



Jim Minnick
DIRECTOR

Imperial County Planning & Development Services Planning / Building

January 16, 2024

SUBJECT: REQUEST FOR PROPOSAL – MONITORING & COMPLIANCE
PROJECT: Brawley Solar Energy Facility –ORINI 30
CUP # 20-0030

Ladies and Gentlemen:

The Imperial County Planning & Development Services Department (ICPDS) is soliciting proposals for the third party monitoring and compliance on the Brawley (ORNI 30) Solar Energy project . **Proposals will be accepted from January 16, 2024 thru February 17, 2024; any proposals received after February 17,2024 will not be considered.**

ICPDS will act as the "Lead Agency" during all phases including the Laydown, Move On, pre-construction, construction phase, and operational phase of these projects. The successful consultant will work directly for ICPDS on the following phases:

1. The Laydown Phase which will allow for solar equipment to be delivered within the development area;
2. The initial Move On Phase where construction trailers and equipment will be used for construction;
3. The Pre-Construction Phase including all reports;
4. The Full Development Phase for the installation of the solar panels, & substations, and
5. The ongoing Operational Monitoring Phase, as required in the Conditional Use Permits and Mitigation Monitoring Reporting Programs. **(Please include as optional task).**

ICPDS is requesting a Statement of Interest consisting of a Statement of Qualifications and a Schedule of Charges from personnel & organizations, which are included in the environmental compliance services proposal.

The Monitoring and Compliance consultant will coordinate with the Brawley Solar (Ormat) project Owner, staff, and Imperial County agencies regarding environmental construction compliance and monitoring activities.

Assist the developers/project owners with preparation and/or review of plans to support construction and operation of the Project (e.g. Pest Management Plan, Raven Control Plan, Hazardous Materials Management Plan, etc.) in fulfillment of the requirements of the Mitigation Monitoring and Reporting Program and the conditions as identified in the Conditional Use Permit for the Project. Provide compliance management/mitigation monitoring as a comprehensive service to assist public agencies and private developers with carrying out the intent of the California Environmental Quality Act (CEQA) as it applies to environmental mitigation.

Additionally, the Monitoring and Compliance contractor to coordinate with the owner of the Brawley Solar Energy Facility owner, contractors, County staff and regulatory agencies (e.g. Imperial County Air Pollution Control District, California Department of Fish and Game [CDFW], etc.) during construction of the Project. The monitoring efforts will focus on the conditions and mitigation measures included in CUP #20-0030. Responsibilities as the compliance monitoring will include ensuring that the requirements of the CUPs are implemented and complied with as specified. The compliance contractor will fulfill these duties by inspecting the site for non-compliance issues; monitoring construction activities; protecting/avoiding biological and cultural resources; and verifying implementation of approved Conditions of Approval and mitigation measures as required in the MMRP.

Attached hereto is a copy of the Conditional Use Permit (CUP's) agreements and the Mitigation, Monitoring and Reporting Programs (MM&RP) for the Brawley Solar Energy Facility CUP 20-0020.

ICPDS hereby requests the project scope and cost associated with all of the following Phases & Tasks:

- 1. Laydown phase-** *Delivery and staging of solar equipment within the development area. This phase is limited to a specific area of the project site that will be used to store materials and solar components in advance of construction. Compliance contractor involvement for this phase includes having a biologist doing a sweep of the area ensure there are no birds, burrowing owls or other wildlife present prior to staging materials followed by a pre-construction survey before disturbance of the Project site. If species are present, the appropriate actions will be implemented to avoid or relocate the affected species in consultation with CDFW and in accordance with required protocols. The contractor will also ensure that staged materials are properly covered/capped to prevent birds and wildlife from nesting in these areas. Monitoring costs on the biological as needed per surveys, including the monitoring of potential passive re-locations, if needed. Please include the hourly rate for monitoring, as well as the total estimated hours.*
- 2. Move-On phase-** *Mobilizing of job trailers and equipment in advance of construction. This phase involves placement of mobile units that serve as offices for the contractors during construction, placement of port-a-poties, and staging of equipment including the J-stand for filling water trucks. Light grading is also involved so the Dust Control Plan needs to be in place. Likewise, pre-construction surveys need to be conducted prior to the move-on as this phase serves to assemble the necessary infrastructure and equipment to commence construction. Compliance involvement for this phase includes oversight of the mobilization process and establishing parameters for operation of the area. This involves ensuring that containment is in place beneath equipment; confirming that port-a-potties are secured with containment beneath; checking for drips/pooling water from the J-stand; covering gaps beneath trailers to inhibit birds and wildlife from occupying these areas; and directing that garbage cans be covered to avoid blowing trash and attracting wildlife.*
- 3. Pre-construction phase (Tasks & Costs) -** *Preparation of all required reports and plans as specified in the Conditions of Approval and/or MMRP. A multitude of reports and plans must be prepared prior to the start of construction. These include, but are not limited to:*
 - *A dust control plan,*
 - *Pest Management Plan,*
 - *Storm-water Pollution Prevention Plan (SWPPP),*
 - *Hazardous Materials Business Plan, etc.*
 - *Surveys for nesting birds and burrowing owls.*
 - *Biological surveys and written reports for the construction area.*
 - *The County will need the costs for these surveys on project areas and the off-site areas as required.*
- 4. Costs for monitoring the Developer's construction crews** *including, but not limited to the EPC contractor, electrical contractors, and subcontractors including the grading for each site. Please include the hourly rate and the total estimated hours for monitoring;*
- 5. Costs for paleontological, culture, and archeological work** *required by the MMR&P's and CUP conditions and or as requested by the Imperial County Planning & Development Services Department; please include the hourly rate and the total estimated hours.*
- 6. Costs for writing compliance reports** *for the Brawley Solar Energy Facility ; please include the hourly rate and the cost for the weekly compliance report.*
- 7. Costs for conducting onsite monitoring and documenting** *whether the Project complies with the conditions of the County permits; please provide the hourly rate.*
- 8. Costs for attending meetings with the Contractor, State Agencies, or Local Agencies** *on site or via phone conference as well as writing reports documenting these meetings; please provide the hourly rate and the total estimated hours.*

9. Costs for training and maintaining a Workers Environmental Awareness Program (WEAP) training for all workers and contractors working on site during Pre-construction & construction activities.

The Statement of Interest must also include resumes for the proposed cultural resource, paleontological resource, and biological resource specialists. State Agency approval may be required.

The proposed hourly/daily billing rate, travel billing rate, mileage billing rate, proposed per diem (if any), and expected round-trip miles to be billed for visits to the Brawley Solar Energy Facility development site.

The estimated project construction completion is one (1) year. The construction is scheduled to begin in the Spring months of 2024; however, the duration of requested service to carry out the Scope of Work may vary. The laydown area may start to receive truck deliveries in early 2024.

The DEIR and FEIR for the Brawley Solar Energy Facility project can be reviewed on the Imperial County's Planning & Development Services website. (ICPDS.COM)

If you have any questions, you may contact David Black, Planner IV, by phone at (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.

Sincerely,

By: 
David Black, Planner IV

Jim Minnick, Director
Planning & Development Services Department



Attachments : Location Map
Recorded CUP
MMRP

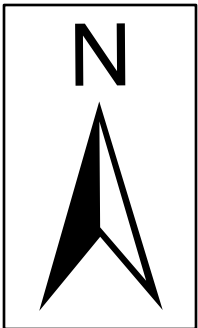
CC:
Jim Minnick, Director of Planning and Development Services
Michael Abraham, AICP, Assistant Director of Planning & Development Services
Project File: Orni 30 LLC
APN 037-140-006-000
Files:10.102; 10.101;10.110
DB\ATIS\AIIUsers\APN\037\140\006\ORNI 30 LLC CUP 20-0030 GPA & ZC PROJECT\Monitoring 2024\Monitoring RFP.docx

PROJECT LOCATION MAP



ORNI 30, LLC
GENERAL PLAN AMENDMENT #21-0003
ZONE CHANGE #21-0003,
CONDITIONAL USE PERMIT #20-0030,
WSA & INITIAL STUDY #20-0041
APN 037-140-006, 020, 021, 022, AND
023-000

-  BRAWLEY CITY LIMIT
-  PROJECT LOCATION



1 When Recorded Return To:

2 Imperial County
3 Planning & Development Services
4 801 Main Street
5 El Centro, California 92243

RECORDED

JUN 01 2023

CHUCK STOREY
Imperial County Clerk-Recorder

6
7 **AGREEMENT FOR CONDITIONAL USE PERMIT #20-0030**
8 **BRAWLEY (ORNI 30) SOLAR ENERGY FACILITY**
9 **APN's 037-140-006, 020, 021, 022 AND 023-000**
10 **Board of Supervisors Approved Conditions May 16, 2023**

11 This Agreement is made and entered into on this 25th day of May, 2023, by and
12 between ORNI 30, LLC hereinafter referred to as the Permittee (Permittee), and the
13 COUNTY OF IMPERIAL, a political subdivision of the State of California (County or
14 Imperial County), related to the Brawley Solar Energy Facility Project (CUP #20-0030)
15 project area.

16 **RECITALS**

17 **WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in
18 Imperial County to be improved with the proposed utility-scale solar and battery storage
19 facility. The project, Conditional Use Permit (CUP or Permit) #20-0030, consists of a
20 proposed 40 MW photovoltaic solar energy facility, energy (battery) storage facility (up to
21 80 MW and not to exceed a 1 to 2 solar/battery ratio) and associated infrastructure,
22 including but not limited to, electrical switch station, substation, on-site operations and
23 maintenance (O&M), a gen-tie line and internal solar development transmission lines, on
24 approximately 227 acres within Imperial County (the "Project"). The proposed facility is
25 located approximately 1 mile north of Brawley; and,

26 **WHEREAS**, Permittee has applied to the County of Imperial for CUP #20-0030 for
27 constructing and operating a new 40 MW solar energy facility, energy (battery) storage
28 facility (up to 80 MW and not to exceed a 1 to 2 solar/battery ratio) with ancillary support
facilities, including electrical interconnections. The Project will connect to the existing
North Brawley Geothermal Power Plant substation located southwest of the project site via
an approximately 1.8 mile long 92 kV generation tie line; and,

29 **WHEREAS**, the Project is located on APNs 037-140-006, 020, 021, 022 and 023
and is located at: POR S2 OF W2 TR120 T13 R14 E OF SPRR, & POR TR 119 T13 R14
LY WLY OF SPRR & POR W2 TR 119 ELY OF SPRR & POR TR 120 T13 R14 LY WLY
OFSPRR & POR N2 OF W2 TR 120 LY E OF SPRR T13 R14; and,

1 **GENERAL CONDITIONS:**

2 The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are
3 either routinely and commonly included in all Conditional Use Permits as "standardized conditions"
4 and/or are conditions that the Imperial County Planning Commission has established as a requirement
5 on all CUP's for consistent application and enforcement. The Permittee is hereby advised that the
6 General Conditions are as applicable as the SITE SPECIFIC conditions. The General Conditions are in
7 addition to the MMRP and any and all other requirements for the project.

8 **G-1 GENERAL LAW AND OTHER REQUIREMENTS:**

9 The Permittee shall comply with all applicable local, state and/or federal laws, rules,
10 regulations, ordinances, and/or standards (LORS) as they may pertain to the
11 Project, whether specified herein or not. The Project shall be constructed and
12 operated as described in the Conditional Use Permit (CUP) applications and the
13 Final Environmental Impact Report (FEIR) and Mitigation and Monitoring Reporting
14 Program (MMRP). A violation of any such LORS or conditions, applications, the
15 FEIR or the MMRP shall be a violation of this CUP.

16 **G-2 EFFECTIVE DATE:**

17 The approved Conditional Use Permit shall not become effective until ten (10)
18 calendar days after the decision of the Planning Director or Commission. Further
19 the Conditional Use Permit shall not be effective until applicable conditions have
20 been met, and the Conditional Use Permit is recorded with the County Recorder,
21 with payment of recording fees being paid by applicant. In the case of a decision by
22 the Board of Supervisors there is no 10-day appeal.

23 **G-3 RECORDATION:**

24 CUP #20-0030 shall **not be effective** until it is recorded at the Imperial County
25 Recorder's Office and if no appeal has been made after approval from the hearing
26 body. In the case of a decision by the Board of Supervisors there is no 10-day
27 appeal. Payment of the recordation fee shall be the responsibility of the Permittee.
28 If this CUP is not recorded within one hundred eighty (180) days from the date of
approval the CUP shall be deemed null and void, without notice having to be
provided to Permittee. Permittee may submit a written request for a recordation
extension for this CUP by filing such a request with the Planning Director at least
sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may
approve one (1) extension for a period not to exceed one hundred eighty (180)
days. An extension may not be granted if the request for an extension is filed after
the expiration date. Failure to record this CUP within one (1) year including the
granted extension period shall deem this CUP null and void.

1 **G-4 COMMENCEMENT OF WORK:**

2 If the project for which a CUP has been approved has not commenced, or permits
3 for said project have not been issued, within one (1) year from effective date, the
4 CUP shall be null and void. If an applicant cannot initiate or obtain permits for the
5 approved use during the one (1) year, applicant may request a one (1) year
6 extension from the Department. The request for an extension shall be in writing and
7 be submitted with explanation to the Planning & Development Services Department
8 at least sixty days prior to the end of the extended one (1) year period. The Director
9 shall have the authority to extend the initial start-up period, or commencement of
10 work, of a CUP up to two (2) times for a maximum of two (2) years. Should the
11 Permittee desire to continue with the project, a new application shall be submitted
12 and the entire process would have to begin anew.

9 **G-5 TIME LIMIT:**

10 Unless otherwise specified within the Site Specific Conditions, this Permit shall be
11 limited to a maximum of thirty (30) years from the recordation of the CUP. The CUP
12 may be extended for an additional ten (10) year period by the appropriate County
13 entity (either the Planning Director, the Planning Commission or the Board of
14 Supervisors as set forth in the applicable Imperial County Ordinances) upon a
15 finding that the Project is in compliance with all conditions of the CUP as stated
16 herein and any applicable Land Use regulation of the County of Imperial. In order to
17 obtain an extension, the Permittee shall file a written extension request with the
18 Planning Director at least sixty (60) days prior to the expiration date of the permit.
19 Such an extension request shall include the appropriate extension fee. Nothing
20 stated or implied within this Permit shall constitute a guarantee that an extension
21 will be granted. An extension may or may not be granted if the Project is in violation
22 of any one or all of the conditions or if there is a history of non-compliance with the
23 Permit conditions.

19 **G-6 ABANDONMENT:**

20 If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year,
21 the CUP shall be null and void, and be of no effect. Notice to applicant/permittee
22 under this division will not be required or provided by Department.

22 **G-7 PERMIT/LICENSE:**

23 Permittee shall obtain and comply with any and all required permits, licenses,
24 and/or approvals, for the construction and/or operation of this project. This shall
25 include, but shall NOT be limited to, permits from the County Division of
26 Environmental Health Services (EHS), Planning & Development Services
27 Department, Office of Emergency Services (OES), Imperial County Air Pollution
28 Control District (ICAPCD) and Public Works Department. Permittee shall likewise
29 comply with all such permit requirements for the life of the project. **Additionally,**
Permittee shall submit a copy of such additional permit(s) and/or license(s) to

1 the Planning & Development Services Department within 60-days of receipt,
2 including amendments or alternatives thereto.

3
4 **G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

5 Permittee acceptance of this CUP shall be deemed to constitute agreement with
6 the terms and conditions contained herein. Where a requirement is imposed in this
7 CUP that Permittee conduct a monitoring program, and where the County has
8 reserved the right to impose or modify conditions with which the Permittee must
9 comply based on data obtained therefrom, or where the Permittee is required to
10 prepare specific plans for County approval and disagreement arises, the Permittee,
11 operator and/or agent, the Planning and Development Services Director or other
12 affected party, to be determined by the Planning and Development Services
13 Director, may request that a hearing be conducted before the Imperial County
14 Planning Commission whereby they may state the requirements which will
15 implement the applicable conditions as intended herein. Upon receipt of a request,
16 the Planning Commission shall conduct a hearing and make a written
17 determination. The Planning Commission may request support and advice from a
18 technical advisory committee. Failure to take any action shall constitute
19 endorsement of staff's determination with respect to implementation.

20 **G-9 CONDITION PRIORITY:**

21 This project shall be constructed/operated as described in the CUP application, the
22 environmental documents, the project description, and as specified in these
23 conditions. Where a conflict occurs, the CUP conditions shall govern.

24 **G-10 INDEMNIFICATION:**

25 As part of this application, applicant and real party in interest, if different, agree to
26 defend, indemnify, hold harmless, and release the County of Imperial ("County"), its
27 agents, officers, attorneys, and employees (including consultants) from any claim,
28 action, or proceeding brought against any of them, the purpose of which is to
attack, set aside, void, or annul the approval of this application or adoption of the
environmental document which accompanies it. This indemnification obligation
shall include, but not be limited to, damages, costs, expenses, attorney fees, or
expert witness fees that may be asserted by any person or entity, including the
applicant, arising out of or in connection with the approval of this application,
whether or not there is concurrent negligence on the part of the County, its agents,
officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents,
officers, attorneys, or employees (including consultants), to attack, set aside, void,
or annul the approval of the application or adoption of the environmental document
which accompanies it, then the following procedures shall apply:

- 1 1. The Planning Director shall promptly notify the County Board of Supervisors of
2 any claim, action or proceeding brought by an applicant challenging the County's
3 action. The County, its agents, attorneys and employees (including consultants)
4 shall fully cooperate in the defense of that action.
- 5 2. The County shall have the final determination on how to best defend the case
6 and will consult with applicant regularly regarding status and the plan for
7 defense. The County will also consult and discuss with applicant the counsel to
8 be used by County to defend it, either with in-house counsel, or by retaining
9 outside counsel provided that the County shall have the final decision on the
10 counsel retained to defend it. Applicant shall be fully responsible for all costs
11 incurred. Applicant shall be entitled to provide his or her own counsel to defend
12 the case, and said independent counsel shall work with County Counsel to
13 provide a joint defense.

14 **G-11 INSURANCE:**

15 The Permittee shall take out and maintain workers compensation insurance as
16 required by the State of California. The Permittee shall also secure liability
17 insurance and such other insurance as required by state and/or federal law. A
18 Certificate of Insurance is to be provided to the Planning and Development
19 Services Department by the insurance carrier, and said insurance and certificate
20 shall be kept current for the life of the project. Certificates of Insurance shall be
21 sent directly to the Planning and Development Services Department by the
22 insurance carrier and shall name the Department as a recipient of both renewal and
23 cancellation notices.

24 **G-12 RIGHT OF ENTRY:**

25 The County reserves the right to enter the premises at any time, announced or
26 unannounced, in order to make the appropriate inspection(s) and to determine if
27 the condition(s) of this CUP are complied with. Access by authorized enforcement
28 agency personnel shall not be denied.

G-13 SEVERABILITY:

Should any condition(s) of this CUP be determined by a Court or other agency with
proper jurisdiction to be invalid for any reason, such determination shall not
invalidate the remaining provision(s) of this CUP.

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP are to run with the land/project and shall bind the
current and future owner(s) successor(s) of interest; assignee(s) and/or
transferee(s) of said CUP. **Permittee shall not without prior notification to the
Planning & Development Services Department assign, sell, or transfer, or
grant control of CUP or any right or privilege therein.** The Permittee shall
provide a minimum of 60 days written notice prior to such proposed transfer

1 becoming effective. The permitted use identified herein is limited for use upon this
2 parcel described herein and may not be transferred to another parcel.

3
4 **G-15 COMPLIANCE/REVOICATION:**

5 Upon the determination by the Planning & Development Services Department that
6 the project is or may not be in full compliance with any one or all of the conditions of
7 this CUP, or upon the finding that the project is creating a nuisance as defined by
8 law, the issue shall be brought immediately to the appropriate enforcement agency
9 or to the Planning Commission for hearing to consider appropriate response
10 including but not limited to the revocation of the CUP or to consider possible
11 amendments to the CUP. The hearing shall be held upon due notice having been
12 provided to the Permittee and to the public in accordance with established
13 ordinance/policy.

14
15 **G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

16 Should the Permittee violate any condition herein, the County shall give written
17 notice of such violation and actions required of Permittee to correct such violation.
18 If Permittee does not act to correct the identified violation within forty-five (45) days
19 after written notice, County may revoke the CUP. If Permittee pursues correction of
20 such violation with reasonable diligence, the County may extend the cure period.
21 Upon such revocation, County may, at its sole discretion, cease processing,
22 defending any lawsuit or paying for costs associated with the Project.

23
24 **G-17 COSTS:**

25 Permittee shall pay any and all amounts determined by the County to defray any
26 and all cost(s) for the review of reports, field investigations, monitoring, and other
27 activities directly related to the enforcement/monitoring for compliance of this CUP,
28 County Ordinance or any other applicable law. Any billing against this project, now
or in the future, by the Planning & Development Services Department or any
County Department for costs incurred as a result of this CUP, shall be billed
through the Planning & Development Services Department.

G-18 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services
Department to show that Permittee is in full compliance with this CUP. The report
shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of
this CUP. It shall be the responsibility of the Permittee to provide all reports and to
include the information about other users. The County may request information at
any time from the Permittee or other users if applicable; however, it shall be the
responsibility of the Permittee to assure that the County receives such information
in a timely manner.

1 **G-19 RESPONSIBLE AGENT**

2 Permittee shall maintain on file with the Planning and Development Services
3 Department the name and phone number of the responsible agent for the site. A
4 back-up name shall also be provided, and a phone number for twenty-four (24)
5 hour emergency contact shall also be on file. If there are other users, the same
6 information (as applicable) required from the Permittee shall also be made available
7 to the County from such other users.

8 **G-20 WATER AND SEWER:**

9 Permittee shall provide water and sewer to Federal, State and County standards.
10 Water and sewer systems shall be approved by the Environmental Health Services
11 and the Planning & Development Services Department. Permittee shall hook up to
12 a public water system or supplier if and when available.

13 **G-21 DEFINITIONS:**

14 In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s)
15 and/or conditions or sections herein shall be determined by the Planning
16 Commission of the County of Imperial. Their determination shall be final unless an
17 appeal is made to the Board of Supervisors ten (10) days from the date of their
18 decision.

19 **G-22 SPECIFICITY:**

20 The issuance of this CUP does not authorize the Permittee to construct or operate
21 this project in violation of any state, federal, local law nor beyond the specified
22 boundaries of the project as shown in the application/project description/ CUP, nor
23 shall this CUP allow any accessory or ancillary use not specified herein. This CUP
24 does not provide any prescriptive right or use to the Permittee for future addition
25 and/or modification to this project.

26 **G-23 HEALTH HAZARD:**

27 If the County Health Officer determines that a significant health hazard exists to the
28 public, the County Health Officer may require appropriate measures and the
29 Permittee shall implement such measures to mitigate the health hazard. If the
30 hazard to the public is determined to be imminent, such measures may be imposed
31 immediately and may include temporary suspension of the subject operations.
32 However, within forty five (45) days of any such suspension of operations, the
33 measures imposed by the County Health Officer must be submitted to the Planning
34 Commission for review and approval. Nothing shall prohibit Permittee from
35 requesting a special Planning Commission meeting provided Permittee bears all
36 costs.

37 **G-24 CHANGE OF OWNER/OPERATOR:**

1 In the event the ownership of the site or the operation of the site transfers from the
2 current Permittee to a new successor Permittee, the successor Permittee shall be
3 bound by all terms and conditions of this CUP as if said successor was the original
4 Permittee. Current Permittee shall inform the County Planning & Development
5 Services Department in writing at least sixty (60) days prior to any such transfer.
6 Failure of a notice of change of ownership or change of operator shall be grounds
7 for the immediate revocation of the CUP. In the event of a change, the new
8 Owner/Operator shall file with the Department, via certified mail, a letter stating that
9 they are fully aware of all conditions and acknowledge that they will adhere to all.

10
11
12 **G-25 PERMITS OF OTHER AGENCIES INCORPORATED:**

13 Permits granted by other governmental agencies in connection with the Project are
14 incorporated herein by reference. The County reserves the right to apply conditions
15 of those permits, as the County deems appropriate; provided, however, that
16 enforcement of a permit granted by another governmental agency shall require
17 concurrence by the respective agency. Permittee shall provide to the County, upon
18 request, copies and amendments of all such permits.

19 **G-26 MINOR AMENDMENTS:**

20 The Planning Director may approve minor changes or administrative extensions, as
21 requested in writing by the Permittee, provided it does not result in additional
22 environmental impacts and/or are generally procedural or technical and/or which
23 may be necessary to comply with other government permit compliance
24 requirements.

25
26 (TOTAL "G" CONDITIONS are 26)

27 **SITE SPECIFIC CONDITIONS:**

28 **S-1 AUTHORIZED SCOPE OF ACTIVITIES:**

- 29 (A) Permittee shall be responsible as for all improvements, septic, sewer,
30 approved potable water system(s), pipelines, roads and other
31 improvements discussed in the CUP Application and Conditions of
32 Approval, FEIR, and MMRP. If Permittee sells all or part of this Project,
33 an approved agreement shall be in place for new Project owner to build
34 and maintain as agreed to by the conditions set forth in this CUP. The
35 County Assessor's Office shall be notified of any ownership change.
- 36 (B) Permittee shall develop this CUP property as a separate solar energy
37 and energy (battery) storage facility. Any development with a
38 combination of parcels will require the owner(s) to have a recorded
39 deed restriction to "hold the parcel as one parcel" that runs with the
40 land. This deed restriction shall be for a minimum of thirty (30) years

1 and shall only be released upon the expiration of the thirty (30) years,
2 the expiration or termination of the CUP, or upon approval of the
3 Imperial County Planning and Development Director that the restriction
4 is no longer needed based on a change in the development or
5 regulation.

6 (C) The Permittee shall construct and operate the solar energy and energy
7 (battery) storage facility in compliance with the CUP, the County's
8 General Plan's Land Use Element, Land Use Ordinance and all other
9 applicable local, state, and federal LORS, to include any other permits
10 which are incorporated herein by reference.

11 (D) Construction, operation, maintenance, replacement and removal of a
12 solar energy facility & energy (battery) storage system shall be as
13 described in Permittee's CUP Application and approved FEIR for the
14 Brawley Solar Energy and Storage project (CUP #20-0030), to include
15 photovoltaic (PV) modules, mounting structures, electrical wiring,
16 inverters, transformers and alternating current (AC) electric collector
17 system, project electric substation and ancillary facilities. Ancillary
18 facilities include safety and security equipment, retention basins,
19 perimeter fencing, access gates, lighting systems, access roads, and
20 may include temporary construction trailers, equipment enclosures,
21 water treatment system and building, septic system, parking, and fire
22 protection. The Project's PV arrays shall be comprised of solar bifacial
23 high-power-dual cell PV panels organized into approximately 13
24 electrical groups referred to as "blocks." Each panel is approximately
25 3.2 feet by 6.5 feet and is installed on single-axis horizontal trackers
26 in blocks that each hold 3,809 PV panels in 28 strings. The panels shall
27 be oriented from east to west for maximum sun exposure and the
28 foundation shall be designed based on soil conditions. The PV panels
are made of a poly-crystalline silicon semiconductor material
encapsulated in glass capable of producing 40 MW total. Installation of
the PV arrays includes installation of mounting posts, module rail
assemblies, PV modules, inverters, transformers and buried electrical
conductors. Concrete is required for the footings, foundations and pads
for the transformers and substation work. Tracker foundations shall be
comprised of either driven or vibrated steel posts/pipes, and/or concrete
in some places (depending on soil and underground conditions).

(E) The Project's energy (battery) storage (BESS) component will be
located on an approximately 54,000 square-foot concrete pad at the
southern edge of the project site. The BESS will consist of 12 banks of
batteries totaling up to 432 enclosures. Each bank of batteries will be
supported by a DC Combiner, control panel, and inverter/transformer
skid. Each enclosure will utilize self-contained liquid cooling systems
and include built-in fire suppression systems. The batteries will be
lithium-ion based and capable of storing 40 MW in total (not to exceed
80 MW). A lithium-ion battery is a type of rechargeable battery that

1 moves from the negative electrode through an electrolyte to the positive
2 electrode during discharge, and back when charging. Lithium-ion
3 batteries use an intercalated lithium compound as the material at the
4 positive electrode and typically graphite at the negative electrode. The
5 batteries have a high energy density, no memory effect and low self-
6 discharge. Lithium-ion batteries would be mounted in racks. These
7 racks would be integrated into containers. Lithium-ion battery racks sit
side-by-side and typically have 48 inches of spacing in front of the rack
and 18 inches of spacing in the rear of the rack. Spacing may be
increased for serviceability. The Project design would meet minimum
spacing required by code.

8 **S-2 AESTHETICS:**

- 9 (A) The Permittee shall design and maintain all buildings and equipment
10 enclosures to have exterior surfaces with neutral, non-reflective colors.
- 11 (B) The Permittee shall design and install lighting at construction storage
12 yards and staging areas, such that light bulbs and reflectors are not
13 visible from public viewing areas; lighting does not create reflected
glare; and illumination of the Project facilities, vicinity, and nighttime sky
is minimized.
- 14 (C) Lighting shall be designed so exterior light fixtures are hooded, with
15 lights directed downward or toward the area to be illuminated and so
16 that backscatter to the nighttime sky is minimized. The design of the
lighting shall be such that the luminescence or light source is shielded
17 to minimize light trespass outside the Project boundary.
- 18 (D) All lighting shall be of minimum necessary brightness consistent with
worker safety and OSHA requirements.
- 19 (E) High illumination areas not occupied on a continuous basis shall have
20 switches or motion detectors to light the area only when occupied.

21 **S-3 AGRICULTURE:**

- 22 (A) Compensation for loss of Farmland included below shall be
23 implemented prior to the issuance of a grading permit or building permit
(whichever is issued first) for the Project:
- 24 1. Voluntarily enter into a public benefit agreement at an annual
25 fee cost for the Public Service Benefit of \$600 per acre year.
 - 26 2. Costs associated with the per acre payment shall be annually
27 adjusted on January 1st to add a Consumer Price Index (CPI)
28 increase, as determined by the United States Bureau of Labor

1 Statistics, but in no case shall such increase be less than zero
2 (0).

3 (B) Permittee shall minimize paving and ground disturbing activities to the
4 maximum extent practical within agricultural fields to retain soil
5 characteristics.

6 (C) Pest Management Plan. Prior to the issuance of a grading permit or
7 building permit (whichever occurs first), a Pest Management Plan shall
8 be developed by the Permittee and approved by the County of Imperial
9 Agriculture Commissioner. The Permittee shall maintain a Pest
10 Management Plan until reclamation is complete. The Plan shall provide
11 the following:

12 1. Monitoring, preventative, and management strategies for weed and
13 pest control during construction activities at any portion of the project
14 (e.g., transmission line);

15 2. Control and management of weeds and pests in areas temporarily
16 disturbed during construction where native seed will aid in site
17 revegetation as follows:

18 • Monitor for all pests including insects, vertebrates, weeds, and
19 pathogens. Promptly control or eradicate pests when found, or when
20 notified by the Agricultural Commissioner's office that a pest problem
21 is present on the project site. The assistance of a licensed pest
22 control advisor is recommended.

23 • All treatments must be performed by a qualified applicator or a
24 licensed pest control operator;

25 • "Control" means to reduce the population of common pests below
26 economically damaging levels, and includes attempts to exclude pests
27 before infestation, and effective control methods after infestation.
28 Effective control methods may include physical/mechanical removal,
bio control, cultural control, or chemical treatments;

• Use of "permanent" soil sterilants to control weeds or other pests is
prohibited because this would interfere with reclamation;

• Notify the Agricultural Commissioner's office immediately regarding
any suspected exotic/invasive pest species as defined by the
California Department of Food Agriculture and the U.S. Department of
Agriculture. Request a sample be taken by the Agricultural
Commissioner's Office of a suspected invasive species. Eradication of
exotic pests shall be done under the direction of the Agricultural
Commissioner's Office and/or California Department of Food and
Agriculture.

26 **S-4 AIR QUALITY:**

27 (A) The Permittee shall comply at all times with the ICAPCD Regulation
28 VIII, Fugitive Dust Control. Please use MMRP for guidance.

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(B) Prior to commencing construction, the Permittee shall submit a Dust Control Plan to the ICAPCD for approval identifying all sources of PM₁₀ emissions and associated mitigation measures during the construction and operational phases of the Project. The Project Proponent shall submit a "Construction Notification Form" to the ICAPCD ten (10) days prior to the commencement of any earthmoving activity. The Dust Control Plan submitted to the ICAPCD shall meet all applicable requirements for control of fugitive dust emissions, including the following measures designed to achieve the no greater than 20% opacity performance standard for dust control:

- (1) All on-site and off-site unpaved roads shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.
- (2) All unpaved traffic areas one acre or more in size with seventy-five (75) or more average vehicle trips per day, shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- (3) 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 shall be cleaned and/or washed at the delivery site after removal of bulk material.
- (4) All track-out or carry-out, which includes bulk materials that adhere to the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement, shall be cleaned at the end of each workday, or immediately when mud or dirt extends a cumulative distance of fifty (50) linear feet or more onto a paved road within an urban area.
- (5) 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.
- (6) The construction of new unpaved roads is prohibited within any area with a population of five hundred (500) or more, unless the road meets ICAPCD's 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% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

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2 (7) Shall comply with the MMRP and its applicable mitigations.

3 (C) The Permittee shall implement all applicable standard mitigation
4 measures for construction combustion equipment for the reduction of
5 excess NOx emissions as contained in the Imperial County CEQA Air
6 Quality Handbook and associated regulations. These measures
7 include:

8 (1) Use of alternative fueled or catalyst equipped diesel construction
9 equipment, including all off-road and portable diesel-powered
10 equipment.

11 (2) Minimize idling time, either by shutting equipment off when not in
12 use or reducing the time of idling to five minutes at a maximum.

13 (3) Limit the hours of operation of heavy-duty equipment and/or the
14 amount of equipment in use.

15 (4) Replace fossil-fueled equipment with electrically driven equivalents
16 (assuming powered by a portable generator set and are available,
17 cost effective, and capable of performing the task in an effective,
18 timely manner).

19 (5) Curtail construction during periods of high ambient pollutant
20 concentrations; this may include ceasing construction activity
21 during the peak hour of vehicular traffic on adjacent roadways.

22 (6) Implement activity management (e.g. rescheduling activities to
23 avoid overlap of construction phases, which would reduce short-
24 term impacts).

25 **S-5 GEOLOGY/SOILS and MINERAL RESOURCES:**

26 (A) Prior to approval of final engineering and grading plans for the Project,
27 the County shall verify that all recommendations contained in the
28 Geotechnical Report for the Brawley Solar Facility have been
incorporated into all final engineering and grading plans. The County's
soil engineer and engineering geologist shall review grading plans prior
to finalization to verify compliance with the recommendations of the
report.

S-6 CULTURAL RESOURCES:

(A) Compliance and Monitors shall insure all mitigations CUL-1 through
CUL-7 set forth in the MMRP are followed.

1 **S-7 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS**
2 **MANAGEMENT:**

- 3 (A) All trash and debris within the Project site shall be disposed of off-site,
4 in accordance with current, local, state, and federal disposal
5 regulations. Compliance with this measure shall be verified by the
6 Planning and Development Services Department.
- 7 (B) If it is determined that hazardous wastes are, or will be generated by
8 the proposed operations, the wastes must be managed in accordance
9 with the California Hazardous Waste Control Law (California Health and
10 Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste
11 Control Regulations (California Code of Regulations, Title 22, Division
12 4.5).
- 13 (C) If it is determined that hazardous wastes will be generated, the
14 Permittee should also obtain a United States Environmental Protection
15 Agency, Identification Number by contacting (800) 618-6942. Certain
16 hazardous waste treatment processes or hazardous material, handling,
17 storage or uses may require authorization from the local Certified
18 Unified Program Agency (CUPA). Information about the requirement for
19 authorization can be obtained by contacting the local CUPA.
- 20 (D) Firearms shall be prohibited in all Project areas except for those used
21 by licensed security personnel.
- 22 (E) The recognized environmental concerns shall be cleaned up and
23 properly disposed of in accordance with all federal, state and local
24 regulations.
- 25 (F) Any hazardous materials storage areas shall be designed with curbs or
26 other containment measures, e.g., double-walled storage tanks, to
27 contain spills and leaks. If on-site hazardous materials exceed fifty-five
28 (55) gallons, a "Hazardous Material Management Plan" shall be
 prepared and approved by the County Local Enforcement Agency
 (LEA) and the Imperial County CUPA. A copy of the approved plan
 shall be submitted to ICPDSD prior to the issuance of the
 grading/building permit (Source: Imperial County Renewable Energy
 Ordinance, Title 9, Division 17, § 91702.00).
- (G) The Permittee shall present to the Department an Emergency
 Response/Action Plan that has been approved by the ICFD/OES
 Department, and the LEA and any other agencies with jurisdiction
 (Source: Imperial County Renewable Energy Ordinance, Title 9,
 Division 17, § 91702.00).

The Emergency Response/Action Plan shall cover all possible foreseeable emergencies, e.g., major fluid spills, earthquakes, fires,

1 floods or other emergencies. At all times, there shall be at least one
2 employee either on the facility premises or on-call (i.e., available to
3 respond to an emergency by reaching the facility within a short period of
4 time) with the responsibility to coordinate all emergency response
5 measures. This Emergency Coordinator shall be thoroughly familiar
6 with all aspects of the Project's Emergency Response/Action Plan, all
7 operations and activities at the facility, location of all records within the
8 facility and the facility's layout. This Emergency Coordinator shall have
9 the authority to commit the resources needed to carry out the
10 contingency plan. Adequate personnel and equipment shall be
11 available to respond to emergencies and to ensure compliance with the
12 conditions of the Permit.

13 The Emergency Response/Action Plan shall be prepared in
14 consultation with, but not be limited to, the ICFD/OES, County
15 EHS/Health Department, County Sheriff/Coroner's office, County
16 Department of Public Works, ICPDSD, and other appropriate state and
17 county agencies. The plan shall include a notification list of response
18 agencies which shall be notified immediately upon the discovery of a
19 reportable unauthorized discharge and the list shall include:

- 20 - ICFD/OES;
- 21 - ICPDSD;
- 22 - County EHS/Health Department;
- 23 - County Department of Public Works; and
- 24 - California Highway Patrol, as applicable.

25 All employees shall be trained by classroom and hands-on training on
26 safety procedures, maintenance programs and emergency response
27 protocols to ensure safety and reliability in the event of an unforeseen
28 emergency situation.

The Permittee shall provide adequate safety devices to protect against
the hazard of fire and explosion for activities that involve the use and
storage of flammable, explosive or highly corrosive or reactive materials
as well as provide adequate firefighting and fire suppression equipment
and using devices standard within the industry in compliance with all
applicable state and local laws as determined by the ICFD/OES.

The Permittee shall implement all State and County-approved worker
safety and fire protection plans and programs.

Any gates on-site shall have a "Knox" lock rapidly accessible by the
ICFD/OES.

Appropriate first aid provisions for facility operations shall be made for
emergency response during Project construction, operation, and
maintenance activities with appropriate first aid training for Project
employees.

1 During construction, a member of each working crew shall be trained in
2 basic first aid and supplied with necessary medical equipment to
3 respond to emergencies as provided for in the Emergency
Response/Action Plan required above.

4 Permittee shall identify a responsible agent for emergency purposes,
5 whose name, title, e-mail address and telephone number shall be
6 provided to the County Department of Public Works, ICFD/OES, County
7 Environmental Health Services/Health Department, County
8 Sheriff/Coroner's office, IID, and ICPDSD.

9 **S-8 HYDROLOGY AND WATER QUALITY:**

10 Adhere to measures HYD-1 through HYD-2 set forth in the MMRP.

11 **S-9 BIOLOGICAL RESOURCES:**

12 Adhere to all Biological measures set forth in the MMRP.

13 **S-10 PUBLIC SERVICES:**

- 14 (A) If Permittee receives an exclusion of applicable sales and use tax
15 payable to the County of Imperial under Senate Bill 71 under the State
16 Public Resource Code (Section 26003, et al.) and the California
17 Alternative Energy and Advanced Transportation Financing Authority
(CAETFA), Permittee shall pay to the County and Local Transportation
18 Authority an amount equal to the sales tax (currently at 1.75%) which
19 would have been received if Permittee had not obtained such exclusion.
- 20 (B) Permittee shall require that its general construction contractor exercise
21 its option to obtain a Board of Equalization (BOE) sub-permit for the
22 jobsite and allocate all eligible use tax payments to Imperial County and
23 Local Tax Authority (LTA). Permittee will require that the general
24 contractor provide County of Imperial with either a copy of their BOE
25 account number and sub-permit. To accomplish this, Permittee shall
26 either cause its general construction contractor to treat the project in
27 accordance with California Regulation 1521(b)(2)(B), California
28 Regulation 1521(c)(13)(B), and California Regulation 1826(b) for sales
and use tax purposes or form a "Buying Company" as defined in the
State of California Board of Equalization Regulation 1699(h). Permittee
can adopt an alternate methodology to accomplish this goal if such
methodology is approved by the County Executive Officer prior to
issuance of building permits. Permittee shall require its general
construction contractor to use commercially reasonable best efforts to
cause its subcontractors and vendors to obtain similar sub-permits for
the jobsite and to allocate all eligible sales and use tax payment to
Imperial County and LTA.

- 1 (C) Permittee shall direct use taxes on out-of-County taxable purchased
2 construction related items to Imperial County, to the extent permitted
3 and consistent with state use tax law.
- 4 (D) Permittee shall use its best efforts, consistent with state law, to source
5 taxable purchases from price competition construction retail vendors
6 within the County of Imperial in order to further source sales to County.
- 7 (E) The Permittee shall exclude from assessment and taxation under
8 California Revenue and Taxation Code Section 73 (AB 1451) only that
9 property qualifying as an Active Solar Energy System, pursuant to the
10 applicable guidelines issued by the Board of Equalization.
- 11 (F) The Permittee shall widely publicize to County residents the availability
12 of job opportunities associated with the Project (whether or not those
13 job opportunities are within Imperial County or are regional). Postings at
14 City Halls, newspaper and television advertisements, local job centers,
15 and dedicated website shall offer sufficient avenues of communication.
16 The Imperial County Office of Employment and Training in addition to
17 the Imperial Valley College presents viable sources for community
18 awareness. The information shall provide available positions, details of
19 positions including qualifications, number of openings, indicated the
20 anticipated start date for each, and application process. In order to
21 maintain oversight of the process, the application process can be
22 completed both on a dedicated website and at dedicated computers at
23 the County which would afford those without Internet connection the
24 ability to apply. The Permittee's information shall be forwarded to the
25 Permittee or their contractor and copies of applications files are
26 maintained at the County.
- 27 (G)
- 28 (1) During the development phase of the Project, the Permittee shall
provide a roster of employees to include their position and place of
residence.
- (H) Unless prohibited by local, state or federal law or regulation,
Permittee shall make good faith efforts to hire qualified residents of
the Imperial County with the objective that a majority of the total
work force is comprised of the Imperial County residents.
- (I) The Permittee shall install and implement security measures which
may include, but not limited to, secured perimeter fencing with barbed
wire, sensors, controlled access points, security alarms, security
camera systems, and security guard vehicle patrols to deter trespass
or unauthorized activities that would interfere with operation of the
Project.

1 (J) Permittee shall compensate the County pursuant to the Department of
2 Environmental Health Fee Schedule for any costs of calls related to
3 bees and mosquitoes.

4 (K) The Permittee shall reimburse the Sheriff's Department for any
5 investigations regarding theft on the Project site and related law
6 enforcement.

7 (L) All construction supervisors and foremen shall be provided with
8 communication devices, cell phones or walkie-talkies, in the event of
9 an emergency situation on-site.

10 (M) All construction-related activities shall take place within the
11 development footprint of the Project as defined by the final
12 engineering plans. The anticipated impact areas, including staging
13 areas, equipment access, and disposal or temporary placement of
14 spoils, shall be delineated with staking and/or orange construction
15 fencing prior to construction to avoid natural resources where
16 possible. No construction-related activities shall occur outside of the
17 designated impact area. All construction materials, staging, storage,
18 dispensing, fueling, and maintenance activities shall be designated on
19 construction maps and shall be situated a minimum of fifty (50) feet
20 from all drainages. Staging and temporary access shall occur on
21 existing roadways whenever possible.

22 (N) **Emergency Operations Plan**

23 The Applicant shall develop an Emergency Operation Plan in
24 conjunction with local fire service personnel and the AHJ and hold a
25 comprehensive understanding of the hazards associated with lithium-
26 ion battery technology. Lithium-ion battery energy storage systems
27 must incorporate adequate explosion prevention protection as
28 required in NFPA 855 or International Fire Code Chapter 12, where
applicable.

(O) **Signage**

The Applicant shall provide signage that identifies the contents of an
energy storage system on all energy storage system installations to
alert first responders to the potential hazards associated with the
installation.

S-11 TRANSPORTATION AND TRAFFIC:

A. Permittee shall enter into a secured Road Maintenance Agreement
with the County prior to the issuance of a grading permit, to ensure
that any County roads that are demonstrably damaged by
construction traffic are promptly repaired and, if necessary, paved,
slurry-sealed, or reconstructed as per State or County requirements.

1 B. Permittee shall prepare and submit a Construction Traffic Control
2 Plan to Imperial County Department of Public Works-Development
3 Review and Caltrans District 11, as appropriate, for approval. The
4 Construction Traffic Control Plan must be prepared in accordance
5 with both the California Department of Transportation Manual on
Uniform Traffic Control Devices and Work Area Traffic Control
Handbook and must include, but not be limited to, the following
issues:

- 6 1. Timing of deliveries of heavy equipment and building materials;
- 7 2. Directing construction traffic with a flag person;
- 8 3. Placing temporary signing, lighting, and traffic control devices if
9 required, including, but not limited to, appropriate signage along
10 access routes to indicate the presence of heavy vehicles and
11 construction traffic;
- 12 4. Ensuring access for emergency vehicles to the Project site;
- 13 5. Temporarily closing travel lanes or delaying traffic during
14 materials delivery, transmission line stringing activities, or any other
15 utility connections;
- 16 6. Maintaining access to adjacent property;
- 17 7. Specifying both construction-related vehicle travel and oversize
18 load haul routes, minimizing construction traffic during the AM and
19 PM peak hours, distributing construction traffic flow across
20 alternative routes to access the Project site, and avoiding
21 residential neighborhoods to the maximum extent feasible.

22 C. Permittee shall Institute construction work hours as necessary, such
23 that the arrival and/or departure times of workers would be staggered as
24 necessary.

25 D. Permittee shall identify vehicle safety procedure for entering and
26 exiting site access roads.

27 E. Permittee shall submit documentation that identifies the roads to be
28 used during construction.

F. The Permittee shall be responsible for repairing any damage to non-
County maintained roads that may result from construction activities.
The Permittee shall submit a preconstruction video log and inspection
report regarding roadway conditions for roads used during construction
to the Imperial County Department of Public Works and the ICPDSD.
Within 30 days of completion of construction, the project
proponent/operator shall submit a post-construction video log and
inspection report to the County. This information shall be submitted in
electronic format. The County, in consultation with the Permittee's
engineer, shall determine the extent of remediation required, if any.

S-12 COMMENCEMENT OF WORK:

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- (A) If the Project has not commenced, or permits for the Project have not been issued, within one (1) year from approval date this CUP shall be null and void. If this CUP has been unused, abandoned, discontinued, or ceased for one (1) year, it shall be null and void and of no effect.
- (B) If Permittee cannot initiate or obtain permits for the approved use during the one (1) year period following approve of this CUP, Permittee may request a one (1) year extension from the ICPDSD. The request for an extension shall be in writing and be submitted with explanation to the ICPDSD at least sixty (60) days prior to the end of the one (1) year period. The Director shall have the authority to extend the initial startup period of a CUP two times for a maximum of one (1) year each. No extension under this section shall be extended for more than two (2) years.

S-13 CONSTRUCTION STANDARDS:

- (A) The solar energy and energy (battery) storage facility structures shall be built in accordance with the California Building Code requirements applicable to "Seismic Category D". All structures and facilities shall be designed in accordance with the publication entitled "Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California". The structural components of the permitted facilities shall be reviewed by the Building Official/Planning and Development Services Director. Applicable building permits shall be procured from the County for facilities prior to commencement of construction of such facilities.

S-14 LAND USE IMPROVEMENTS:

- (A) The Permittee shall prepare an appropriate parking plan for review and approval by the ICPDSD and County Public Works Department for any and/or all proposed Operation & Maintenance buildings.
- (B) The Permittee shall surface with a minimum of three (3) inches of asphaltic concrete paving or material of higher quality all access drives, parking areas, and vehicular maneuvering areas from primary access to any constructed operation and maintenance buildings.

S-15 NOISE STANDARDS:

- (A) During the construction period, heavy truck traffic shall be limited to the hours between 7:00 AM and 7:00 PM.
- (B) During construction, in accordance with Imperial County Noise Element of the General Plan, the noise level shall not exceed 75 dBA_{Leq} at the property boundary when averaged over an 8-hour period.

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2 (C) During operation of the facility, the maximum permitted continuous
3 sound level shall be not more than 45 dBA_{Leq}, as measured at the
4 nearest residence using the "A" scale and measured with a sound
5 level meter and associated octave band analyzer. The level may be
6 exceeded by ten percent (10%) if the noise is intermittent and during
7 daylight hours.

8 (D) Haul trucks and other engine-powered equipment shall be muffled and
9 operated with engine exhaust brake use limited to emergencies.

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11 **S-16 ODOR CONTROL:**

12 The Permittee shall control all odor-causing, harmful, noxious emissions to
13 ensure that quantities or air contaminants released as a result of the
14 permitted facilities do not exceed County, State or Federal standards, nor
15 constitute a public nuisance, per the Imperial County Land Use Ordinance,
16 Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections
17 91302.00 through 91301.02.

18 **S-17 PLAN APPROVALS:**

19 Permittee shall submit to the ICPDSD, architectural, landscaping and lighting
20 plans prior to construction of those facilities, to include painting of structures,
21 planting of trees and/or vegetation, and shall receive all approvals prior to
22 commencing construction of the applicable permitted facilities. Approval
23 shall not be unreasonably withheld so long as the plans are consistent with
24 applicable Imperial County Land Use Ordinance requirements.

25 **S-18 PROJECT DESIGN:**

- 26 (A) All facility access and parking areas shall be constructed to the
27 standards of the Imperial County Land Use Ordinance.
- 28 (B) All permitted activities shall provide for the minimum feasible surface
land disturbance for compatibility with the existing uses wherever
possible.
- (C) All equipment and electrical interconnection facilities used at the solar
plant facilities shall be maintained in a manner that prevents breaking,
cracking, and leaking, e.g. operator staffing and training, including
appropriate quality assurance procedures, with the operation of back-up
or auxiliary facilities when necessary.
- (D) All on-site basins shall be designed and constructed under the
supervision of a California-licensed Civil Engineer meeting sound
engineering standards, with all applicable regulations and all

1 requirements of the County EHS/Health Department and Public Works
2 Departments are complied with.

- 3 (E) Permittee shall obtain encroachment permits for any construction or
4 operation on IID existing rights of way or easements.

5 **S-19 REPORTING AND MONITORING:**

6 (A) The Permittee shall furnish to the County, at its sole cost within a
7 reasonable time, any relevant reports/information which the County
8 requires for monitoring purposes to determine whether cause exists for
9 revoking this Permit, or to determine compliance with this Permit. The
10 Permittee shall submit all required reports to the Planning Director,
11 County Planning and Development Services Department, 801 Main
12 Street, El Centro, CA 92243.

13 (B) Permittee and ICPDSD Director shall agree upon an environmental
14 consultant for overseeing all the required mitigation, conditional use
15 Permit conditions and public benefit agreement (if any) requirements
16 during the construction of the Project.

17 (C) Permittee shall pay for third-party environmental consultant monitoring
18 and compliance.

19 (D) The ICPDSD, in consultation with the third-party Environmental
20 Consultant and the County Executive Office, will require that all
21 mitigation measures be satisfied, all MMRP requirements have been
22 satisfied, all Conditions of Approval in the CUP are in full compliance
23 and all conditions of the Development Agreement (if any) have been
24 satisfied before the Final Certificate of Occupancy Certificate is issued.

25 (E) During the operation of solar facility, an Annual Compliance Report
26 shall be submitted to the ICPDS, documenting the implementation of
27 the conditions and general measures as well as any resource-specific
28 measures.

(F) The Permittee shall reimburse the ICPDS for County as well as
monitoring and investigations related to the construction and operation
of the Project. Permittee shall compensate the County pursuant to the
ICPDSD Fee Schedule for any costs incurred.

(G) Permittee shall pay for all costs as required to comply with the
Conditions of Approval and MMRP.

(H) All County staff time will be billed on a time and materials basis. Failure
by Permittee to provide any payment required of Permittee to the
County in the CUP shall cause Permittee to be in non-compliance of
the CUP. Upon notice of such noncompliance, County may, at its sole

1 discretion, cease processing, defending any lawsuit or paying for costs
2 associated with the Project.

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5 **S-20 SPILLS AND RUNOFF:**

6 The Permittee shall design and construct the permitted facilities to prevent
7 spills from endangering adjacent properties and to prevent runoff from any
8 source being channeled or directed in an unnatural way so as to cause
9 erosion, siltation, or other detriments pursuant to the construction Storm
10 Water Pollution Prevention Plan approved by the Regional Water Quality
11 Control Board.

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14 **S-21 FACILITIES CLOSURE AND SITE RESTORATION:**

- 15 (A) Permittee shall implement the site restoration plan at the earlier of when
16 the operation of the permitted facilities herein authorized has ceased or
17 the term of the CUP has expired. At such time, all facilities shall be
18 dismantled, and the lands involved restored to their pre-construction
19 condition and available for agricultural production uses as agreed to by
20 the Imperial County Planning and Development Services Director.
- 21 (B) Prior to the issuance of a grading Permit, a decommissioning and
22 restoration plan (the Reclamation Plan) shall be submitted and
23 approved by the Imperial County Planning and Development Services
24 Director. The Reclamation Plan shall documents the procedures by
25 which the Project site will be returned to its current agricultural
26 conditions.
- 27 (C) Within thirty (30) days prior to ground disturbance, a Bond, or other
28 acceptable surety, in the amount of the estimated site restoration
financial calculations/bond, for the developed project area, or other
forms of security acceptable to County Counsel's office, shall be filed
with the County that guarantees restoration of the land to its condition
prior to the permitted solar plant development.
- (D) Upon completion of such site restoration, and demonstration that the
land has been restored to the agriculturally productive/farmable
condition prior to the permitted solar plant development the Bond or
other surety shall be released by the County.
- (E) The above financial calculations/bond shall be reviewed every five (5)
years in December and adjusted on January 1st to add a Consumer
Price Index (CPI) (Los Angeles) increase by the Planning and
Development Services Director. This readjustment can be made in the
County's sole discretion and must be funded by the Permittee within

1 ninety (90) calendars after notice of the additional amount of such
2 adjustment.

3 **S-22 PUBLIC WORKS:**

- 4 1. Permittee must maintain seventy (70) feet of right of way (thirty-five (35)
5 feet from existing centerline for Best Road.
- 6 2. Permittee shall provide evidence of recorded easements for the entire
7 gen-tie line route between the Southerly edge of the Project site and
8 State Route 111 prior to construction.
- 9 3. If Permittee constructs the gen-tie to align with that portion of Andre Road
10 lying East of State Route 111 where the County has no written right-of-
11 way, then Permittee shall cause the dedication to the County of Imperial
12 of the right-of-way for that segment of Andre Road, in a form acceptable
13 to the Department of Public Works, to be executed and recorded prior to
14 construction.
- 15 4. If Permittee constructs the gen-tie route to align with that portion of Andre
16 Road lying West of State Route 111, the Permittee shall cause the
17 dedication to the County of Imperial of the right-of-way for that segment
18 of Andre Road, in a form acceptable to the Department of Public Works,
19 to be executed and recorded prior to construction.
- 20 5. Monument Preservation Report Form (MPR-01 (Pre-Construction)) is
21 required to be completed by a person authorized to practice land
22 surveying prior to construction.
- 23 6. Monument Preservation Report Form (MPR-02 (Post-Construction)) is
24 required to be completed by a person authorized to practice land
25 surveying prior to issuance of a certificate of completion and/or
26 occupancy.
- 27 7. The project description states that the gen-tie line will originate from the
28 southern edge of the project and then head west crossing over the
jurisdiction of the following public agencies; Union Pacific Railroad
(UPRR), U.S. Army Corps of Engineer, California Department of
Transportation (Caltrans) and Imperial Irrigation District (IID). The
Permittee shall provide evidence of approvals from said public agencies.
8. Easements shall be obtained for those portions of the Project situated on
land owned by persons other than the Permittee (such as ingress/egress
and transmission/connection lines). Executed and recorded easements
shall be provided to the Public Works Department prior to issuance of a
building permit.
9. This project includes several properties with proposed improvements
constructed across the property lines. The Permittee shall execute and

1 record a "lot tie agreement" which will bind all of the several properties
2 together for the duration of the Project life. The "lot tie agreement" shall
3 be executed and recorded prior to issuance of any building or grading
4 permits.

5 10. Permittee shall furnish a Drainage and Grading Plan/Study to provide for
6 property grading and drainage control, which shall also include prevention
7 of sedimentation of damage to off-site properties. Said plan shall be
8 completed per *County of Imperial Department of Public Works*
9 *Engineering Design Guidelines Manual for the Preparation and Checking*
10 *of Street Improvement, Drainage, and Grading Plans within Imperial*
11 *County*. The Study/Plan shall be submitted to the Department of Public
12 Works for review and approval. The Permittee shall implement the
13 approved plan. Employment of the appropriate Best Management
14 Practices (BMP's) shall be included (Per Imperial County Code of
15 Ordinances, Chapter 12.10.020 B).

16 11. Permittee shall prepare and submit a haul route study for the proposed
17 construction haul route to evaluate any impacts to County roads. Said
18 study shall be submitted to the Department of Public Works for review
19 and approval. The haul route study shall include pictures and/or other
20 documents to verify the existing conditions of the impacted County roads
21 before construction begins. The haul route study shall also include
22 recommended mitigation improvements to impacted County roads along
23 with any fair share costs for such improvements.

24 12. Permittee shall enter into a Roadway Maintenance Agreement with the
25 County of Imperial prior to issuance of a Certificate of Occupancy. The
26 Permittee shall provide financial security to maintain the roads on the
27 approved haul route study during construction.

28 13. Permittee shall enter into a Roadway Maintenance Agreement with the
County of Imperial prior to issuance of a grading permit. The Permittee
shall provide financial security to maintain the road on the approved haul
route study during construction.

14. All permanent structures shall be located outside of the ultimate County
Right-of-Way.

15. Off-site improvements shall be constructed in compliance with the
material specifications, horizontal/vertical alignments and notes of
engineered approved project plans per *County of Imperial Department of*
Public Works Engineering Design Guidelines Manual for the Preparation
and Checking of Street Improvement, Drainage, and Grading Plans within
Imperial County. Plans shall be submitted to the Department of Public
Works for review and approval.

1 16. Any activity and/or work within Imperial County right-of-way shall be
2 completed under an encroachment permit issued by the Department of
3 Public Works as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A
PUBLIC ROAD of the Imperial County Ordinance.

4 a. Any activity and/or work may include, but not be limited to, the
5 installation of stabilized construction entrances, primary access
6 driveways, secondary access driveways, site fence installation,
underground/overhead electrical crossings, road improvements,
7 temporary traffic control, etc.

8 17. Prior to the issuance of grading and building permits, the Permittee shall
9 complete the installation of temporary stabilized construction entrances
and emergency access driveways.

10 18. Applicant for encroachment permits within Imperial County right-of-way,
11 grading plans and/or improvement plans is responsible for researching,
12 protecting, and preserving survey monuments per the Professional Land
13 Surveyor's Act (8771 (b)). This shall include a copy of the referenced
survey map and tie card(s) (if applicable) for all monuments that may be
14 impacted.

15 19. Any unimproved access roads/routes shall be improved for all-weather
16 access. Such all-weather improvements shall be completed as
17 recommended by a Geotechnical Engineer licensed to practice in the
18 State of California.

19 20. All off-site improvements within Imperial County rights-of-way shall be
20 financially secured by either a road improvement bond, letter of credit or
21 other financial security acceptable to County prior to issuance of a grading
22 permit, building permit, and encroachment permit. Each site shall have, as
23 a minimum, one (1) primary driveway and one (1) emergency driveway.
24 Primary access and emergency access driveways shall be constructed of
25 asphalt concrete pavement

26 21. Effective September 15, 2020, the State's Mandatory Organic Waste
27 Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased
28 the threshold requiring all businesses and multi-dwelling facilitates of 5
units or more generating two (2) cubic yards or more of solid waste per
week to recycle their organic waste including landscape waste, wood
waste, and food waste. Information about possible organics waste
recycling services can be found at the Cal-Recycle site at:
<https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>

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S-23 WASTE DISPOSAL

- (A) The Permittee shall insure that all solar plant facilities waste, liquid, gas or solid, which are generated on-site shall be disposed of in compliance with appropriate local, state, and federal regulations, in effect or as subsequently duly-enacted. All solid waste debris and/or any hazardous wastes located on the Project site must be satisfactorily removed to a permitted facility prior to the commencement of grading earthen material at the site.
- (B) Littering shall not be allowed. Project personnel shall not deposit or leave any food or waste in the Project area, and no biodegradable or non-biodegradable debris shall remain in the right-of-way or on the Project site following completion of construction.

S-24 CALTRANS:

- (A) An encroachment permit shall be required for any work performed within any Caltrans right-of-way. If required, any traffic control will need to be addressed as part of Caltrans permit approval in accordance with the Caltrans Standard Plans and the California Manual on Uniform Traffic Control Devices (MUTCD).
- (B) Any application for a permit for work performed within a Caltrans right-of-way must include an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans right-of-way and any corresponding technical studies, if required. If these materials are not included with the encroachment permit application, the Permittee will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits.

S-25 IID Condition requirements

- (A) The Project may impact IID drains with project site runoff flows draining into IID drains. To mitigate impacts, IID may require a comprehensive IID hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee.
- (B) An IID encroachment permit is necessary to utilize existing surface-water drainpipe connections to drains and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID standards. A construction storm-water permit from

1 the California Regional Water Quality Control Board is required before
2 commencing construction and an industrial storm water permit from
3 CRWQCB is needed for the operation of the proposed facility. Copies of
4 these permits as well as the project's Storm Water Pollution Prevention
5 Plan are to be submitted to IID.

6 **S-26 FIRE PROTECTION:**

- 7 1) ORNI 30 (Brawley Solar Energy and Storage Project) reviews for plans and
8 inspections will be done by a third-party consultant determined by the Fire
9 Department at the applicant's expense as per California Fire Code Chapter 1
10 [A] 104.7.2 Technical Assistance. This will be at the discretion of the Fire
11 Department.
- 12 2) Project will provide adequate Fire water. Fire Department will determine
13 number of gallons to be placed strategically once site plan is reviewed.
- 14 3) Developer shall pay County Fire/OES two hundred and fifty dollars (\$250)
15 per megawatt of capacity to provide additional training, equipment, and
16 operational needs of County Fire/OES for the life of the Project. The training,
17 equipment, and operational needs shall be at the discretion of County
18 Fire/OES.
- 19 4) This payment shall be made before issuance of the first building permit for
20 the Project, or for each phase of the Project, whichever is applicable.
- 21 5) Owners and operators of ESS must develop an Emergency Operation Plan
22 in conjunction with local fire service personnel and the AHJ and hold a
23 comprehensive understanding of the hazards associated with lithium-ion
24 battery technology. Will included Lithium-ion battery ESSs must incorporate
25 adequate explosion prevention protection as required in NFPA 855 or
26 International Fire Code Chapter 12.
- 27 Signage that identifies the contents of an ESS is required on all ESS
28 installations to alert first responders to the potential hazards associated with
the installation.
- 6) An approved water supply capable of supplying the required fire flow
determined by appendix B in the California Fire Code shall be installed and
maintained. Private fire service mains and appurtenance shall be installed in
accordance with NFPA 24.
- 7) An approved automatic fire suppression system shall be installed on all
required structures as per the California Fire Code. All fire suppression
systems will be installed and maintained to the current adapted fire code and
regulations.
- 8) An approved automatic fire detection system shall be installed on all
required structures as per the California Fire Code. All fire detection
systems will be installed and maintained to the current adapted fire code and
regulations.

- 1 9) Fire department access roads and gates will be in accordance with the
- 2 current adapted fire code and the facility will maintain a Knox Box for access
- 3 on site.
- 4 10) Compliance with all required sections of the fire code.
- 5 11) Applicant shall provide product containment areas(s) for both product and
- 6 water run-off in case of fire applications and retained for removal
- 7 12) A Hazardous Waste Material Plan shall be submitted to Certified Unified
- 8 Program Agency (CUPA) for their review and approval.
- 9 13) All hazardous material and wastes shall be handled, store, and disposed as
- 10 per the approved Hazardous Waste Materials Plan. All spills shall be
- 11 documented and reported to Imperial County Fire Department and CUPA as
- 12 required by the Hazardous Waste Material Plan

13 **S-27 COUNTY EXECUTIVE OFFICE:**

14 A. Fiscal and Economic Impact Analysis. The developer will be invoiced by the

15 Executive Office for expenses related to the procurement of a consultant to

16 produce an updated Fiscal and Economic Impact Analysis (FEIA).

17 B. Public Benefit Agreement (PBA). It will include detailed conditions &

18 measures related to the Fire Department, Sheriff's Department and other

19 County Departments.

20 **C. Sales Tax Benefit Solar Farm**

21 (a) Developer will require that all qualifying contractors and subcontractors

22 exercise their option to obtain a California Department of Tax and Fee

23 Administration (CDTFA) sub-permit for the jobsite and allocate all eligible

24 use tax payments to Imperial County and LTA. Prior to commencement of

25 any construction activity on-site the developer will require that the contractor

26 or subcontractor provide County of Imperial with either a copy of their

27 CDTFA account number and sub-permit.

28 (b) To accomplish this, Permittee shall either cause its construction contractor to

29 treat the project in accordance with California Regulation 1521(b)(2)(B),

30 California Regulation 1521(c)(13)(B), and California Regulation 1826(b) for

31 sales and use tax purposes or form a "Buying Company" as defined in the

32 CDTFA 1699(h). Permittee can adopt an alternate methodology to

33 accomplish this goal if such methodology is approved by the County

34 Executive Officer prior to issuance of building permits. Not later than forty

35 five (45) days after the due date for filing sales and use tax returns for each

36 calendar quarter, occurring after the commencement of any construction

37 activity on-site through and including the first anniversary of COD (as defined

38 below),

39 (c) Developer shall report, or cause its general contractor to report to County,

40 the total amount of sales and use taxes related to the Project that are

41 allocated to the County, and reported on Developer's, general contractor's,

42 and subcontractors' applicable California sales and use tax returns. The

1 obligations of Developer under this Section III.A are hereinafter referred to
2 as the "Developer Sales and Use Tax Responsibilities."

- 3 (d) Guarantee Amounts. In the event that Developer shall fail to perform the
4 Developer Sales and Use Tax Responsibilities and as a result of such
5 failure, with respect to the Project, (i) County receives less than the amount
6 of such sales and use taxes it would have received under existing applicable
7 sales and use tax laws had such responsibilities been fully performed subject
8 to adjustment as set forth in Section IV.C below) or (ii) Local Transportation
9 Authority (LTA) receives less than the amount of such sales and use taxes it
10 would have received under existing applicable sales and use tax laws had
11 such responsibilities been fully-performed, then Developer shall pay, as and
12 when provided below, to County or LTA as applicable, the amount of the
13 applicable shortfall.
- 14 (e) Adjustments to Guarantee Amounts.
- 15 (f) Developer's sales tax guarantee set out in Section III.B above shall be
16 adjusted to be eighty-five percent (85%) of the projected sales and use taxes
17 for the Project. At least ten (10) days prior to the issuance of the first (1st)
18 grading permit, Developer shall provide County with evidence of such
19 projected sales and use taxes, including but not limited to sales taxes
20 receipts, engineering contracts, procurement contracts, construction
21 contracts. County shall meet with Developer to confirm that amount.
- 22 (g) The amount of sales and use tax anticipated to be generated is based on the
23 projected construction of a forty megawatt alternating current 40 MW AC
24 solar generation facility. Construction of any additional output capacity
25 beyond the 40 MW output now projected will require the sales tax guarantee
26 be adjusted based on the actual output from solar generation facilities of the
27 Project as evidenced by any Power Purchase Agreement subsequently
28 entered into by Developer related to this Project.
- (h) To the extent of any reduction in the size of the Project as the result of any
final ruling, stipulated judgment, or settlement, in accordance with Section
V.C below, the not-to-exceed amounts set forth in Section III.B shall be
reduced pro rata based on the size of such reduction.
- (i) The complete amount due to County for the Project must be received within
one (1) year after Commercial Operation Date ("COD") for this Project. If,
within one (1) year after issuance of the final Certificate of Occupancy, the
sales and use taxes received by the County are less than the amount
guaranteed for that portion of the project, Developer shall pay the difference
to the County.
- (j) Payments to County and LTA as a result of a shortfall shall be due within
thirty days of Developer's receipt of written notice of shortfall from the
County. Payments received by County after the ninetieth (90th) day
following Developer's receipt of notice shall be deemed late. Developer
hereby agrees to pay interest at the rate of six percent (6%) per annum of
the payment due for any payment received by County beyond the due date.
Said interest shall be included with the late payment. The obligation to pay
interest shall be stayed when such amounts are disputed in good faith, so
long as Developer submits the payments "under written protest." Upon

determination of dispute, such interest may be assessed if it is determined that the dispute was not made in good faith.

- (k) In the event that Developer repowers or replaces the equipment onsite, each Site shall be designated as the "Point of Sale" so as to create an additional local tax-funding source for the County of Imperial.

D. Battery Storage Sales Tax Benefit

- 1) To the extent permitted by applicable local, state, and Federal law, Developer will require that all qualifying contractors and subcontractors exercise their option to obtain a California Department of Tax and Fee Administration ("CDTFA") sub-permit for the jobsite and allocate all eligible sales and use tax payments to County and the Local Transit Authority ("LTA").
- 2) Prior to commencement of any construction activity onsite, Developer shall require that the contractor or subcontractor provide County with a copy of their CDTFA account number and sub-permit. Developer shall either cause its construction contractor to treat the Project in accordance with California Sales and Use Tax Regulation 1521(b)(2)(B), California Sales and Use Tax Regulation 1521(c)(13)(B), and California Sales and Use Tax Regulation 1826(b) for sales and use tax purposes, or form a "Buying Company," as defined in the California Sales and Use Tax Regulation 1699(h). Developer may adopt an alternate methodology to accomplish this goal if such methodology is approved by the County's Executive Officer prior to issuance of any building permit.
- 3) No later than forty-five (45) days after the due date for filing sales and use tax returns for each calendar quarter, occurring after the commencement of any construction activity on-site through and including the first anniversary of commercial operating date ("COD"), Developer shall report, or cause its general contractor to report to County, the total amount of sales and use taxes related to the Project that are allocated to the County, and reported on Developer's, general contractor's and subcontractors' applicable California sales and use tax returns.
- 4) *Guarantee Amounts.* Prior to the issuance of any building permit for the Project, Developer shall provide County with a guarantee of the minimum sales and use that will be received by County and LTA under existing applicable sales and use tax laws. The guarantee amount shall be based on the total storage capacity of the Project in megawatts, which is projected to be eighty megawatts (80 MWs) Should Developer choose to develop the Project in phases, and receives the required approvals from County to do so, then Developer shall provide a separate guarantee amount for each phase of the project based on the total storage capacity in megawatts for the applicable phase.

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(a) Developer warrants that the sales/use tax guarantee amounts to be provided to County as mandated in this Subparagraph 9.2.4 shall be true and accurate estimates of the projected sales and use taxes that will be generated for this Project. Developer shall provide County with evidence of the projected sales/use taxes for the Project, including but not limited to sales tax receipts, and executed or anticipated engineering contracts, procurement contracts, and construction contracts. If the Parties are unable to agree upon a guarantee amount, then the dispute shall be referred to an independent accountant mutually acceptable to both Parties. The costs for such nonbinding mediation shall be borne by Developer.

(b) Developer warrants that the sales/use tax guarantee amounts to be provided to County as mandated in this Subparagraph 9.2.4 will incorporate any and all sales/use tax exemptions that Developer and/or its contractors and subcontractors intend to utilize, and that such exemptions will be disclosed to County fully and in good faith prior to the issuance of any building permit for this Project.

(c) Developer understands and acknowledges that the sales/use tax guarantee amounts to be provided to County as mandated by this Subparagraph 9.2.4 are a part of the consideration to be received by County in return for entering into this Agreement, and further understands and acknowledges that County would not enter into this Agreement but for said guarantee from Developer.

5) In the event that County and / or LTA receives less than the amount of sales/use taxes guaranteed pursuant to Subparagraph 9.2.4, then Developer shall pay, as and when provided below, to County or LTA as applicable, the amount of the applicable shortfall.

6) *Adjustments to Guarantee Amounts.*

(a) The amount of sales and use tax anticipated to be generated is based on the projected construction of an 80 MW utility-scale energy storage complex incorporating lithium ion batteries and/or flow battery technologies throughout the Project site. Construction of any additional storage capacity beyond the 80 MW storage capacity now projected will require the sales/use tax guarantee amounts to be adjusted based on the actual storage facilities of the Project as evidenced by any power purchase agreement or power storage agreement subsequently entered into by Developer related to this Project.

(b) To the extent of any reduction in the size of the Project as the result of any final ruling, stipulated judgment, or settlement, the sales/use tax guarantee amounts mandated under Subparagraph 9.2.4 shall be reduced pro rata based on the size of such reduction.

(c) Should Developer become of aware of a change in circumstances that would materially affect the sales/use tax guarantee amount, then Developer shall, within thirty (30) days of learning of such change in circumstances, inform the County in writing of the change in circumstances. If the County

determines that such change in circumstances warrants an adjustment to the sales/use tax guarantee amount, then County shall negotiate in good faith with Developer in revising the sales/use tax guarantee amount. If the Parties are unable to agree upon a revised guarantee amount, then the dispute shall be referred to an independent accountant mutually acceptable to both Parties. The costs for such nonbinding mediation shall be borne by Developer. Failure of the Developer to inform the County of the change in circumstances shall constitute a waiver of Developer's ability to seek any adjustment to the sales/use tax guarantee based on such change in circumstances.

- 7) The complete sales/use tax guarantee amount due to County and LTA for the Project must be received within one (1) year after COD for this Project, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, unless it is delayed due to causes beyond Developer's control or for which Developer is not responsible. If, within one (1) year after issuance of the final certificate of occupancy, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, the sales/use taxes received by the County are less than the sales use tax guarantee amounts mandated under Subparagraph 9.2.4, then Developer shall pay the difference to the County.
- Payments to County and LTA as a result of a shortfall shall be due within thirty days of Developer's receipt of written notice of shortfall from the County. Payments received by County after the ninetieth (90th) day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay interest at the rate of six percent (6%) per annum of the payment due for any payment received by County beyond the due date. Said interest shall be included with the late payment. The obligation to pay interest shall be stayed when such amounts are disputed in good faith, so long as Developer submits the payments "under written protest." Upon determination of dispute, such interest may be assessed if it is determined that the dispute was not made in good faith.
 - In the event that Developer repowers or replaces the equipment onsite, each Site shall be designated as the "Point of Sale" so as to create an additional local tax-funding source for the County of Imperial.

S-28 *Prior to issuance of the first building permit the permittee*

1. In regards to the acquisition of a 4-wheel drive patrol vehicle and recommendation that said vehicle (at cost of approximately \$100,000) be paid partially for at \$50,000, Brawley Solar Energy Facility will pay a lump sum of \$25,000, to be paid to the Imperial County Sheriff's Office for partial acquisition of a patrol vehicle.

S-29 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

1 **PERMITTEE NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of the individual who signed
3 the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
4

5 STATE OF ~~CALIFORNIA~~ NEVADA ~~CA~~ NV
6 COUNTY OF Washoe } S.S.

7 On May 18, 2023 before me, Angela Mickiel Arguello a Notary
8 Public in and for said County and State, personally appeared
9 Elizabeth E. Helms, who proved to on the basis of
10 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
11 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
12 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
13 which the person(s) acted, executed the instrument.
14

15 I certify under PENALTY OF PERJURY under the laws of the State of ~~California~~ Nevada that the foregoing
16 paragraph is true and correct.
17

18 WITNESS my hand and official seal

19 [Signature]
20



21 Signature _____

22 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
23 prevent fraudulent attachment of this certificate to unauthorized document. _____

24 Title or Type of Document Agreement for Conditional Use
25 Permit
26 Number of Pages 37 Date of Document _____
27 Signer(s) Other Than Named Above Jim Minnick
28 Dated _____

1 **COUNTY NOTARIZATION**

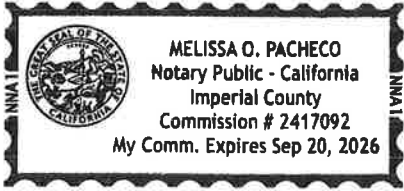
2 A notary public or other officer completing this certificate verifies only the identity of the individual who signed
3 the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

4 STATE OF CALIFORNIA
5 COUNTY OF IMPERIAL } S.S.

6 On May 25, 2023 before me, Melissa O. Pacheco a Notary
7 Public in and for said County and State, personally appeared
8 James A. Minnick, who proved to me on the basis of
9 satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
10 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
11 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
12 which the person(s) acted, executed the instrument.

13
14 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
15 paragraph is true and correct.

16 WITNESS my hand and official seal



17
18
19 Signature [Handwritten Signature]

20 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
21 prevent fraudulent attachment of this certificate to unauthorized document.

22
23
24 Title or Type of Document Agreement for CUP #20-0030
25 Number of Pages 37 Date of Document May 25, 2023
26 Signer(s) Other Than Named Above Elizabeth Helms

27
28 S:\AllUsers\APN\037\140\006\ORNI 30 LLC CUP 20-0030 GPA & ZC PROJECT\BOARD OF SUPERVISORS FOLDER\CUP20-0030 Conditions of Approval 1 11 2023.doc

0.4 Mitigation Monitoring and Reporting Program

The County of Imperial will adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Brawley Solar Energy Facility Project, which is the subject of the Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial, in conjunction with the certification of the Final EIR. The mitigation measures have been integrated into this MMRP.

The mitigation measures are provided in Table 0.4-1. The specific mitigation measures are identified, as well as the monitoring method, responsible monitoring party, monitoring phase, verification/approval party, date mitigation measure verified or implemented, location of documents (monitoring record), and completion requirement for each mitigation measure.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The County of Imperial is the designated CEQA lead agency for the Mitigation Monitoring and Reporting Program. The County of Imperial is responsible for review of all monitoring reports, enforcement actions, and document disposition as it relates to impacts within the County's jurisdiction. The County of Imperial will rely on information provided by the monitor as accurate and up to date and will field check mitigation measure status as required.

A record of the MMRP will be maintained at County of Imperial, Department of Planning and Development Services, 801 Main Street, El Centro, CA 92243. All mitigation measures contained in the EIR shall be made conditions of the project as may be further described below.

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Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement	
Agricultural Resources									
AG-1a	<p>AG-1a Payment of Agricultural and Other Benefit Fees: One of the following options included below is to be implemented prior to the issuance of a grading permit or building permit for the project:</p> <p>Mitigation for Non-Prime Farmland</p> <p>Option 1: Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural Conservation Easements on a "1 on 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or</p> <p>Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20 percent 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/lime 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; or,</p> <p>Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is: 1) consistent with Board Resolution 2012 005; 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.</p> <p>Mitigation for Prime Farmland</p> <p>Option 1: Provide Agricultural Conservation Easement(s). The Permittee shall procure Agricultural</p>	<p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the applicant has implemented one of the following mitigation options for Non-Prime Farmland: procured a conservation easement, paid an agricultural in-lieu mitigation fee, or entered into an enforceable Public Benefit Agreement or Development Agreement with the County.</p> <p>Prior to the issuance of a grading permit, Planning and Development Services shall verify that the applicant has implemented one of the following mitigation options for Prime Farmland: procured a conservation easement, paid an in-lieu mitigation fee, entered into an enforceable Public Benefit Agreement or Development Agreement with the County, or submitted a revised applicable CUP application and associated site plan(s).</p>	<p>Department of Planning and Development Services</p> <p>Prior to issuance of a grading permit</p> <p>Department of Planning and Development Services</p>	<p>Prior to issuance of a grading permit</p>	<p>Department of Planning and Development Services</p>				

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Conservation Easements on a "2 on 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or</p> <p>Option 2: Pay Agricultural In-Lieu Mitigation Fee. The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30 percent 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/life 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; or,</p> <p>Option 3: Public Benefit Agreement. The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is: 1) consistent with Board Resolution 2012 005, 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of the local economy for the purpose of off-setting jobs displaced by this Project.</p> <p>Option 4: Avoid Prime Farmland. The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland.</p>							
AG-1b	<p>Site Reclamation Plan. The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to Mitigation Measure AG-1a for Prime Farmland and Non-Prime</p>	<p>Prior to the issuance of a grading permit, Planning and Development Services Department shall review and approve the Reclamation Plan,</p>	<p>Department of Planning and Development Services</p>	<p>Prior to the issuance of a grading permit</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement	
AG-2	<p>Farmhand, the Applicant shall submit to Imperial County, a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which the project site will be returned to its current agricultural condition. Permittee shall also provide financial assurance/bonding in the amount equal to a cost estimate prepared by a California licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.</p> <p>Pest Management Plan. Prior to the issuance of a grading permit or building permit (whichever occurs first), a Pest Management Plan shall be developed by the project applicant and approved by the County of Imperial Agricultural Commissioner. The project applicant shall maintain a Pest Management Plan until reclamation is complete. The plan shall provide the following:</p> <ol style="list-style-type: none"> 1. Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line); 2. Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation as follows: <ul style="list-style-type: none"> • Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner's office that a pest problem is present on the project site. The assistance of a licensed pest control advisor is recommended. All treatments must be performed by a qualified applicator or a licensed pest control business; • All treatments must be performed by a qualified applicator or a licensed pest control operator; • "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. 	<p>Planning and Development Services shall also verify that the Permittee has provided financial assurance/bonding.</p> <p>The Department of Planning and Development Services shall verify that a Pest Management Plan has been reviewed and approved by the Imperial County Agricultural Commissioner.</p>	<p>Department of Planning and Development Services and Imperial County Agricultural Commissioner</p>	<p>Prior to the issuance of a grading permit or building permit, during construction</p>	<p>Department of Planning and Development Services and Imperial County Agricultural Commissioner</p>				

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> Effective control methods may include physical/mechanical removal, bio control, cultural control, or chemical treatments; Use of "permanent" soil sterilants to control weeds or other pests is prohibited because this would interfere with reclamation; Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food Agriculture and the U.S. Department of Agriculture. Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. Eradication of exotic pests shall be done under the direction of the Agricultural Commissioner's Office and/or California Department of Food and Agriculture; Obey all pesticide use laws, regulations, and permit conditions; Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties; Ensure all project employees that handle pest control issues are appropriately trained and certified, all required records are maintained and made available for inspection, and all required permits and other required legal documents are current; Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/book, project name (current, and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this; Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. The report is required even if no pests were found 							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.</p> <p>3. A long-term strategy for weed and pest control and management during the operation of the proposed projects. Such strategies may include, but are not limited to:</p> <ul style="list-style-type: none"> • Use of specific types of herbicides and pesticides on a scheduled basis. <p>4. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on surrounding agricultural lands.</p> <p>5. The project shall reimburse the Agricultural Commissioner's office for the actual cost of investigations, inspections, or other required non-routine responses to the site that are not funded by other sources.</p>							

Air Quality

Applicant Proposed Measure (APM) AQ-1

Fugitive Dust Control. Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook's required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process.

ICAPCD Standard Measures for Fugitive Dust (PM₁₀) Control

- All disturbed areas, including bulk material storage, which is not being actively utilized, 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.

Prior to and during construction, the ICAPCD will verify that the project is in compliance with Regulation VIII-Fugitive Dust Control Measures.

Department of Planning and Development Services and ICAPCD

Prior to and during construction

Department of Planning and Development Services and ICAPCD

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> All on-site and offsite 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 1 acre or more with 75 or more average vehicle trips per day 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. The transport of bulk materials shall be completely covered unless 6 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. 							
	<p>Standard Mitigation Measures for Construction Combustion Equipment</p> <ul style="list-style-type: none"> Use of alternative fueled or catalyzed equipped diesel construction equipment, including all off-road and portable diesel-powered equipment. 							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> 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. When commercially available, replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). 							
APM AQ-2	<p>Construction Equipment. Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The equipment list shall be submitted periodically to ICAPCD to perform a NOx analysis. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The Planning and Development Services Department and ICAPCD shall verify implementation of this measure.</p>	<p>Prior to the issuance of a grading permit, ICAPCD shall verify that construction equipment is equipped with an engine designation of EPA Tier 2 or better.</p> <p>The equipment list shall be submitted periodically to ICAPCD to perform a NOx analysis.</p>	<p>Department of Planning and Development Services and ICAPCD</p>	<p>Prior to the issuance of a grading permit and during construction</p>	<p>Department of Planning and Development Services and ICAPCD</p>			
APM AQ-3	<p>Speed Limit. During construction and operation of the proposed project, the applicant shall limit the speed of all vehicles operating onsite on dirt roads to 15 miles per hour or less.</p>	<p>During construction and operation, the project applicant shall ensure the speed limit of all vehicles operating onsite on dirt roads is limited to 15 miles per hour or less.</p>	<p>Department of Planning and Development Services</p>	<p>During construction and operation</p>	<p>Department of Planning and Development Services</p>			
APM AQ-4	<p>Dust Suppression. The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust between the panels as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department</p>	<p>During construction, the Department of Planning and Development Services shall verify that the project applicant is employing a method of dust suppression approved by ICAPCD.</p>	<p>Department of Planning and Development Services</p>	<p>During construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
APM AQ-5	Dust Suppression Management Plan. Prior to any earthmoving activity, the applicant shall submit a construction dust control plan and obtain ICAPCD and Development Services Department (ICPDS) approval.	Prior to any earthmoving activity, the ICAPCD and Department of Planning and Development Services shall review and approve a construction Dust Control Plan.	ICAPCD and Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services and ICAPCD			
APM AQ-6	Operational Dust Control Plan. Prior to issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain ICAPCD and ICPDS approval. ICAPCD Rule 301 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, the ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.	Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain ICAPCD and ICPDS approval.	Department of Planning and Development Services	Prior to the issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			
BIO-1	Biological Resources General Impact Avoidance and Minimization Measures. The following measures will be applicable throughout the life of the project: <ul style="list-style-type: none"> To reduce the potential indirect impact on migratory birds, bats and raptors, the project will comply with the APLIC 2012 Guidelines for overhead utilities, as appropriate, to minimize avian collisions with transmission facilities (APLIC 2012). All electrical components on the project site shall be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution. The project proponent shall designate a Project Biologist who shall be responsible for overseeing compliance with protective measures for the biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The Project Biologist will be familiar with the local habitats, plants, and wildlife. The Project Biologist will also maintain communications with the Contractor to ensure 	The measures as provided in Mitigation Measure BIO-1 shall be implemented throughout the life of the project.	Department of Planning and Development Services	Prior to construction, during construction, and post-construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>that issues relating to biological resources are appropriately and lawfully managed and monitor construction. The Project Biologist will monitor activities within construction areas during critical times, such as vegetation removal, the implementation of Best Management Practices (BMP), and installation of security fencing to protect native species. The Project Biologist will ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.</p> <ul style="list-style-type: none"> The boundaries of all areas to be newly disturbed (including solar facility areas, staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment will be confined to the flagged areas. No potential wildlife entrapments (e.g., trenches, bores) will be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered pitfalls will be covered completely to prevent access by small mammals or reptiles. To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies will be covered or capped in storage or laydown area, and at the end of each work day in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches will be left open either temporarily or permanently. No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site, on off-site project facilities and activities, or in support of any other project activities. Avoid wildlife attractants. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife. 							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<p>Water applied to dirt roads and construction areas for dust abatement shall use the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract wildlife. Pooled rainwater or floodwater within retention basins will be removed to avoid attracting wildlife to the active work areas.</p> <ul style="list-style-type: none"> To minimize the likelihood for vehicle strikes on wildlife, speed limits will not exceed 15 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads. Avoid night-time construction lighting or if nighttime construction cannot be avoided use shielded directional lighting pointed downward and towards the interior of the project site, thereby avoiding illumination of adjacent natural areas and the night sky. All construction equipment used for the project will be equipped with properly operating and maintained mufflers. Hazardous materials and equipment, stored overnight, including small amounts of fuel to refuel hand-held equipment, will be stored within secondary containment when within 50 feet of open water to the fullest extent practicable. Secondary containment will consist of a ring of sand bags around each piece of stored equipment/structure. A plastic tarp/misqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by the Contractor. The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. Any fuel containers, repair materials, including creosote-treated wood, and/or stockpiled material that is left on site overnight, will be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each work day. 							



Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> In the event that no activity is to occur in the work area for the weekend and/or a period of time greater than 48 hours, the Contractor will ensure that all portable fuel containers are removed from the project site. All equipment will be maintained in accordance with manufacturer's recommendations and requirements. Equipment and containers will be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the Stormwater Pollution Prevention Plan or equivalent, Materials Safety Data Sheets, and any specifications required by other permits issued for the project. The Contractor will utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment. If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks within all areas. Where feasible, maintenance of equipment will occur in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. Appropriate BMPs will be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from bridge construction to prevent their deposition in waterways. No sediment or debris will be allowed to enter the creek or other drainages. All debris from construction of the bridge will be contained so that it does not fall into channel. Appropriate BMPs will be used by the Contractor during construction to limit the spread of resuspended sediment and to contain debris. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard. 							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> Firearms, open fires, and pets would be prohibited at all work locations and access roads. Smoking would be prohibited along the project alignment. Cross-country vehicle and equipment use outside of approved designated work areas and access roads shall be prohibited to prevent unnecessary ground and vegetation disturbance. Any injured or dead wildlife encountered during project-related activities shall be reported to the project biologist, biological monitor, CDFW, or a CDFW-approved veterinary facility as soon as possible to report the observation and determine the best course of action. For special-status species, the Project Biologist shall notify the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery. Stockpiling of material will be allowed only within established work areas. Actively manage the spread of noxious weeds The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving. 							
BIO-2	<p>Worker Environmental Awareness Program. Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist, and shall be available in both English and Spanish. Handouts summarizing potential impacts to special-status biological resources and the potential penalties for impacts to these resources shall be provided to all construction personnel. At a minimum, the education program shall include the following:</p> <ul style="list-style-type: none"> the purpose for resource protection; a description of special status species including representative photographs and general ecology; occurrences of USACE, RWQCB, and CDFW regulated features in the project survey area; regulatory framework for biological resource protection and consequences if violated; sensitivity of the species to human activities; 	<p>Prior to construction, the Department of Planning and Development Services shall verify that a Worker Environmental Awareness Program has been implemented by a qualified biologist. The Department of Planning and Development Services shall verify the completion of the Worker Environmental Awareness Program by obtaining signed acknowledgements forms from workers.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to construction</p>	<p>Department of Planning and Development Services</p>			



Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> avoidance and minimization measures designed to reduce the impacts to special-status biological resources; environmentally responsible construction practices; reporting requirements; the protocol to resolve conflicts that may arise at any time during the construction process; and workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed and would be kept on record. 							
BIO-3	<p>Burrowing Owl Avoidance and Minimization. Take Avoidance (pre-construction) surveys for burrowing owl shall be completed prior to project construction. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). If burrowing owl is not detected, construction may proceed.</p> <ul style="list-style-type: none"> If burrowing owl is identified during the non-breeding season (September 1 through January 31), then a 50-meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities. If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed 	<p>Prior to construction, the Department of Planning and Development Services shall verify that pre-construction surveys for burrowing owl were conducted. If burrowing owls are present, the measures as listed in Mitigation Measure BIO-3 shall be implemented.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to construction, during construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement	
BIO-4	<p>Pre-Construction Nesting Bird Surveys. If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species), a pre-construction nesting-bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests, including those for the loggerhead shrike and mountain plover will not be disturbed or destroyed.</p> <p>The survey shall be completed no more than three days prior to initial ground disturbance. The nesting-bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance-limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance-limit buffer zones until the nest is deemed inactive by the qualified biologist. If construction activities cease for a period of greater than three days during the bird breeding season, a pre-construction nesting bird survey shall be conducted prior to the commencement of activities.</p> <p>Final construction buffers or setback distances shall be determined by the qualified biologist in coordination with USFWS and CDFW on a case-by-case basis, depending on the species, season in which disturbance shall occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.).</p>	<p>Prior to construction, the Department of Planning and Development Services shall verify that a pre-construction nesting bird survey was conducted if project activities are scheduled during the bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species). If nesting birds are present, the measures as listed in Mitigation Measure BIO-4 shall be implemented.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to construction, during construction, and Development Services</p>	<p>Prior to construction, during all initial ground disturbance</p>	<p>Department of Planning and Development Services</p>			
CUL-1	<p>Cultural Resources</p> <p>Cultural Monitoring. Prior to construction, the project Applicant shall retain the services of a Qualified Professional Archaeologist meeting the Secretary of the Interior's Standards for a Qualified Archaeologist and require that all initial ground-disturbing work be monitored by someone trained in artifact and feature identification in monitoring contexts. A Supervising Archaeological Specialist and a Paleontological Monitor, to be retained by the project applicant, will be</p>	<p>Prior to construction, the Department of Planning and Development Services shall verify that the project applicant has retained a qualified professional archaeologist and paleontological monitor.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to construction, during all initial ground disturbance</p>	<p>Department of Planning and Development Services</p>				

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
CUL-2	<p>Worker Environmental Awareness Program. Prior to any ground disturbance, the supervising Archaeological Resources Specialist and Archaeological Resources Monitor shall conduct initial Worker Environmental Awareness Program (WEAP) training to all construction personnel, including supervisors, present at the outset of the project construction work phase, for which the Lead Contractor and all subcontractors shall make their personnel available. This WEAP training will educate construction personnel on how to work with the monitor(s) to identify and minimize impacts to paleontological resources and maintain environmental compliance and be performed periodically for new personnel coming on to the project as needed.</p>	<p>Prior to grading, the Department of Planning and Development Services shall verify that a Worker Environmental Awareness Program has been implemented by an Archaeological Resources Specialist and Archaeological Resources Monitor.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to grading</p>	<p>Department of Planning and Development Services</p>			
CUL-3	<p>Discovery of Previously Unidentified Archaeological Materials. In the event of the discovery of previously unidentified archaeological materials, the construction contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the construction contractor shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph. In the event of an unanticipated discovery of archaeological materials during construction, the project Applicant shall retain the services of a Qualified Professional Archaeologist meeting the Secretary of the Interior's Standards for a Qualified Archaeologist to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If the Qualified Archaeologist determines that the discovery constitutes a significant resource under CEQA and it</p>	<p>The construction contractor shall notify the County immediately if unknown archaeological resources are encountered.</p> <p>The applicant shall retain the services of a qualified professional archaeologist in the event of an unanticipated discovery.</p>	<p>Department of Planning and Development Services</p>	<p>During grading and construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
CUL-4	<p>cannot be avoided, the project Applicant shall implement an archaeological data recovery program.</p> <p>Schedule of Ground-Disturbing Activities. The construction contractor shall provide the Supervising Archaeological Resources Specialist with a schedule of initial potential ground-disturbing activities. A minimum of 48 hours will be provided of commencement of any initial ground-disturbing activities such as vegetation grubbing or clearing, grading, trenching, or mass excavation.</p> <p>As detailed in the schedule provided, an Archaeological Monitor shall be present on site at the commencement of ground-disturbing activities related to the project. The monitor, in consultation with the Supervising Archaeologist, shall observe initial ground-disturbing activities and, as they proceed, make adjustments to the number of monitors as needed to provide adequate observation and oversight. All monitors will have stop-work authority to allow for reevaluation and evaluation of finds during construction. The monitor will maintain a daily record of observations to serve as an ongoing reference resource and to provide a resource for final reporting upon completion of the project.</p> <p>The Supervising Archaeologist, Archaeological Monitor, and the lead contractor and subcontractors shall maintain a line of communication regarding schedule and activity such that the monitor is aware of all ground-disturbing activities in advance in order to provide appropriate oversight.</p>	<p>Prior to grading, the construction contractor shall provide the Department of Planning and Development Services and Supervising Archaeological Resources Specialist a copy of the schedule of ground-disturbing activities.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to grading</p>	<p>Department of Planning and Development Services</p>			
CUL-5	<p>Discovery of Archaeological Resources. If archaeological resources are discovered, construction shall be halted within 50 feet of the find and shall not resume until a Qualified Archaeologist can determine the significance of the find and/or the find has been fully investigated, documented, and cleared.</p>	<p>During grading and construction, discovery of archaeological resources shall result in work stoppage in that area until the Qualified Archaeologist can determine the significance of the find.</p>	<p>Department of Planning and Development Services</p>	<p>During grading and construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement	
CUL-7	<p>Archaeological Resources Monitoring Report. At the completion of all ground-disturbing activities, the Consultant shall prepare an Archaeological Resources Monitoring Report summarizing all monitoring efforts and observations, as performed, and any and all prehistoric or historic archaeological finds as well as providing follow-up reports of any finds to the South Coastal Information Center (SCIC), as required.</p> <p>Discovery of Human Remains. In the unlikely event that human remains are discovered during ground-disturbing activities, then the proposed project would be subject to California Health and Safety Code 7050.5, CEQA Section 15064.5, and California Public Resources Code Section 5097.98 (NPS 1993). If human remains are found during ground-disturbing activities, State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Imperial County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the Imperial County Coroner shall be notified immediately. If the human remains are determined to be prehistoric, the County Coroner shall notify the NAHFC, which shall notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	<p>At the completion of ground disturbance, the Consultant shall prepare and submit a copy of the Archaeological Resources Monitoring Report to the Department of Planning and Development Services.</p> <p>During grading and construction, discovery of human remains shall result in work stoppage in that area until the coroner and the Native American Heritage Commission are contacted.</p>	<p>Department of Planning and Development Services</p> <p>Department of Planning and Development Services</p>	<p>Post ground-disturbing activities</p> <p>During grading and construction</p>	<p>Department of Planning and Development Services</p> <p>Department of Planning and Development Services</p>				

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-1	Prepare Geotechnical Report(s) as Part of Final Engineering for the Project and Implement Required Measures. Facility design for all project components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the project applicant. The final geotechnical and/or civil engineering report shall address and make recommendations on the following: <ul style="list-style-type: none"> • Site preparation • Soil bearing capacity • Appropriate sources and types of fill • Potential need for soil amendments • Structural foundations • Grading practices • Soil corrosion of concrete and steel • Erosion/winterization • Seismic ground shaking • Liquefaction • Expansive/unstable soils 	Prior to the issuance of a grading permit, the Imperial County Public Works Department, Engineering Division shall review and approve a Final Geotechnical Report and/or Civil Engineering Report.	Department of Planning and Development Services and Imperial County Public Works Department, Engineering Division	Prior to issuance of a grading permit	Department of Planning and Development Services and Imperial County Public Works Department, Engineering Division			
	<p>In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant. The final geotechnical and/or civil engineering report shall be submitted to Imperial County Public Works Department, Engineering Division for review and approval prior to issuance of building permits.</p>							



Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-2	Paleontological Mitigation and Monitoring Plan. Once a geotechnical report has been completed for the project, a qualified paleontologist shall review the boring logs and determine how deep paleontologically sensitive formations may be across the project site. The paleontologist shall use this information along with the results of the paleontological survey to determine if paleontological monitoring is warranted. If monitoring is warranted, a qualified paleontologist shall prepare a mitigation and monitoring plan to be implemented during project construction.	If paleontological monitoring is warranted, a mitigation and monitoring report shall be prepared and submitted to the Department of Planning and Development Services for review and approval.	Department of Planning and Development Services	Prior to grading	Department of Planning and Development Services			
GEO-3	Paleontological Monitoring. Prior to construction, the project applicant shall retain the services of a Qualified Paleontologist and require that all initial ground-disturbing work be monitored by someone trained in fossil identification in monitoring contexts. A Supervising Paleontological Specialist and a Paleontological Monitor, to be retained by the project applicant, will be required to be present at the project construction phase kickoff meeting.	Prior to grading, the applicant shall retain the services of a qualified paleontologist.	Department of Planning and Development Services	Prior to grading	Department of Planning and Development Services			
GEO-4	Worker Environmental Awareness Program. Prior to any ground disturbance, the Supervising Paleontological Resources Specialist and Paleontological Resources Monitor shall conduct Initial Worker Environmental Awareness Program (WEAP) training to all construction personnel, including supervisors, present at the outset of the project construction work phase, for which the Lead Contractor and all subcontractors shall make their personnel available. This WEAP training will educate construction personnel on how to work with the monitor(s) to identify and minimize impacts to paleontological resources and maintain environmental compliance and be performed periodically for new personnel coming on to the project as needed.	Prior to grading, the Department of Planning and Development Services shall verify that a Worker Environmental Awareness Program has been implemented by Paleontological Resources Specialists and Paleontological Resources Monitor. The Department of Planning and Development Services shall verify the completion of the Worker Environmental Awareness Program by obtaining signed acknowledgements forms from workers.	Department of Planning and Development Services	Prior to grading	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-5	<p>Schedule of Ground-Disturbing Activities. During construction, the construction contractor shall provide the Supervising Paleontological Resources Specialist with a schedule of initial potential ground-disturbing activities. A minimum of 48 hours will be provided of commencement of any initial ground-disturbing activities such as vegetation grubbing or clearing, grading, trenching, or mass excavation.</p> <p>As detailed in the schedule provided, a Paleontological Monitor shall be present on site at the commencement of ground-disturbing activities related to the project. The monitor, in consultation with the Supervising Paleontologist, shall observe initial ground-disturbing activities and, as they proceed, make adjustments to the number of monitors as needed to provide adequate observation and oversight. All monitors will have stop-work authority to allow for recordation and evaluation of finds during construction. The monitor will maintain a daily record of observations to serve as an ongoing reference resource and to provide a resource for final reporting upon completion of the project.</p> <p>The Supervising Paleontologist, Paleontological Monitor, and the Lead Contractor and subcontractors shall maintain a line of communication regarding schedule and activity such that the monitor is aware of all ground-disturbing activities in advance in order to provide appropriate oversight.</p>	<p>Prior to grading, the construction contractor shall provide the Department of Planning and Development Services and Supervising Paleontological Resources Specialist a copy of the schedule of ground-disturbing activities.</p>	<p>Department of Planning and Development Services</p>	<p>Prior to grading</p>	<p>Department of Planning and Development Services</p>			
GEO-6	<p>Discovery of Paleontological Resources. During construction, if paleontological resources are discovered, construction shall be halted within 50 feet of any paleontological finds and shall not resume until a Qualified Paleontologist can determine the significance of the find and/or the find has been fully investigated, documented, and cleared.</p>	<p>During grading and construction, discovery of paleontological resources shall result in work stoppage in that area until the Qualified Paleontologist can determine the significance of the find.</p> <p>The applicant shall notify the County within 24 hours if paleontological resources are encountered.</p>	<p>Department of Planning and Development Services</p>	<p>During grading and construction</p>	<p>Department of Planning and Development Services</p>			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-7	Paleontological Resources Monitoring Report. At the completion of all ground-disturbing activities, the Supervising Paleontological Specialist shall prepare a Paleontological Resources Monitoring Report summarizing all monitoring efforts and observations, as performed, and any and all paleontological finds.	The project applicant shall submit a copy of the Paleontological Resources Monitoring Report to the Department of Planning and Development Services.	Department of Planning and Development Services	Post ground-disturbing activities	Department of Planning and Development Services			
Hydrology/Water Quality								
HYD-1	Prepare SWPPP and Implement BMPs Prior to Construction and Site Restoration. The project applicant or its contractor shall prepare a SWPPP specific to the project and be responsible for securing coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWC). The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the appropriate agency prior to commencement of work and shall be made conditions of the contract with the contractor selected to build and decommission the project. The SWPPP shall incorporate control measures in the following categories: <ul style="list-style-type: none"> • Soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching) • Sediment control practices (e.g., temporary sediment basins, fiber rolls) • Temporary and post-construction on- and off-site runoff controls • Special considerations and BMPs for water crossings and drainages • Monitoring protocols for discharge(s) and receiving waters, with emphasis placed on the following water quality objectives: dissolved oxygen, floating material, oil and grease, potential of hydrogen (pH), and turbidity • Waste management, handling, and disposal control practices 	Prior to construction and site restoration, the project applicant or its contractor shall prepare a SWPPP with incorporated control measures as outlined in Mitigation Measure HYD-1; and implement BMPs. Department of Planning and Development Services to verify.	Department of Planning and Development Services	Prior to issuance of a grading permit and site restoration	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	<ul style="list-style-type: none"> • Corrective action and spill contingency measures • Agency and responsible party contact information • Training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP <p>The SWPPP shall be prepared by a Qualified SWPPP Practitioner and/or Qualified SWPPP Developer with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil stabilization and erosion control practices and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.</p>							
HVD-2	<p>Incorporate Post-Construction Runoff BMPs into Project Drainage Plan. The project Drainage Plan shall adhere to the County's Engineering Guidelines Manual, IID "Draft" Hydrology Manual, or other recognized source with approval by the County Engineer to control and manage the on- and off-site discharge of stormwater to existing drainage systems. Infiltration basins will be integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and management of runoff generated from project impervious surfaces as necessary.</p>	Post construction, the applicant shall implement a Drainage Plan in accordance with the County and Imperial Irrigation District guidelines for the project site. Department of Planning and Development Services and IID to confirm.	Department of Planning and Development Services	Post construction	Department of Planning and Development Services and IID			