadvertent destruction of cultural resources.
- Upon discovery of potential buried cultural materials by archaeologists or construction personnel, work in the immediate area of the find shall be diverted and the Applicant's archaeologist notified. Once the find has been inspected and a preliminary assessment made, Solargen's archaeologist shall consult with the County, as appropriate, to make the necessary plans for evaluation and treatment of the find(s).

The Applicant shall provide to the County a list of construction personnel who have completed the cultural resources identification training prior to start of construction, and this list shall be updated as required when new personnel start work. No construction worker may work in the field without first participating in the training program.

**MM PA-1.1 Implement site-specific paleontological recovery.** The Applicant shall identify and implement procedures to recover and preserve unknown and accidentally discovered significant fossils within the paleontologically sensitive areas on site. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to the County and the curation facility. This mitigation shall be implemented pursuant to a Paleontologic Monitoring and Recovery Plan prepared prior to construction by a qualified Principal Paleontologist, following the guidelines of the Society for Vertebrate Paleontology (1995) and submitted to the County for review and approval prior to ground disturbance.

**MM PA-1.2 Monitor grading and excavation for unknown and accidentally discovered paleontological resources.** A qualified paleontological monitor under the supervision of a Registered Professional Geologist shall monitor grading, trenching, and other earth disturbance that may affect the Pleistocene Older Alluvium (Qoa), mapped in a small segment within the western portion of the project area. If fossils are encountered, then paleontological recovery shall be carried out. All work shall be consistent with the Paleontologic Monitoring and Recovery Plan prepared pursuant to MM PA-1.1 and shall be fully funded by the Applicant. Recovery shall include: salvage of significant fossils; washing of representative samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; preparation of recovered specimens to a point of identification and permanent preservation; identification, curation, and accession of specimens into a museum repository with permanent retrievable storage; preparation of a report of findings with an appended itemized inventory of specimens. The report, inventory, and record of accession shall be submitted to the County and the curation facility, and its submission shall signify completion of the program to mitigate impacts to paleontological resources.

### **3.1.8 Geology, Mineral Resources, and Soils**

No mitigation measures remain unchanged from the 2010 Final EIR.

### **3.1.9 Hazards and Hazardous Materials**

**MM HZ-5.1 Cease work during Red Flag Warning.** During a Red Flag Warning issued for the zone encompassing the proposed project, all grading, welding, soldering, and smoking shall cease at the project site. In addition, vehicles shall remain on designated access roads or laydown areas cleared of vegetation.

### **3.1.10 Land Use and Recreation**

**MM LU-1.1 Establish construction liaison.** The Applicant shall provide a toll-free general phone number and the name and contact information for a local public liaison to all property owners within a one-mile radius of the project's boundaries. The toll-free access number and the identified local public liaison shall act as points of contact between property owners and construction crews. The local public liaison shall be available both in person and by

phone, as necessary, for at least 30 days prior to the start of any construction-related activities and for up to one year following construction. During construction, the local public liaison shall respond to all construction-related questions and concerns within 72-hours. Post-construction responses shall be made within 1 week.

The Applicant shall provide summary documentation of all comments and concerns communicated to the liaison monthly for the duration of construction and for one year following the completion of construction. The compliance documentation shall include the name and address of the person (if known) contacting the local public liaison, the date of contact, and what actions were taken to rectify and/or address the comments or concerns expressed. The compliance documentation shall be submitted to the County of San Benito Planning and Building Department on a quarterly basis throughout the duration of construction and for one year following construction.

**MM LU-1.2 Provide advance notice of construction.** Prior to and during construction, the Applicant shall give at least 30 days advance notice of the start of any construction-related activities for each phase (Phases 1 through 5) to all residences located within 5 miles of the project phase boundary, the Principal of the Panoche Elementary School, and the Bureau of Land Management Hollister Field Office. The notification shall include the toll-free general phone number and contact information for the local public liaison (Mitigation Measure LU-1.1, Establish construction liaison). Notification shall be provided by: (1) mailing notices to all property within a five-mile radius of the project site's boundaries; (2) placing notices in local newspapers; (3) mailing to the Principal of the Panoche Elementary School; (4) website posting with a link from the County website, and (4) signs shall be posted at the project site in areas accessible to the public. The announcement shall state where and when construction would occur; provide tips on reducing noise intrusion (e.g., closing windows facing the planned construction); and provide a point of contact for any noise complaints. The Applicant shall provide to the Department of Planning and Building within 72 hours of any complaints received a report that documents the complaints and the strategy for resolution of any noise complaints.

**MM LU-1.3 Provide quarterly construction updates.** Following publication/transmittal of the advance notification of construction (Mitigation Measure LU-1.2, Provide advance notification of construction), the Applicant shall provide all property owners within a one-mile radius of the project site's boundaries with updates and changes to all of the information provided in the pre-construction notification. The updates shall be provided every quarter for the duration of all construction-related activities. The updates shall continue to provide the toll-free number and the name and phone number of the local public liaison to respond to all construction-related questions and concerns. The local public liaison shall continue to respond to all questions and complaints within a 72-hour period during construction and within one week for post-construction activities (Mitigation Measure LU-1.1, Establish construction liaison).

### **3.1.11 Noise**

**MM NS-1.1 Shield construction staging areas.** Prior to using noisy equipment during construction and decommissioning activities, the Applicant shall install adequate temporary noise barriers around the construction staging areas to reduce noise levels associated with deliveries to these areas and construction equipment staging to meet County noise level standards (45 dBA hourly Leq daytime; 35 dBA hourly Leq nighttime at the project's

property line). Temporary noise barriers include noise-attenuating shields, shrouds, or portable barriers or enclosures that block the line of sight between the activity and the sensitive use, which would include schools, churches, hospitals, nursing homes, parks, and campgrounds. Temporary noise barriers may include wood fencing, hay bales, or noise curtains. Noise control shields shall be made of a durable, flexible composite material featuring a noise barrier layer bonded to a weather-protected, sound-absorptive material on the construction-activity side of the noise shield. Noise levels shall be monitored during construction at the project's property line closest to the construction staging areas. Should hourly noise level standards be exceeded as a result of work occurring at a staging area, all noise-related work at that staging area shall stop until adequate noise attenuation measures are installed to meet these standards. Any measure installed shall remain in good working order during the duration of the noise-making activity.

**MM NS-1.2 Implement noise-reducing features and practices for construction noise.** Prior to work commencing, the Applicant shall employ and clearly specify in its contractors' specifications the following noise-suppression techniques to minimize the impact of temporary noise associated with construction and decommissioning activities:

- Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as intake and exhaust mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer. Engine shrouds shall be closed during equipment operations.
- Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits (see Air Quality Mitigation Measure AQ-1.1) and limited engine idling requirements (see Air Quality APM AQ-2).
- Truck engine exhaust ("jake") brake use shall be limited to emergencies.
- Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. These settings shall be retained for the life of the project.
- Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.
- Radios and other "personal equipment" shall be kept at low volume.

**MM NS-1.4 Limit pile driving activities.** The Applicant shall employ the following limitations on pile driving activities to reduce noise levels:

- Complete pile driving activities in as short a period as feasible.
- Use and operate sonic or vibratory pile drivers at reduced driving force where feasible soil conditions occur instead of impact pile drivers.
- If several pile drivers are to be used, the pile driving activities shall be arranged so that no two pile driving are driving simultaneously within 160 feet of each other.

**MM NS-2.1 Limit decommissioning activities to daytime.** During decommissioning, construction-related activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. such that these activities are exempted from Section 25.37.035(E)(2) of the San Benito County Code.

**MM NS-5.1**     **Limit panel washing activities.** Panel washing activities shall be restricted to Monday through Saturday 7:00 a.m. to 7:00 p.m. excluding federal holidays, when occurring within 1,900 feet of the project's property line, such that these activities would be exempt from the County's noise level standards when the potential exists to exceed the standards. At greater distances from the project's property line, the County's noise level standards would be met and panel washing activities may occur any time during daylight hours. If noise complaints are received during panel washing activities occurring outside of the exempted times, the County shall monitor noise levels at the project's property line. Should the hourly daytime noise level standard of 45 dBA Leq be exceeded, all noise-related work shall stop in that area and be resumed during the exempted time period.

### **3.1.12**     **Population and Housing**

There were no adopted mitigation measures in the 2010 Final EIR. There are no new proposed mitigation measures for the Revised Project.

### **3.1.13**     **Public Services, Utilities, and Service Systems**

No mitigation measures remain unchanged from the 2010 Final EIR.

### **3.1.14**     **Transportation and Circulation**

Mitigation Measure TR-1.2 has been moved to Section C.14, Transportation and Circulation, because it has been modified in the Final SEIR.

**MM TR-1.1**     **Prepare and implement Traffic Control Plan.** Prior to the start of construction and decommissioning, the Applicant shall submit a Traffic Control Plan (TCP) to San Benito County for its review and approval and to Caltrans. The TCP shall include the following components and requirements that the Applicant shall implement:

- Define the locations of project access points and location and timing of any temporary lane closures;
- Identify and make provision for circumstances requiring the use of flag persons, warning signs, lights, barricades, cones, and etcetera to provide safe work areas in the vicinity of the project site and to warn, control, protect, and expedite vehicular and pedestrian traffic;
- Implement traffic control (flag persons, signage, barricades, cones, etc.) along all roadway segments that have substandard width (less than 18 feet);
- Include signage placed along all proposed construction haul routes and alternate haul routes at appropriate intervals notifying drivers of the presence of construction traffic on those roadways;
- Restrict use of Panoche Road from SR-25 to private automobiles, shuttle buses (of length less than 40 feet), and trucks with no more than two axles, only;
- Address the potential for construction related traffic to impede emergency response vehicles (in conjunction with Mitigation Measure PS-1.1 [Develop and implement service agreement with San Benito County Fire Department]) and present a specific training and information program for construction workers to ensure awareness of emergency procedures from project-related accidents or wildfires;

- Preclude all construction traffic (personal vehicles, shuttles buses, and all trucks) from using the unpaved portion of Panoche Road from Interstate 5 to the project site.

The TCP shall include a Truck and Bus Safety Plan that ensures:

- Shuttle buses are two-axle buses of length no greater than 36 feet.
- Construction deliveries (including heavy/combo trucks with more than two axles and single-unit trucks with two axles) would be restricted to traveling to and from the project site via Interstate 5 and Little Panoche Road only and would be precluded from using Panoche Road or SR-25;
- That construction material and equipment deliveries requiring pilot cars are limited to traveling along Little Panoche Road during daylight hours;
- All construction truck and bus drivers are informed of and required to adhere to the designated traffic haul routes.

The measures included in the TCP shall be consistent with any applicable guidelines outlined in the Standard Specifications for Public Works Construction, the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices, and the Work Area Traffic Control Handbook.

~~MM TR-1.2 Rehabilitate, protect and monitor roadway pavement, bridges and culverts.~~ Prior to the start of construction and decommissioning, the Applicant shall:

- ~~■ Implement pavement repairs required to achieve a traffic index of 7.0 on Panoche Road between Interstate 5 and Panoche Road;~~
- ~~■ Rehabilitate roadway striping along Little Panoche Road between Interstate 5 and Panoche Road.~~
- ~~■ Repair sections of deteriorated pavement along Little Panoche Road between Interstate 5 and Panoche Road, including the 4.1 through 5.5 mile segment of Little Panoche Road, in accordance with applicable loading standards and to the satisfaction of the County of San Benito Department of Public Works;~~

During construction the project shall require its contractor to:

- ~~■ Coordinate with the affected jurisdictions (Caltrans, San Benito and Fresno), and implement appropriate wheel load weight distribution to ensure bridge and culvert crossing are adequately protected.~~
- ~~■ Monitor the two culverts along Little Panoche Road that are not located at sufficient depths weekly throughout construction activities for damage to the culverts themselves or dips in the pavement. In the event of any damage that impairs culvert function or presents safety hazards to vehicle travel, project deliveries shall be postponed until the damage is repaired. Any repairs shall be the responsibility of the Applicant.~~
- ~~■ In addition to any other local and State requirements relating to oversized loads, the hauling contractor shall place a ¾ inch thick section of steel plate over the pavement above the culverts prior to hauling the transformers to the project site.~~
- ~~■ Conduct ongoing monitoring and evaluation of pavement conditions on Little Panoche Road between Interstate 5 and Panoche Road at appropriate intervals (as determined by the County of San Benito Department of Public Works) throughout the five-year~~

~~construction period and undertake roadway repairs as necessary to ensure it safely accommodates the projected construction traffic load.~~

**MM TR-1.3 Repair roadway damage.** The Applicant shall restore all public roads, easements, rights-of-way and infrastructure (such as signs, utility poles, and cattle guards) within the public road rights-of-way (including Interstate 5 access ramps on Little Panoche Road, Little Panoche Road between Interstate 5 and Panoche Road, Panoche Road between State Route 25 and Little Panoche Road, and State Route 25 between Hollister and Panoche Road) that have been damaged due to project-related construction or decommissioning activities or traffic. Restoration shall be to roadway conditions that existed prior to commencement of construction or decommissioning and shall be undertaken in a timely manner, in consultation with the County of San Benito and Caltrans and Fresno (if applicable), as appropriate.

At least 30 days prior to construction or decommissioning, the Applicant shall photograph or video record all construction route public roads, easements, and right-of-way segment(s), intersections, and shall provide the County of San Benito, the County of Fresno if applicable), and Caltrans (if applicable) with a copy of these images.

Within 60 days of completion of construction or decommissioning, the project owner shall meet with the County of San Benito, the County of Fresno (if applicable), and Caltrans (if applicable) to identify sections of public right-of-way to be repaired. At that time, the project owner shall establish a schedule to complete the repairs and to receive approval for the action(s). Following completion of any public right-of-way repairs, the project owner shall provide a letter signed by the County of San Benito, the County of Fresno, and Caltrans stating their satisfaction with the repairs.

### 3.1.15 Water Resources

**MM WR-6.1 Accidental spill control and environmental training.** The Construction Stormwater Pollution Prevention Plan (SWPPP) to be prepared for the proposed project shall include procedures for quick and safe cleanup of accidental spills. The Construction SWPPP shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction, and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. Additionally, an environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention and response measures, and SWPPP measures, to all field personnel. A monitoring program shall be implemented to ensure that the plans are followed during all construction, operations, and maintenance activities.

**MM WR-6.2 Store fuels and hazardous materials away from sensitive water resources.** Storage of fuels and hazardous materials will be prohibited within 200 feet of groundwater supply wells. If community or municipal wells are present on the project site or immediate vicinity, storage of fuels and hazardous materials will be prohibited within 400 feet.

**MM WR-6.3 Maintain vehicles and equipment.** All vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order so that they are free of any and all leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be updated and provided by the Applicant to the County of San Benito on a monthly basis for the duration of project construction.

## 3.2 Applicant Proposed Measures Unchanged

Table Ap.3-1 presents the Applicant Proposed Measures that were included in the Project Description of the 2010 Final EIR and incorporated into the Approved Project based on the County approval in 2010, and that have not been modified in this SEIR. APMs that are proposed to be modified are presented in Table B-9 in Section B.10 of this Supplemental EIR, and analyzed in Section C.

**Table Ap.3-1. Applicant Proposed Measures (APMs) Unchanged Since 2010 Approval**

APM Number	Measure by Issue Area
<b>Aesthetics</b>	
APM AES-2	Construction Lighting: During construction, localized and portable lighting will be used where the work is occurring. Lighting will be powered by generators and have switches to cut power when lighting is not required during construction.
<b>Agriculture</b>	
APM AG-2	<b>Allow grazing on lands covered by conservation easement created for biological resource mitigation.</b> Cattle grazing would be used as appropriate to increase biodiversity and maintain the suitability of mitigation lands for protected species habitat. The grazing program would be developed in accordance with grazing BMPs outlined by the Bureau of Land Management and protected species habitat requirements as determined by the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS). The grazing management plan would be developed, implemented, and monitored by the land trust or public conservation agency that holds the habitat conservation easement in consultation with-CDFW and USFWS.
<b>Air Quality</b>	
APM AQ-1	All requirements of those entities having jurisdiction over air quality matters would be adhered to and any necessary permits for construction activities would be obtained. Open burning of construction trash would not be allowed.
<b>Biological Resources</b>	
APM BIO-1	All construction vehicle movement outside the project area would normally be restricted to pre-designated access, contractor acquired access, or public roads.
APM BIO-2	The areal limits of construction activities would normally be predetermined, with activity restricted to and confined within those limits. No paint or permanent discoloring agents would be applied to rocks or vegetation to indicate survey or construction activity limits.
APM BIO-3	In construction areas where recontouring is not required, vegetation would be left in place wherever possible and original contour would be maintained to avoid excessive root damage and allow for regrowth.
APM BIO-4	Prior to construction, all supervisory construction personnel would be instructed on the protection of cultural and ecological resources. To assist in this effort, the construction contract would address: <ul style="list-style-type: none"> <li>▪ Federal and state laws regarding antiquities and plants and wildlife, including collection and removal.</li> <li>▪ The importance of these resources and the purpose and necessity of protecting them.</li> </ul>
APM BIO-5	Mitigation measures that will be developed during the consultation period under Section 7 of the Endangered Species Act will be adhered to as specified in the Biological Opinion of the U.S. Fish and Wildlife Service.

**Table Ap.3-1. Applicant Proposed Measures (APMs) Unchanged Since 2010 Approval**

<b>APM Number</b>	<b>Measure by Issue Area</b>
APM BIO-17	<p><b>On-site Conservation Measures for San Joaquin Kit Fox</b></p> <ul style="list-style-type: none"> <li>▪ Project is also integrating a series of avoidance and minimization measures by APM and MM to allow the applicant to construct and operate in a manner that will <del>not</del> minimize the extent practicable impacts to individuals (e.g., preconstruction surveys, translocation efforts, education program of workers, site restrictions on access and operations, etc.).</li> <li>▪ Restoration measures (soil stockpiling and revegetation efforts) will restore temporarily disturbed areas so they provide suitable areas for the species.</li> <li>▪ On-going monitoring based on the occupancy sampling will be used to determine changes in use of the site.</li> </ul> <p>This monitoring will inform an adaptive management approach to site management such as modifications of the grazing regime</p>
APM BIO-18 [duplicate measure]	<p><b>On-site Conservation Measures for SJKF</b></p> <ul style="list-style-type: none"> <li>▪ Project is also integrating a series of avoidance and minimization measures by APM and MM to allow the applicant to construct and operate in a manner that will not minimize the extent practicable impacts to individuals (e.g., preconstruction surveys, translocation efforts, education program of workers, site restrictions on access and operations, etc.).</li> <li>▪ Restoration measures (soil stockpiling and revegetation efforts) will restore temporarily disturbed areas so they provide suitable areas for the species</li> <li>▪ On-going monitoring based on the occupancy sampling will be used to determine changes in use of the site.</li> </ul> <p>This monitoring will inform an adaptive management approach to site management such as modifications of the grazing regime</p>
APM BIO-30	i) All spills of hazardous materials shall be cleaned up immediately in accordance with the Spill Prevention Plan.
APM BIO-31	j) Pets are prohibited at the PVSF.
APM BIO-32	k) Firearms are prohibited at the PVSF.
APM BIO-33	l) All food-related trash, such as wrappers, cans, bottles, bags, and food scraps shall be disposed of daily in containers with secure covers and regularly removed from PVSF.
APM BIO-34	m) Use of rodenticides and herbicides in project areas is prohibited with the exception of those applied near buildings/critical facilities. Only agency approved compounds will be applied (if necessary) by licensed applicators in accordance with label directions and other restrictions mandated by U.S. Environmental Protection Agency, County Agricultural Commissioner, regional label prescriptions on use, California Department of Food and Agriculture, and other State and Federal legislation.
APM BIO-35	n) All project-related vehicles shall observe a speed limit of 15 mph or less on all except as posted on State and County highway/roads.
APM BIO-37	p) Appropriate measures shall be undertaken to prevent unauthorized vehicle entry to off-road survey routes in sensitive habitat areas. Signing will be the preferred method to discourage use.
APM BIO-38	q) Project vehicles shall be confined to existing access routes or to specifically delineated areas (i.e., areas that have been surveyed). Otherwise, off-road vehicle travel is not permitted.

**Table Ap.3-1. Applicant Proposed Measures (APMs) Unchanged Since 2010 Approval**

APM Number	Measure by Issue Area
<b>Cultural Resources</b>	
APM CR-1	<p>Prior to construction, all supervisory construction personnel would be instructed on the protection of any known or unknown cultural and paleontological resources. To assist in this effort, the construction contract would address:</p> <ul style="list-style-type: none"> <li>▪ Federal and state laws that protect such resources and required procedures that must be followed for the collection and removal, including notification of the appropriate public agencies.</li> <li>▪ The importance of these resources and the purpose and necessity of protecting them.</li> </ul>
<b>Noise</b>	
APM N-1	<p>To comply with the County’s noise standards, the Applicant shall prohibit the use of fuel operated generators running at 100 percent load within 350 feet of the property boundary between 7:00 p.m. and 7:00 a.m. Battery-operated generators, generators that tie into a temporary or permanent electrical power source, or fuel-operated generators dampened to a noise level measured at less than 40 dBA Ldn at the property line shall be permitted within 350 feet of the property boundary. No fuel-operated generators, dampened or otherwise, shall be permitted within 200 feet of the property boundary. The Applicant shall also prohibit pile driving and grading of the site during these hours. The Applicant will incorporate these restrictions into construction contracts and/or construction specifications.</p>
<b>Hazards and Hazardous Materials</b>	
APM HAZ-1	<p>Hazardous materials shall not be drained onto the ground or into streams or drainage areas. Totally enclosed containment shall be provided for all trash, as well as recyclable materials. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, shall be removed to a disposal facility authorized to accept such materials.</p>
APM HAZ-2	<p>Prior to construction and mounting of the PV panels, each panel will be checked for cracks or other defects to avoid the possible exposure of toxic metals on the surface. The panels will be properly cleaned, if necessary, to prevent any potential contaminated water from contacting the ground or native vegetation.</p>
APM HAZ-4	<p>The applicant shall ensure that any animals grazing on the site during construction activity pursuant to a lease or other agreement shall be properly vaccinated in accordance with local custom and practice for San Benito County and Panoche Valley.</p>
APM HAZ-7	<p>As documented in Section B.9 of the Project Description, the applicant proposes to decommission the site at the end of the useful life of the project. To address the situation where the applicant becomes insolvent or is otherwise unable to perform the decommissioning and to ensure that the County has sufficient resources to undertake or contract to undertake the decommissioning, the applicant will enter into an agreement with County prior to issuance of the first building or grading permit that provides sufficient financial security to ensure that funds will be available to cover the anticipated cost of recycling and disposal of panels and other infrastructure at the end of the project’s useful life.</p>
<b>Public Services and Facilities</b>	
APM PSU-1	<p>If damaged or destroyed by construction activities, fences and gates would be repaired or replaced to their original pre-disturbed condition as required by the applicable landowner or the land management agency.</p>