



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Case/File No.:	Rugged Solar
Place:	County Operations Center 5520 Overland Avenue San Diego, CA 92123	Project:	Major Use Permit Modification and Time Extension for a Solar Facility
Time:	9:00 a.m.	Location:	Ribbonwood Road and McCain Valley Road
Agenda Item:	#5	General Plan:	Rural Lands (RL-80)
Appeal Status:	N/A	Zoning:	General Rural (S92) and A72 (General Agricultural)
Applicant/Owner:	Rugged Solar LLC	Community:	Mountain Empire (Boulevard)
Environmental:	CEQA Guidelines § 15162 through 15164 Addendum	APN:	611-060-04, 611-090-02, 611-090-04, 611-091-03, 611- 091-07, 611-100-07, 612-030- 01, 612-030-19, 611-110-01

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to provide a recommendation to the Board of Supervisors to approve, approve with modifications, or deny the proposed Modification and Time Extension to the Rugged Solar Major Use Permit (Proposed Project), which was one of four individual solar energy projects that made up the Soitec Solar Project approved by the Board of Supervisors on October 14, 2015 (Approved Project).

B. STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission determine if the required findings can be made, and make the following recommendations to the Board of Supervisors:

1. Adopt the Environmental Findings included in Attachment A, which includes a finding that the previously certified Program Environmental Impact Report (PEIR) is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. Adopt the Form of Decision of Approval for a Modification and Time Extension to Major Use Permit PDS2017-MUP-12-007W1 and PDS2017-MUP-12-007TE (Attachment B).

C. PROJECT BACKGROUND

The applicant, Rugged Solar LLC, is requesting a time extension and modification to Major Use Permit (MUP-12-007), which was approved by the Board of Supervisors on October 14, 2015. The Rugged Solar Project was one of four individual solar energy projects (Rugged Solar, Tierra Del Sol, LanEast, and LanWest) analyzed in the Soitec Solar Development Program EIR (Soitec PEIR), which was certified by the Board of Supervisors on October 15, 2015. The Rugged Solar and Tierra Del Sol Solar projects were reviewed at a project level as part of the Soitec PEIR while the LanWest and LanEast projects were evaluated at a program level of analysis. Based on the processing of the Soitec PEIR and comments received during the public review, changes were made to the Rugged Solar and Tierra Del Sol Solar projects to address concerns of stakeholders. The changes were reflected in the Soitec PEIR with the addition of Alternative 2A or the "Tailored Proposed Project and No LanEast and LanWest Alternative", which was both the applicant's preferred project and the staff recommended project. This alternative reduced the Rugged Solar and Tierra Del Sol Solar projects and entirely removed the LanEast and LanWest projects. Alternative 2A as approved by the Board (composed of the Tierra del Sol Solar and Rugged Solar Projects) is referred to as the Approved Project in this report.

Soitec Solar did not proceed with the Approved Project, and the Rugged Solar Project was acquired by the Applicant. In 2017, the Applicant submitted a Time Extension and Modification to the Rugged Solar MUP. The Applicant proposes to utilize the same development footprint of the Approved Rugged Project, reduced by about 21% due to a different solar technology. The Tierra Del Sol Project was acquired by a different owner; however, the modification and time extension for the Tierra Del Sol Project is still being processed and is not under consideration at this time.

D. REGIONAL SETTING AND PROJECT LOCATION

The 764-acre Proposed Project site is located north of Interstate 8, east of Ribbonwood Road and is bisected by McCain Valley Road, in the community of Boulevard, as shown in the aerial photo in Figure 2 below. The larger portion of the site west of McCain Valley Road includes central, northwest, and southern subareas while the smaller site to the east of McCain Valley Road comprises the eastern subarea.

The project site consists of relatively flat to gently sloping land including a diverse assemblage of vegetation communities including chaparral, sagebrush and willow scrub, wildflower fields, oak woodlands, non-native vegetation, and alkali and freshwater seeps. The project site is traversed by Tule Creek which runs from the northwest portion of the project site toward the southeast portion of the project site eventually passing McCain Valley Road.

Surrounding land uses to the west of the project site primarily consist of large rural lots supporting residential structures and undeveloped lands featuring chaparral and scrub vegetation. Undeveloped lands, occasional rural residential structures and gently rising, chaparral-covered topography characterizes the landscape setting to the south of the site and the McCain Valley Conservation Camp, a rural prison facility, is located southeast of the project boundary between the Rugged Solar site and McCain Valley Road. The prison facility consists of a cluster of approximately 15 buildings located in the southeastern corner of the property, water quality ponds, and generally undeveloped lands. Undeveloped lands of a slightly higher elevation which support chaparral vegetation and an informal network of dirt trails lie north of the site. The eastern portion of the project site is located adjacent to McCain Valley Road to the west, primarily undeveloped lands to the south and north and the rising terrain of the southern

extent of the In-Ko-Pah Mountains to the east. Right-of-way and transmission structures associated with the Sunrise Powerlink are located west of the project site.

Please refer to Attachment C– Planning Documentation, for maps of surrounding land uses and zoning designations.

Table D-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands (RL-80), Public Agency Lands	General Agriculture (A72)	N/A	Vacant Lands
East	Rural Lands (RL-80), Public Agency Lands	General Agricultural (A72), General Rural (S92)	McCain Valley Road	McCain Valley Conservation Camp, Rough Acres Ranch Camp, Vacant Lands
South	Rural Lands (RL-80), Rural Lands (RL-40), Public Agency Lands	General Rural (S92), Open Space (S80)	Interstate 8	Border Patrol Station, Interstate 8, Rural Residential, Vacant Lands
West	Rural Lands (RL-80), Rural Lands (RL-40)	General Rural (S92)	Ribbonwood Road	Rural Residential

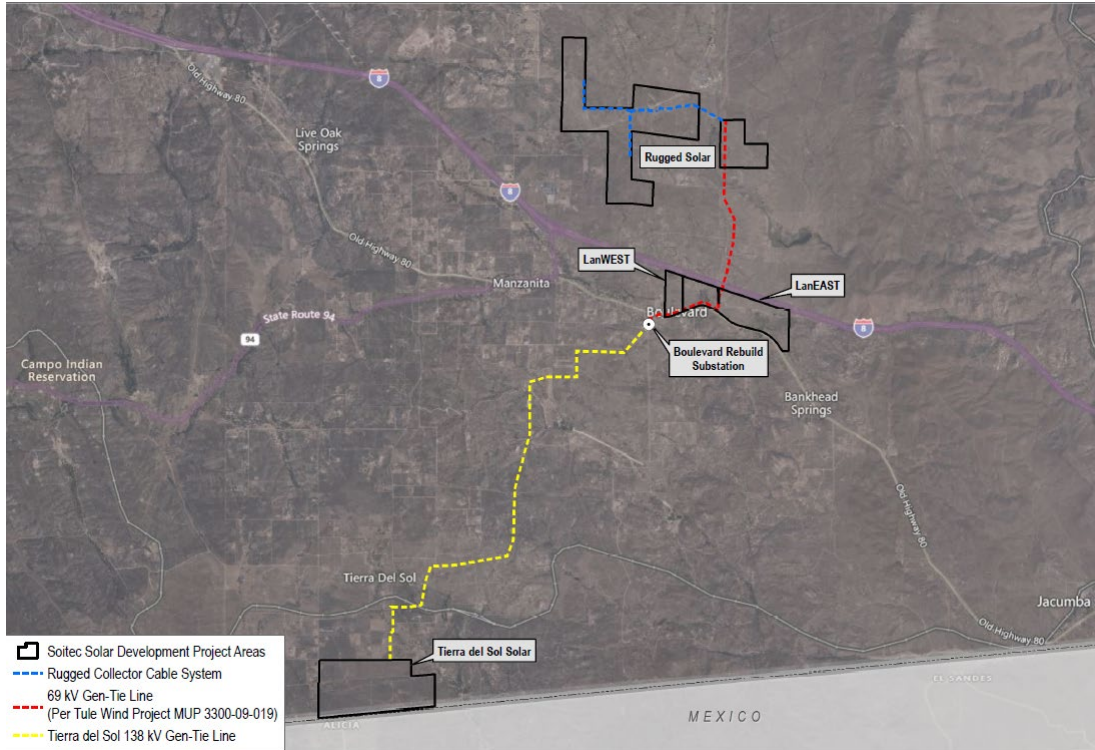


Figure 1: Regional Location Map

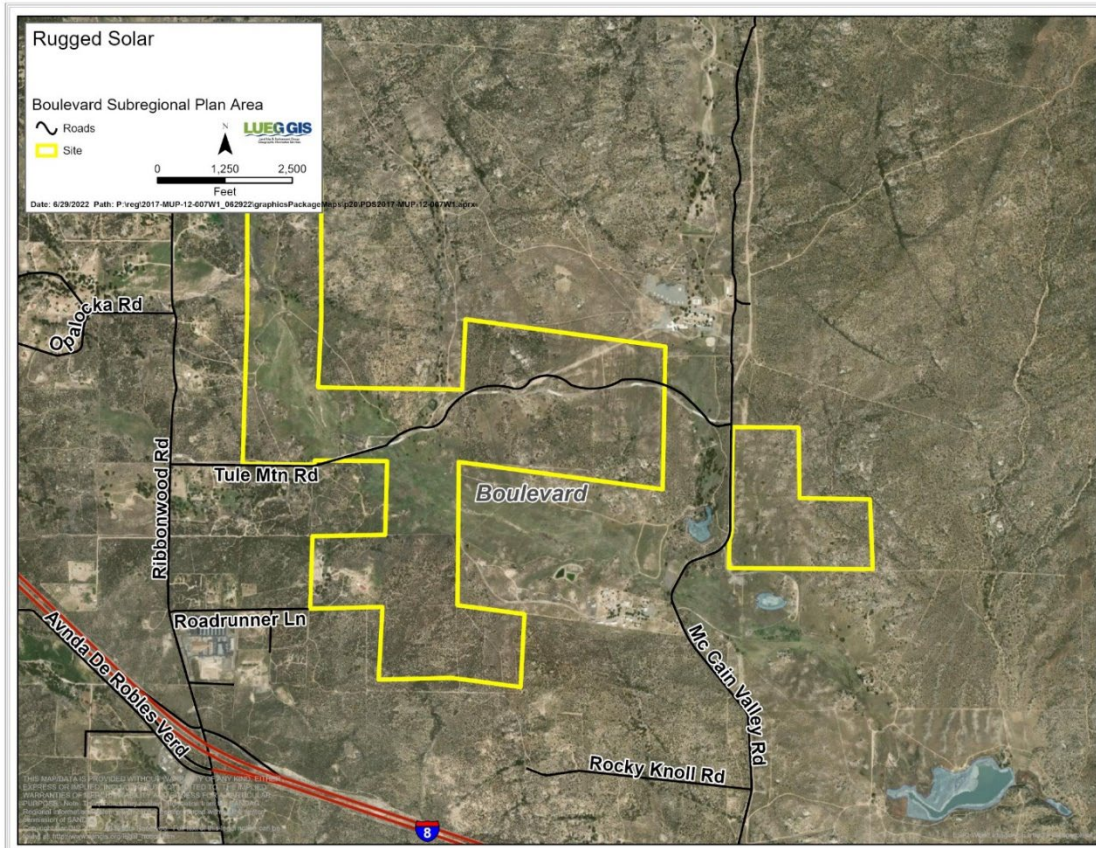


Figure 2: Aerial Map

E. DEVELOPMENT PROPOSAL

1. Project Description

Approved Project

The Approved Project is for the development of an 80 megawatts (MW) concentrator photovoltaic (CPV) solar facility on 498 acres of the 765-acre site. The Approved Project included 3,261 CPV dual-axis trackers grouped into four subareas throughout the Project site. The CPV tracker assembly is made up of photovoltaic (PV) modules placed on a steel mast pole. The dual axis tracker can track the sun in both the east-west direction and the north-south direction.

The CPV trackers measured at approximately 48 feet across by 25 feet tall and would be mounted on a 28-inch diameter steel mast pole. In their most horizontal position, the trackers would have a maximum height of 13 feet, six inches and in their most vertical position, the trackers would not exceed 30 feet in height (Figure 3). The trackers would be installed 69 feet apart on center in a north-south direction and approximately 82 feet apart on center in an east-west direction.



Figure 3: CPV Tracker

The Approved Rugged Project was anticipated to be monitored on site from an operations and maintenance (O&M) building, and off site through a supervisory control and data acquisition (SCADA) system. The O&M building was anticipated to be a 60-foot by 125-foot (7,500 square feet) facility that would be used for storage, employee operations, and maintenance of equipment.

Power from the CPV trackers would be delivered through an underground collection system to the inverters which convert direct current (DC) power to alternating current (AC) power which is compatible with the San Diego Gas and Electric (SDG&E) system. In addition to the underground collection system, the project would require an on-site overhead collector system both of which would deliver power to an approximately 6,000 square foot private on-site collector substation which would increase the voltage from 34.5 kilovolt (kV) to 69 kV. Once the voltage is increased to 69 kV, the power would be conveyed through a single 35-foot-high dead-end structure (a fully self-supporting

steel tower) that connects the on-site substation with the 138 kV Tule gen-tie. The Tule gen-tie line was approved by the Board on August 8, 2012 for Tule Wind Energy Project (PDS2009-3300-09-019) and has since been constructed. Power from the Rugged Solar on-site substation would be delivered to the existing SDG&E Rebuilt Boulevard Substation via the Tule gen-tie. The 138 kV gen-tie for the Tule Wind Energy project includes a 69 kV undersling line, which will be used to service the Rugged Solar project. The Tule gen-tie runs south along the east side of McCain Valley Road and SDG&E's Sunrise Powerlink and across Interstate 8, after which it crosses McCain Valley Road and runs parallel to Old Highway 80 along the north side until it crosses Old Highway 80 at the Rebuilt Boulevard Substation.

Access to the Approved Project site was originally analyzed from Ribbonwood Road and McCain Valley Road via construction of a new road that would connect the Approved Project's central subarea to McCain Valley Road. This road, Tule Mountain Road, has since been constructed.

Proposed Project

The Applicant is requesting a Time Extension and Modification to the Approved Project. The Proposed Project is for the development of a 74-MW solar facility on 391 acres of the 764-acre site. The Applicant proposes to reduce the project site by one acre from 765 acres to 764 acres and development footprint from 498 to 391 acres. The 391-acre development footprint includes all solar facility components, access roads, and staging areas. The Proposed Project would be divided into five array subareas. Four of the subareas would be located to the west of McCain Valley Road and one array subarea would be located to the east (Figure 4).

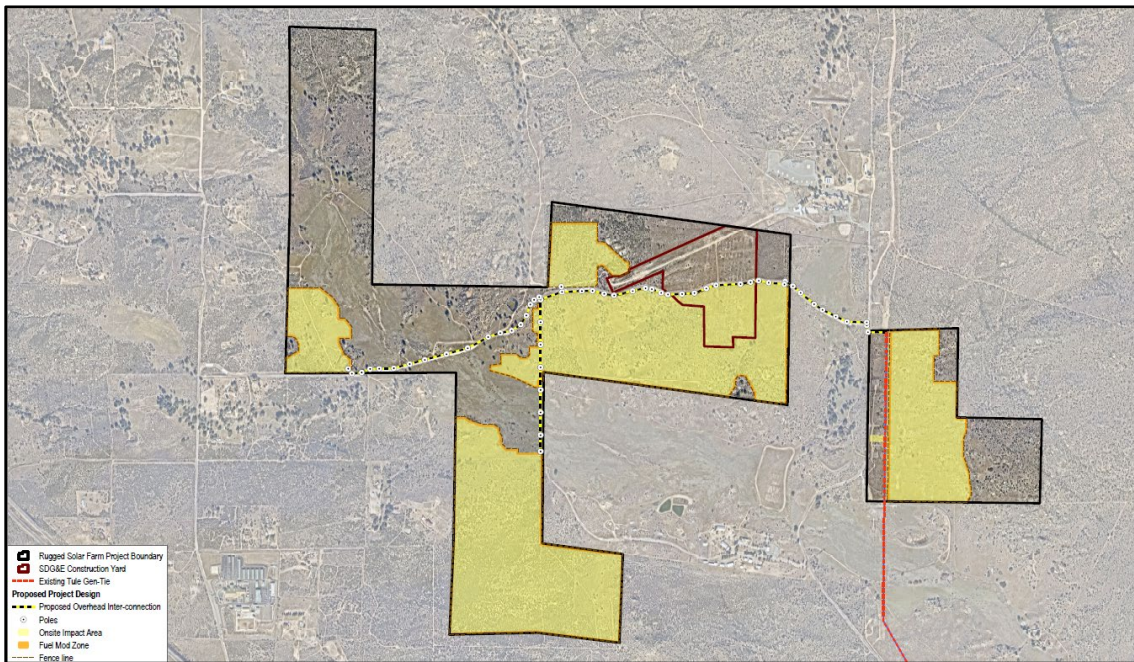


Figure 4: Proposed Project Site

The Proposed Project would consist of approximately 225,264 photovoltaic (PV) modules, which would be placed on a single axis tracking system. Modules are approximately 6.5 feet in length, 3.5 feet in width, and 1.5 inches thick. The tracking system (referred to as trackers) would be oriented in

north-south rows, which would move throughout the day to track the sun as it rises from the east and sets in the west.

Trackers would be installed on support masts in parallel rows. Each tracker row would be approximately 290 feet in length. The rows would be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west. The trackers would be grouped into approximately 38 building blocks grouped around inverter stations. The average height of the trackers would be 7 feet, with the maximum height not exceeding 12 feet (Figure 5).



Figure 5: Example of single-axis trackers

Power from the PV modules would be delivered through an underground collection system to the inverters which convert direct current (DC) power to alternating current (AC) power which is compatible with the San Diego Gas & Electric (SDG&E) system. The underground collection system would be located within the same development footprint of the PV array.

An onsite collector substation would be located within a fenced in area approximately 26,000 square feet in size. The onsite substation would include a 450 square foot control enclosure. The onsite substation would collect the energy received from the underground collector system and increase the voltage from 34.5 kV to 69 kV. Once the voltage is stepped up to 69 kV, the power would be conveyed through a 50-foot-high steel tower that connects the project to the existing overhead transmission line for the Tule Wind Energy Project (Tule gen-tie). The Tule gen-tie would deliver power from the Project to the SDG&E Rebuilt Boulevard East Substation, which is located just west of Ribbonwood Road on the southern side of Old Highway 80.

The solar facility would be operated remotely, including automatic start-up, shutdown, self-diagnosis, and fault detection. As a result, the Proposed Project would not require any full-time onsite employees, but instead would only generate operational traffic in the event of emergency repair work or routine or annual maintenance.

The Proposed Project would operate, at a minimum, for the life of the Applicant's long long-term Power Purchase Agreement (PPA). The initial term of the PPA is anticipated to be 25 years, with additional terms anticipated. The lifespan of the solar facility is estimated to be 30 to 40 years or longer. At the end of the useful life of the solar facility, the facility would be decommissioned and dismantled.

Comparison of Approved Project and Proposed Project

The Proposed Project would reduce the development footprint from 498 acres to approximately 391 acres, an approximately 21% reduction. The Proposed Project would produce up to 74 MW of solar energy from single-axis photovoltaic (PV) trackers and would not use the CPV dual-axis technology as originally contemplated for the Approved Project. Due to the Proposed Project's change in technology from CPV dual-axis trackers to PV single-axis trackers, the Proposed Project would require significantly less concrete because the single-axis trackers do not require concrete foundations for installation. Additionally, this change from CPV dual-axis to PV single-axis technology would reduce the height of the solar array and pole-mount structures from approximately 30 feet to approximately 7 feet, with a maximum panel height of 12 feet.

The Proposed Project would increase the amount of grading from 28,410 cubic yards to 75,000 cubic yards. This is due to the change in technology. The CPV trackers were 30 feet in height with each tracker installed with their own foundation, whereas the single-axis trackers as part of the Proposed Project are lower in height at approximately 7 to 12 feet. The Proposed Project requires a maximum grade that is tolerable for the tracking system, which requires additional site grading.

The Proposed Project would include a larger on-site collector substation that would increase the size of the substation from 6,000 square feet as analyzed under the Approved Project to 26,000 square feet. Upon completion, the Proposed Project would be remotely monitored through a supervisory control and data acquisition (SCADA) system and would not have physical on-site monitoring as originally contemplated under the Approved Project. Aside from maintenance and repairs, the Proposed Project would not generate any operational traffic. The Proposed Project would reduce the size of the operations and maintenance (O&M) building from 7,500 square feet under the Approved Project to a 6,300 square warehouse building that would be used for storage of parts and equipment. A comparison of the components for the Approved Rugged Project and the Proposed Project is provided below in Table E-1.

Table E-1: Comparison of Approved Project and Proposed Project

Project Component	Approved Rugged Project	Proposed Project
System Technology	Dual-Axis CPV	Single-Axis PV
Solar Energy Produced (megawatts)	80	74
Tracker Panel Height (feet)	Up to 30	7 (average), up to 12
Installation Method	Concrete foundations; 20-foot mast depth; on-site concrete batch plant	Pile-driving with isolated pre-drilling 7-foot depth; on-site concrete batch plant
Exterior Lighting	Project-Wide	Storage building and substation only
Project Site Acreage (acres)	765	764
Development Footprint (acres)	498.2	391.2
Grading Cut and Fill Quantities (cubic yards)	28,410	75,000
Substation Size (square feet)	6,000	26,000
Overhead Collection System	34.5 kV; steel poles 50 to 75 feet in height	34.5 kV; steel poles 50 feet in height

Operations and Maintenance Building (square feet)	7,500	6,300
Construction Water Use (acre feet)	59	36.5
Operational Water Use (acre/year)	8.7	1.41
Panel Washing Frequency	Every 6 weeks (nine washings per year)	Once per year
Operational day-to-day Employees	20	0

F. ANALYSIS AND DISCUSSION

The Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the Mountain Empire Subregional Plan, the County Zoning Ordinance, and CEQA Guidelines. A discussion of the Project’s consistency with applicable codes, policies, and ordinances is described on the following pages.

1. Key Requirements

- a. Is the proposed Project consistent with the vision, goals, and policies of the General Plan?
- b. Does the Project comply with the policies set forth under the Mountain Empire Subregional Plan?
- c. Is the proposed Project consistent with the County’s Zoning Ordinance?
- d. Is the Project consistent with other applicable County regulations?
- e. Does the Project comply with California Environmental Quality Act (CEQA)?

2. Project Analysis

a. Aesthetics

The Soitec PEIR determined that the Approved Project would result in significant and unavoidable aesthetic impacts. The Approved Project conflicted with the existing visual character of the surrounding area and would create daytime glare that would impact local residences and motorists.

A Visual Resources Analysis and Glare Study was prepared to analyze the potential aesthetics impacts of the Proposed Project as compared to the Approved Project. The Proposed Project and the Approved Project would both have significant and unavoidable visual impacts related to conflicts with existing visual character or quality, but the Proposed Project would have less of an impact compared to the Approved Project due to the reduced bulk and scale of the single-axis PV trackers as compared to the CPV trackers, and the smaller developed area footprint. The average height of the Proposed Project trackers would be 7 feet and would not exceed 12 feet in height. In comparison, the Approved Project CPV tracker panel height was approved to be a maximum of 30 feet tall.

The Proposed Project would also reduce impacts related to lighting and glare compared to the Approved Project. With respect to glare, the Proposed Project would eliminate glare received by adjacent residences and would eliminate glare received by passing motorists

on McCain Valley Road and Ribbonwood Road. The panels in the Approved Project were made out of clear glass Fresnel lenses, a tracker technology that is designed to concentrate incoming light on a PV cell, resulting in glare impacts. However, PV panels of the Proposed Project are designed to efficiently absorb all incoming light (and not reflect).

The Proposed Project's overall visual impact on motorists would be reduced due to the Proposed Project's reduced visibility from roadways. The Proposed Project would continue to implement mitigation measures, including the installation of landscaping along McCain Valley Road to screen the Proposed Project.

b. Air Quality

The Soitec PEIR determined that the Approved Project would result in significant and unavoidable impacts to air quality due to the overlapping construction of the Tierra Del Sol Solar and Rugged Solar Projects, which would result in short-term construction emissions that exceed screening thresholds. However, construction and operation for only the Rugged Solar Project of the Approved Project would have emission levels that do not exceed applicable screening thresholds.

Air quality impacts from construction and operation of the Proposed Project were evaluated in the Air Quality Assessment. The air quality analysis for the Proposed Project indicated the estimated maximum daily emissions resulting from the construction and operation will not exceed the County's threshold for each of the air pollutants. Air pollutants include particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, and volatile organic compounds that can impact air quality. Compared to the Approved Project, construction emissions for the Proposed Project would be reduced, and all emissions levels would still fall below screening level thresholds.

As noted in the Air Quality Assessment and Soitec PEIR, cumulative construction impacts could occur if construction activities for adjacent/nearby projects occur simultaneously. The Tierra del Sol Solar Project is not anticipated to be constructed concurrently with the Proposed Project. However, because the Tierra del Sol Project is still in process, it is possible that construction could overlap with the Proposed Project. In that case, as contemplated by the Soitec PEIR, these combined cumulative impacts would be significant when construction emissions occur simultaneously. However, potential cumulative impacts under the Proposed Project would not pose impacts to air quality greater than those analyzed under the Soitec PEIR.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts.

c. Biological Resources

The Soitec PEIR determined that the Approved Project would result in potential impacts to biological resources, including:

- i. Impacts to the following habitats: Big Sagebrush Scrub, Montane Buckwheat Scrub/Red Shank Chaparral, Granitic Chamise Chaparral, Granitic Chamise Chaparral/Montane Buckwheat Scrub, Granitic Northern Mixed Chaparral, Granitic Northern Mixed Chaparral/Montane Buckwheat

- Scrub, Montane Buckwheat Scrub, Red Shank Chaparral, Scrub Oak Chaparral and Non-native Grassland.
- ii. Impacts to the following County List A and B plant species: Tecate tarplant, Desert beauty, Jacumba milk-vetch, Sticky geraea.
 - iii. Impacts to the following County Group I and II wildlife species: Belding's orange-throated whiptail, Blainville's horned lizard, Northern red-diamond rattlesnake, Bell's sage sparrow, Cooper's hawk, Prairie falcon, Golden eagle, Loggerhead shrike, Turkey vulture, San Diego black-tailed jackrabbit, San Diego desert woodrat, Rosy boa, Coastal western whiptail as well as impacts to suitable habitat for County Group I and II wildlife species.

In order to mitigate for impacts of the Approved Project on biological resources, the Soitec PEIR included the following mitigation measures:

- i. M-BI-PP-1: Preservation of off-site open space for impacts to upland scrub and chaparral communities, and habitat for special-status plant and wildlife species.
- ii. M-BI-PP-2: Biological monitoring during ground disturbance.
- iii. M-BI-PP-3: Preparation of construction Stormwater Pollution Prevention Plan.
- iv. M-BI-PP-4: Preparation of biological monitoring report following ground disturbance activities.
- v. M-BI-PP-5: Preparation of Fugitive Dust Control Plan.
- vi. M-BI-PP-6: Landscaping plant palette to be reviewed and approved by Project Biologist.
- vii. M-BI-PP-7: O&M personnel prohibited from harming, harassing or feeding wildlife; travelling outside of the project footprint, bringing pets onsite, or littering.
- viii. M-BI-PP-8: All measures from project Fire Protection Plan shall be implemented.
- ix. M-BI-PP-9: Weed control treatments and associated requirements.
- x. M-BI-PP-10: Implementation of Nesting Bird Management, Monitoring, and Reporting Plan; and conduct preconstruction nesting bird surveys.
- xi. M-BI-PP-11: Cover and/or provide escape routes for wildlife and conduct daily monitoring.
- xii. M-BI-PP-12: Minimize nighttime construction lighting.
- xiii. M-BI-PP-13: Design all transmission and distribution towers and lines in accordance with Avian Power Line Interaction Committee (APLIC) standards.
- xiv. M-BI-PP-14: Obtain necessary federal and state permits
- xv. M-BI-PP-15: Implement the Groundwater Monitoring and Mitigation Plan to prevent impacts to oak woodland.

Impacts from the Proposed Project on biological resources were evaluated in the Biological Resources Report. The Proposed Project would reduce the total project footprint from approximately 498 acres resulting from the Approved Rugged Project to approximately 391 acres. Despite the reduction in the project footprint, the Proposed Project would have similar

potentially significant impacts that would need to be reduced through implementation of M-BI-PP-1 through M-BI-PP-15 so that impacts would be less than significant. Specifically, the Proposed Project's impacts to on-site sensitive upland habitat would be 71.5 acres less as compared to the Approved Rugged Project. Only two sensitive upland vegetation communities would have minor increases in impacts under the Proposed Project: granitic chamise chaparral and coast live oak woodland; however, the same mitigation would apply, and impacts would be reduced to less than significant, like the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to biology and biological resources.

d. Cultural Resources

The Soitec PEIR determined that for the Approved Project impacts to cultural resources discovered would be potentially significant and impacts to potential cultural resources would be less than significant with implementation of mitigation requiring monitoring during grading (M-CR-PP-1)

A Cultural Resources Addendum Report was prepared for the Proposed Project. The Proposed Project would have similar types of potential impacts to cultural resources as the Approved Project because they are sited in the same area. However, because the Proposed Project would have a smaller development footprint by approximately 21%, it would result in reduced overall ground disturbance and extent of possible cultural resources impacts as compared to the Approved Rugged Project.

The Proposed Project would also implement Mitigation Measures M-CR-PP-2 and M-CR-PP-3, similar to the Approved Rugged Project. M-CR-PP-2 requires the installation of temporary construction fencing around known archaeological sites prior to the start of ground-disturbing activities, and M-CR-PP-3 requires implementation of an Archaeological Treatment Plan in the event that known previously recorded cultural resources cannot be avoided. As determined for the Approved Project, these mitigation measures would reduce potential impacts to known cultural resources to less than significant because they provide specific provisions to proactively avoid and/or treat known resources.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to cultural resources.

e. Greenhouse Gas Emissions

The Soitec PEIR determined that the total operational carbon dioxide equivalent (CO₂e) emissions associated with the Approved Project, including amortized construction-related emissions—which were calculated at 135 metric tons (MT) of CO₂e per year—would be approximately 722 MT CO₂e per year, which was less than the screening criteria of 900 MT CO₂e that was used to evaluate greenhouse gas (GHG) impacts of the Approved Project. GHGs are gases that absorb infrared radiation in the atmosphere and contribute to global climate change.

A GHG Screening Analysis was prepared for the Proposed Project to analyze the GHG impacts from operation and construction. The Proposed Project's annual emissions, including operations and amortized construction emissions, would be 556 MT CO₂e per year; therefore, emissions would be less than 900 MT CO₂e per year, and would be less than significant. Additionally, according to the Soitec PEIR, the Approved Project's annual operational emissions were estimated to be 722 MT CO₂e per year. Therefore, the annual emissions from the Proposed Project would be 166 MT CO₂e less than the Approved Project. All impacts associated with GHG emissions for the Proposed Project were determined to be less than significant.

The Proposed Project, like the Approved Project, would provide a potential reduction in GHG emissions each year of operation if the electricity generated by the solar farm were to be used instead of electricity generated by fossil-fuel sources. Therefore, the Proposed Project would assist in the attainment of the State's and County's renewable energy goals by using a renewable source of energy that could displace electricity generated by fossil-fuel-fired power plants. The Proposed Project would further statewide and countywide efforts to reduce reliance on fossil fuels and would not preclude the attainment of long-term emissions reductions goals.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant GHG emissions impacts.

f. Groundwater Resources

The Soitec PEIR determined that the Approved Project would not significantly impact groundwater resources. A Groundwater Resources Investigation Report was prepared to analyze the Proposed Project's impact on groundwater resources. The Proposed Project would demand less water for both the construction and operation phases as compared to the Approved Project, which is due, in part, to its smaller development footprint and less-frequent operational activities, including panel washing. The Approved Project would use approximately 59 acre-feet of water during construction and 8.7 acre-feet annually for operational use and, while the Proposed Project would use 36.5 acre-feet during construction and 1.41 acre-feet/year for operational water use. These changes represent reductions of 38% for construction and 83.8% for operational water used. Therefore, impacts related to groundwater would be reduced compared to the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to groundwater resources.

g. Noise

The Soitec PEIR determined that the Approved Project would result in potentially significant impacts related to operational noise but those impacts could be reduced to less than significant with the implementation of the following mitigation measures: locating any non-enclosed inverters a minimum of 800 feet from the nearest property line; directing all switch station doorways and exterior ventilation ducts away from adjacent property lines; and locating the maintenance building no closer than 1,250 feet from the property line.

A noise assessment was prepared to analyze any potential noise impacts of the Proposed Project. The assessment concluded that the Proposed Project would have similar noise impacts of the Approved Project. The Proposed Project would require the implementation of the same mitigation measures required by the Approved Project.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified noise impacts.

h. Transportation

The Soitec PEIR determined that the Approved Project's transportation related impacts would be less than significant. After the certification of the Soitec PEIR, the CEQA Guidelines were updated to focus the transportation analysis on vehicle miles traveled (VMT) rather than level of service (LOS).

A Transportation Screening Analysis was prepared to analyze any potential transportation impacts of the Proposed Project. Since the Approved Project was analyzed using LOS guidelines, and because the Proposed Project is being evaluated under an Addendum to the Soitec PEIR, the transportation analysis used LOS rather than VMT. The analysis determined that impacts from the Proposed Project on unsignalized intersections from construction would remain less than significant. Construction traffic associated with the Proposed Project would generate approximately 160 daily trips over the 12-month construction period, and a maximum of 197 daily trips during the 6-month peak construction traffic period. These daily trip estimates are similar to those analyzed under the Approved Project (160 daily trips over the 12-month period and 200 daily trips during the 6-month period). A traffic control plan would be required as a condition of approval for the Proposed Project, which would manage the construction trips and would keep impacts to less than significant.

Operations and maintenance impacts associated with the Proposed Project would be minimal and less than significant because Proposed Project facilities would be operated remotely and would only generate operational traffic in the case of routine maintenance and repairs. In comparison, the Approved Project would be staffed with up to 20 day-to-day employees (equaling 40 daily trips). Therefore, the Proposed Project would have reduced traffic impacts.

The Proposed Project is not subject to VMT standards or thresholds because the Soitec PEIR was certified before CEQA Guidelines were changed in 2020 to require VMT analysis. However, for informational purposes, the Proposed Project was analyzed for any VMT impacts. The Proposed Project would have less-than-significant impacts related to VMT because the Proposed Project would only generate traffic in the event of maintenance or repair work and would not be expected to generate a significant number of trips on the days employees would be required to be on site, such as for yearly panel washing. Specifically, projects generating fewer than 110 average daily trips are exempt from preparing VMT analyses because they are presumed to have a less-than-significant impact due to the de-minimis number of trips.

The Proposed Project does not propose any changes that would cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation/traffic.

i. Wildfire

The Soitec PEIR determined that the Approved Project would not expose people or structures to significant risk involving wildfires and would not result in service level decline through implementation of PDF-PS-1, which would require the applicant to enter into a Fire and Emergency Protection Services Agreement. The Approved Project would provide adequate emergency access and sufficient water supplies to service the project.

A Fire Protection Technical Memorandum was prepared which compared the Proposed Project to the Approved Project. As compared to the Approved Project, the Proposed Project would reduce potential wildfire risk because the overall development footprint of the Proposed Project would be reduced by 107 acres, representing an approximately 21% smaller footprint compared to the Approved Project, and thus resulting in fewer potential ignition sources. Additionally, changes to the Proposed Project include a less-complicated solar tracker system, significantly less on-site maintenance activities, and reduction of the on-site daily worker population from 20 with the Approved Project to zero with the Proposed Project. The Fire Protection Technical Memorandum determined that the potential emergency services impacts on fire response resources from the Proposed Project do not rise to a level of significance given the current response resources in the project area, and anticipates a reduction in demand for emergency services from the Proposed Project compared to the Approved Project because the Proposed Project would not require full-time staffing whereas the Approved Project would have had employees on the project site daily.

The Proposed Project, like the Approved Project, requires the Applicant to enter into a Fire and Emergency Protection Services Agreement for fair-share funding to the San Diego County Fire Protection District. However, based on the Proposed Project's reduction in demand for emergency services, the funding requirement is proposed to be reduced. The startup funding is proposed to be reduced from \$360,000 to \$250,000 and annual funding is proposed to be reduced from \$73,000 to \$24,667.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified wildfire impacts.

3. General Plan Consistency

The site is subject to the General Plan Regional Category Rural and Land Use Designation Rural Lands 80 (RL-80). The proposed Project is consistent with the following relevant General Plan goals, policies, and actions as described in Table F-1.

Table F-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
<p>Policy LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment, and/or are detrimental to human health and safety.</p>	<p>The Proposed Project will require mitigation measures to reduce project-generated impacts to the extent feasible. The mitigation measures would ensure that noise and vibratory impacts would not be significant and air quality impacts, including dust, would be reduced to the extent feasible. While the Proposed Project will result in significant and unmitigated impacts to aesthetics, landscape screening along portions of the Project frontage along McCain Valley Road would help minimize potential public views into the site.</p>
<p>Policy LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.</p>	<p>Grading required for the Proposed Project would be consistent with the requirements of the Grading Ordinance. The Proposed Project would require approximately 75,000 cubic yards of balanced cut and fill. Grading would be required, primarily to accommodate solar arrays, ancillary equipment and access roads through the site, and to smooth selected elevated areas of the site to be more level for solar trackers. During construction, the implementation of required erosion control plans, stormwater management plans, and best management practices (BMPs) would minimize potential erosion and sedimentation impacts.</p>
<p>Policy LU-8.2: Groundwater Resources. Require development to identify adequate groundwater resources in groundwater dependent areas, as follows: _ In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions. _ Encourage programs to alleviate overdraft conditions in Boulevard. _ In areas without current overdraft groundwater conditions, prohibit new groundwater-dependent development where overdraft conditions are foreseeable.</p>	<p>The Proposed Project would use groundwater from on-site wells as well as offsite sources such as water serving districts. Ongoing water use would utilize on-site wells. Groundwater Investigations were prepared for each of the water sources identified for use by the proposed project. The Proposed Project would use groundwater for construction and for operations such as annual washing of the panels, and no potable water is anticipated because the project would be unmanned. A Groundwater Resources Investigation Report was performed to analyze the Proposed Project's impact on groundwater resources. The Groundwater Resources Investigation Report determined that the Proposed Project would have a less-than-significant impact to groundwater storage and water quality.</p>

<p>Policy M-4.4 Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.</p>	<p>Primary access to the Project site would be provided by McCain Valley Road. The majority of the Proposed Project site would be located to the west of McCain Valley Road. The Proposed Project would include on-site fire access roads, including a perimeter access road with connecting roads between the solar arrays.</p>
<p>Policy COS-11.1: Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.</p>	<p>The Proposed Project site is located approximately two miles north of Interstate 8 (a County designated scenic highway) and due to topography and intervening landforms, the Project would be visible from the Interstate by passing motorists for only short intervals of time. The Project site does not contain regionally significant scenic vistas and would not result in significant impacts on scenic highways or corridors.</p>
<p>Policy COS-13.1 Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.</p>	<p>Nighttime lighting during operations would be restricted to minimal maintenance and security lighting and all project lighting would be directed downward, shielded and would comply with the County of San Diego Light Pollution Code. The materials used to construct the panels are designed to minimize the potential for reflection and retain as much of the solar spectrum as possible, thereby reducing glare and would affect surrounding viewers or that would produce reflective light that would create adverse disability or discomfort glare to the public.</p>
<p>Policy COS-18.1: Alternate Energy Systems Design. Work with San Diego Gas and Electric and non-utility developers to facilitate the development of alternative energy systems that are located and designed to maintain the character of their setting.</p>	<p>The Proposed Project would result in the operation of a 74 MW PV solar facility. The Proposed Project has been sited to minimize impacts to the rural character of the surrounding community. The Proposed Project would reduce the development footprint compared to the Approved Project. The Proposed Project includes design measures such as installation of landscape along McCain Valley Road to help screen the Project.</p>
<p>Policy S-6.3: Funding Fire Protection Services. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.</p>	<p>As a condition of project approval, the Proposed Project would be required to enter into a fire and emergency protection services agreement with the San Diego County Fire Protection District to make a fair share contribution to fund appropriate fire and emergency medical services.</p>

4. Subregional Plan Consistency

The Project is located in the Boulevard Subregional Planning area which is within the Mountain Empire Subregional Planning area. The proposed projects are consistent with the following relevant Mountain Empire Subregional Plan and Boulevard Subregional Plan goals, policies, and actions as described in Table F-2.

Table F-2: Mountain Empire Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
<p>Land Use (Policy and Recommendation 4). Ensure that all development be planned in a manner that provides adequate public facilities prior to or concurrent with need.</p>	<p>The Proposed Project site is located within the San Diego County's responsibility area. The County would provide fire and emergency medical response. Emergency response for the Project would be provided, initially, by the County and/or CAL FIRE from the County's co-located Fire Station 47 in the Boulevard Community. The Boulevard Station is between 2 and 6 miles from the most remote areas of the project, depending on which of the Proposed Project subareas are involved. Travel time to these subareas is approximately 2.6 and 10.3 minutes, which is within the County General Plan's allowable 20 minutes for the Project Area's zoning. Based on the existing services as well as the contribution of funding toward appropriate fire and emergency protection services, there would be adequate public facilities to serve the Project.</p>
<p>Environmental Resources (Policy and Recommendation 4). The dark night sky is a significant resource for the Subregion and appropriate steps shall be taken to preserve it.</p>	<p>The Proposed Project would include minimal nighttime lighting for purposes of safety and emergency maintenance. The outdoor lighting will be installed at the on-site private substation yard, next to the entrance door to the substation control house and mounted atop entrance gates. The lighting will be turned off when no one is on site and will be fully shielded and on motion sensor lighting. All nighttime lighting would be designed and installed in conformance with the San Diego Light Pollution Ordinance.</p>

Table F-3: Boulevard Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
<p>Policy LU 1.1.1. Prohibit higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area. Renewable energy projects, such as solar and wind projects, are not “industrial-scale projects or facilities” for purposes of this Community Plan.</p>	<p>The Proposed Project is for a solar project and therefore, are not considered an “industrial-scale projects or facilities” as defined by the Boulevard Community Plan.</p>
<p>Policy LU 6.1.1. Require commercial, industrial development and large-scale energy generation projects to mitigate adverse impacts to the rural community character, charm, quiet ambiance and life-style, or the natural resources, wildlife, and dark skies of Boulevard, if feasible, in accordance with the California Environmental Quality Act.</p>	<p>The Project impacts, where feasible, have been mitigated to a less than significant level. Where impacts cannot be reduced to a less than significant level, measures have been incorporated to lessen the impacts to the extent feasible. Adverse impacts to the rural community character, specifically in relation to aesthetic resources, although not mitigated to less than significant have been mitigated to the extent feasible as described in section F.2 of this report. Impacts to natural resources, including biological and cultural resources have been mitigated to less than significant through avoidance and compensatory mitigation measures. Impacts to dark skies would be avoided by the project’s conformance with the County Lighting Ordinance.</p>
<p>Policy LU 6.1.2. Encourage commercial, industrial development and large scale energy generation projects to create and maintain adequate buffers between residential areas and incompatible activities that create heavy traffic, noise, infrasonic vibrations, lighting, odors, dust and unsightly views and impacts to groundwater quality and quantity.</p>	<p>A limited number of residential uses are scattered in the vicinity of the Proposed Project site. The Project has been designed to incorporate landscape buffers, fire clearing requirements and perimeter access roads along the project boundary to provide a buffer between the PV trackers and the nearby residential uses. Measures have been incorporated into the Proposed Project to reduce potential impacts from noise, infrasonic vibrations, lighting dust and unsightly views and impacts to groundwater quality and quantity.</p>

5. Zoning Ordinance Consistency

The Project site is zoned Limited Agricultural (A70) and General Rural (S92), which will not change with the proposed Project.

Table F-4: Zoning Ordinance Development Regulations

ZONING REGULATIONS	CURRENT	CONSISTENT?
Use Regulation:	A72 and S92	Yes, upon approval of a Major Use Permit.
Animal Regulation:	O	Yes
Density:	-	N/A
Lot Size:	8 AC	N/A
Building Type:	C	Yes
Height:	G (35')	Yes
Lot Coverage:	-	N/A
Setback:	D / C	Yes
Open Space:	-	N/A
Special Area Regulations:	-	N/A

6. California Environmental Quality Act (CEQA) Compliance

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth criteria for determining what additional environmental documentation, if any, must be completed when a previously certified environmental impact report (EIR) covers the project for which a subsequent discretionary action (or actions) is required. The Rugged Solar Project is one of four individual solar energy projects analyzed in the Revised Final Soitec Solar Development Program EIR (Soitec PEIR), which was certified by the County of San Diego Board of Supervisors on October 14, 2015.

The impacts of the Proposed Project were evaluated compared to the Approved Project. The Proposed Project would reduce the environmental impacts associated with the Approved Project. The Proposed Project would use single-axis PV tracker technology with a maximum tracker panel height of 12 feet and an average height of 7 feet, whereas the Approved Project would have used dual-axis CPV tracker technology with a maximum tracker panel height of 30 feet. The change in height and scale of the solar technology would reduce the Proposed Project’s aesthetic impacts. The Proposed Project would impact 391 acres, whereas the Approved Project would have impacted 498 acres.

The Soitec PEIR adequately covers the impacts associated with the Proposed Project because there are no substantial changes proposed as part of the Proposed Project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the Soitec PEIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified Soitec PEIR is adequate upon completion of an Addendum.

7. Applicable County Regulations

Table E-4: Applicable Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	The Project is consistent with the RPO because the Project would not impact any floodways/floodplains, steep slopes, or sensitive habitat lands. There will be a total of The property has been surveyed, and it has been determined that the project sites contain archaeological sites. Testing and other investigation determined the archaeological sites do not meet the definition of a significant site and therefore do not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with the ordinance requirements.
b. County Consolidated Fire Code	A Fire Protection Plan (FPP) has been prepared for the Proposed Project. The FPP would ensure that the projects would implement particular design measures to ensure compliance with the San Diego County Consolidated Fire Code.
c. Noise Ordinance	A noise assessment was prepared for the Proposed Project. The project will comply with the requirements of the County Noise Ordinance by locating all non-enclosed inverters a minimum of 800 feet from the nearest property line; directing all switch station doorways and exterior ventilation ducts away from adjacent property lines; and locating the maintenance building no closer than 1,250 feet from the property line.
d. Light Pollution Code	Nighttime lighting during operations would be restricted to minimal maintenance and security lighting. All project lighting would be directed downward, would be shielded and would comply with the County of San Diego Light Pollution Code.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan (SWQMP) has been prepared for the Proposed Project. The Proposed Project would be in compliance with the WPO.
f. Resource Protection Ordinance (RPO)	The Project is consistent with the RPO because the Project would not impact any floodways/floodplains, steep slopes, or sensitive habitat lands. There will be a total of The property has been surveyed, and it has been determined that the project sites contain archaeological sites. Testing and other investigation determined the archaeological sites do not meet the definition of a significant site and therefore do not need to be preserved under the RPO. Therefore, it has been found that the proposed project complies with the ordinance requirements.

<p>g. Community Benefit Agreement</p>	<p>The County does not currently have a program to require specific projects to provide community benefits. However, the Applicant is proposing community benefits and has presented their proposal to the Boulevard Community Planning Group. The Applicant proposes to contribute \$887,000 to setup a community benefit fund that would be utilized to fund initiatives that benefit the community. Specifically, an example of what the funds could be used for include an interior remodel of the Backcountry Resource Center, which is the Boulevard community center.</p>
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G. COMMUNITY PLANNING GROUP (CPG)

The Proposed Project is located within the Boulevard Community Planning Group (CPG) area. The Boulevard CPG considered the Proposed Project at their May 5, 2022 meeting. At the meeting, a motion was made to deny the Proposed Project; however, that motion failed for lack of a second. A motion was then made to remain neutral on the Proposed Project, which was seconded. The group then voted on the motion to remain neutral, which received a vote of 3-1-3 (3-Yes, 1-No, 3-Vacant/Absent). However, the motion to remain neutral failed since it did not receive support by a majority of the CPG's authorized membership. The authorized membership for the CPG is seven; therefore, four members would have needed to support the motion to remain neutral. No further motions were made by the CPG.

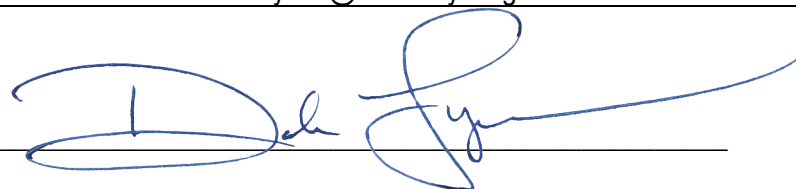
H. PUBLIC INPUT

The Proposed Project was first submitted to PDS in 2017. At the time of application submittal and in accordance with Board Policy I-49, public notices were sent to property owners within a minimum radius of 300 feet of the Project site. Notices were sent again to surrounding property owners and interested parties that previously commented on the Soitec PEIR to provide a 30-day disclosure period of the Addendum to the Soitec PEIR. During the 30-day public disclosure period, which occurred between April 21, 2022 and May 23, 2022, four comment letters were received from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife as a joint letter, San Diego County Archeological Society, and from two individuals. The U.S. Fish and Wildlife Service and California Department of Fish and Wildlife raised concerns on potential effects for the Proposed Project on wildlife and sensitive habitats. The San Diego County Archeological Society commented that they agreed with the environmental findings regarding cultural resources. Staff evaluated all comments and did not find any new information that was not adequately addressed in the Addendum to the Soitec PEIR prepared for the Proposed Project. Responses to all comments are included in Attachment E.

Report Prepared By:
 Regina Ochoa, Project Manager
 619-323-8090
 regina.ochoa@sdcounty.ca.gov

Report Approved By:
 Dahvia Lynch, Director
 858-694-2962
 dahvia.lynch@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



DAHVIA LYNCH, DIRECTOR

ATTACHMENTS:

- Attachment A – Environmental Findings
- Attachment B – Form of Decision
- Attachment C – Planning Documentation
- Attachment D – Environmental Documentation
- Attachment E – Public Documentation
- Attachment F – Ownership Disclosure
- Attachment G – Fire and Emergency Services Agreement

Attachment A – Environmental Findings

ENVIRONMENTAL FINDINGS

RUGGED SOLAR

PDS2017-MUP-12-007W1, PDS2017-MUP-12-007TE, PDS2017-ER-12-21-005A

July 22, 2022

1. Find that the Revised Final Program Environmental Impact Report for the Soitec Solar Development Project dated October 14, 2015 (SCH NO. 2012-121-018) on file with Planning & Development Services (PDS) was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered information contained therein and the Addendum thereto dated April 21, 2022 on file with PDS as Environmental Review Number PDS2017-ER-12-21-0005A before making a recommendation on the Rugged Solar project; and
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR dated October 14, 2015 that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated April 21, 2022.
3. Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines Section 15091(d).
4. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
5. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

Attachment B – Form of Decision

MAJOR USE PERMIT PDS2012-3300-12-007 (MUP)

PERMITEE: SOITEC SOLAR DEVELOPMENT
MAJOR USE PERMIT: PDS2012-3300-12-007 (MUP)
E.R. NUMBER: PDS2012-3910-120005 (ER)
PROPERTY: RIBBONWOOD ROAD AND MCCAIN VALLEY ROAD, BOULEVARD, CA
APN(s): 611-060-04, 611-090-02, 611-090-04, 611-091-03, 611-091-07
(PORCION), 611-100-07, 612-030-01, 612-030-19, 611-110-01

.....

Grant, this Major Use Permit (MUP) for the construction and operation of a concentrated photovoltaic (CPV) solar project consisting of seventeen sheets including plot plans and elevations dated April 12, 2022. This permit authorizes a Major Impact Service and Utility pursuant to Sections 2725b. and 2926b. of the Zoning Ordinance.

Grant an exemption pursuant to Section 4620g. of The Zoning Ordinance to allow for overhead trunk lines up to 75 foot tall in height and to allow temporary batch plant structures up to 40-feet in height.

Grant an exemption pursuant to Section 4813 of The Zoning Ordinance to allow for perimeter fencing within portions of the interior side yard and rear yard setbacks.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 16, 2014 consisting of eleven sheets. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **October XX, 2022** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an all purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

3. SALES AND USE TAX: [PDS, PCC] [UO]

Intent: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **Description of Requirement:** A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would ensure the receipt of sales and use tax could include, but not be limited to, the following:

- a. Make a good-faith effort to have all transactions that will generate sales and use taxes, including transactions of applicant's contractors, occur in the unincorporated area of the County;

- b. Encourage the contractors to establish a business location and tax resale account, and take other reasonable steps, to maximize receipt of sales and use tax revenues for the County;
- c. Include in a master contract and any other contract for construction, language ensuring that the County will receive the benefit of any sales and use tax generated by the Project to the fullest extent permitted by law;
- d. Include the following provision from California Board of Equalization, Regulation 1806(b), in all construction contracts:

The jobsite is regarded as a place of business of a construction contractor or subcontractor and is the place of sale of "fixtures" furnished and installed by contractors or subcontractors. The place of use of "materials" is the jobsite. Accordingly, if the jobsite is in a county having a state administrated local tax, the sales tax applies to the sale of the fixtures, and the use tax applies to the use of the materials unless purchased in a county having a state-administrated local tax and not purchased under a resale certificate.

- e. In all agreements related to the Project, identify the jobsite as the project address, which is located within the unincorporated area of the County of San Diego;
- f. If the applicant enters into a joint venture or other relationship with a contractor, supplier, or designer, the applicant shall either establish a buying company within San Diego County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales and use taxes are applicable but are not defined by Regulation 1806 and shall include in its their requests for bids, procurement contracts, bid documents, and any other agreement whereby California Sales and Use Taxes may be incurred, that the sale occurs at that place of business in the unincorporated area of San Diego County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish its own place of business within the unincorporated area of San Diego County where delivery is ultimately made to the applicant; principle negotiations for all such sales shall be carried on in San Diego County;
- g. Provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Diego County is the jurisdiction where the first functional use of the property is made.

Documentation: The applicant shall provide a signed and notarized statement from someone authorized to sign on behalf of the company, with language acceptable to the company and the Director of Planning and Development Services [PDS, PCC] specifying the terms related to sales and use taxes, when feasible. **Timing:** Within 30 days after this permit becomes effective and prior to establishment of use in reliance of this permit,

this condition shall be satisfied. **Monitoring:** The [PDS, PCC] shall review the evidence for compliance to this condition.

4. AIR QUALITY RIDE SHARE (Mitigation Measure M-AQ-PP-2)

Intent: In order to comply with M-AQ-PP-2 to reduce NO_x and PM₁₀ emissions associated with construction worker trips a rideshare program shall be implemented.

Description: A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

- a. The construction manager will notify all construction personnel of the program prior to the start of construction activities and
- b. The site manager will notify construction personnel of the iCommute program RideMatcher feature, or similar communication method, to ensure personnel can identify potential carpooling program participants.
- c. Trip data will be made readily available to County inspectors at the construction trailer on site during construction.

Documentation: The applicant shall prepare the rideshare plan and provide it the [PDS, PCC] for review and approval. **Timing:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the plan shall be prepared. **Monitoring:** The [PDS, PCC] shall review the plan for compliance with this condition.

5. GREENHOUSE GAS EMISSIONS CREDITS (Project Objective 5)

Intent: To ensure the Rugged solar farm would result in a zero net-increase in GHG emissions as required by Project Objective 5 (no net additional emission of GHGs, including GHG emissions from employee transportation, consistent with the methodology employed by the California Air Resources Board (CARB) pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and *AB 900 Application for the Soitec Solar Energy Project*, the project applicant shall obtain carbon offsets or GHG credits from a qualified GHG emission broker or equivalent in the amount of 614,722.16 MTCO₂E per year for the thirty year project life, or a one-time purchase of 18,420,21,665 MTCO₂E to offset total projected construction and operational GHG emissions. **Documentation :** The applicant shall comply with the requirements of this condition and provide proof that credits have been obtained. **Timing:** Credits shall be obtained prior to the approval of any plan, and prior to issuance of any permit. **Monitoring:** The [PDS, PCC] shall review the credits to ensure compliance with this condition.

6. FIRE AND EMERGENCY PROTECTION SERVICES AGREEMENT (Project Design Feature PDF-PS-1)

Intent: In order to comply with project design feature PDF-PS-1, as a condition of providing service and pursuant to the Safety Element of the General Plan, the applicant shall enter into a fire and emergency protection services agreement with the San Diego County Fire Protection District. **Description:** A fire and emergency services agreement between the applicant and the San Diego County Fire Protection District. **Documentation:** The applicant shall provide a copy of the fire and emergency services agreement executed by the applicant. **Timing:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the fire and emergency services agreement shall be executed by the applicant. **Monitoring:** The [PDS, PCC] shall review the agreement for compliance with this condition. **NOTE:** This condition need only be completed once. Therefore, if it is completed for the Tierra Del Sol Solar Project, PDS2012-3300-12-010, then nothing further is required under this condition.

8. BIO#1–BIOLOGICAL EASEMENT [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County’s Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, an open space easement, as shown on the approved Plot Plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. **MONITORING:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre-approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* *[DPR, TC]* for satisfaction of the condition.

9. BIO#2–LBZ EASEMENT [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the County’s Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Plot Plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Decking, fences, and similar facilities.
2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, which are designed, constructed, and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre-approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition.

11. BIO#3–HABITAT PRESERVATION (M-BI-PP-1(a)) [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to vegetation communities, habitats for special-status wildlife species, and occurrences of special-status plant species, suitable mitigation land shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide for the conservation of habitat, in permanent open space, in accordance with Table 3-2 of the Biological Resource Report (DUDEK, April 2022). The on-site Open

Space Preserve would provide the majority of the requirement and a small portion, approximately 18.92 acres, would be provided off-site within the Soitec Mitigation Site. The location of the Soitec Mitigation Site is shown in Figure 1 of the Off-Site Conceptual Resource Management Plan dated April 2022. The off-site open space conservation area may be composed of more than one set of contiguous parcels.

The project applicant shall provide for the conservation of habitat generally consistent with the assemblage of vegetation communities impacted by the project as indicated below:

1. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
2. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
3. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
4. In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

13. BIO#4–REVEGETATION PLAN (M-BI-PP-1(c))

INTENT: In order to mitigate for the impacts to special-status plants, revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan for Special-Status Plants (RPSP), shall be prepared, which mitigates impacts to County List A and B plant species. County List A species will be mitigated at a 2:1 ratio and List B species at a 1:1 ratio. Mitigation for the loss of special-status plant species as summarized in Table 3-1 of the Biological Resource Report, shall be as follows: 2:1 mitigation ratio for a total of 2,112 Jacumba milk vetch individuals, 1:1 ratio for a total of 138 sticky geraea individuals, and 1:1 ratio for a total of 190 desert beauty individuals. The assessment of the number of individuals of these species supported within the impact and mitigation areas shall be

conducted in comparable survey years to appropriately account for potential annual variation in the number of individuals. The revegetation plan shall conform to the Conceptual Revegetation Plan for Special-Status Plants (DUDEK, March 2022), and the most current version of the County of San Diego [Report Format and Content Requirements for Revegetation Plans](#). The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 80 percent success criterion.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS.
- c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- d. Revegetation objectives, revegetation site biological resource map, 24" x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
- e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the Revegetation Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#5 shall be made to enter into a Secured Agreement for the implementation of the Plan

14. **BIO#5–SECURED AGREEMENT (M-BI-PP-1(c))**

INTENT: In order to assure project completion and success of the Revegetation Plan in condition BIO#4, a surety shall be provided and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan;
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;

- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the [PDS, LA] for final review and approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation implementation. **MONITORING:** The [PDS, LA] shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by [PDS, FISCAL]. Upon acceptance of the Agreement, securities, and cash deposit, the [PDS, LA], shall provide a confirmation letter-acknowledging acceptance of securities.

15. BIO#6–ONSITE RESOURCE MANAGEMENT PLAN (M-BI-PP-1(b))

INTENT: In order to provide for the long-term management of the proposed onsite open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP consistent with the Onsite Conceptual RMP dated April 2022 on file with the Environmental Review Number PDS2017-ER-12-21-005A. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of Attachment E of the County of San Diego [Report Format and Content Requirements for Biological Resources](#).
- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected, and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the RMP shall be approved. **MONITORING:** The [PDS, PPD] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

16. BIO#7–OFFSITE RESOURCE MANAGEMENT PLAN (M-BI-PP-1(b))

INTENT: In order to provide for the long-term management of the proposed offsite open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP consistent with the Offsite Conceptual RMP dated April 2022 on file with the Environmental Review Number PDS2017-ER-12-21-005A. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of Attachment E of the County of San Diego [Report Format and Content Requirements for Biological Resources](#).
- g. The habitat land to be managed shall be completely purchased.
- h. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- i. A Resource Manager shall be selected, and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- j. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- k. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the [PDS, ZONING] and pay all applicable review fees. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the RMP shall be approved. **MONITORING:** The [PDS, PPD] [DPR, GPM] shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

GRADING PERMIT: (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

17. ROADS#3–HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck

types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

1. The implementation of the HRP shall be a condition of any grading, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and offsite County maintained roads that serve the property either during construction or subsequent operations.
2. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
3. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

DOCUMENTATION: The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, Road Maintenance]. **TIMING:** Prior to the approval of any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a HRP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the HRP for compliance with this condition.

18. ROADS#3 DEBRIS MANAGEMENT PLAN (DMP)

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov, **DESCRIPTION OF REQUIREMENT:** To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: (1) non-residential excavation and grading projects; (2) residential projects that require Major Grading permits. Grading projects greater than 5,000 cubic yards shall prepare a Debris Management Plan (DMP) prior to plan approval. All documentation must be submitted and approved by a DPW Compliance Official. Specific requirements are as follows:

- a. Prior to Grading plan approval, a Debris Management Plan (DMP) is required, consisting of:
- The type of project.
 - The total cubic yardage for the project.
 - The estimated weight of grading or land clearing debris, by material type, that the project is expected to generate.
 - The estimated maximum weight of grading or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
 - The estimated weight of grading or land clearing debris that is planned to be disposed of in a landfill.
 - The name of the facility (or facilities) which debris will be exported to.
- b. During grading activities, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed, must be prepared and retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted grading material from the approved grading project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. Daily logs shall include:
- Identify the project location.
 - Log the date that material was transported off site.
 - Log the type of graded or cleared material.
 - Estimated material weight, tonnage, or cubic yards.
 - Name of entity transporting the material.
 - Name of the receiving facility or exporter, and detailing whether the material was salvaged, recycled, or disposed of in a landfill.
 - Daily log entries shall correspond to receipts by materials transporter or receiving facility. If grading contractor exported materials off-site, receipts shall be compiled within 90 days of the receipts.
 - Daily logs shall include separate entries for each occurrence of materials reused on site.
 - Daily logs and all receipts shall be maintained at the project site and made available to any County Inspector for compliance with this condition.
- c. Exemption:
- Excavated soil and land-clearing debris that is contaminated by disease or pests are not required to be reused on- or off-site, provided that: (I) the County Agricultural Commissioner has made a determination of disease or pest contamination and permittee follows commissioner's direction for recycling or disposal of the material, (ii) the materials are generated in a known pest and/or disease quarantine zone

identified by the California Department of Food and Agriculture, or (iii) the materials are otherwise not required to be reused under the CalGreen Code

DOCUMENTATION: The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During grading operations a daily log shall be prepared and kept on-site. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcountry.ca.gov. Templates for all forms required are available at:

https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html.

TIMING: Prior to approval of any plan or issuance of any permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMP documents for the project. The [DPW, CO], shall forward the approval of the DMP to [PDS, LDR] for compliance with this condition.

19.

STRMWTR#1-EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the State Construction General Permit, Order No. 2009-00090-DWQ, or subsequent order and the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.

b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately

satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

20. PLAN CONFORMANCE

INTENT: In order to implement the required mitigation measures for the project, the required Grading Plans shall conform to the approved Conceptual Grading and Development Plan pursuant to [Section 87.207 of the County Grading Ordinance](#).

DESCRIPTION OF REQUIREMENT: The Grading Plans shall conform to the approved Conceptual Grading and Development Plan. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, ESU, DPR, TC, or PDS, BD for Minor Grading] shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

21. TEMPORARY SCREENING FENCING (PDF-AE-2)

Intent: In order to comply with project design feature PDF-AE-2 to reduce the visibility of construction work areas from nearby roads, residences, and recreational areas, staging material and equipment storage areas shall be screened. **Description:** The applicant shall prepare fencing and screening plan for all staging areas. The staging material and equipment storage areas, including storage sites for excavated materials, shall be visually screened using temporary screening fencing. Fencing shall be of an appropriate design and color for the location. **Documentation:** The applicant shall install the fencing and provide documentation (i.e., photographs) and a certification statement to the [PDS, PCC]. **Timing:** Prior to issuance of any Grading or Construction Permits, prior to the staging of any materials, and during all construction activities. A grading permit may be issued to do any incidental grading to establish a lay down facility that would comply with the intent of this condition. **Monitoring:** The [PDS, PCC] shall review the photos and certification statement for compliance with this condition.

22. AIR QUALITY NO_x EMISSIONS (M-AQ-PP-1)

Intent: To comply with Mitigation Measure M-AQ-PP-1 to reduce construction NO_x emissions, emission-reducing measures applicable to construction equipment shall be implemented. **Description of Requirements:** Mitigation Measure M-AQ-PP-1 requires

the following be implemented by the applicant to reduce NO_x emissions during construction:

- a. All construction equipment with engines shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- b. Construction equipment will employ electric motors when feasible.
- c. No mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 1 standards. All engines shall comply preferably with Tier 3 standards, but no less than Tier 2 at a minimum.

Documentation : The applicant shall provide an equipment list of all the equipment to be use on the site to ensure compliance with the air quality requirements of this condition. Furthermore, this condition shall be a condition note added to the grading plan. **Timing:** Prior to issuance of any Grading or Construction Permits The following actions shall occur throughout the duration of grading and construction. **Monitoring:** The [DPW, PDC] shall ensure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDC] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

23. **BIOLOGICAL HABITAT COMPENSATION (M-BI-PP-1)**

Intent: In order to comply with M-BI-PP-1 to mitigate for the impacts to sensitive biological resources, offsite compensation shall be provided. **Description:** The applicant will preserve in permanent open space acreage of native habitats equivalent to or greater than the acreage of total project impacts; the native habitats shall be generally consistent with the assemblage of vegetation communities impacted by the project. This will mitigate for project impacts to upland scrub and chaparral communities in accordance with Table 2.3-18 of the Soitec Solar Development Program Revised Final Environmental Impact Report (RFPEIR) as well as habitat loss of special-status plant and wildlife species (additional acreage to be preserved to equal the total acreage of project impacts, at a minimum). The off-site open space conservation area shall be evaluated to determine if the off-site area provides similar or greater biological function and value when compared with the identified significant impacts. This assessment shall include vegetation community mapping and an assessment of associated flora and fauna to the extent necessary to determine if the off-site conservation area provides commensurate biological function and value for each significantly impacted biological resource (vegetation communities, special-status plant species, and special-status wildlife species). The off-site open space conservation area may be composed of more than one set of contiguous parcels. Mitigation for the loss of special-status plant species shall be a minimum of 2:1 mitigation to impact ratio for Jacumba milk-vetch and Tecate tarplant and 1:1 mitigation to impact ratio for sticky geraea and desert beauty unless otherwise negotiated to a different ratio with the Wildlife Agencies. The assessment of the number of individuals of these species supported within the impact and mitigation areas shall be conducted in comparable survey years to appropriately account for potential annual

variation in the number of individuals. Preservation of off-site open space shall be provided through one of the following options:

Option 1: If purchasing Mitigation Credit from the mitigation bank, the evidence of purchase shall include the following information to be provided by the mitigation bank:

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank must be provided that shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

Option 2: If mitigation credit is not purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County indicated as follows:

- a. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by the County Department of Planning and Development Services (PDS).
- b. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources* to the satisfaction of the director of PDS. If the off-site mitigation is proposed to be managed by Department of Parks and Recreation (DPR), the RMP shall also be prepared and approved to the satisfaction of the director of DPR.
- c. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the director of PDS. The land shall be protected in perpetuity.
- d. The purchase and dedication of the land and selection of the resource manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to approval of the RMP.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to

take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **Documentation:** The applicant shall purchase the off-site mitigation credits and provide evidence to PDS for review and approval. If the off-site mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to PDS that DPR agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to PDS for a pre-approval. If an RMP is going to be submitted in lieu of purchasing credits, then the RMP shall be prepared, and an application for the RMP shall be submitted to PDS. **Timing:** Prior to issuance of a grading permit or land disturbances, the mitigation shall occur. **Monitoring:** PDS shall review the mitigation purchase for compliance with this condition. Upon request from the applicant, PDS can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option 2, then PDS shall accept an application for an RMP, and PDS and DPR shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

24. BIOLOGICAL MONITOR (Mitigation Measure M-BI-PP-2, 3, & 7)

Intent: In order to mitigate in accordance with M-BI-PP-2, 3, & 7 for inadvertent disturbances to areas outside the limits of grading, all construction activities shall be monitored by a biologist. **Description of Requirement:** A County-approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The project biologist shall supervise and monitor all grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The Project Biologist shall perform the monitoring duties before, occasionally during, and after construction pursuant to the most current version of the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*, and this permit. The contract provided to the County shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego [PDS] shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the County of San Diego Report Format and Content Requirements, Biological Resources, the Project Biologist also will perform the following duties:

- a. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;

- c. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- d. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- f. Be present during initial vegetation clearing, grubbing, and grading;
- g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-PP-10);
- h. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Storm Water Permit, State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ (see M-BI-PP-3 for required best management practices (BMPs)).
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-PP-3**:
 - 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
 - 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
 - 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 - 4. Pets on or adjacent to construction sites will not be permitted by the operator.
 - 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.

- j. As outlined in Mitigation Measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 3. Bringing pets on the project area; and
 4. Littering on the project area.

Documentation: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to PDS. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits. **Monitoring:** PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the project manager for inclusion in the grading bond cost estimate and grading bonds. DPW shall add the cost of the monitoring to the grading bond costs.

25. FUGITIVE DUST CONTROL PLAN (Mitigation Measure M-BI-PP-5)

Intent: In order to comply with Mitigation Measure M-BI-PP-5 and the San Diego County Air Pollution Control District regulations to reduce particulate matter less than 10 microns (PM₁₀) and fine particulate matter less than 2.5 microns (PM_{2.5}) emissions during construction, the applicant shall develop a Fugitive Dust Control Plan. **Description of Requirement:** A Fugitive Dust Control Plan shall be prepared and include the following:

- a. The name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan.
- b. A description of and location of operation(s).
- c. A listing of all fugitive dust emissions sources included in the operation.
- d. The following dust control measures shall be implemented:
 1. All on-site fire access roads shall be effectively stabilized using an aggregate base material, such as disintegrated (DG), as early as practical during construction.
 2. All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of

- disturbed areas. The excavated soil piles shall be watered hourly for the duration of construction or covered with temporary coverings.
3. Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and when those activities cause visible dust plumes. All grading activities shall be suspended when wind speeds are greater than 30 miles per hour.
 4. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.
 5. All haul trucks hauling soil, sand, or other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
 6. Soil loads should be kept below 18 inches of the freeboard of the truck.
 7. Drop heights should be minimized when loaders dump soil into trucks.
 8. Traffic speeds on unpaved roads shall be limited to 25 miles per hour.
 9. Disturbed areas should be minimized.
 10. Disturbed areas should be stabilized using soil binders that can be determined to be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers, as soon as possible after disturbance and shall not increase any other environmental impacts including loss of vegetation.

Documentation: The applicant shall provide the Fugitive Dust Control Plan to County [PDS] for review and shall comply with the requirements of this condition. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits. **Monitoring:** The [PDS, PCC] shall monitor construction activities to ensure that dust control measures are implemented and maintained.

26. NESTING BIRD MMRP (Mitigation Measure M-BI-PP-10)

Intent: In order to comply with mitigation measure M-BI-PP-10, to avoid impacts to nesting birds, the applicant shall prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP). **Description:** The NBMMRP should include the following:

- a. Nest survey protocols describing the nest survey methodologies;
- b. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks;

- c. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513;
- d. A schedule for the submittal (usually weekly) of the nesting monitoring logs (NML);
- e. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks;
- f. A detailed explanation of how the buffer widths were determined; and
- g. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.
- h. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities, conduct preconstruction survey sweeps immediately prior to ground-disturbing activities, and implement the appropriate avoidance measures for identified nesting birds. Preconstruction nesting bird surveys shall be conducted prior to the commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors).

To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.

Each nest identified in the project area should be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species.

The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project area to employ based on the

sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths should be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths should consider the following factors:

1. Nesting chronologies;
2. Geographic location;
3. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise);
4. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests);
5. Visibility of disturbance;
6. Duration and timing of disturbance;
7. Influence of other environmental factors; and
8. Species' site-specific level of habituation to the disturbance.

Application of the standard buffer widths should avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.

Implementation of this Plan is not required outside the breeding season.

Documentation: The NBMMRP shall be submitted to the CDFW and USFWS for review and approval then an approved copy shall be provided to the County for final approval of this condition. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits the NBMMRP shall be submitted for review and approval. **Monitoring:** The [PDS, PCC] shall review the NBMMRP with compliance with this condition.

27. RESOURCE AVOIDANCE (Mitigation Measure M-BI-PP-10)

INTENT: In order to comply with Mitigation Measure M-BI-PP-10 to avoid impacts to raptors and migratory nesting birds all construction activities shall be in compliance with the approved Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP).

DESCRIPTION OF REQUIREMENT:

- a. Prior to commencement of project activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). Preconstruction nesting bird surveys shall be conducted within 72 hours of construction-related activities. Implementation of this Plan is not required outside the breeding season.
- b. Comply with any buffers or requirements as detailed in the approved NBMMRP.
- c. Preconstruction nesting bird surveys within 72 hours of construction-related activities and implement the appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.

DOCUMENTATION: The applicant shall comply with the requirements of the approved NBMMRP and this condition. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

28. WETLAND PERMITTING (Mitigation Measure M-BI-PP-14)

Intent: In order to comply with Mitigation Measure M-BI-PP-14 and the state and federal regulations for impacts to “waters of the United States and state”, the following agency permits, or verification that they are not required shall be obtained. **Description:** Provide evidence of the following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board (RWQCB) and the U.S. Army Corps of Engineers (ACOE) for all project-related disturbances of waters of the United States and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the CDFW for all project-related disturbances of any streambed.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to [PDS] for compliance. **Timing:** Prior to

approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [PDS, PCC] shall review the permits/agreement for compliance with this condition. Any conditions of these permits shall be implemented on the grading and construction plans.

29. PRE-CONSTRUCTION GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation Measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to comply with Mitigation Measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated February 2022. The GMMP shall establish baseline conditions and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater dependent habitat baseline data collection shall occur up to approximately 1 year prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester with specific experience evaluating native oak species. Baseline data collection shall include components within Section 3.2.1. of the GMMP.
- b. Install pressure transducers with owner's permission in wells on Assessor Parcels Number (APN) 611-091-07, APN 611-090-02, APN 611-090-20, APN 611-091-14, and APN 611-090-19. At least 90 days prior to project-related extraction, additional residential wells within a one mile radius of pumping Well 8, Well 6a and Well 6b shall be given the opportunity to have their wells added to the monitoring well network by the applicant at no cost to the well owner. The pressure transducers shall be installed at least one month prior to groundwater extraction.
- c. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network as follows:
 - 5 on-site monitoring wells (Well PZ-1, Well 6, Well 8A, Well 9, and Old Ag Well)
 - 2 on-site production wells (Well 6b and Well 8)
 - 5 off-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and any offsite residential wells included in the well monitoring network prior to commencement of project related extraction).

DOCUMENTATION: The applicant shall complete the following:

- a. Setup and fund a deposit account for PDS staff review time for the GMMP at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- b. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- c. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from all on-site and offsite wells shall be submitted to the [PDS, Groundwater Geologist].

TIMING: Prior to any activities that utilize groundwater from on-site, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, the preconstruction baseline evaluations and monitoring network infrastructure shall be completed. **MONITORING:** [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment and baseline groundwater levels. The [PDS Groundwater Geologist] contact the applicant to set up future submittal dates of GMMP documents.

30. PRE-CONSTRUCTION GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation Measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to protect groundwater resources a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Jacumba Community Services District GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). If the Soitec Tierra Del Sol Solar Farm Project or any other County-approved project already has performed baseline groundwater level monitoring, the baseline conditions as estimated for the Soitec Rugged Solar project or any other County-approved project shall apply to this project.

DOCUMENTATION: The applicant shall complete the following:

- b. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- c. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- d. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from the five Jacumba Community Services District wells shall be submitted to the [*PDS, Groundwater Geologist*]. A proposed baseline groundwater level in each of the wells shall be established by the PDS Groundwater Geologist in coordination with the project Hydrogeologist(s). Groundwater pumping from Well 6 shall not commence until baseline groundwater levels are established.

TIMING: Prior to any activities that utilize groundwater from on-site, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, the preconstruction baseline evaluations and monitoring network infrastructure shall be completed. **MONITORING:** [*PDS, ZONING*] shall collect the fee and forward the receipt and MOU to [*PDS, PCC*] for approval. The [*PDS, Groundwater Geologist*] shall verify enrollment and baseline groundwater levels. The [*PDS Groundwater Geologist*] shall contact the applicant to set up future submittal dates of GMMP documents.

31. PRE-CONSTRUCTION GROUNDWATER MMRP, PINE VALLEY MUTUAL WATER COMPANY GROUNDWATER USE (Mitigation Measure M-BI-PP-15): [PDS, PCC] [UO] [PDS, FEE]

INTENT: In order to comply with Mitigation Measure M-BI-PP-15 to protect groundwater resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation prior to construction shall include the following:

- a. Groundwater level monitoring baseline data collection shall occur beginning at least one month prior to project-related groundwater extraction and up to the date extraction commences. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7).
- b. Install pressure transducers with owner's permission in any private wells listed in Table 1 of the GMMP.

- c. Groundwater dependent habitat baseline data collection shall occur approximately 1 month prior to project-related groundwater extraction. Potentially affected native trees within the study area will be evaluated for overall physical condition and attributes. The trees shall be inventoried by an ISA Certified Arborist or Registered Professional Forester. Baseline data collection shall include components within Section 3.2.1. of the GMMP.

DOCUMENTATION: The applicant shall complete the following:

- d. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- e. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the County Groundwater Geologist.
- f. Approximately two weeks prior to groundwater extraction, all previously collected groundwater level monitoring data from the three Pine Valley Mutual Water Company wells shall be submitted to the [PDS, Groundwater Geologist]. A proposed baseline groundwater level in each of the wells shall be established by the PDS Groundwater Geologist in coordination with the project Hydrogeologist(s). Groundwater pumping from Well No. 5 shall not commence until baseline groundwater levels are established.

TIMING: Prior to any activities that utilize groundwater from on-site, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, the preconstruction baseline evaluations and monitoring network infrastructure shall be completed. **MONITORING:** [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment and baseline groundwater levels. The [PDS Groundwater Geologist] shall contact the applicant to set up future submittal dates of GMMP documents.

32. WETLAND HABITAT COMPENSATION (Mitigation Measure M-BI-R-1)

Intent: In order to comply with Mitigation Measure M-BI-R-1 and to mitigate for impacts to jurisdictional aquatic resources, which are a sensitive biological resource pursuant to the ACOE, RWQCB, CDFW, and the County, wetland habitat compensation shall be provided

DESCRIPTION OF REQUIREMENT:

To mitigate for impacts to jurisdictional waters, the applicant may purchase mitigation bank credits, including establishment, re-establishment, enhancement, or rehabilitation (Option 1) - OR- a suitable mitigation site shall be selected and approved by the Resource Agencies during the permitting process (Option 2). A functional assessment, such as the California Rapid Assessment Method (CRAM), of the jurisdictional areas proposed to be impacted and preserved at the mitigation site shall be conducted. The purpose of the functional assessment is to evaluate the existing functions and services within the jurisdictional drainages and ensure

that the functions and values of the jurisdictional areas lost are replaced at the mitigation site. The precise mitigation ratio shall depend on the functions and values of the mitigation site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site.

To comply with Section 86.604, Permitted Uses and Development Criteria, of the San Diego County Code of Regulatory Ordinances, impacts to Resource Protection Ordinance (RPO) wetlands shall be mitigated at a minimum of ratio 3:1, with a minimum of 1:1 impact-to-creation ratio; restoration/enhancement of existing wetlands may be used to make up the remaining requirements. This would result in no net loss of County RPO wetlands. The mitigation requirements for impacts to jurisdictional non-wetland waters and wetlands is summarized in Table 4-2 of the Biological Resource Report (DUDEK, April 2022).

Option 1: Prepare a Wetlands Mitigation and Monitoring Plan to the satisfaction of the Director of Planning & Development Services (or his/her designee) for impacts to jurisdictional aquatic resources. The Wetlands Mitigation and Monitoring Plan shall conform to the most current version of the County's Report Format and Content Requirements for Revegetation Plans. The Wetlands Mitigation and Monitoring Plan shall include a description of the mitigation site, existing resources, and a pre-project assessment of the functions and values for the stream and associated riparian habitat within the limits of work. The Wetlands Mitigation and Monitoring Plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort, specific performance criteria to determine successful revegetation (refer to Table 4-3 for specific criteria), and final sign-off, including parameters tied to the documented existing functions and values of the site, as well as the specific project impact mitigation acreage requirements. The Wetlands Mitigation and Monitoring Plan will also cover potential contingency measures, as well as estimated costs to implement and monitor the program. The Wetlands Mitigation and Monitoring Plan, survey results and post-construction revegetation reports shall be provided to the County; as well as reports demonstrating compliance with the project and Long-Term Monitoring and Long-Term Management Plans. The stated performance standards for wetland habitats are based on reasonable expected vegetative cover within the established timeframe and shall apply to any vegetated portion of the site restored with native wetland habitat. The performance standards included in Table 4-3 are intended as a guide for potential onsite restoration of wetland habitat and may be modified, as needed, to better suit target communities to be restored, pending further discussion with regulatory agencies.

Table 4-3. Summary of Performance Standards and Success Criteria for Wetland Habitats

Year	Native Species Richness	Native Species Cover (Absolute)	Non-native Species Cover
1	3	20%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
2	4	30%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
3	5	40%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
4	6	50%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species
5	7	60%	<10% absolute cover 0% Cal-IPC rated high or moderate perennial species

In order to ensure project completion and success of the Wetlands Mitigation and Monitoring Plan, a surety shall be provided and an agreement shall be executed with the County of San Diego consisting of a letter of credit, bond, or cash for 100% of the estimated costs associated with the implementation of the Revegetation Plan and a 10% cash deposit of the cost of all improvements (no less than \$3,000; no more than \$30,000). The surety shall be released upon completion of the Wetlands Mitigation and Monitoring Plan provided the installed vegetation is in a healthy condition and meets the plan's success criteria.

DOCUMENTATION: The applicant shall prepare the Wetlands Mitigation and Monitoring Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the [PDS, ZONING] and pay all the applicable review fees and deposits. An RMP shall be prepared and approved pursuant to the County of San Diego Report Format and Content Requirements for Biological Resources to the satisfaction of the Director of PDS. If the off-site mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the Wetlands Mitigation and Monitoring Plan shall be approved. **MONITORING:** The [PDS, LA] shall review the Wetlands Mitigation and Monitoring Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and the applicant shall enter into a Secured Agreement with the County of San Diego for the implementation of the Plan.

Option 2: Purchase Mitigation Credit at a mitigation bank approved by the CDFW. The evidence of purchase shall include the following information to be provided by the mitigation bank:

- a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.

- b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
- c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project, and the amount remaining after utilization by this project.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to PDS for review and approval. If the off-site mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to PDS that DPR agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to PDS for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared, and an application for the RMP shall be submitted to [PDS, Zoning] and pay all applicable review fees. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits the mitigation shall be completed. **Monitoring:** The [PDS, PPD] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant, PDS can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed.

33. **ARCHAEOLOGICAL MONITORING (M-CR-PP-1)**

Intent: In order to comply with mitigation measure M-CR-PP-1, which mitigates for potential impacts to undiscovered buried archaeological resources on the project site, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources: Archaeological and Historic Resources, and California Environmental Quality Act (CEQA). **Description:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The Archaeological Monitoring Program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or Letter of Acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or

Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.

- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

Documentation: The applicant shall provide a copy of the Archaeological Monitoring Contract or Letter of Acceptance from the Project Archeologist, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [PDS, PCC] shall review the contract or Letter of Acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

34. CONSTRUCTION FIRE PREVENTION PLAN (Project Design Feature PDF-HZ-2)

Intent: In order to comply with project design feature PDF-HZ-2 and to reduce the risk of fire during construction a construction fire prevention plan shall be prepared.

Description: The applicant shall prepare a Construction Fire Prevention Plan (CFPP), pursuant to the San Diego County Consolidated Fire Code Section 4903 and OSHA Regulation 1926.24, Fire Protection and Prevention. The CFPP will identify potential sources of ignition and fuel during construction and decommissioning, and will detail the specific fire-prevention measures that will be employed during construction and decommissioning. Appendix 3.1.4-7 of the Revised Final EIR provides a conceptual outline for preparation of the CFPP. **Documentation:** The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval by the County of San Diego Fire Protection District (SDCFPD). **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [PDS, PCC] and the SDCFPD shall review the plan in compliance with this condition.

35. TRAFFIC CONTROL PLAN (Project Design Features PDF-TR-1)

Intent: In order to comply with project design feature PDF-TR-1 and to ensure safe and efficient traffic flow in the area and on the project sites during construction activities, a traffic control plan (TCP) shall be prepared. **Description:** Pursuant to the County of San Diego Code of Regulatory Ordinances, Sections 71.602, 71.603 and 71.605, the project applicant shall obtain a traffic control permit and prepare a traffic control plan that addresses construction traffic within the County's public rights-of-way and contain project-specific measures to be implemented during construction for noticing, signage, policy guidelines, and the limitation of lane closures to off-peak hours (although it is noted that no requirement for roadway or lane closures has been identified). The traffic control plan

would include provisions for construction times, and control plans for allowance of bicyclists, pedestrians, and bus access throughout construction. The traffic control plan shall also include provisions to ensure emergency vehicle passage at all times. The TPC shall be prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor to the satisfaction of the Director of DPW. The traffic control plan shall include a construction notification that shall identify the procedures that will be used to inform property owners of the location and duration of construction identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum the two following components:

- a. **Public notice mailer.** A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties, and would provide alternative access, if required. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.
- b. **Public liaison person and toll-free information hotline.** The project applicant or construction contractor would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.

To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required.

Documentation: The applicant shall have the traffic control plan prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [PDS, LDR] for review by [DPW, Traffic]. The applicant shall obtain the traffic control permit from [DPW, Traffic]. **Timing:** Prior to the approval of any plan, issuance of any permit, any grading and/or improvement plans and issuance of any Grading, Construction, or Excavation Permits. a traffic control plan shall be prepared and approved. For the construction notification plan, the following actions shall occur throughout the duration of

grading and construction. **Monitoring:** The [PDS, LDR] shall review the traffic control plan and traffic control permit for compliance with this condition. For the construction notification plan, the DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

36 DECOMMISSIONING PLAN: [PDS, PCC] [BP, UO] [PDS, FEE]

INTENT: In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 6952.b.3.iv a decommissioning plan shall be executed. **DESCRIPTION OF REQUIREMENT:** A decommissioning plan shall be provided to the satisfaction of the Director of Planning and Development Services that ensures removal of the solar energy system. The plan shall also have a secured agreement in the form and amount determined by the Director to ensure removal of the Solar Energy System and conversion of the site back into a use that is compatible with the surrounding properties. **DOCUMENTATION:** The applicant shall provide the plan, financial mechanism, and agreement to the [PDS, PCC] for review. **TIMING:** Prior to the approval of any building plan and the issuance of any building permit, or use of the site in reliance of this permit, this condition shall be completed. **MONITORING:** The [PDS, PCC] shall review the plan for compliance, agreement, and form of security for compliance with this condition. Upon approval of the form of security, the [PDS, PCC] will provide the securities to the PDS Developer Deposit Section safekeeping.

37. O&M BUILDING & COLLECTOR SYSTEM DESIGN (PDF-AE-3 & 4)

Intent: In order to comply with PDF-AE-3 & 4 and to reduce the anticipated visual contrast with the surrounding landscape, the Operations and Maintenance (O&M) building shall be painted with muted-earth toned colors and non-specular conductors shall be specified for any new overhead lines. **Description:** Muted-earth toned colors shall be applied to the exterior of the O&M building and materials, coatings, or paints having little or no reflectivity shall be used whenever possible. In addition, new overhead conductors on the collector system shall be non-specular in design to reduce conductor visibility, glare, and visual contrast. Weathered or cor-ten steel shall be used for gen-tie monopoles to reduce the potential for color contrast between structures and existing vegetation and terrain. **Documentation:** The applicant shall ensure that the site conforms to condition by indicating on the building plans the details described above. **Timing:** Prior to approval of any building plan and the issuance of any building permit. **Monitoring:** The [PDS, PCC] shall review the building plans for compliance with this condition.

38. OUTDOOR LIGHTING (PDF-AE-5)

Intent: In order to comply with PDF-AE-5 to protect nighttime views and dark sky environments, lighting at the solar farm site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements. **Description:** Zone A standards shall be applicable for all Class I (i.e., lighting for assembly areas where color rendition is important) and Class II (i.e., lighting for general illumination and security)

lighting at the solar farm site and all outdoor lighting fixtures shall be fully shielded and directed downward. Furthermore, fully shielded motion sensor lighting shall be installed at the on-site private substation yard, next to the entrance door to the substation control house, and mounted atop entrance gates and shall be turned off when no one is on site. Additionally, motion sensor infrared cameras shall be installed at the project site to avoid illumination of the site and surrounding area during nighttime hours. **Documentation:** Lighting specifications shall be included on the Building Plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit. **Monitoring:** The [PDS, PCC] shall review the building plans for compliance with this condition.

39 TRANSMISSION TOWER & LINE CONFORM. (Mitigation Measure M-BI-PP-13)

Intent: In order to comply with mitigation measure M-BI-PP-13 and to conform to the Avian Power Line Interaction Committee (APLIC) standards, all transmission and distribution towers and lines shall be designed as appropriate to protect raptors and other birds from electrocution. **Description:** The project shall implement sufficient measures to protect even the largest birds that may perch or roost on transmission lines or towers from electrocution. Specifically, these measures will include guidance on proper pole and cross member dimensions, phasing, and insulator design and dimensions to preclude wire-to-wire contact with a goal of providing 150 centimeters (59 inches) of separation between energized conductors and energized hardware and ground wire. In addition, bird diverters or other means to make lines more visible to birds will be installed to help avoid collisions. **Documentation:** The applicant shall ensure that the site conforms to condition by indicating on the building plans the details described above. **Timing:** Prior to approval of any building plan and the issuance of any building permit. **Monitoring:** The [PDS, PCC] shall review the building plans for compliance with this condition.

40. NOISE ATTENUATION FOR INVERTERS (Mitigation Measure M-N-R-1)

Intent: In order to comply with mitigation measure M-N-R-1 for operational noise from inverters and to comply with the County Noise Ordinance standards, inverters will be enclosed in noise attenuating structures. **Description:** The following shall be implemented on the final building plan design:

- a. Locate non-enclosed inverters a minimum of 800 feet or greater from the nearest property line, or enclose inverters within 800 feet of property lines in cement blocks or other type of structure capable of achieving a minimum 10 dB attenuation. Inverters located within 130 feet of a residential property line require an enclosure capable of achieving a minimum of 15 dB attenuation.
- b. Direct all switch station doorways and exterior ventilation ducts away from adjacent property lines.
- c. The O&M building shall be located no closer than 1,250 feet from the property line unless the noise analysis confirms it complies with the Noise Ordinance.
- d. A noise analysis shall be prepared that demonstrates that the inverters comply with the County Noise Ordinance. A County approved Acoustician, shall prepare

a final noise monitoring report, which summarizes the noise levels generated by inverters enclosed within noise attenuating structures.

Documentation: The applicant shall submit the final noise monitoring report to the [PDS, PCC] for review and approval. The location of non-enclosed and enclosed inverters shall be noted on building plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit for any structure that can have operational noise. **Monitoring:** The [PDS, PCC] shall review the noise report and building plans for compliance with this condition.

~~41. ENERGY STORAGE (Project Design Feature PDF-ES-AE-1)~~

~~**Intent:** In order to comply with project design feature PDF-ES-AE-1 and to reduce visual impacts, compliance with this condition is required. **Description:** Energy storage system containers shall be painted a color consistent in hue and intensity with CPV tracker. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible. **Documentation:** The applicant shall show documentation that the energy storage containers comply with this condition and that it is incorporated on the building plans. **Timing:** Prior to approval of any building plan and the issuance of any building permit for the energy storage component of the project. **Monitoring:** The [PDS, PCC] shall review the documentation for compliance with this condition and ensure that it is reflected on the approved building plans.~~

~~42. ENERGY STORAGE NOISE COMPLIANCE (Project Design Feature PDF-ES-N-1)~~

~~**Intent:** In order to comply with project design feature PDF-ES-N-1 and the County Noise Ordinance Sections the applicant shall comply with this condition. **Description:** To ensure noise from energy storage system HVAC units, transformers, and inverters will comply with the County Noise Ordinance, one of the following measures shall be implemented:~~

- ~~a. If the battery storage container units are equipped with the standard HVAC unit (NACO Model 30RB120, or equivalent), each HVAC unit shall be surrounded by a solid perimeter screen wall with elevation one foot higher than the top elevation of the HVAC unit. In addition, each step-up transformer and related pair (2) of power inverters shall be enclosed with an 8-foot high solid perimeter wall.~~
- ~~b. If the battery storage container units are equipped with a quieter HVAC unit (Daikin McQuay 025D, or equivalent), each HVAC unit shall be surrounded by a solid perimeter screen wall with elevation one foot higher than the top elevation of the chiller unit. No transformer or inverter screen walls are necessary if the Daikin McQuay 025D, or sound-equivalent HVAC model is used.~~
- ~~c. If a different type of unit or configuration is utilized a new acoustical analysis shall be prepared to demonstrate compliance with the County Noise Ordinance.~~

~~**Documentation:** The applicant shall indicate one of these specs on the building plans and submit the plans to [PDS, PCC] for review and approval. **Timing:** Prior to approval of any~~

building plan and the issuance of any building permit for the gen-tie line. **Monitoring:** The [PDS, PC] review the plan in compliance with this condition.

43. **ROADS#2-TRANSPORTATION IMPACT FEE**

INTENT: In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.219](#), the TIF shall be paid. **DESCRIPTION OF REQUIREMENT:** The TIF shall be paid pursuant to the [County TIF Ordinance number 77.201-77.223](#) and will be based on 40 Average Daily Trips (ADT) generated by this project per the Select Industrial Uses Category for a Power Generation Plant in the Mountain Empire TIF Region. **DOCUMENTATION:** The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the TIF shall be paid. **MONITORING:** The [PDS, LD Counter] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [PDS, BD] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

44. **ROADS#5 DEBRIS MANAGEMENT REPORT (DMR)**

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes grading, clearing and brushing material for grading projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. **DESCRIPTION OF REQUIREMENT:** Prior to Rough Grade Inspection and release, and prior to issuance of any building permit, a Final Debris Management Report must be submitted for review and approval by the DPW Recycling Compliance Official. The report shall include:

- Project name.
- List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- Provide copies of receipts for export facilities, haulers, or materials reused on site.
- Signed self-certification letter (see template).

DOCUMENTATION: Prior to Rough Grade Release and prior to issuance of any building permit, a final report shall be prepared and submitted for review and approval to the DPW Recycling Compliance Official. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. Templates for all forms required are available at: https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.html.

TIMING: Prior to building permit issuance, and Rough Grading release, the Debris Management Final Report shall be prepared and submitted to DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMR documents for the project. The [DPW, CO], shall forward the approval of the DMR to [DPW, PDCI] and [PDS, Building PCC] for compliance with this condition.

45. LANDSCAPE DOCUMENTATION (Mitigation Measure M-AE-PP-1 & M-BI-PP-6)

INTENT: In order to comply with Mitigation Measures M-AE-PP-1 and M-BI-PP-6 and reduce anticipated visual contrast and partially screen trackers from public viewpoints along McCain Valley Road, a landscape screen consisting of drought-tolerant, climate appropriate shrubs and trees shall be implemented in a landscape plan. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#). All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.

- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: The applicant shall install landscape screens as specified in Appendix 2.1-4, Landscape Screening Design for the Soitec Solar Development Revised Final Program EIR (also referred to here as the Landscape Screening Design Report). It is also referenced in the approved plot plans.
- i. **Mitigation Measure (M-BI-PP-6):** Any landscaping, plant palettes shall be reviewed by the Project Biologist to minimize the effects that proposed landscape plants could have on biological resources outside of the project footprint due to potential naturalization of landscape plants in the undeveloped lands. Landscape plants will not include invasive plant species on the most recent version of the Cal-IPC California Invasive Plant Inventory for the project region. Landscape plans will include a plant palette composed of climate-appropriate, drought-tolerant species.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of a building permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

46. **GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation Measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated October 2014. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:
- a. Construction Production Limitations, Production Wells 6a and 6b: Groundwater production shall be metered and monitored at pumping well 6a and 6b with production limited to a sum total of 32.7 acre-feet extraction during the construction period. During the peak construction demand period for the Tule Wind project (P09-019) which is anticipated to occur over a 34 to 64 day period, the Well 6a and Well 6b shall not be permitted for use by the Rugged Solar Project and Tule Project at the same time.
 - b. Construction Production Limitations, Production Well 8: Groundwater production shall be metered and monitored at pumping well 8 with production limited to a sum total of 12 acre-feet during the construction period. During the peak construction demand period for the Tule Wind project (P09-019) which is anticipated to occur

over a 34 to 64 day period, Well 8 shall not be permitted for use by the Rugged Solar Project and Tule Project at the same time.

- c. Construction Production Limitations, Excess Groundwater Analyzed from Tule Wind Farm Project (P09-019): There was an excess of 20 acre-feet of groundwater analyzed as part of the Tule Wind Farm project in which this project will be permitted to extract up to an additional 10 acre-feet for the construction portion of the project. The Tule Wind Farm was conditioned to extract a maximum of 56 acre-feet of groundwater during the construction phase of the project. This included up to 56 acre-feet of water from Well 6 and Well 6a and up to 20 acre-feet from Well 8, with both well fields not to exceed a total of 56 acre-feet of water use. After the Tule Wind Farm groundwater pumping for its construction phase is completed, the total amount of water pumped from each well field shall be reviewed to evaluate which well field can provide an additional 10 acre-feet of groundwater to the construction portion of this project.
- d. Construction Groundwater Level Thresholds, Production Wells 6a and 6b: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at on-site monitoring well MW-O1 and offsite monitoring wells located at APN 611-091-07, APN 611-090-02, APN 611-090-20, APN 611-091-14, APN 611-090-19, and any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction). Additionally, a water level threshold of 15 feet of drawdown below baseline will be enforced at on-site monitoring well MW-SPB. If a water level threshold is exceeded, pumping at Well 6a and Well 6b will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from *[PDS Groundwater Geologist]* must be obtained before production may be resumed.
- e. Construction Groundwater Level Thresholds, Production Well 8: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at offsite monitoring well MW-O2, McCain Conservation Camp Well, and any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction.
- f. Groundwater at the site shall be pumped from Well 6a, 6b, and Well 8 only. Groundwater pumped from Well 6a, 6b, and Well 8 must be used at the project site for project uses only and is not permitted to be exported for use offsite.
- g. Flow rate and volume measurements from Well 6a, Well 6b, and Well 8 will be recorded daily during project construction.
- h. Pressure transducers will be maintained in a network as follows:

1. 6 on-site monitoring wells (Well MW-SPB, Well MW-O1, Well 6, Well 8A, Well 9, and Old Ag Well)
2. 2 on-site production wells (Well 6b and Well 8)
3. 12 off-site monitoring wells (Well MW-O2, Well 1, Well 2, Well 3, Well 4, Well 5, McCain Conservation Camp Well, Well at APN 611-091-07, Well at APN 611-090-02, Well at APN 611-090-20, Well at APN 611-091-14, Well at APN 611-090-19, and any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction).

Transducer data will be downloaded on a once a week basis during the first 90 days of construction, and then at least monthly for the rest of the construction phase.

- i. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately 1 year prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during the 1 year construction period. If less than 3 feet of drawdown is observed in monitoring wells MW-O1 and MW-O2 at the end of construction extraction and no deleterious health effects are observed in the oak woodland habitat, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance to the components contained within the GMMP.
- j. If evidence of deterioration of groundwater dependent habitat persists after the monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- k. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- l. The applicant shall setup and maintain a deposit account with the County to pay for County staff time spent in review of groundwater monitoring reports.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be reported to *[PDS, Groundwater Geologist]* on a once every two weeks basis during the first 90 days of construction and a monthly basis during the remainder of the construction phase of the project. An appendix documenting groundwater dependent habitat

monitoring as described within the GMMP shall also be included. In addition to monthly groundwater monitoring reports, annual reports summarizing groundwater-dependent habitat monitoring efforts and any mitigated recommendations implemented in the field during the monitoring year will also be submitted to the County PDS.

- b. If the baseline water levels at any off-site monitoring wells are initially exceeded by 5 feet, the [PDS, Groundwater Geologist] will be notified via letter and electronic mail within five working days of the exceedance.
- c. If production or water level thresholds are exceeded pursuant to Description of Requirement a., b., c. d., or e. above, pumping of the associated pumping Well 6a and 6b or Well 8 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance.
- d. After Tule Wind Farm (P09-019) completes its groundwater production for its construction phase of the project, provide groundwater production data for their total construction extraction from Wells 6, 6a, and Well 8. It will be determined by the [PDS Groundwater Geologist] which well field may be utilized to extract up to an additional 10 acre-feet of groundwater for construction based on excess water not used by the Tule Wind Farm for its construction water demand.

TIMING: Upon establishment of the use, the GMMP shall be complied with for the term of this permit. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

47. GROUNDWATER MMRP, JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER USE (Mitigation Measure M-BI-PP-15) INTENT: In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Jacumba Community Services District GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at pumping well 6 with production limited to a sum total of 27 acre-feet extraction during the construction period.
- b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet of drawdown below baseline conditions shall be enforced at offsite Well 4, Well 7, Well 8, and Park Monitoring Well. If a water level threshold is exceeded, pumping at Well 6 will cease until the

water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.

- c. Construction Groundwater Level Thresholds, Well 4: In addition to the water level thresholds in Description of Requirement b., a water level threshold of 23 feet below the ground surface shall be enforced in offsite Well 4. If the water level threshold is exceeded, pumping at Well 6 will cease until the water level at Well 4 has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
- d. Groundwater Dependent Habitat Monitoring: In the event of the water level threshold of 23 feet below the ground surface is exceeded in Well 4, groundwater dependent habitat monitoring would be required to commence in accordance to the requirements specified in Section 3.2. This includes baseline data collection and quarterly monitoring during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- e. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- f. Groundwater at the site shall be pumped from Well 6 only. Groundwater pumped from Well 6 must be used at the project site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.
- g. Flow rate and volume measurements from Well 6 will be recorded daily during project construction.
- h. Pressure transducers will be maintained in a network of five Jacumba Community Services District wells (Well 4, Well 6, Well 7, Well 8, and Park Monitoring Well). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Jacumba Community Services District or the County of San Diego.
- i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- j. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed. .

DOCUMENTATION: Groundwater production data and water level data shall be reported to [PDS, Groundwater Geologist] on a monthly basis during the construction phase of the project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well 6 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The Jacumba Community Services District is the water service agency providing this water to the project and is responsible for ensuring its water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Jacumba Community Services District is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

48. **GROUNDWATER MMRP, PINE VALLEY MUTUAL WATER COMPANY GROUNDWATER USE (Mitigation Measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Pine Valley Mutual Water Company GMMP dated December 2013. The GMMP includes establishing baseline conditions, ongoing construction monitoring, and post construction monitoring. Implementation for the construction period shall include the following:
- a. Construction Production Limitations: Groundwater production shall be metered and monitored at Pine Valley Mutual Water Company Well No. 5 with production limited to a sum total of 16 acre-feet extraction during the construction period.
 - b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 10 feet of drawdown below baseline conditions shall be enforced at Pine Valley Mutual Water Company Well No. 3, Well No. 7, and any other private wells that are part of the groundwater monitoring network. Additionally, Pine Valley Mutual Water Company Well No. 5 shall not exceed its historical low static water level (lowest recorded static water level was 50 feet below ground surface in September 2004).

If a water level threshold is exceeded, pumping at Well No. 5 will cease until the water level at the well that experienced the threshold exceedance has increased above the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed.
 - c. Groundwater at the site shall be pumped from Pine Valley Mutual Water Company Well No. 5 only. Groundwater pumped from Well No. 5 must be used at the project

site for the Rugged Solar Farm project only and is not permitted to be exported for use at other sites.

- d. Flow rate and volume measurements from Pine Valley Mutual Water Company Well No. 5 will be recorded daily during project construction.
- e. Pressure transducers will be maintained in a network of three Pine Valley Mutual Water Company wells (Well No. 3, Well No. 5, and Well No. 7). Transducer data will be downloaded on a twice a month basis during the first month of construction, and then at least monthly for the rest of the construction phase. Manual water levels will also be recorded for Pine Valley Mutual Water Company Wells No. 4, No. 6 and No. 9 on a weekly basis during Project pumping. The pressure transducers shall remain in the wells after project pumping is complete. The transducers shall be maintained either by the Pine Valley Mutual Water Company or the County of San Diego.
- f. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection of up to approximately one month prior to project-related groundwater extraction. Ongoing monitoring shall occur quarterly during an 18-month monitoring period. If no deleterious health effects are observed in the groundwater dependent habitat during this monitoring period, groundwater dependent habitat monitoring may cease. Otherwise, monitoring will continue in year 2 through 5 in accordance with the components contained within the GMMP.
- g. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- h. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. Pay all associated GMMPs annually, until all GMMP requirements have been completed.

DOCUMENTATION: Groundwater production data and water level data shall be reported to *[PDS, Groundwater Geologist]* on a monthly basis during the construction phase of the project. Groundwater dependent habitat monitoring shall be included on a quarterly basis for 18 months after commencement of groundwater pumping for this project. If the production or water level thresholds are exceeded pursuant to Description of Requirement a. or b. above, pumping from Well No. 5 shall cease and the *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The *[PDS, Groundwater Geologist]* shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit. The

Pine Valley Mutual Water Company is the water service agency providing this water to the project and is responsible for ensuring its water service to its existing customer base is not interrupted by providing water to external customers. Therefore, Pine Valley Mutual Water Company is responsible for evaluating water production and water level data to ensure existing obligations to serve their existing customer base is maintained.

49. NOISE REDUCTION MEASURES (Conditions of Approval and Project Design Feature PDF-N-2)

Intent: In order to comply with noise reduction measures that shall be implemented as conditions of project approval to reduce construction noise to the extent feasible and to comply with the County Noise Ordinance for project design feature PDF-N-2, the following shall be implemented. **Description:** The applicant shall implement the following:

- a. **Conditions of Approval:** The applicant will implement the following noise-reducing features during construction activities:
 - Whenever feasible, electrical power will be used to run air compressors and similar power tools.
 - Equipment staging areas will be located as far as feasible from occupied residences or schools.
- b. **PDF-N-2:** As part of the project design and to ensure noise from pile driving activities will comply with the County Noise Ordinance, the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs.

Documentation: The applicant shall comply with the ongoing construction requirements to reduce noise on the site. **Timing:** The following PDF measure shall be complied with during construction. **Monitoring:** The County Building inspector is responsible for ensuring compliance with this condition.

50. CONSTRUCTION NOTIFICATION PLAN (Project Design Feature PDF-TR-1)

Intent: In order to comply with project design feature PDF-TR-1 and to inform property owners of the location and duration of construction, the applicant or construction contractor will prepare a construction notification plan. **Description:** The approved construction notification plan shall be implemented and shall contain at minimum the following two components:

- **Public notice mailer.** A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties, and would provide alternative access, if required. The notice would state the type of construction activities that would be conducted and the location and

duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.

- **Public liaison person and toll-free information hotline.** The project applicant or construction contractor would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.

Documentation : The applicant shall comply with the requirements of the approved construction notification plan and provide adequate access for residents. **Timing:** The following actions shall occur throughout the duration of grading and construction. **Monitoring:** The County DPW, PDCI and PDS, BI shall ensure that the contractors comply with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

51. **PROPERTY ACCESS DURING CONSTRUCTION (Project Design Feature PDF-TR-3)**

Intent: In order to comply with project design feature PDF-TR-1 and to ensure that residents near the project construction are not unduly impacted during construction activities, access to residential properties shall be provided and maintained. **Description:** To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required. **Documentation:** Copies of notification to property owners shall be submitted to [DPS, PCC] for verification. **Timing:** The following actions shall occur throughout the duration of construction. **Monitoring:** The DPW, PDCI shall ensure that the construction contractor complies with the requirements of this condition. The [DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

52. **INSPECTION FEE**

Intent: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to

cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

53. SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

54. SALES AND USE TAX: [PDS, PCC] [UO]

INTENT: In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **DESCRIPTION OF REQUIREMENT:** Provide documentation that demonstrates the equipment, labor, supplies, etc. for the project that were paid for and received in the unincorporated area of the County of San Diego. **DOCUMENTATION:** The applicant shall provide at a minimum an organized summary to demonstrate the total estimated amount of sales tax and use revenue the project produced. The evidence shall be provided to the [PDS, PCC] for approval to the satisfaction of the Director of PDS. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final evidence and or report shall be provided to the County. **MONITORING:** The [PDS, PCC] shall review the evidence for compliance to this condition.

55. CERTIFICATION OF INSTALLATION (Mitigation Measure M-AE-PP-1)

INTENT: In order to comply with mitigation measure M-AE-PP-1 and reduce anticipated visual contrast and partially screen trackers from public viewpoints along McCain Valley Road, a landscape screen consisting of drought-tolerant, climate appropriate shrubs and trees shall be implemented in a landscape plan. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package as specified in Appendix 2.1-4, Landscape Screening Design

for the Soitec Solar Development Revised Final Program EIR (also referred to here as the Landscape Screening Design Report). It is also referenced in the approved plot plans. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

56. AIR QUALITY RIDE SHARE (Mitigation Measure M-AQ-PP-2)

Intent: In order to comply with M-AQ-PP-2 to reduce NO_x and PM₁₀ emissions associated with construction worker trips, a rideshare program shall be implemented. **Description:** A ride share program shall be implemented to encourage at least 30% workers to carpool to and from the construction site to reduce single-occupancy vehicle trips. A plan shall be provided that includes a daily log of construction worker trips using the San Diego iCommute program (SANDAG 2013) (accessed at <http://www.icommutesd.com/>) or similar program. The plan shall include the following:

- a. The construction manager will notify all construction personnel of the program prior to the start of construction activities and
- b. The site manager will notify construction personnel of the iCommute program RideMatcher feature, or similar communication method, to ensure personnel can identify potential carpooling program participants.
- c. Trip data will be made readily available to County inspectors at the construction trailer on site during construction.

Documentation: The construction manager shall log all daily construction worker trips using the San Diego iCommute or similar program, and the applicant shall provide the log books and documentation that demonstrates compliance with this condition. **Timing:** Prior to any occupancy or use of the premises in reliance of this permit. **Monitoring:** The [PDS, PCC] shall review the log books and other documentation plan for compliance with this condition.

57. BIO#21–OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary as indicated on the approved Plot Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2017-MUP-12-007W1

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

58. BIOLOGICAL MONITORING FINAL REPORT[Mitigation Measures M-BI-PP-2,3,4,& 7].

INTENT In order to comply with Mitigation Measures M-BI-PP-2- 4 & 7 to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor and a final Biological Monitoring Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** The "Project Biologist" shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading activities, and state that grading or construction activities did not impact any additional areas outside the project area or beyond the limits of disturbance or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- e. The preconstruction meeting was attended with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict

between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);

- f. Documentation of Meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- g. Procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- h. Indicate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- i. Evidence of a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- j. Proof of being present during initial vegetation clearing, grubbing, and grading;
- k. Indicate whether special-status species (i.e., avian or other mobile species) were flushed from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species;
- l. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)) to address hydrology impacts.
- m. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-PP-3**:

No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.

6. When construction operations are completed, any excess materials or debris will be removed from the work area.
7. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.

8. Pets on or adjacent to construction sites will not be permitted by the operator.
 9. Enforced speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- n. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 3. Bringing pets on the project area; and
 4. Littering on the project area.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

59. FIRE PROTECTION PLAN (Mitigation Measure M-BI-PP-8 & PDF-HZ-3)

Intent: In order to comply with Mitigation Measure M-BI-PP-8 and to assure fire safety in compliance with the County Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan, which has been prepared in accordance with the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement: Wildland Fire and Fire Protection (PDF-HZ-3). The approved Fire Protection Plan shall be prepared in accordance with County Fire Code Section 96.1.4903. **Description:** The specific project design features shall be implemented in accordance with the approved Fire Protection Plan. **Documentation:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the Fire Protection Plan (FPP) **Timing:** Prior to the occupancy of the first structures built in association of this permit, the Fire Protection Plan requirements shall be implemented for the phase or portion of the project that it is associated with. **Monitoring:** The [PDS, PCC] and County of San Diego Fire Protection District (SDCFPD) shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

60. CULTURAL RESOURCES REPORT (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 and to ensure that the Archaeological Monitoring occurred during the grading phase of the project a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared pursuant to the County of San Diego Guidelines for Determining Significance and Report Format Requirements for Cultural Resources: Archeological and Historic Resources. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the survey, testing, and archaeological monitoring program have been curated as follows:
 1. All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
or
Evidence that all prehistoric materials collected during the survey, testing, and grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
 2. Historic materials shall be curated at a San Diego curation facility as described above, and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The Archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

61.

62. **ROADS#4–SIGHT DISTANCE**

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **Ribbonwood Road** from Rough Acres Ranch Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from Rough Acres Ranch Road in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- c. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions along **McCain Valley Road** from the proposed driveway

serving APN 611-110-01 in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."

- d. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

63. DRNG#2–FLOODPLAIN COMPLIANCE

INTENT: In order to provide protection from flood damage for the structure from flows coming from the Tule Creek and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926, County Code Section 67.801 et. seq.](#), all inverters and transformers units and the bottom edge of the trackers within 100-year inundation area shall be elevated 1 foot above the 100-year base flood elevation. **DESCRIPTION OF REQUIREMENT:** All the solar panels at maximum tilt will be above the 100-year base flood elevation. **DOCUMENTATION:** The applicant shall indicate on the building plans that the requirements above have been met. **TIMING:** Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required. **MONITORING:** The [PDS, BPPR] shall review the building plans for consistency with this condition.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

64. SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, trails, parks and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. The following activities shall be continued for the life of the project:

- a. The applicant shall be responsible for continued maintenance of the landscape screens, including installation and maintenance of a drip irrigation system and implementation of and consistency with plant installation and maintenance standards identified in the Landscape Screening Design Report. Periodic monitoring and reporting to observe and assess the maintenance regime and implementation of appropriate measures to promote plant survival, growth, overall health, and vigor shall also be required. If necessary, adaptive measures shall be implemented in the subsequent spring season to address project deficiencies as they relate to the desired landscape screening effect. Additional details regarding recommended plants and materials for landscape screens, project-specific designs, irrigation systems, water demand calculations, and maintenance and monitoring activities are included in the Landscape Screening Design Report.

Failure to conform to the approved plot and landscape plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

65. DECOMMISSIONING: [PDS, CODES] [OG].

INTENT: In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Sections 7372 and 6952.b.3.iv.a, the decommissioning plan shall be implemented upon discontinuance of the use. **DESCRIPTION OF REQUIREMENT:** The approved decommissioning plan shall be implemented if at such time the use of the property as a photovoltaic solar farm is discontinued for a period of time pursuant to Section 7372 of the Zoning Ordinance as determined by the Director of PDS. **DOCUMENTATION:** The plan shall be implemented by the landowner and or applicant upon discontinuance of the use. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

66. ONGOING ACTIVITY RESTRICTIONS (Mitigation Measure M-BI-PP-7 & 9)

Intent: In order to comply with the requirements of specific Project Design Features (PDF) and Mitigation Measures that are part of the Project Environmental Impact Report the following shall be complied with during the operations of the project. **Description of Requirement:** The following shall be complied with:

- a. In order to comply with **Mitigation Measure M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
- a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;

- b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.
- b. In order to comply with **Mitigation Measure M-BI-PP-9**: Weed control treatments shall include any legally permitted chemical, manual, and mechanical methods applied with the authorization of the San Diego County agriculture commissioner. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a pest control advisor (PCA) and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the San Diego County agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the PCA, the San Diego County agriculture commissioner, and Cal-IPC with the goal of controlling populations before they start producing seeds.

DOCUMENTATION: The applicant shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the following conditions shall apply during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

- 67. POST-CONSTRUCTION GROUNDWATER MMRP, ON-SITE GROUNDWATER USE (Mitigation Measure M-BI-PP-15) INTENT:** In order to comply with mitigation measure M-BI-PP-15 to protect groundwater and resources and to protect groundwater dependent habitat a Groundwater Monitoring and Mitigation Plan (GMMP) shall be implement. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the County approved Rugged Solar Farm Project GMMP dated February 2022. The GMMP shall establish baseline conditions, and address ongoing construction monitoring, and post construction monitoring. Implementation for the post-construction period shall include the following:
- a. Ongoing Production Limitations: Groundwater production shall be metered and monitored at pumping Well 6a, Well 6b, and Well 8. For ongoing operational water use, groundwater production shall not exceed a combined total of 7.34 acre-feet per year from Well 6a, Well 6, and Well 8.
 - b. Groundwater Level Thresholds, Production Wells 6a and 6b: During groundwater extraction for the first five years of use, a groundwater level threshold of 3.5 below the static groundwater level baseline at Well PZ-1 will be allowed. A groundwater level threshold of 10 feet of drawdown below static groundwater level baseline shall be enforced at any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction. If a water level threshold is exceeded, pumping at Well 6a and Well 6b will cease until the

water level at the well that experienced the threshold exceedance has stayed below the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed. If after five years groundwater impacts are shown to be minimal from pumping from Wells 6a and 6b, the groundwater level thresholds may be discontinued.

- c. Construction Groundwater Level Thresholds, Production Well 8: During groundwater extraction for the first five years of use, a groundwater level threshold of 4.1 feet of drawdown below baseline conditions shall be enforced at Well 8a. If a water level threshold is exceeded, pumping at Well 8 will cease until the water level at Well 8a has stayed below the threshold and remained there for at least 30 days. Additionally, written permission from [PDS Groundwater Geologist] must be obtained before production may be resumed. If after five years groundwater impacts are shown to be minimal from pumping from Well 8, the groundwater level thresholds may be discontinued.
- d. Groundwater at the site shall be pumped from Well 6a, Well 6b, and Well 8 only. Groundwater pumped must be used at the project site and is not permitted to be exported for use offsite.
- e. Flow rate and volume measurements from Well 6a, Well 6b, and Well 8 will be recorded monthly during ongoing project operation. These measurements shall continue for the life of the project.
- f. Pressure transducers will be maintained in a well network as follows:
 - 4 on-site monitoring wells (Well 6, Well 8A, Well 9, and Old Ag Well)
 - 2 on-site production wells (Well 6b and Well 8)
 - 5 off-site monitoring wells (Well 1, Well 2, Well 3, Well 4, Well 5, and any additional offsite residential wells included in the well monitoring network prior to commencement of project related extraction).

Transducer data will be downloaded on at least a quarterly basis during ongoing project operations. Groundwater level monitoring will be conducted for the first five years of the project. If after five years groundwater impacts are shown to be minimal from project pumping, offsite groundwater level monitoring may cease.

- g. Groundwater Dependent Habitat Monitoring: Groundwater dependent habitat monitoring shall be conducted if groundwater levels exceed thresholds described within Section 3.3 of the GMMP. Groundwater dependent habitat monitoring shall be conducted in accordance to the procedures outlined within Section 3.2 of the GMMP. This includes baseline data collection up to approximately 1 year prior to project-related groundwater extraction.
- h. If evidence of deterioration of groundwater dependent habitat persists after the groundwater dependent monitoring period is completed, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.

- i. The property owner and permittee shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- j. The applicant shall setup and maintain a deposit account with the County to pay for County staff time to review groundwater monitoring reports.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be reported on an annual basis after the construction phase is completed for the life of the project. As required, an appendix documenting groundwater dependent habitat monitoring as described within the GMMP shall also be included.
- b. If the baseline water levels at any monitoring wells are initially exceeded by 5 feet, the [PDS, Groundwater Geologist] will be notified via letter and electronic mail within five working days of the exceedance.
- c. If production or water level thresholds are exceeded pursuant to Description of Requirement a., b. or c. above, pumping of the associated pumping Well 6a and 6b or Well 8 shall cease and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance.
- d. After five years of groundwater monitoring, PDS shall review whether groundwater monitoring can cease at offsite well locations.

TIMING: Upon establishment of the use, the GMMP shall be complied with for the term of this permit. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports shall ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

68. BIRD AND BAT STRIKES SELF MONITORING AND REPORTING (Condition of Approval)

Intent: In order comply with the bird and bat strike self-monitoring and reporting condition of approval and to reduce the potential risk for avian and bat mortality resulting from construction and operations, self-monitoring and reporting of the project sites for avian and bat strikes shall be implemented. **Description:** The applicant shall comply with the following:

- a. Perform self-monitoring of the project sites for avian and bat strikes for a period of three years;
- b. Coordinate self-monitoring efforts with a County approved biologist for identification, mapping and further analysis;
- c. Detail weekly monitoring and quarterly reporting goals, including collection and reporting of bird carcasses.

- d. Specify steps that shall be taken to assist with other regional data collection efforts regarding avian and bat strikes that the County may develop.

The applicant will contract a County approved biologist to train site O&M staff to perform self-monitoring of the project site. O&M staff will walk down every east-west corridor between solar panels once a week and will search for carcasses in and around each tracker and all facilities. Data collected during weekly monitoring will be sent to the County approved biologist identification, mapping and further analysis to be included in the quarterly report submitted to the County PDS. The quarterly report will include the following sections: 1. Introduction; 2. Site Assessment Review and Summary of Background Information; 3. Post Construction Monitoring Methods and Results. Since there are no official post-construction monitoring methods, the bird and bat strike self-monitoring and reporting condition of approval details the methods that would be implemented at the project sites. **Documentation:** The applicant shall submit quarterly reports to County DPS for review and to assist in regional data collection efforts. **Timing:** Reports shall be prepared on a quarterly basis for a period of three years during project operations. **Monitoring:** County PDS shall review quarterly reports once completed and submitted. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

69. SOLAR TRACKER WASHING PROCEDURES (Project Design Feature PDF-N-1)

Intent: In order to comply with the requirements of Project Design Feature (PDF-N-1) and to comply with the County Noise Ordinance operational procedures and equipment procedures shall be implemented as part of the project design. **Description of Requirement:** To ensure noise from tracker washing activities will comply with the County Noise Ordinance, the following operational procedures and equipment will be implemented as a part of the project design:

- a. Wash Station Gasoline Engine Enclosure: The proposed IPC Eagle Wash Station has a reference noise level of 99 dBA, at 9 feet from the engine. The wash station incorporates a new generation Honda GX-160 gasoline powered engine. In the factory configuration, this engine is mounted to an open frame on the wash station. A number of manufacturers produce acoustic panels suitable for exterior use, fabricated with steel casing and foam insulation, which have a sound transmission class (STC) rating up to 40. Acoustic-rated louvers are also available to permit air circulation while dampening sound propagation; such louvers can achieve an STC rating up to approximately 25. A cubic enclosure constructed with solid panels on 5 sides, and an acoustic louver on the remaining face, would achieve a composite STC of 32. Such an enclosure would reduce the operational sound level of the wash station to 67 dBA at 9 feet. As a design feature, the applicant is proposing to employ a sound enclosure for the wash station engine to achieve a sound level of not greater than 67 dBA at 9 feet; as long as this maximum noise level is respected, other equipment may be substituted.

- b. North/South Panel Washing Operations: Because of the orientation of the trackers (long axis north–south), tracker washing would take place in a north–south direction, using the service roads oriented in this direction. Along the northern and southern property lines, washing of the closest tracker to the property line would require 10 minutes, after which the adjacent tracker (at the end of the next row over) would be washed for another 10 minutes, and then then equipment would be moved down the row, away from the property line. The maximum amount of time within a critical 130 foot distance from the property line would therefore be 20 minutes in an hour.
- c. Wash Station Operations Setback Distance: Using simple distance attenuation formulas, it was determined that continuous operation of the wash station within 130 feet of a property line with adjacent residential use would exceed the applicable portion of the San Diego County Noise ordinance (Section 36.404 Sound Level Limits). For eastern and western property lines, the distance from tracker washing activity would remain constant, as the equipment moves parallel to the property line; therefore a design feature is to place the IPC Eagle Wash Station a minimum of 130 feet from the eastern and western property lines. This would equate to following the center-line of the service road on the interior side of the solar tracker row closest to the east and west property lines. The noise produced by the water spray nozzle itself was not calculated because the noise level is anticipated to be at least 10 dBA less than the enclosed engine, which would not affect the composite noise level from the wash station.
- d. Note: This condition can be modified at any time if approved by the Director of PDS if the applicant changes the type or method of washing that complies with the County Noise Ordinance. The applicant is required to demonstrate compliance with a new noise analysis.

DOCUMENTATION: The applicant shall assume responsibility pursuant to this condition.
TIMING: Upon establishment of use, the following conditions shall apply during the term of this permit. **MONITORING:** *The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.*

70. **ROADS#5–SIGHT DISTANCE**

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **McCain Valley Road** and **Ribbonwood Road** from the project driveways/private roads opening for the life of this permit. **DOCUMENTATION:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the

term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for compliance of this permit.

71. BIOLOGICAL HABITAT COMPENSATION

Intent: In order to comply with Conditions 37j., 39g. and 58h. offsite compensation shall be provided to mitigate for wetland/oak woodland impacts should they occur as a result of groundwater pumping. **Description:** The applicant shall provide compensatory mitigation should impacts occur as a result of groundwater pumping onsite or from the Pine Valley Mutual Water Company. Mitigation shall be provided through one of the following options:

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 2. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 3. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 4. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 5. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in East San Diego County as indicated below:
 5. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 6. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 7. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 8. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.

9. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity. **DOCUMENTATION:** The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Upon an impact occurring in accordance with Conditions 37j., 39g., or 58h., the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

GRADING PLAN NOTES:

PRE-CONSTRUCTION MEETING: (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

(BIOLOGICAL RESOURCES)

GP1. BIOLOGICAL MONITORING [Mitigation Measures, M-BI-PP-2 ,3 & 7]

INTENT: In order to comply with Mitigation Measures M-BI-PP-2, 3, & 7 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- b. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- c. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- d. Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- e. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- f. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- g. Be present during initial vegetation clearing, grubbing, and grading;
- h. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species (see M-BI-PP-10);
- i. To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)).
- j. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-PP-3**:
 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food

wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.

4. Pets on or adjacent to construction sites will not be permitted by the operator.
 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- k. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 3. Bringing pets on the project area; and
 4. Littering on the project area.

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

GP2. TEMPORARY ORANGE FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to sensitive biological habitat, temporary construction fencing shall be installed around all limits of disturbance.

DESCRIPTION OF REQUIREMENT: Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

DOCUMENTATION: The applicant shall provide evidence that the fencing has been

installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

GP3. RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to raptors and migratory nesting birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of raptors and migratory nesting birds within the RAA as indicated on these plans. The breeding season is defined as occurring between February 1 and August 31 (and as early as January 1 for some raptors). All construction activities shall be in compliance with the approved Nesting Bird Management, Monitoring, and Reporting Plan (NBMMP). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors and migratory nesting birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

(CULTURAL RESOURCES)

GP4. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION:** The County approved Project Archaeologist, Kumeyaay Native American Monitor, and [PDS, PCC], shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist and the Kumeyaay Native American Monitor shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and

Historic Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Archaeological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

(CULTURAL RESOURCES)

GP5. TEMPORARY FENCING (Mitigation Measure M-CR-PP-2)

INTENT: In order to comply with mitigation measure M-CR-PP-2 and to prevent inadvertent disturbance to archaeological sites within the avoidance areas and to the sites outside of the Major Use Permit boundaries, temporary construction fencing shall be installed. **DESCRIPTION:** Prior to commencement of any earth-disturbing activities, temporary orange construction fencing shall be placed to protect from inadvertent disturbance archaeological sites within the avoidance areas and to the unimpacted portions of sites outside of the Major Use Permit boundaries. Temporary fencing shall include but is not limited to the following:

- a. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of any archaeological site within avoidance areas or the unimpacted portions of sites outside of the Major Use Permit boundaries.
- b. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of earth-disturbing activities after which the fencing shall be removed.

DOCUMENTATION: The applicant shall have a California licensed surveyor install and certify the installation of the temporary fencing in consultation with the Project Archeologist. The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to preconstruction meeting, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the earth-disturbing activities. **MONITORING:** The [PDS, PCC] shall either attend the Preconstruction Meeting and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant's surveyor.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

(BIOLOGICAL RESOURCES)

GP6. BIOLOGICAL MONITORING [Mitigation Measures, M-BI-PP-2, 3, 7, 11, & 12]

INTENT: In order to comply with Mitigation Measure M-BI-PP-2, 3, 7, 11, & 12 prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive Biological open space areas or habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodically monitoring of the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- g. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or gnatcatchers are being affected by construction;
- h. Attend construction meetings and other meetings as necessary.
- i. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-PP-3**:
 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.

2. When construction operations are completed, any excess materials or debris will be removed from the work area.
 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 4. Pets on or adjacent to construction sites will not be permitted by the operator.
 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- j. As required by Mitigation Measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 3. Bringing pets on the project area; and
 4. Littering on the project area.
- k. As required by Mitigation Measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.
- l. As required by Mitigation Measure **M-BI-PP-12**: Minimize night construction lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination,

selectively placed, and directed/shielded appropriately to minimize lighting in adjacent native habitats.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDC] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDC] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

(CULTURAL RESOURCES)

GP7. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural resources in accordance with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historical Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Kumeyaay Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates

and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall be prepared by the Project Archaeologist in coordination with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) avoidance of Traditional Cultural Properties, (2) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites (3) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible, and (4) data recovery for non-unique cultural resources. Traditional Cultural Properties shall be avoided.

- c. If any human remains are discovered, the property owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted by the property owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.
- d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall ensure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: (Prior to rough grading approval and issuance of any building permit).

GP8. BIOLOGICAL MONITORING [Mitigation Measure, M-BI-PP-2-4, 7, 11, & 12]

INTENT: In order to comply with Mitigation Measure **M-BI-PP-2-4, 7, 11, & 12** to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact any areas outside the limits of disturbance. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. The following design requirements for compliance with **M-BI-PP-3**:
 1. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
 2. When construction operations are completed, any excess materials or debris will be removed from the work area.
 3. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 4. Pets on or adjacent to construction sites will not be permitted by the operator.
 5. Enforce speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- e. As required by mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
 1. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;

2. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 3. Bringing pets on the project area; and
 4. Littering on the project area.
- f. As required by mitigation measure **M-BI-PP-11**: Cover and/or provide escape routes for wildlife from excavated areas and monitor these areas daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles will be covered at night to prevent wildlife from burrowing in. The edges of the sheeting will be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.
- g. As required by mitigation measure **M-BI-PP-12**: Minimize night construction lighting adjacent to native habitats. Lighting of construction areas at night shall be the minimum necessary for personnel safety and shall be low illumination, selectively placed, and directed/shielded appropriately to minimize lighting in adjacent native habitats.

DOCUMENTATION: The applicant shall submit the final biological monitoring report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

GP9. DPW RECYCLING - GRADING MATERIAL DIVERSION:

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements.

DESCRIPTION OF REQUIREMENT: At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

- A. Project name.

- B. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- C. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- D. Signed self-certification letter (see template).

TIMING: The final report shall be prepared and submitted at Rough Grade inspection.

MONITORING: The [DPW, PDCI] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

(CULTURAL RESOURCES)

GP10. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Kumeyaay Native American Monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during earth-disturbing activities, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring report to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe.

TIMING: Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed.

MONITORING: The [PDS, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

GP11. AIR QUALITY (Mitigation Measures M-AQ-PP-1 and PDF-AQ-1)

Intent: In order to comply with Mitigation Measures M-AQ-PP-1 and PDF-AQ-1 minimize fugitive dust (PM₁₀) and comply the grading ordinance within County Code Section 87.428, the project will implement several construction-related measures to reduce air emissions. **Description of Requirement:** The project shall comply with the following Air Quality measures included in PDF-AQ-1:

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least 2 feet of freeboard or cover loads of all haul/dump trucks securely .
- b. The applicants will apply water three times per day or as necessary depending on weather conditions to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or apply a nontoxic soil binding agent to help with soil stabilization during construction. These measures will be applied to all active construction areas, unpaved access roads, parking areas, and staging areas as necessary.
- c. Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions.
- d. Grading is to be terminated in winds exceed 25 mph (unnumbered design measure).
- e. Sweepers and water trucks shall be used to control dust and debris at public street access points.
- f. Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading.
- g. Disturbed areas will be covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).
- h. Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph).
- i. Provide any of the following or equally effective track out/carryout and erosion control measures to minimize transfer of soil or other materials to public roads:

track out grates or gravel beds at each egress point wheel washing at each egress during muddy conditions.

- j. Mitigation Measures M-AQ-PP-1 requires the following be implemented by the applicant to reduce NOx emissions during construction:
1. All construction equipment with engines shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
 2. Construction equipment will employ electric motors when feasible.
 3. No mobile or portable construction equipment over 50 horsepower shall use engines certified as meeting CARB or EPA Tier 1 standards. All engines shall comply preferably with Tier 3 standards, but no less than Tier 2 at a minimum.
- k. Project Design Feature PDS-AQ-2 requires the project-related construction activities to use 100% Tier 4 construction equipment as defined by the United States (U.S.) Environmental Protection Agency (EPA)/California Air Resources Board (CARB) certified construction equipment.

DOCUMENTATION: The applicant shall comply with the Air Quality requirements of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDC] shall make sure that the grading contractor complies with the Air Quality requirements of this condition. The [DPW, PDC] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

GP12. DPW RECYCLING - GRADING MATERIAL DIVERSION:

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted grading material from the approved grading project. **DOCUMENTATION:** Daily Logs shall be prepared and kept on-site for inspection and include the following:

- A. Identify the project location.
- B. Log date that material was transported off the site
- C. Log type of grading or clearing material
- D. Weight of the material or its approximate tonnage or cubic yards
- E. Name of the party transporting the materials

F. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.

G. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.

H. The Daily Log shall include separate entries for each occurrence of materials reused on-site.

I. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

FINAL GRADING RELEASE: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

GP13. ARCHAEOLOGICAL MONITORING (Mitigation Measure M-CR-PP-1)

INTENT: In order to comply with mitigation measure M-CR-PP-1 to protect undiscovered cultural and historic resources and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Cultural Resources: Archaeological and Historic Resources](#), an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated as follows:
 1. Evidence that all prehistoric materials collected during the survey, testing, and the archaeological monitoring program have been submitted to a San Diego curation facility or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary

for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the survey, testing, and grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

2. Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Archaeological Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] that the requirement is completed and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

GP14. BIO#32–BIOLOGICAL MONITORING FINAL REPORT (M-BI-PP-2, M-BI-PP-3, M-BI-PP-4, M-BI-PP-7) [PDS, FEE]

INTENT: In order to comply with Mitigation Measures M-BI-PP-2, 3, 4, and 7, to prevent inadvertent disturbance to sensitive habitat outside the limits of disturbance, all grading shall be monitored by a biological monitor and a final Biological Monitoring Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact any additional areas outside the project area or beyond the limits of disturbance or any other sensitive biological resources. The final report

shall conform to the County of San Diego [Report Format and Content Requirements for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed and maintained during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.
- d. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- e. The preconstruction meeting was attended with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
- f. Documentation of Meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
- g. Procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
- h. Indicate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;
- i. Evidence of a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- j. Proof of being present during initial vegetation clearing, grubbing, and grading;
- k. Indicate whether special-status species (i.e. avian or other mobile species) were flushed from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species;
- l. Verify that grading plans include a Stormwater Pollution Prevention Plan (SWPPP; see M-BI-PP-3 for required best management practices (BMPs)) to address hydrology impacts.
- m. The Project Biologist shall verify implementation of the following design requirements for compliance with Mitigation Measure **M-BI-PP-3**:

- a. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory for the project region will be permitted.
 - b. When construction operations are completed, any excess materials or debris will be removed from the work area.
 - c. Fully covered trash receptacles that are animal-proof and weatherproof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Prohibit littering and remove trash from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.
 - d. Pets on or adjacent to construction sites will not be permitted by the operator.
 - e. Enforced speed limits in and around all construction areas. Vehicles shall not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site or 10 miles per hour during the night.
- n. As outlined in mitigation measure **M-BI-PP-7**, operation and maintenance personnel will be prohibited from engaging in the following activities:
- a. Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species;
 - b. Traveling (either on foot or in a vehicle) outside of the project footprint in undisturbed portions of the project area;
 - c. Bringing pets on the project area; and
 - d. Littering on the project area.

DOCUMENTATION: The applicant shall submit the final biological monitoring report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to final grading release Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be submitted and approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

GP15. BIO#33—PERMANENT OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easements from entry, the permanent signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences open space signs shall be placed along the open space boundary as shown on the approved grading plans and the approved project development Plans for PDS2017-MUP-12-007W1.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2017-MUP-12-007W1

DOCUMENTATION: The applicant shall install the permanent fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC]. **TIMING:** Prior to the occupancy of any structure, final grading release or use of the premises in reliance of this permit, fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

GP16. BIO#34—EASEMENT AVOIDANCE [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW or DPR.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not

disturbed shall be submitted. **MONITORING:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement.

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MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts. Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide {that} the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The following conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

Conditions: 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 32, 33, 37, 38, 39, 47, 48, 49, 50, 51, 57, 58, GP1, GP3, GP4, GP5, GP6, GP7, GP8, GP9, GP10

MAJOR USE PERMIT FINDINGS

Project Specific Information:

The project consists of 225,264 photovoltaic (PV) modules, which would be placed on a single-axis solar tracking system (“trackers”) located on approximately 764 acres. The trackers are arranged into four subareas on the 764 acre project site:

Modules are approximately 6.5 feet in length, 3.5 feet in width, and 1.5 inches thick. The trackers would be installed on support masts in parallel rows. Each tracker would be approximately 290 feet in length. The rows would be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west. The trackers would be grouped into approximately 38 building blocks grouped around inverter stations. The average height of the trackers would be 7 feet, with the maximum height not exceeding 12 feet.

The project also includes the following components:

- A 26,000 square foot private on-site collector substation.
- A 5,400 square foot operations and maintenance (O&M) building
- ~~A 160 megawatt hour (MWhr) Energy Storage system consisting of 160 steel sea cargo containers that are 400 square feet each (10 feet X 40 feet) with a height of 12 feet. The 1 MWhr trailers are configured in two rows of 80 (or four rows of 40). The energy storage system is located adjacent to the project substation within the center of the Harmony Grove parcel.~~A collection system linking the trackers to the on-site substation would consist of 1,500-volt (V) DC underground conductors leading to 34.5 kV underground and overhead AC conductors. The collection system would be located within the same development footprint as the Photovoltaic Array.
- Perimeter fencing with a height of six feet and a one foot tree strand barbed wire.

Existing Setting and Surrounding Uses:

The Rugged site is a partially developed active cattle ranch with large tracts of land located in the McCain Valley, which is characterized by chaparral hills dotted with granitic boulders. The McCain Valley is bound by the Laguna Mountains to the west, the In-Ko-Pah and Jacumba Mountains to the north and east, and low hills and Interstate 8 to the south. The topography of mountain ranges and nearby hills generally encloses the landscape of the Rugged site. The southern portion of the McCain Valley is characterized by gentle slopes, open pasture lands, clustered oaks and shrubs, and granite boulders and rock outcrops. The Rugged site consists of relatively flat to gently sloping land featuring a diverse assemblage of vegetation communities.

The Rugged site is discontinuous with the western and eastern portions of the site separated by the paved travel lanes of McCain Valley Road. The larger western portion of the project site is bordered on the west by large, rural residential lots supporting modest one- and two-story structures and undeveloped rugged lands featuring chaparral and scrub vegetation and exposed tan soils.

North of the site are slightly higher elevation and undeveloped lands supporting chaparral vegetation and an informal network of dirt trails routinely used by all-terrain vehicle and dirt bike enthusiasts as part of the Bureau of Land Management's (BLM) Lark Canyon OHV area and Cottonwood Camp ground. Rough Acres Ranch, with an estimated 60,220 square feet of existing buildings/structures including 22 bungalows, a lodge, bunk house, residence, an 10,000 square foot. agricultural building, hay barn corrals, auxiliary buildings, restroom facilities, and a kitchen/communal living area, is located just north of the central portion of the project site. The northeastern portion of the Rugged site was formerly utilized as a temporary storage yard, staging yard, lay down yard, fly yard and field office to support the construction of SDG&E's Sunrise Powerlink Project. The approximately 90-acre area is currently fenced off and remains in a graded state with slight amounts of grasses taking root.

The discontinuous eastern portion of the project site is located adjacent to McCain Valley Road to the west, primarily undeveloped lands to the south and north and the rising terrain of the southern extent of the In-Ko-Pah Mountains to the east. Onsite vegetation consists of chaparral and subshrub communities that are occasionally interrupted by rock outcrops. Large steel lattice transmission structures and right-of-way (ROW) associated with the 500 kV Sunrise Powerlink are situated between McCain Valley Road and the discontinuous eastern portion of the project site.

The dominant feature to the south of the project site is Interstate 8, a four-lane divided freeway that runs between the Rugged project site to the north and the community of Boulevard to the south.

The area between the Rugged site and Interstate 8 includes the McCain Valley Conservation Camp, a rural prison facility managed jointly by the California Department of Corrections and Rehabilitation and the California Department of Forestry and Fire Protection (CalFire), gently rising, chaparral-covered undeveloped lands and occasionally, rural residential structures. The McCain Valley Conservation Camp is located southeast of the project boundary between the Rugged site and McCain Valley Road. The prison facility, with an estimated 60,550 square feet of existing buildings and structures, consists of a cluster of approximately 30 buildings and structures located in the southern portion of the property and west of McCain Valley Road. Water quality ponds and generally undeveloped lands within the Tule Creek floodplain are also located on the property. To the southwest of the project site between the Thibodaux property and I-8 is a 29,000-square-foot Department of Homeland Security facility. The facility includes a main primary building for 250 Border Patrol agents; a vehicle and facility maintenance building; an equestrian compound with a stable and an arena; a 160-foot communications tower; a fueling station; a helicopter landing pad; and a 10-lane, 50-meter indoor firing range.

Located approximately 3.75 miles northwest of the Department of Homeland Security facility and near the Tecate Divide, the Golden Acorn Casino and Travel Center consists of a 60,000 sq/ft. casino and entertainment center, 18.5 acres of paved parking lots, several restaurants, and an approximate 8,000 sq/ft. travel center and gas station. The Golden Acorn Casino and Travel Center is located on tribal lands of the Campo Kumeyaay Nation.

Existing Energy Facilities in the Project Vicinity:

The approved Tule Wind Project is primarily located in the McCain Valley just north of the Rugged site and consists of approximately 87 wind turbines up to 492 feet in height capable of producing up to 186 megawatts (MW) of wind energy. The Tule Wind Project has obtained Right of Way documents from the United States Bureau of Land Management (BLM) and the United States Bureau of Indian Affairs (BIA), as well as a Major Use Permit from the County of San Diego. The Tule Wind Project is further seeking land use approvals from the California State Lands Commission (CLSC) for permission to place additional wind turbines on land administrated by the CSLC. In addition to wind turbines and associated generator step-up transformers, the Tule Wind Project includes a 34.5 kV overhead and underground collector cable system, with steel poles up to 80 feet in height, linking the wind turbines to the collector substation, a 5-acre collector substation site and a 5-acre operations and maintenance (O&M) building site, three permanent meteorological (MET) towers and one sonic detecting and ranging (SODAR) unit or one light detecting and ranging (LIDAR) unit, a 138 kV overhead transmission line supported by 75-foot high steel poles running south from the collector substation to be interconnected with the Rebuilt Boulevard Substation, and 36.76 miles of newly constructed access roads and 23.44 miles of temporarily widened and improved existing access roads.

Traversing McCain Valley south to north on the east side of McCain Valley Road and briefly bordering the discontinuous eastern portion of the Rugged Project, the 500 kV Sunrise Powerlink consists of 160-foot tall steel lattice towers with two circuits consisting of 3 conductors each with associated insulators. Each tower is connected to the next by a graded access road, and a cleared area around each tower base is provided for fire management. As east and westbound interstate motorists approach the McCain Valley Road overpass, steel lattice towers dot the landscape located north and south of the interstate and multiple transmission lines cross overhead.

Located on the Campo Kumeyaay Nation Native American reservation, the 50 MW Kumeyaay Wind Farm consists of 25 wind turbines situated on the western rim of the McCain Valley atop the Tecate Divide, approximately 2.25 miles northwest of the Rugged site, and within view of Interstate 8. Each wind turbine is approximately 400 feet tall measured from the ground surface to the tip of the fully extended blade.

In addition to the steel lattice towers and wind turbines, there are several MET towers that are approximately 198 feet in height are present in the landscape surrounding the Rugged site.

A component of the ECO Substation Project, the 2-acre rebuilt Boulevard Substation includes 138, 69, and 12 kV facilities to accommodate the ECO Substation 138 kV transmission line as well as the potential to interconnect four gen-ties. In addition, the rebuilt substation provides 12 kV service to the surrounding area via an existing 69 kV transmission line. To connect the

existing 69 kV transmission line to the rebuilt Boulevard Substation, two new direct embedded steel poles (approximately 85 feet tall) were installed southwest of the rebuilt substation site. Electrical facilities installed at the rebuilt Boulevard Substation include 138, 69, and 12 kV air-insulated buses, transformers, circuit breakers, disconnect switches, communication equipment, and protective relays. The tallest structure at the rebuilt Boulevard Substation, a transformer A-frame structure, is approximately 40 feet high.

Pursuant to Section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

(a) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:*

1. *Harmony in scale, bulk, coverage and density*

Scale and Bulk:

The project is consistent with the finding of bulk and scale because the tracker behavior, the appearance of bulk and scale are minimized from landscape features and natural topography and vegetation, and consistency with the surrounding uses:

Tracker Behavior: The single-axis tracker is unique because of the way it moves throughout the day when compared to the existing vegetation, topography, and surrounding uses.

The tracking system is mounted on a single-axis tracking system that tracks the sun in the east-west direction. The tracking radius is 60 degrees from flat in either direction. As the sun rises and the trackers follow it across the sky, perceptible scale and bulk will decrease as the trackers become more horizontal, with perceptible scale and bulk being at its lowest around midday when the trackers are at their most horizontal position and would thus create a more flat appearance.

Appearance with Natural Surroundings:

The single-axis PV trackers have an average height of 7 feet. The project will result in a change from undeveloped to developed land and would introduce elements that are inconsistent with the surrounding natural vegetation and topography. However, from public and scenic vantage points in the area, views of the project site are obscured by distance, intervening topography and vegetation, allowing the apparent bulk and scale of the project to be reduced and blend into the landscape. In addition, when viewed from a distance, the light color of the trackers blend the project with the surrounding area, further reducing color contrast of the project and the perceptible bulk of the solar farm. Design features and mitigation measures incorporated into the project will also lessen the visual contrast between the project

and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. Additionally, landscape screening and setbacks will reduce the visibility of the trackers during operation.

Consistency with Surrounding Uses:

The project site is located in a rural setting that has many industrial, civic, and private large-scale uses that over time have changed the character of the community and the immediate bulk and scale of the area. The project features are consistent with the bulk and scale of several large scale facilities and uses within the immediate vicinity of the project because it does not have features that are dissimilar to existing features in the surrounding area. The following table lists the project features in the left column and features of nearby projects or facilities that have been built or will be built immediately displaying greater bulk and scale in the right column.

Project Features	Surrounding facility/feature comparison
<ul style="list-style-type: none"> • Overhead collector transmission lines 50 feet high. • Generator tie-line <p>These features would be visible to residents and recreationists in the McCain Valley area.</p>	<ul style="list-style-type: none"> • Tule Wind Farm 34.5kV Collector line (75 feet high) – located approximately 1.84 miles north of the collector transmission lines and 2 miles south of generator tie line (the generator tie line will be co-located on Tule Wind transmission line poles). These features would be visible to residents and recreationists in the McCain Valley area. • Sunrise Powerlink 500kV Transmission Line (up to 170 feet high) – located adjacent to collector transmission lines and generator tie line along McCain Valley Road. These features are visible to residents and recreationists in the McCain Valley and to motorists on Old Highway 80 and Interstate 8. • Tule Wind 138kV Transmission Line (160 feet high) – located adjacent to collector transmission line along McCain Valley Road and generator tie line will be co-located on Tule Wind transmission line poles. These features would be visible to residents in Boulevard, motorists on Old Highway 80 and I-8, and residents and recreationists in the McCain Valley area. • Border Patrol Station Communication Tower (160 feet high) – located approximately 1.0 mile south of collector transmission line on northeastern portion of project site and 1.9 miles west of generator tie line. The tower is visible to

	<p>residents and recreationists in the McCain Valley area and motorists on Interstate 8 and Ribbonwood Road.</p> <ul style="list-style-type: none"> • Several MET Towers (198 feet high) – closest MET tower located approximately 4.2 miles west of collector transmission line on northeastern portion of project site and 5.6 miles west of generator tie line. These features are visible to residents in the Boulevard area and motorists on Jewell Valley Road. • Kumeyaay Wind Turbines (400 feet high) – southernmost turbine located approximately 2.5 miles west of collector transmission line on northeastern portion of project site and 3.9 miles west of generator tie line along McCain Valley Road. These features are visible from the communities of Tierra del Sol, Boulevard, and the McCain Valley area. • Tule Wind Turbines (492 feet high) – southernmost turbine, G18, located 0.70 mile north of collector transmission line and 0.90 mile northwest of generator tie line (generator tie line will be co-located on Tule Wind transmission line poles located within 0.34 mile of turbine G18). These features would be visible to residents in Boulevard and the McCain Valley area and to passing motorists on Old Highway 80 and Interstate 8.
<ul style="list-style-type: none"> • 5,400sq/ft. Operations and Maintenance Building • 26,000 sq/ft. onsite substation <p>These features are within the project area will be primarily screened from external views by trackers and by the landscape screen installed west of McCain Valley Road.</p>	<ul style="list-style-type: none"> • 29,000 sq/ft. Border Patrol station – located approximately 1.67 miles southwest of Operations and Maintenance Building and on-site substation. The station is visible to residents and recreationists in the McCain Valley and to motorists on Interstate 8 and Ribbonwood Road. • 60,220 sq/ft. Rough Acres Ranch – Rough Acres Ranch facilities located approximately 0.21 miles northeast of Operations and Maintenance Building and on-site substation. These features are visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.75 mile south of Operations and Maintenance Building and on-site substation. The camp is visible to residents and recreationists in

	<p>the McCain Valley and to motorists on McCain Valley Road.</p> <ul style="list-style-type: none"> • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 2.3 miles southeast of Operations and Maintenance Building and on-site substation. The rebuilt substation is visible to residents located near the facility in Boulevard and to passing motorists on Old Highway 80 and Interstate 8. • 5 acre Tule Substation – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation. The substation would be visible to recreationists in the McCain Valley. • 5 acre Tule Wind O&M Facility – located approximately 1.86 miles north of Operations and Maintenance Building and on-site substation. The facility would be visible to recreationists in the McCain Valley.
<ul style="list-style-type: none"> • 38 Inverter Stations (800 sq/ft. each) 30,400 sq/ft. total • 160 Sea Cargo Containers (400 sq/ft. each) 65,600 sq/ft. total <p>These features are within the project area and will be screened from external views by trackers because they are only approximately 12 feet high. As such, they will be difficult to see. Additionally, the inverters are spaced throughout the project site thus reducing any cumulative bulk appearance.</p>	<ul style="list-style-type: none"> • 29,000 sq/ft. Border Patrol station – located approximately 0.60 mile southwest of closest inverter skid and 1.35 miles southwest of Sea Cargo Containers (Energy Storage System). The station is visible to residents and recreationists in the McCain Valley and to motorists on Interstate 8 and Ribbonwood Road. • 60,220 sq/ft. Rough Acres Ranch – located approximately 0.15 mile northeast of closest inverter skid and 0.55 mile northeast of Sea Cargo Containers (Energy Storage System). These features are visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 60,550 sq/ft. McCain Valley Conservation Camp (Prison) – prison facilities located approximately 0.10 mile north of closest inverter skid and 0.70 mile south of Sea Cargo Containers (Energy Storage System). The camp is visible to residents and recreationists in the McCain Valley and to motorists on McCain Valley Road. • 2 acre SDG&E Rebuilt Boulevard Substation – located approximately 1.25 miles south of closest inverter skid and 2.2 miles south of Sea Cargo Containers (Energy Storage System). The rebuilt substation is visible to residents located

	<p>near the facility in Boulevard and to passing motorists on Old Highway 80 and Interstate 8.</p> <ul style="list-style-type: none"> • 5 acre Tule Substation (located approximately 1.75 miles northeast of closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System)). The substation would be visible to recreationists in the McCain Valley. • 5 acre Tule Wind O&M Facility – Substation (located approximately 1.75 miles northeast of closest inverter skid and 2.0 miles northeast of Sea Cargo Containers (Energy Storage System)). The facility would be visible to recreationists in the McCain Valley.
<p>Approximately 225,264 PV modules placed on a single-axis tracking system Trackers would be visible to residents and recreationists in the McCain Valley area and to eastbound motorists on Interstate 8 and motorists on Ribbonwood Road and McCain Valley Road.</p>	<p>The 12-foot maximum height of the PV trackers is consistent with the scale of surrounding energy facilities and private and public structures as stated above in the discussion above on tracker behavior and appearance with natural surroundings.</p>

As demonstrated in the table above, the individual components of the project and the project as a whole are consistent with the bulk and scale of the surrounding uses because they display a similar size and scale as existing features in the landscape. Therefore, the Rugged project is consistent with the finding of harmony with scale and bulk.

Consistency with Local Plans and Policies: The proposed Rugged solar project is in compliance with identified policies of the Boulevard Community Plan. Policy LU 1.1.1 prohibits higher density, clustered subdivisions, or industrial-scale projects or facilities that induce growth and detract from or degrade the limited groundwater resources, water and air water quality, visual and natural resources, abundant wildlife, and historic rural character of the Boulevard area. In addition, Policy 1.2.2 requires development including regional infrastructure and public facilities, to comply and maintain a rural bulk and scale in accordance with Boulevard’s community character. The proposed project is not an “industrial-scale project or facility” as defined by the Boulevard Community Plan. By specifically excluding solar and other renewable energy development from consideration in Policies LU 1.1.1 and LU 1.2.2, the Boulevard Community Plan acknowledges both the potential impacts associated with renewable energy development and the changing character of the local area landscape. Further, solar projects are not categorized in the class of projects which are identified to detract from or degrade

groundwater resources, water and air quality, visual and natural resources, wildlife, and the historic rural character of Boulevard. As stated above, the project as a whole is consistent with the bulk and scale of the surrounding uses because individual project components display a similar size and scale as existing features in the landscape. Therefore, the Rugged solar project is consistent with the local policies of the Boulevard Community Plan.

Coverage:

Coverage for parcels adjacent to and in the immediate vicinity of the project site was calculated using GIS. A total of twenty-two parcels surrounding the project site were assessed. Lot coverage of the parcels ranges from less than 0.1% (APN 611-060-08-00) to as much as 19.3% (APN 611-090-20-00) with an average lot coverage of 3.9%. Improvements considered in the lot coverage calculations of parcels were limited to buildings/structures.

The majority of coverage on the project site will result from construction of the PV trackers. From sunset to sunrise trackers will be in a vertical sleep mode with the lowest lot coverage. As the sun rises and the trackers follow it across the sky, coverage will increase as the trackers becomes more horizontal, with coverage peaking around midday when the trackers are at their most horizontal position.

In addition to the PV trackers, additional coverage will result from construction of the inverter pads, O&M facility (5,400 square feet), and switchyard (26,000 square feet). ~~If the optional energy storage system (approximately 57,760 square feet of coverage) is selected, then 47 CPV trackers (approximately 56,400 square feet of coverage) will be removed from the Rugged solar farm. Therefore, selection of the optional energy storage system will result in a net increase of approximately 1,360 square feet of coverage when compared to coverage associated with 47 CPV trackers. With selection of the optional energy storage system, the increase in coverage will be negligible (approximately 0.02%) when trackers are in both vertical sleep mode and when trackers are horizontal at midday.~~

Trackers will be arranged in rows and spaced approximately 290 feet in length. The rows will be spaced approximately 20 feet apart in the north-south direction and 10.5 feet apart in the east-west direction. The trackers would move throughout the day to track the sun as it rises from the east and sets in the west. The project's lot coverage will range depending on the time of day. The tracker spacing, color, and height will reduce the overall appearance of coverage on the project site and result in a project that is compatible with surrounding uses. Accordingly, lot coverage will be consistent and in harmony with surrounding uses.

Density:

The project meets the density finding because the project does not propose any habitable or residential structures.

2. *The availability of public facilities, services and utilities*

Fire Services

An Emergency Services Capabilities Assessment prepared for the project found that the current fire response capabilities, including primary response from San Diego County Fire Authority Boulevard Fire Station and secondary response from CalFire's Whitestar Station, will be adequate to meet the County standard for response time. Any additional response will be provided from San Diego Rural Fire Protection District's Lake Morena and Jacumba Fire Stations, and San Diego County Fire Authority's CalFire Campo Fire Stations. The project will not result in the need for increased fire protection facilities or services in the area. First responders to emergency medical responses are usually fire response units.

The implementation of the Rugged project's Fire Protection Plan (FPP), including clear delineation of access routes and response methods, will be beneficial to fire response in the surrounding community, as well as to the project site.

With regard to suppressing any potential electrical fires, firefighters are trained to stay back a safe distance and use a "fog stream". Firefighters may use Class A foam or a Dry Chemical extinguisher, which many fire engines carry. Most likely, water will be used as it is most plentiful and can cool burning material below ignition temperatures. Another form of fire extinguisher, carbon dioxide (CO₂) extinguishers, could be used in lieu of dry chemical as they leave no residue. Most fire engines do not carry CO₂ extinguishers. As indicated in the FPPs, portable carbon dioxide (CO₂) fire extinguishers will be mounted at the inverter enclosures and medium voltage transformer units throughout the project sites.

~~The optional energy storage system will comply with applicable fire codes and will include a layered fire protection system designed to current codes and inclusive of site specific measures that will result in a project that is less susceptible to wildfire than surrounding landscapes. The energy storage system will be located on the Rugged solar farm in an area set back from wildland fuels. The system will be located in non-combustible, steel containers with sophisticated monitoring and fire suppression systems. For example, each of the 160 steel container associated with the energy storage system will include a minimum 2 hour and up to 4 hour fire rating, a variety of fuses to help protect down to the cell level, an automated system that continually monitors the batteries for out of range calibrations, a heat and fire detection system, and an automatic inert gas fire suppression system. Furthermore, it is anticipated that any thermal event involving the energy storage system's Li-ion nanophosphate batteries, as well as their negative by products, can be effectively managed and contained within the appropriate storage and transport environments. The temperatures and burning duration of the batteries when triggering an appropriate suppression system within a customized steel container are not anticipated to exceed the integrity of the steel containers~~

~~proposed for the energy storage system. Lastly, the site will be largely converted from readily ignited wildland chaparral fuels to ignition resistant facilities and equipment. All of these features will suppress fire risk associated with the optional energy storage system.~~

The project will contribute targeted funding to the local fire and emergency response capabilities, including funding of a paramedic staff position. The net benefit of the improved advanced life support medical response by adding a paramedic position provides an on-going benefit to the community long after the construction phase is complete.

The San Diego County Fire Authority has provided a service availability letter to the project, dated October 23, 2014. Accordingly, there are sufficient fire protection and emergency response services available to serve the Rugged project.

Police Services

Police protection services will be primarily provided by a nearby San Diego County Sheriff's Department office. The increased numbers of construction and operational workers for the project are not expected to substantially increase the number of police protection service calls such that new or expanded police facilities or staff will be required to maintain acceptable service ratios and response times.

Water Supply

The project requires approximately 83-acre feet of water over the 12 month construction period, including a peak water demand of approximately 318,501 gpd during days 1-60 of construction. The annual operational water use is estimated to be approximately 8.7 acre-feet per year. The project will obtain water for construction from three on-site production wells (Well 6a, Well 6b, and Well 8), and can draw additional supply from the Jacumba Community Services District (JCSD), Pine Valley Mutual Water Company (PVMWC), and Padre Dam Municipal Water District (PDMWD). The groundwater resources investigation prepared for the Rugged solar farm has determined that on-site production wells have capacity to provide up to 54-acre feet of groundwater during construction and the entirety of its 8.7 acre-feet per year operational demand (Dudek 2014a). The JCSD is expected to provide up to 16 acre-feet from Well 6 during the 60-day peak construction period (Dudek 2014b), and JCSD has provided a will serve letter, dated December 12, 2012. The project will be conditioned to allow for up to 27 acre-feet to be obtained from JCSD. PVMWC also is expected to be able to supply up to 16-acre feet of water during the peak construction period (Dudek 2013c), and has entered into a bilateral water supply agreement with the Rough Acres Water Company and has provided a will serve letter dated July 3, 2013.

Wastewater

The project will have an on-site private septic system to treat all wastewater from the O&M facility, and therefore, does not require sewer services.

Solid Waste

The project generates minimal solid waste. Solid waste that cannot be recycled will be sent to a local landfill. Waste from the construction, operation, and decommissioning of the project will not significantly affect the capacity of local landfills.

Schools

Because of the small number of permanent workers associated with the project, the project will not require new or expanded school facilities or result in an increase in demand for other services.

All necessary public facilities, services, and utilities are available for the project.

3. *The harmful effect, if any, upon desirable neighborhood character*

The character of the surrounding neighborhood and the potential for the project to have a harmful effect on this character is based on several factors: the existing character of the neighborhood, the project site and surrounding land uses, uses allowable under land use plans, visual impacts, noise generation, traffic generation, lighting, and landscaping.

As described above, Boulevard can be described as a community in transition. The area which originally was predominantly rural in nature with large homesteads is becoming increasingly developed with private facilities, civic uses and energy infrastructure. The community surrounding the project includes a range of different land uses, such that the neighborhood character is varied. The main Boulevard community is located to the south of the project area, separated by the dominant feature of Interstate 8.

North of Interstate 8, in the vicinity of the project, there are scattered rural residences, undeveloped land, the Boulevard U.S. Border Patrol Station, Rough Acres Ranch (former Charger's training facility), and the McCain Valley Conservation Camp, a prison camp. The Golden Acorn casino is a few miles to the west. There are a variety of energy uses existing and proposed in the immediate area of the project. The Sunrise Powerlink consists of steel lattice towers with a 500 kV transmission line, immediately adjacent to the project site. The Kumeyaay Wind Farm with 25 wind turbines is an existing use located atop the Tecate Divide, and the approved Tule Wind Project, including a new transmission line, is expected to begin construction in McCain Valley in 2016. Associated meteorological towers, 200 feet in height, are also scattered across the landscape within the vicinity of the project area. Further, the Chapman Ranch Solar Project has been proposed in the

Boulevard subregion and will be located north of Interstate 8 and west of McCain Valley Road. An additional solar facility, Cameron Solar, is proposed along Lake Morena Drive in the neighboring Lake Morena/Campo subregional area and the Jacumba Solar Project is proposed along Old Highway 80 in the neighboring Jacumba subregional area. There is also undeveloped federal and tribal land in the area designated and planned for renewable energy development.

The Boulevard Community Plan provides guidance and policies to shape the future character of the community. The Boulevard Community Plan was recently amended by approval of the Wind Energy ordinance in 2013. The project is consistent with policies of this Plan, including LU 1.1.1 which specifically states that solar projects are not “industrial-scale projects or facilities,” and therefore, not categorized in the class of projects which are identified to detract from or degrade groundwater resources, water and air quality, visual and natural resources, wildlife, and the historic rural character of Boulevard. In addition, the project is consistent with the policies of the Boulevard Community Plan that aim to protect the natural environment, including protection of dark skies (LU 3.1.1), preservation of native and riparian habitat (LU 3.2.1), and protection of historic sites (LU 3.3.1). In addition, the project will provide funding towards improved emergency response equipment and personnel (LU 5.1.1 and S 1.1.1) and will provide buffers from public roads and surrounding properties and residences (LU 6.1.3).

The project has been designed to minimize impacts on the natural and developed environment on the project site and within the vicinity. Tracker arrangement on the project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and to minimize impacts to steep slopes and reduce the need for grading. A number of biological impacts will be mitigated by off-site open space conservation areas. These will be accomplished either via a mitigation bank, or directly on lands located within San Diego County. Design features and mitigation measures incorporated into the project will lessen the visual contrast between the project and areas of undeveloped landscape in the vicinity. Construction fencing and landscape screening, as well as buffering, will reduce the visibility of construction activities. By the same token, landscape screening and setbacks will reduce the visibility of the CPV trackers during operation.

Night lighting will be minimal and will be limited to security lighting around the O&M facility. No impacts to dark skies will result. Noise impacts will be primarily temporary and related to construction activities; all noise impacts will be mitigated. Short-term construction traffic is managed by a traffic control plan and will not decrease level of service on the local roadways. Operation of the project will result in the addition of approximately 40 trips per day and will not affect roadway service levels.

Water use for construction will be monitored and extraction levels are capped by County thresholds. Operational water use will be minimal (8.7 acre-feet per year)

and limited primarily to tracker washing, application of soil binders, irrigation of landscape screening and potable water needs.

Additionally, by co-locating the project's generator tie-line with the Tule Wind project generator tie-line, potential impacts associated with the construction of a transmission line to connect the project site to the Boulevard Rebuilt Substation have been avoided.

The project will not have a harmful effect on desirable neighborhood character because it is compatible with adjacent land uses as described above. Therefore, the project is considered to be consistent with this finding.

4. *The generation of traffic and the capacity and physical character of surrounding streets*

The project will not alter the physical character of McCain Valley Road, Ribbonwood Road, or Rough Acres Ranch Road because the project will generate minimal trips during operation of the project for maintenance and panel washing. An increase in traffic will occur during the approximate 12-month construction period, with an average of 160 daily trips, but this effect will be temporary. The construction and operational increases in traffic will not cause the level of service (LOS) of affected roads (currently operating at LOS A) to fall below the County's acceptable LOS (LOS D) or affect existing intersection operations and delay. The project will not cause affected roads to exceed their assumed design capacity. A traffic control plan will be implemented to ensure safe and efficient traffic flow in the area and on the project site during construction. A construction notification plan will be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access potentially will be impacted will be specifically notified in advance and provided alternative access.

The project will not generate traffic that exceeds the capacity of existing roadways, or change the physical character of surrounding streets. Accordingly, the project is consistent with this finding.

5. *The suitability of the site for the type and intensity of use or development, which is proposed*

A number of factors contribute to the suitability of the project site for a PV solar development. These include:

Compatibility with Land Use Designations and Planning Documents

The project site is designated RL-80, Rural Lands, in the General Plan and zoned S92 (General Rule) and A72 (General Agriculture). A solar farm is defined as a "Civic Use Type" which is allowed within these zones if a Major Use Permit is

obtained. A General Plan Analysis Report prepared by the County shows that the project is consistent with all applicable General Plan policies, as well as the Mountain Empire Subregional Plan and the Boulevard Community Plan.

In addition, the Project, once constructed, will generally be a passive use that requires minimal maintenance activities and generate few traffic trips.

Environmental Suitability

The project site is located in an area of high direct normal irradiance (DNI) (i.e., the amount of solar radiation received per unit area by a surface that is always held perpendicular (or normal) to the rays that come in a straight line from the direction of the sun at its current position in the sky). Therefore, it is particularly suited to use for CPV solar technology, which requires a high DNI to maximize efficiency.

In addition, the project site is located in an area where no federal or state threatened or endangered species will be affected. All biological impacts can be avoided or mitigated.

The project site provides sufficient flat terrain such that no steep slopes will be graded or constructed upon.

Water cost and availability is a serious constraint for agricultural use in the project area. The project site is zoned for agricultural use, which is a high water demand use. In comparison, the project is estimated to only require 8.7 acre-feet per year of water for operation.

Shared Facilities

The project site is located such that transmission lines can co-locate with the Tule Wind Energy Project gen-tie. In addition, the length of the gen-tie is minimal due to the project site's proximity to the Rebuilt Boulevard Substation.

The intensity of the use proposed is appropriate for the site because a CPV solar energy system is a low intensity type of non-residential development that is compatible with existing land uses adjacent to the site, as discussed above. The project will not conflict with any land use plan or policy, and is compatible with surrounding existing uses with regard to typical operating characteristics, the scale of the facilities, and the general character of the surrounding environment. Therefore, the project and the site are suited for the type and intensity of development proposed.

6. *Any other relevant impact of the proposed use*

The project generates minimal glare at certain places in the surrounding area and times of the year that will be received by residences, recreationalists, and motorists (see Chapter 2.1, Aesthetics (Section 2.1.3.3, Light and Glare) of the ~~DPEIRRFPEIR~~). The intensity of glare produced by CPV trackers will be lower than that of glare produced by man-made surfaces (metal roofs, glass etc.) and water. The generated reflection values are not considered hazardous to vision.

The project generates minimal glare that will be received by recreationalists at dawn on the Mt. Tule summit, but poor trail conditions, parking, and signage suggest that the area is not widely used.

The project will generate glare that will be received by motorists in their peripheral vision at certain locations and at certain times of the year when traveling along Ribbonwood Road and McCain Valley Road. Glare along Ribbonwood Road will be confined to a 0.5-mile segment of the road, with daily duration of glare exposure throughout the year experienced for no more than 40 minutes per day. Motorists passing along this segment of Ribbonwood Road will experience glare in their peripheral vision for a duration of less than one minute (assuming a travel speed of 35 miles per hour). On McCain Valley Road, motorists will also receive glare in their peripheral field of vision along an approximate 0.2-mile segment of the road as they pass the easternmost portion of the solar farm during spring and fall months and prior to sunset. Maximum daily duration of glare exposure will be approximately 37 minutes and glare exposure on McCain Valley Road will be brief (motorists will experience glare for approximately 20 seconds assuming a travel speed of 35 miles per hour). According to the Boulevard Glare Study prepared for the Rugged Solar Project, no project-generated glare will be experienced by motorists on Interstate 8.

Due to the intermittency, brevity, and lack of severe intensity of anticipated glare impacts, the project is compatible with adjacent uses.

- (b) *The impacts, as described in Findings (a)(1) through (6) above, and the location of the proposed use will be consistent with the San Diego County General Plan*

The County's General Plan Analysis Report for the project showed that the project is consistent with the General Plan Rural General Plan Regional Category and Rural Lands Land Use Designation. The Report analyzed consistency with all applicable policies, including policies in the Land Use, Mobility, Conservation and Open Space, Safety, and Noise Elements. The Analysis also found that the project is consistent with all applicable policies of the Boulevard Community Plan and the Mountain Empire Subregional Plan.

- (c) *That the requirements of the California Environmental Quality Act have been complied with*

The project complies with the requirements of the California Environmental Quality Act (CEQA) because a Draft Programmatic Environmental Impact Report (DPEIR) dated January 2014, Environmental Review Number 3910-120005, was prepared for the project that complies with the State and County CEQA Guidelines. The DPEIR was advertised for a 60-day public review commencing on January 2, 2014 and closing on March 3, 2014. Comments were received that required minor changes to the DPEIR and the project, including voluntary reductions by the applicant to the development footprint by removing CPV trackers from some areas of the project. This new information clarified or amplified information already found in the DPEIR, and did not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Final Programmatic Environmental Impact Report, including Responses to Comments and dated December 2014 is ~~was~~ placed on file with PDS as Environmental Review Number 3910-120005.

On July 8, 2015, San Diego Superior Court Judge Joel R. Wohlfeil issued his Minute Order and Ruling (Decision) on the Court's June 25, 2015, hearing on the merits of Petitioners Backcountry Against Dumps' and Donna Tisdale's Petition for Writ of Administrative Mandate. The Decision ruled in favor of the Petitioners, in part, and in favor of the San Diego County Board of Supervisors (Board) and Real Parties in Interest Soitec Solar Development, LLC, Rugged Solar, LLC, and Tierra del Sol Solar Farm, LLC (jointly, Soitec), in part. The Decision found that the Final Program EIR (certified by the Board on February 4, 2015) violated CEQA in several respects, all of which were related to an optional energy storage system on approximately seven (7) acres of the Rugged Solar Farm that was added to the Final Program EIR in an Additional Information Statement after the Draft Program EIR had been circulated for public review. The Decision found no legal fault with any other aspects of the Final Program EIR.

On July 29, 2015, Judge Wohlfeil issued a Peremptory Writ of Mandate (Peremptory Writ) to the Board requiring that the County rescind and vacate its approval of the Final Program EIR, associated Findings and Statement of Overriding Considerations, and land use approvals for the Rugged and Tierra del Sol Solar Farms. The Peremptory Writ further ordered the County to report to the Court by way of return on the Peremptory Writ on the steps the County has taken to comply by November 2, 2015.

The Board is complying with the Peremptory Writ by eliminating the optional energy storage system from the Rugged Solar Farm in this Revised Final Program EIR.

In addition, the applicant made voluntary changes to the project, including reducing the development footprint by removing CPV trackers from some areas of the project. Also, selection of the optional energy storage system will result in the removal and replacement of 47 trackers in the central subarea of the Rugged project site. These revisions did Modifications to the Final Program EIR for inclusion in the Revised Final Program EIR do not constitute significant new information and such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. A Revised Final Programmatic Environmental Impact Report (RFPEIR) dated September 2015 is on file with PDS as Environmental Review Number 3910-120005. An Addendum to the

previously certified Revised Final Programmatic Environmental Impact Report is on file with PDS.

Findings related under CEQA Guidelines sections 15091 and 15093 have been prepared for the project, in accordance with CEQA. The RFPEIR is hereby adopted for the reasons set forth in the CEQA Findings for the project. The previously certified RFPEIR is adequate upon completion of an Addendum pursuant to Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines.

.....
ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the [County Lighting Ordinance 59.101](#) et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. No loudspeakers, sound amplification systems, and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Major Use Permit

has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10096](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.201 of Grading Ordinance](#).

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <http://www.dfg.ca.gov/>

NOTICE: The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, <http://www.dfg.ca.gov/>; and United States Fish and Wildlife Service, 6010 Hidden Valley Rd, Carlsbad, CA 92011-4219, (760) 431-9440, <http://www.fws.gov/>.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: - Fish and Wildlife Fees have been paid in the amount of \$3,119.75 for the review of and Environmental Impact Report, Receipt number 450198 dated December 3, 2014.

NOTICE: The 90 day period in which the applicant may file a protest of the fees, dedications or exactions begins on October 14, 2014.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

Attachment C – Planning Documentation

RUGGED SOLAR

COUNTY OF SAN DIEGO, CA

MAJOR USE PERMIT MODIFICATION

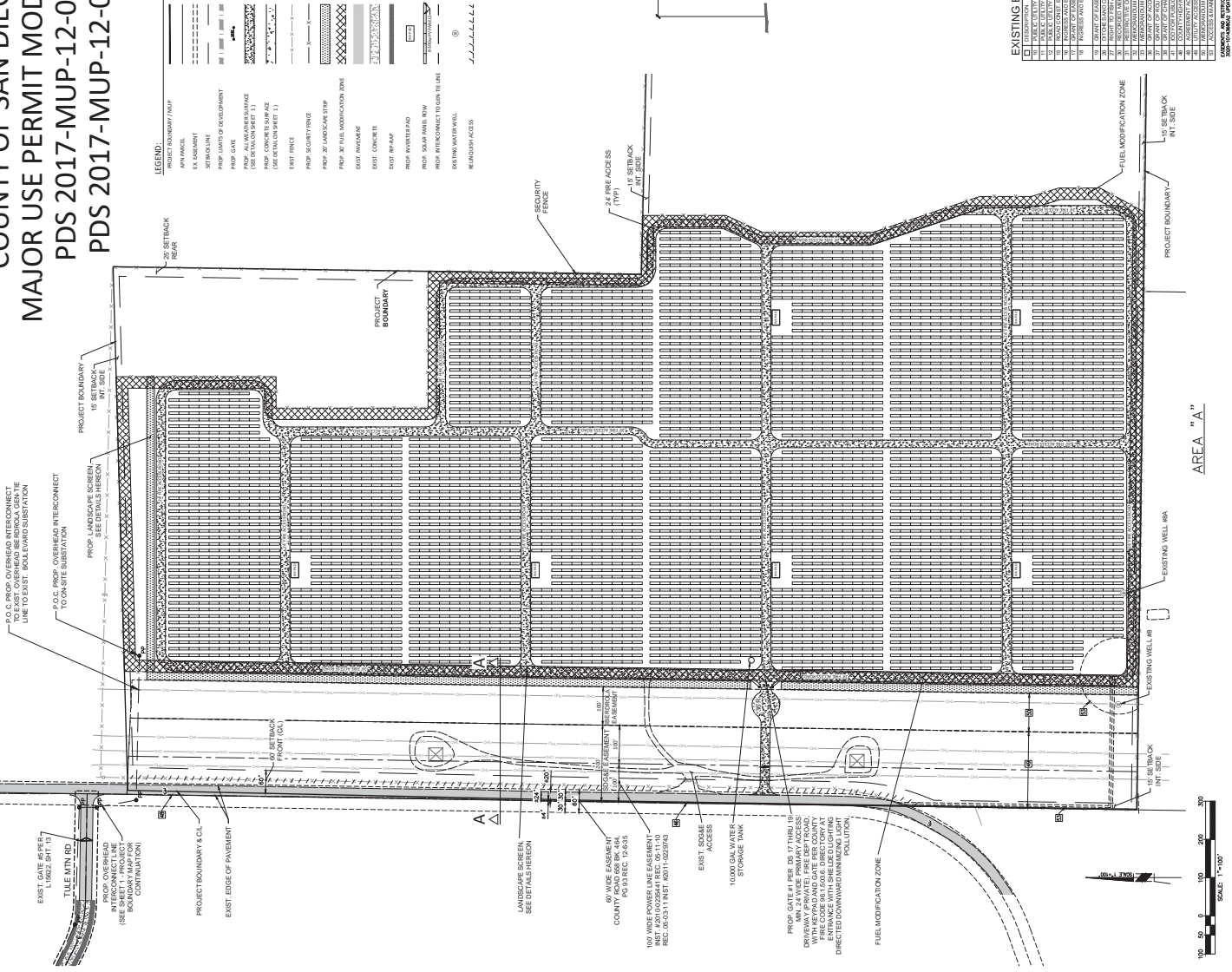
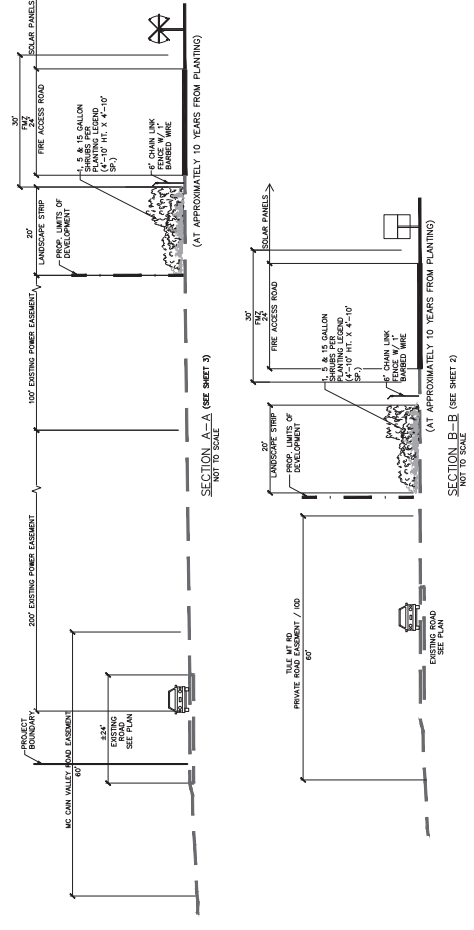
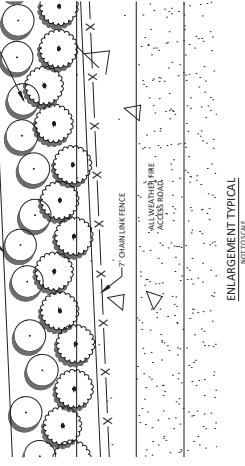
PDS 2017-MUP-12-007W1

PDS 2017-MUP-12-007TE

EXISTING EASEMENTS

DESCRIPTION	DATE	PROJECT
1. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
2. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
3. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
4. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
5. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
6. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
7. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
8. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
9. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
10. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
11. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
12. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
13. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
14. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
15. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
16. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
17. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
18. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
19. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
20. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
21. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
22. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
23. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
24. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
25. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
26. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
27. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
28. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
29. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY
30. 10' EASEMENT FOR UTILITY	10/20/10	10' EASEMENT FOR UTILITY

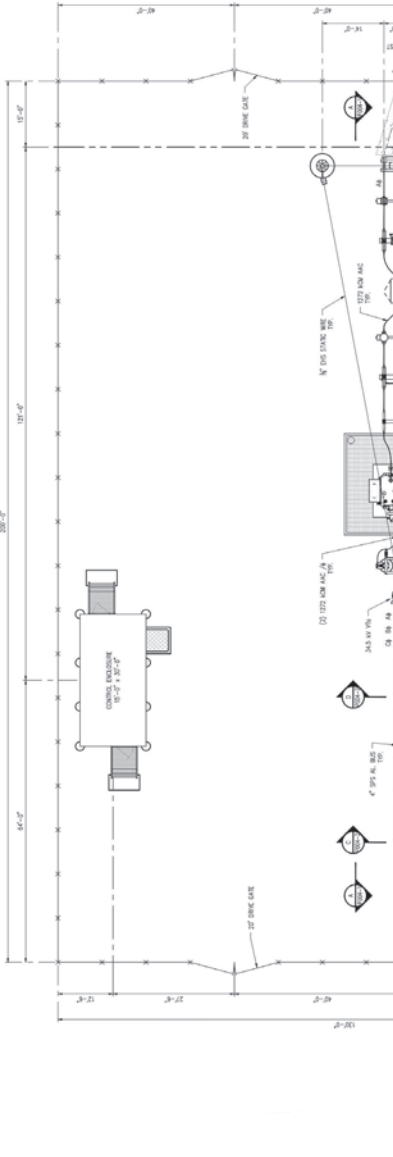
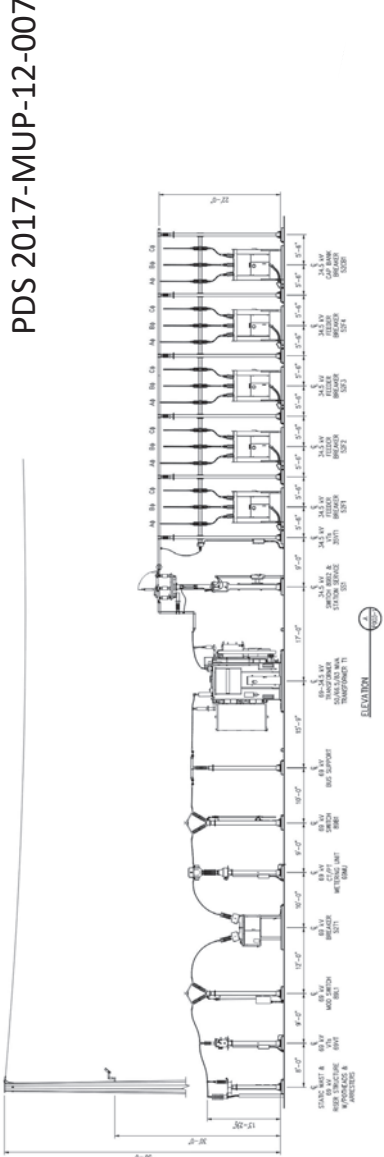
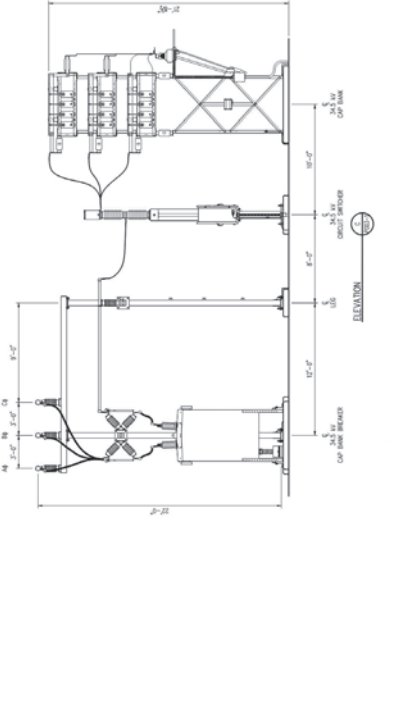
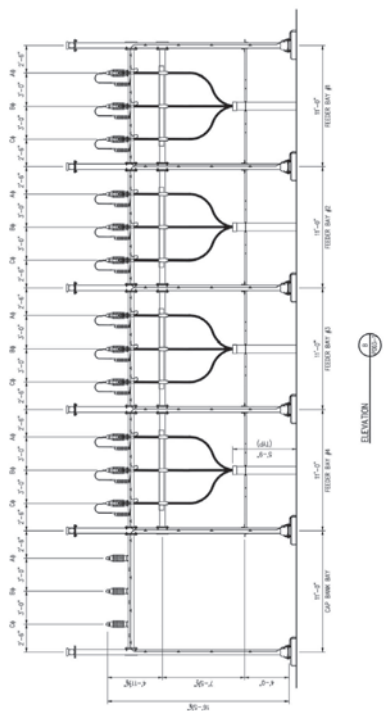
PLANT LEGEND
 SQUARE: BOTANICAL NAME, COMMON NAME, SIZE, SPACING
 1 & 5 GALLON VARIETIES 12" X 20"
 3 & 15 GALLON VARIETIES 6" X 10"
 RETURNELEAF AMORPHOLA / OTHER



LEGEND:
 PROJECT BOUNDARY / MUP
 APPROPRIATE
 EX. EASEMENT
 SETBACK LINE
 PROP. LIMITS OF DEVELOPMENT
 PROP. GATE
 PROP. WALL W/ OVERHEAD WIRE
 PROP. CONCRETE CURB AND GUTTER
 PROP. CONCRETE CURB AND GUTTER (SEE SHEET 1)
 EXIST. FENCE
 PROP. SECURITY FENCE
 PROP. 30' LANDSCAPE STRIP
 PROP. 30' FULL MODIFICATION ZONE
 EXIST. PAVEMENT
 EXIST. CONCRETE
 EXIST. GRASS
 PROP. PAVED ROAD
 PROP. SOLAR PANEL ROW
 PROP. FIRE CONNECT TO ON-SITE TIRE LINE
 EXISTING WATER WELL
 REFINISH ACCESS

SCALE: 1"=100'

RUGGED SOLAR COUNTY OF SAN DIEGO, CA MAJOR USE PERMIT MODIFICATION PDS 2017-MUP-12-007W1 PDS 2017-MUP-12-007TE



ISSUED FOR REVIEW

LEGEND

- BASIC LINE MARKER
- BASIC LINE
- DISCONTINUOUS LINE
- NO. 20 AWG STRAND
- STRANDS BUNDLED TOGETHER
- INDICATES ELEVATION & LOCATION
- INDICATES ELEVATION & LOCATION
- INDICATES ELEVATION & LOCATION
- INDICATES ELEVATION & LOCATION

STRUCTURE DESIGN CRITERIA

80 FT CLEARANCE OVER ALL

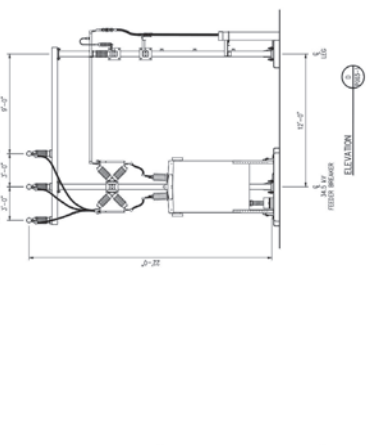
MAX. WIND: 115 MPH (SPEEDY)

TO GRADE: 15'-0" (SPEEDY)

24.0 KV CLEARANCE (DIN BY ILL)

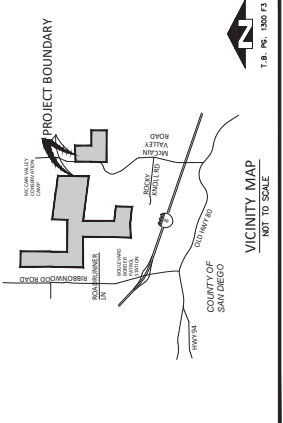
MAX. WIND: 115 MPH (SPEEDY)

TO GRADE: 15'-0" (SPEEDY)



DESIGNED BY R. G. WILSON	CHECKED BY R. G. WILSON	DATE 10/17/17
DRAWN BY R. G. WILSON	SCALE AS SHOWN	SHEET NO. 11
PROJECT RUGGED SOLAR PROJECT 69 - 34.5 KV SUBSTATION GENERAL ARRANGEMENT		
SHEET 7 OF 7		
APRIL 12, 2017		

RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN



SOURCE OF TOPOGRAPHY

THE BASIS OF EXISTING CONTOURS WAS PROVIDED IN A DIGITAL DATA FILE FROM A TOPOGRAPHIC SURVEY PERFORMED IN CONNECTION WITH AN AERIAL TOPOGRAPHIC SURVEY AT A SCALE OF 1" = 400' INTERVALS PERFORMED JANUARY 2012 BY THE CALIFORNIA STATE GEOLOGIC SURVEY (CSGS) CONSULTANT PHOTOGRAMMETRY DEPARTMENT DATE 4/17/2009.

EARTHWORK

CUT: 7500 CUBIC YARDS
 FILL: 7500 CUBIC YARDS
 IMPORT: 00 CUBIC YARDS
 EXPORT: 00 CUBIC YARDS

NOTE:
 1. QUANTITIES SHOWN ASSUMED IF UNDERCUTS FOR DOORAVEL, AND WATER PANS AND 12" UNDERCUTS FOR CONCRETE ACCESS ROADS.
 2. QUANTITIES BEYOND ARE BANK VALUES ONLY. SUBJECT TO CHANGE DUE TO SHRINKAGE OR BULKING FACTORS AND ACTUAL FOUNDATION/Roadway STRUCTURES TO BE DETERMINED BY GEOTECHNICAL/STRUCTURAL ENGINEER AT FINAL DESIGN.
 3. QUANTITIES BEYOND DO NOT INCLUDE SITE PREPARATION CLEAR AND GRUB OR UTILITY TRENCHES.
 4. MAX CUT SLOPE RATIO: 2:1
 5. MAX FILL SLOPE RATIO: 2:1
 6. MAX FILL SLOPE RATIO: 2:1
 7. MAX VERTICAL HEIGHT OF CUT: 12 FT.
 8. MAX VERTICAL HEIGHT OF FILL: 8 FT.

NOTICE

THE SUBJECT PROPERTY CONTAINS WETLANDS, A LAKE, A STREAM, AND OTHER NATURAL FEATURES. THIS PROJECT IS SUBJECT TO REGULATION BY STATE AND/OR FEDERAL AGENCIES, INCLUDING, BUT NOT LIMITED TO, THE NATIONAL WETLANDS POLICY, FEDERAL AND STATE BOARD OF WATER CONTROL, THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, AND THE CALIFORNIA DEPARTMENT OF PUPA AND WILDLIFE. THE APPLICANT AGREES TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES BEFORE COMMENCING ANY ACTIVITY WHICH COULD IMPACT THE NATURAL FEATURES OF THE PROPERTY. THE APPLICANT SHALL SUBMIT PROJECT TO THE AGENCY CONTACT INFORMATION PROVIDED BELOW.

- U.S. ARMY CORPS OF ENGINEERS
 REGIONAL WATER QUALITY CONTROL BOARD
 LOS ANGELES, CA 90071
<http://www.usace.army.mil/>
- REGIONAL WATER QUALITY CONTROL BOARD
 2205 NORTH SIDE DR., SUITE 100
 RIVERDIEGE FALL WATERBODIES CA 92078
<http://www.waterboards.ca.gov/rwq909/>
- CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
 SAN DIEGO, CA 92123
<http://www.wildlife.ca.gov/>

GENERAL NOTES

- THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW BY THE APPLICANT AND TO BE USED IN CONNECTION WITH THE NECESSARY PERMITS AND APPROVALS. THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON AND AGREES TO OBTAIN A VALID GRADING PERMSSION BEFORE COMMENCING SUCH ACTIVITY.
- THIS PROJECT MAY BE IMPLEMENTED IN MULTIPLE PHASES WITHOUT REGARD TO IMPLIED SEQUENCING.
- PROJECT BOUNDARY / MIP AREA: 78.35 ACRES
- SOLAR DEVELOPMENT AREA: 30.15 ACRES
- TOTAL DISTURBED AREA BEFORE PROJECT: 22 ACRES
- TOTAL DISTURBED CLEARED AND GRUBBED AREA AFTER PROJECT: 30.15 ACRES
- TOTAL IMPERVIOUS AREA BEFORE PROJECT: 8.1 ACRES (TULE MTN. RD. & MCCAIN VALLEY ROAD)
- TOTAL IMPERVIOUS AREA AFTER PROJECT: 11.3 ACRES
- TO MAINTAIN DIRT ALL DISTURBED AREAS WILL BE SURFACED WITH GRAVEL.
- DECOMPOSED GRANITE WITH BINDING AGENT EQUIVALENT.
- A PORTION OF THE SITE IS SUBJECT TO DRAINAGE BY THE 100-YEAR FLOOD. THE USF FURNISHMENT SHALL BE SHOWN ON THE PRELIMINARY GRADING PLAN.
- NO RETAINING WALLS ARE PROPOSED.
- MAX. GRADIENT OF ALL ACCESS ROADS NOT TO EXCEED 10%.

APPLICANT:

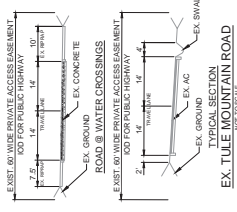
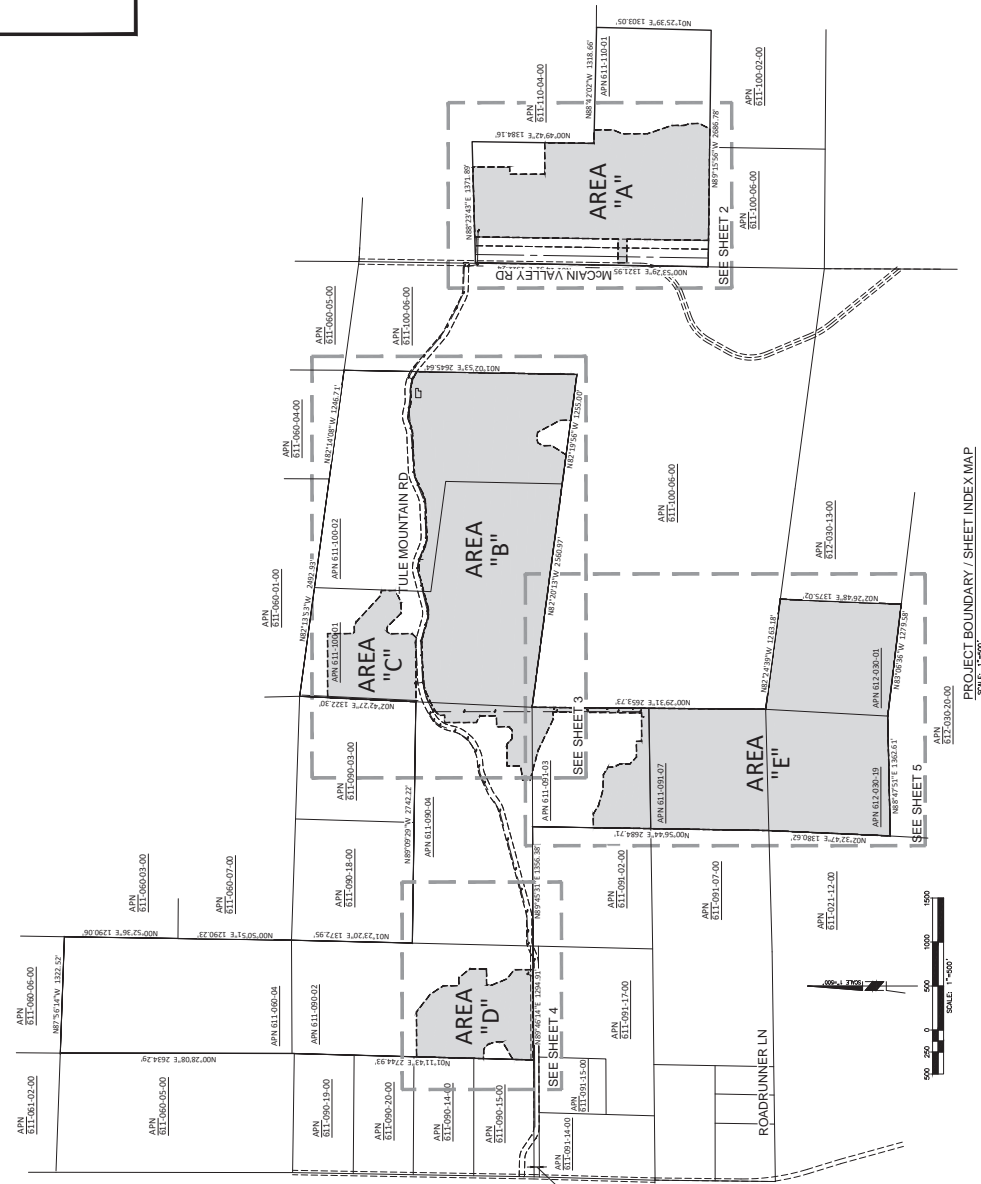
RUGGED SOLAR, LLC
 11000 W. VALLEY VIEW PLACE
 SUITE #100
 SAN DIEGO, CA 92126
 CONTACT: SAUL GARDNER
 (619) 483-8544

PLANNER/ENGINEER:

INTERNATIONAL
 STEVE WILSON
 SAN DIEGO, CA 92126
 (619) 416-0000

SHEET INDEX

- SHEET 1 - TITLE SHEET
- SHEET 2 - AREA A GRADING PLAN
- SHEET 3 - AREA B GRADING PLAN
- SHEET 4 - AREA D GRADING PLAN
- SHEET 5 - AREA E GRADING PLAN



EX. 60' WIDE PRIVATE ACCESS EASEMENT FOR PUBLIC HIGHWAY

EX. 60' WIDE PRIVATE ACCESS EASEMENT

EX. 60' WIDE PRIVATE ACCESS EASEMENT

EX. TULE MOUNTAIN ROAD

EX. MCCAIN VALLEY ROAD

24' PERIMETER ACCESS ROAD & ARRAY CUTTING ROADS

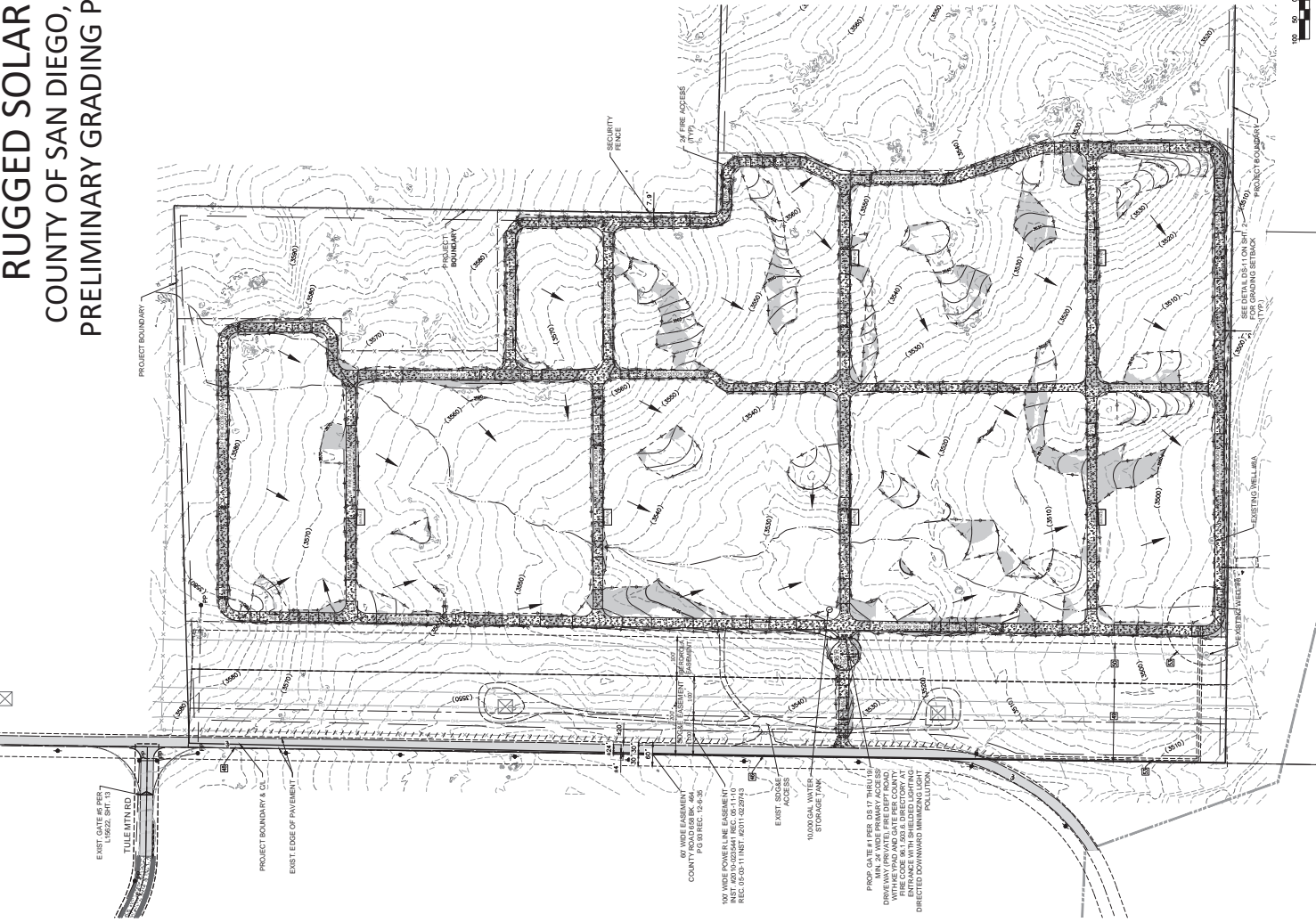
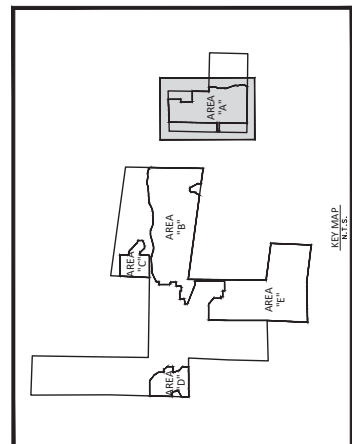
20' INTERNAL ARRAY ACCESS ROAD

CONCRETE ACCESS ROAD

ALL WEATHER, 75,000 LB. FIRE APPARATUS LOAD CAPACITY. ALL WEATHER, 75,000 LB. FIRE APPARATUS LOAD CAPACITY.

NOTE: STRUCTURAL SECTIONS AS SHOWN ARE FOR PLANNING PURPOSES ONLY. GEOTECHNICAL ENGINEER TO PROVIDE CONSTRUCTION SPECIFICATIONS AT FINAL DESIGN.

RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN



LEGEND:

- PROJECT BOUNDARY / PROP
- EXISTING PROPERTY LINE
- STORM DRAIN
- PROP. DRIVEWAY DEVELOPMENT
- PROP. GATE
- PROP. ALL WEATHER SURFACE (SEE DETAIL DS-11)
- PROP. CONCRETE DRIVEWAY (SEE DETAIL DS-11)
- PROP. FENCE
- PROP. SECURITY FENCE
- DIRECTION OF FLOW
- EXIST. PAVEMENT
- EXIST. CONCRETE
- EXIST. ASPHALT
- PROP. INTERSECT
- 100' WIDE POWERLINE EASEMENT (SEE DETAIL DS-11)
- EXIST. WATER WELL
- EXIST. CONTOUR
- REINFORCED CONCRETE
- EXIST. DRIVEWAY FLOOR
- EXIST. DRIVEWAY
- PROP. FIRE GATE

EXISTING EASEMENTS

ID	DESCRIPTION	DEPARTMENT	DATE
1	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
2	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
3	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
4	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
5	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
6	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
7	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
8	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
9	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
10	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
11	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
12	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
13	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
14	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
15	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
16	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
17	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
18	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
19	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
20	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
21	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
22	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
23	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
24	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
25	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
26	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
27	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
28	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
29	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11
30	100' WIDE POWERLINE EASEMENT	SDGE	08/15/11



- ROAD CROSSING AT EXIST. FLOWAGE SWALE**
- CONCRETE ROAD CROSSING
 - WIDTH: 10' (MIN)
 - LENGTH: 20' (MIN)
 - PROP. GATE #1 PER DS-17 THRU DS-19
 - DRIVEWAY FOR WATER FIRE DEPT ROAD WITH WIDE GATE PER COUNTY REC. 05-03-11 INST. 42011-02-2793
 - ENTRANCE WITH SHIELDED LIGHTING DIRECTED DOWNWARD MINIMIZE POLLUTION

RUGGED SOLAR
COUNTY OF SAN DIEGO
PRELIMINARY GRADING PLAN
PDS 2017-MUP-12-007W1
PDS 2017-MUP-12-007TE

AREA "A" GRADING PLAN
2 OF 5
APRIL 13, 2022

100' WIDE POWERLINE EASEMENT
COUNTY OF SAN DIEGO
REC. 05-03-11 INST. 42011-02-2793

EXISTING WELL #1A
EXISTING WELL #1B

PROP. GATE #1 PER DS-17 THRU DS-19

DRIVEWAY FOR WATER FIRE DEPT ROAD WITH WIDE GATE PER COUNTY REC. 05-03-11 INST. 42011-02-2793

ENTRANCE WITH SHIELDED LIGHTING DIRECTED DOWNWARD MINIMIZE POLLUTION

SEE DETAIL DS-11 ON SHEET FOR GRADING SETBACK

EXISTING WELL #1A

EXISTING WELL #1B

PROP. GATE #1 PER DS-17 THRU DS-19

DRIVEWAY FOR WATER FIRE DEPT ROAD WITH WIDE GATE PER COUNTY REC. 05-03-11 INST. 42011-02-2793

ENTRANCE WITH SHIELDED LIGHTING DIRECTED DOWNWARD MINIMIZE POLLUTION

SEE DETAIL DS-11 ON SHEET FOR GRADING SETBACK

EXISTING WELL #1A

EXISTING WELL #1B

PROP. GATE #1 PER DS-17 THRU DS-19

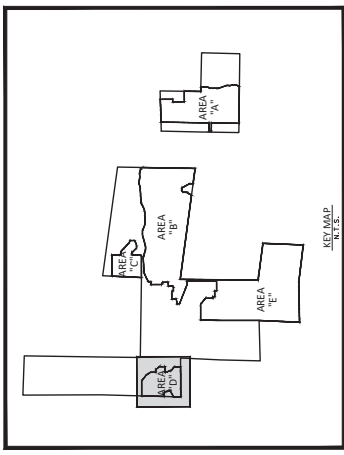
DRIVEWAY FOR WATER FIRE DEPT ROAD WITH WIDE GATE PER COUNTY REC. 05-03-11 INST. 42011-02-2793

ENTRANCE WITH SHIELDED LIGHTING DIRECTED DOWNWARD MINIMIZE POLLUTION

SEE DETAIL DS-11 ON SHEET FOR GRADING SETBACK

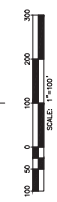
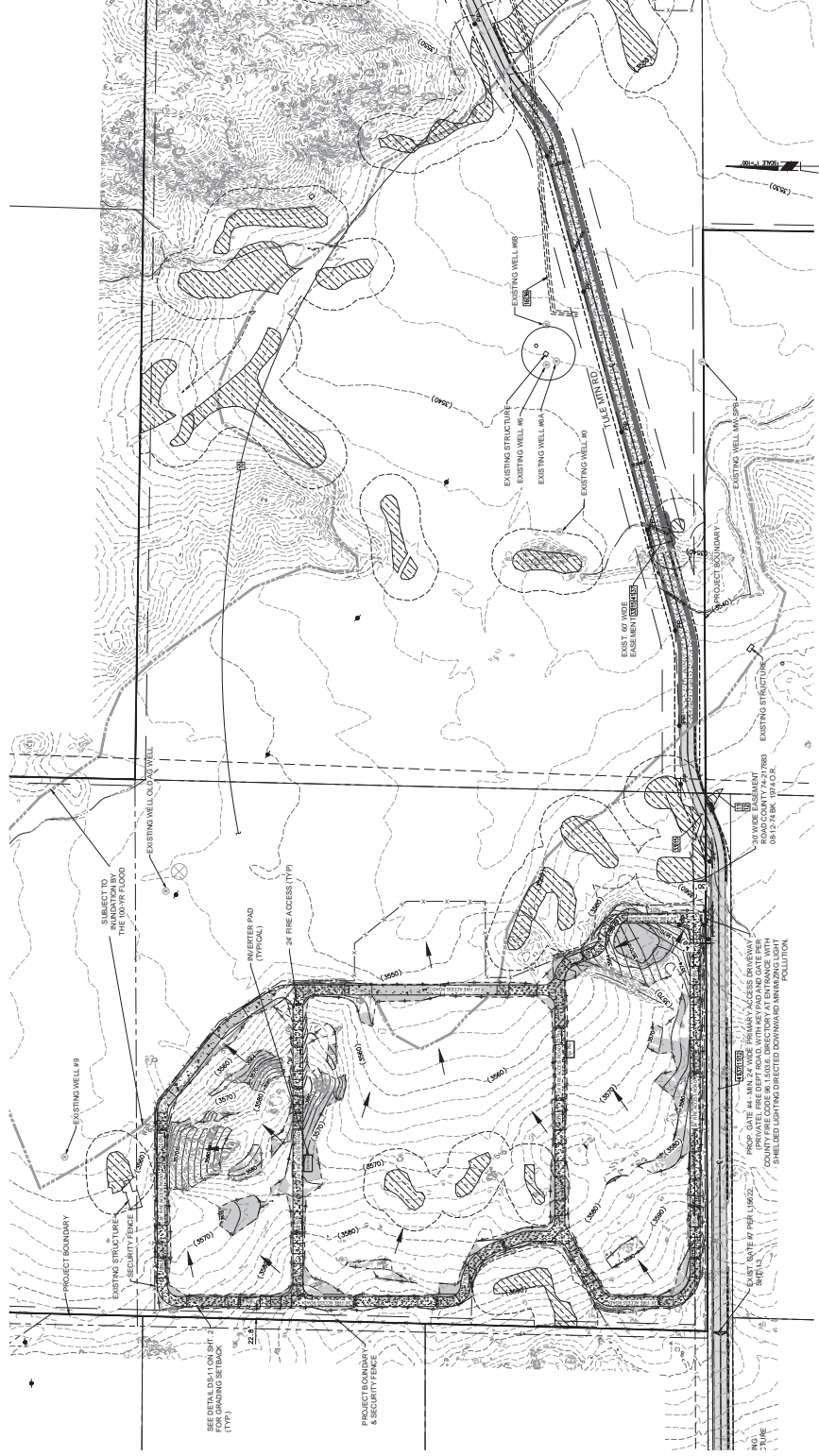
RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN

5 - 140



EXISTING EASEMENTS

NO.	DESCRIPTION	DATE	BY
1	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
2	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
3	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
4	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
5	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
6	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
7	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
8	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
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11	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
12	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
13	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
14	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
15	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
16	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
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19	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
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40	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
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49	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]
50	10' EASEMENT FOR UTILITY	08/12/14	BY: [Redacted]



LEGEND:
 PROJECT BOUNDARY / ASP
 ASP FACILITY
 EXISTING
 PROPOSED LOTS DEVELOPMENT
 PROPOSED GATE
 PROPOSED ALL WEATHER SURFACE (SEE DETAIL ON SHEET J)
 PROPOSED CONCRETE SURFACE (SEE DETAIL ON SHEET J)
 EXISTING TILES
 PROPOSED SECURITY FENCE
 DIRECTION OF FLOW
 EXISTING PAVEMENT
 EXISTING CONCRETE
 EXISTING ASPHALT
 PROPOSED INVERTER PAD
 PROPOSED LOTS OF INFILTRATION
 EXISTING WATER WELL
 EXISTING CONDUIT
 PROPOSED CONDUIT
 EXISTING DRAINAGE GULLY
 EXISTING 24" PIPE DRAIN
 PROPOSED FILL/LOVE
 EXISTING LOW FLOW CONDUIT

RUGGED SOLAR
 COUNTY OF SAN DIEGO
 PRELIMINARY GRADING PLAN
 PDS 2017-MUP-12-007-W1
 PDS 2017-MUP-12-007-E
 AREA "D" GRADING PLAN
 4 OF 5
 APRIL 13, 2022

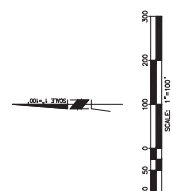
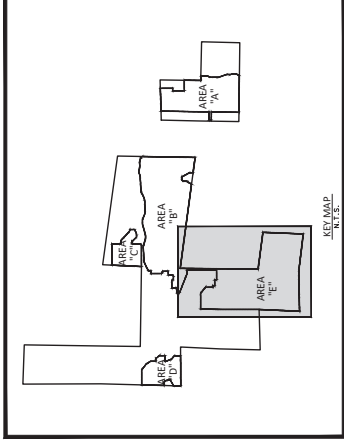
INTERNATIONAL
 8750 Camino del Rio South, Suite 400
 San Diego, CA 92108
 Phone: 619.444.4444
 Fax: 619.444.4444

RUGGED SOLAR COUNTY OF SAN DIEGO, CA PRELIMINARY GRADING PLAN



LEGEND:

BOUNDARY / MAP
 APPROXIMATE
 E.A. LOCATION
 SETBACK LINE
 PROP. LIMITS OF DEVELOPMENT
 PROP. DATE
 PROP. ALL MATHEMATICAL
 PROP. CONCRETE SURFACE
 SEE SET FALON SHEET 3
 PROP. BOUNDARY & SECURITY FENCE
 DIRECTION OF FLOW
 EAST PAVEMENT
 EAST CONCRETE
 EAST ASPHALT
 PROP. DRIVEWAY
 EXIST. DRIVEWAY
 EXIST. SIDEWALK
 EXIST. WATER WALL
 EXIST. CURB
 PROP. CURB
 EXIST. DRAINAGE FLOW
 EXIST. DRAINAGE DITCH
 EXISTING LOW VOLTAGE LIGHT



Rugged Solar

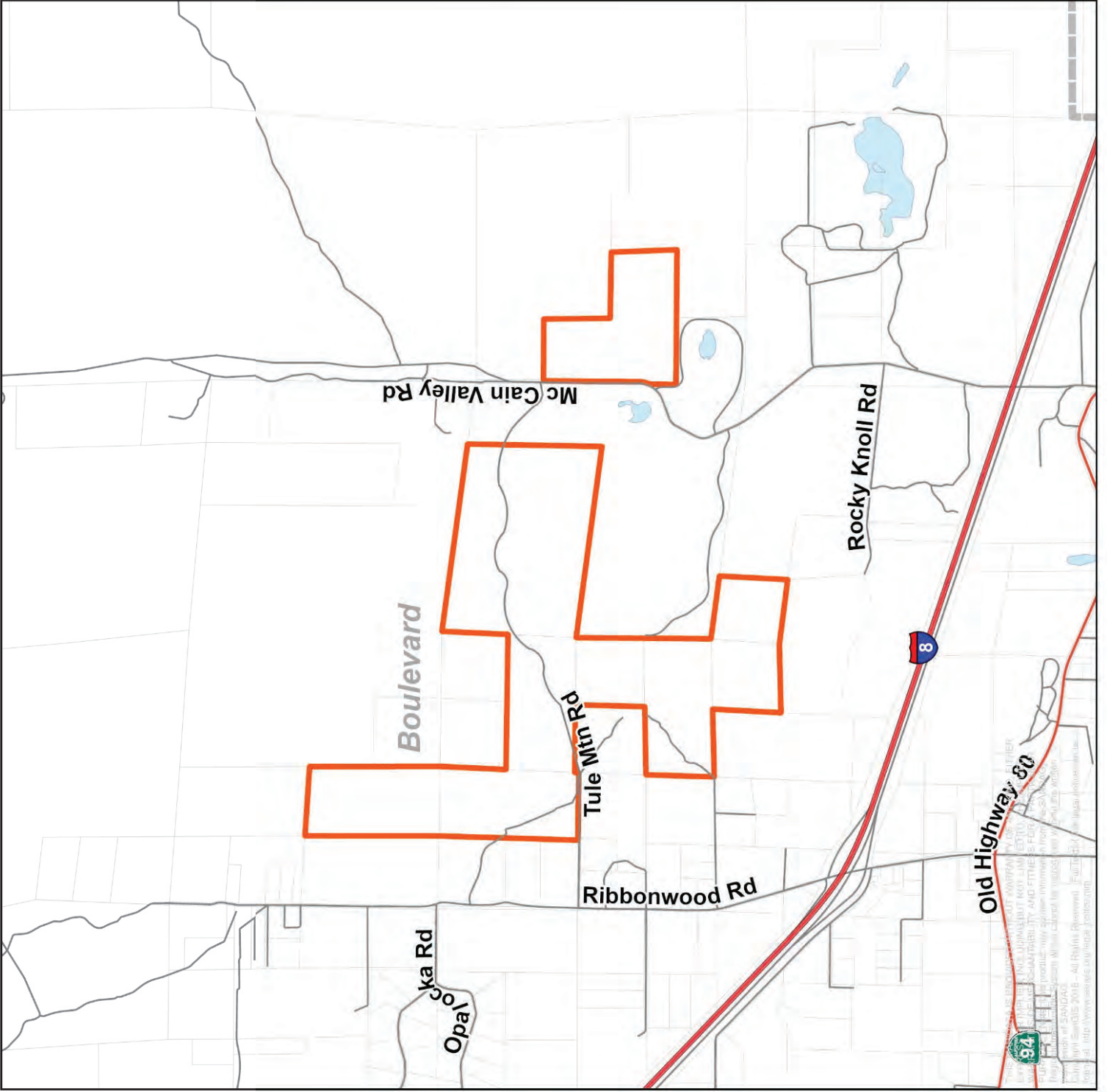
Vicinity Map

Boulevard Subregional Planning Area



Legend:

- Roads (represented by a grey line)
- Site (represented by an orange outline)
- Parcels (represented by a thin grey outline)







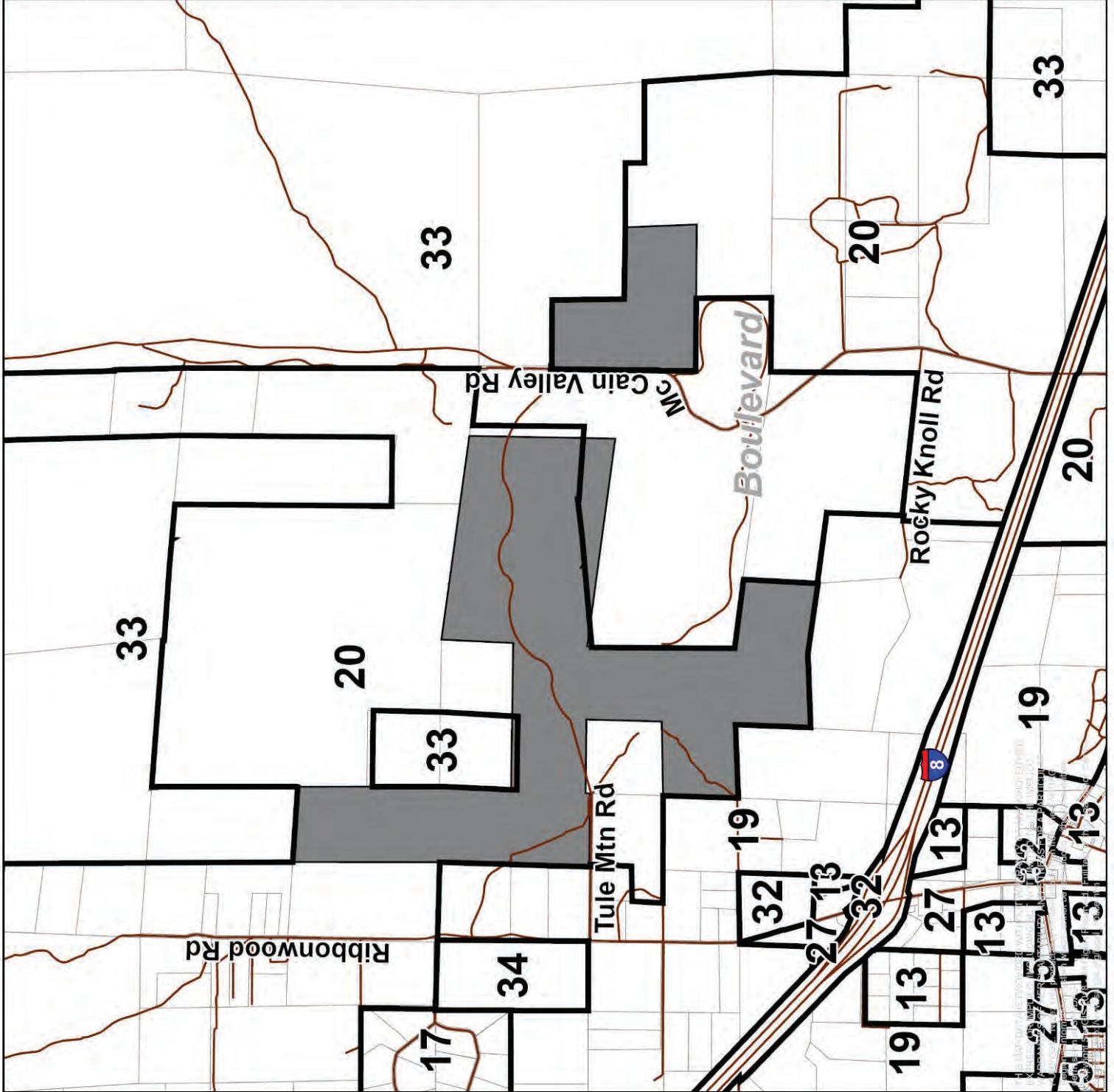
Rugged Solar

General Plan

Boulevard Subregional Planning Area

- (5) Village Residential (VR-7.3)
- (13) Semi-Rural Residential (SR-4)
- (17) Semi-Rural Residential (SR-10)
- (19) Rural Lands (RL-40)
- (20) Rural Lands (RL-80)
- (27) Rural Commercial
- (32) Public/Semi-Public Facilities
- (33) Public Agency Lands
- (34) Tribal Lands

	Roads
	Site
	Parcels
	Planning



Rugged Solar

Zoning

Boulevard

Subregion Planning Area

A72 - General Agricultural

C36 - General Commercial

C40 - Rural Commercial

RMH6 - Mobilehome Residential

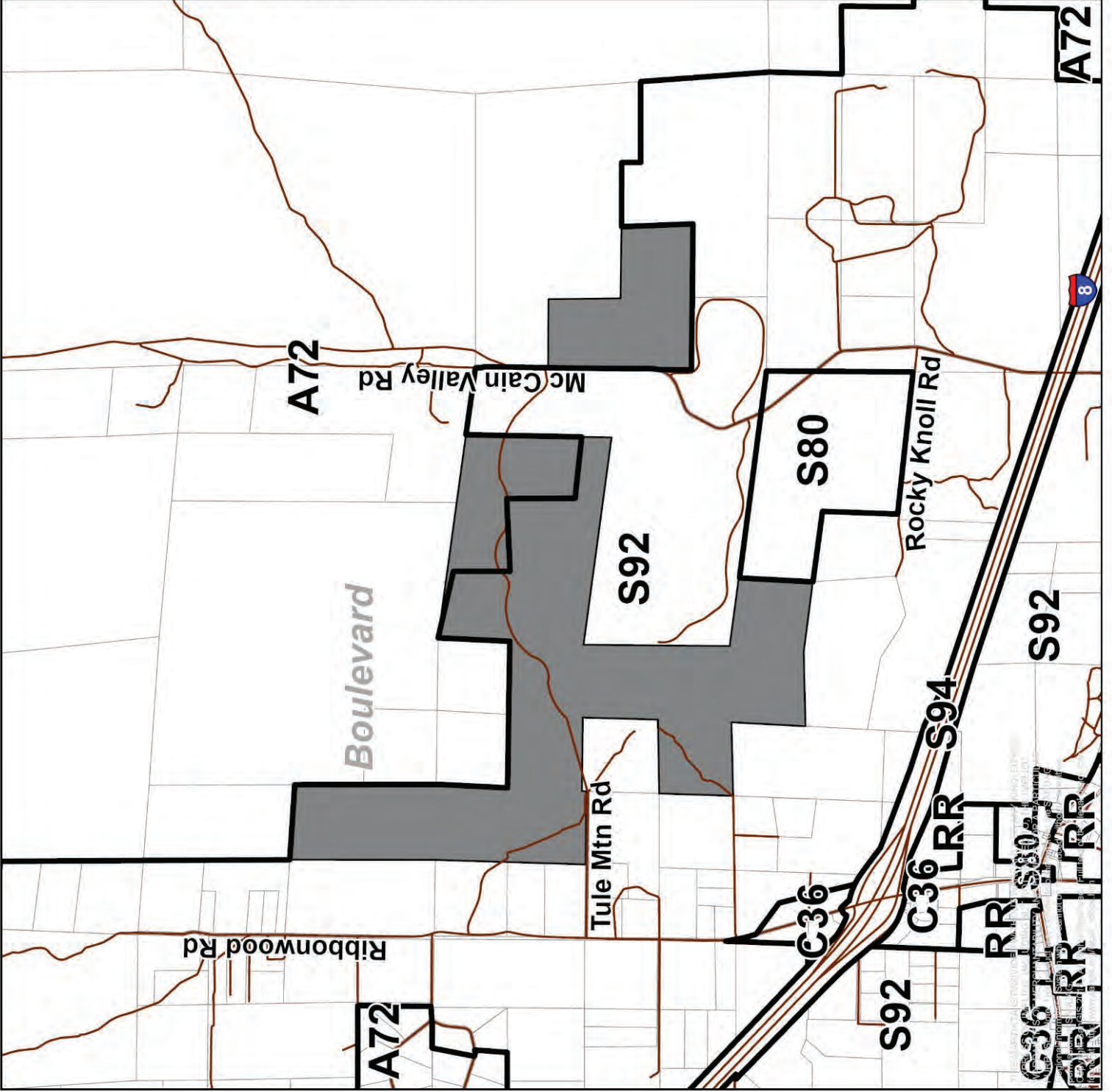
RR - Rural Residential

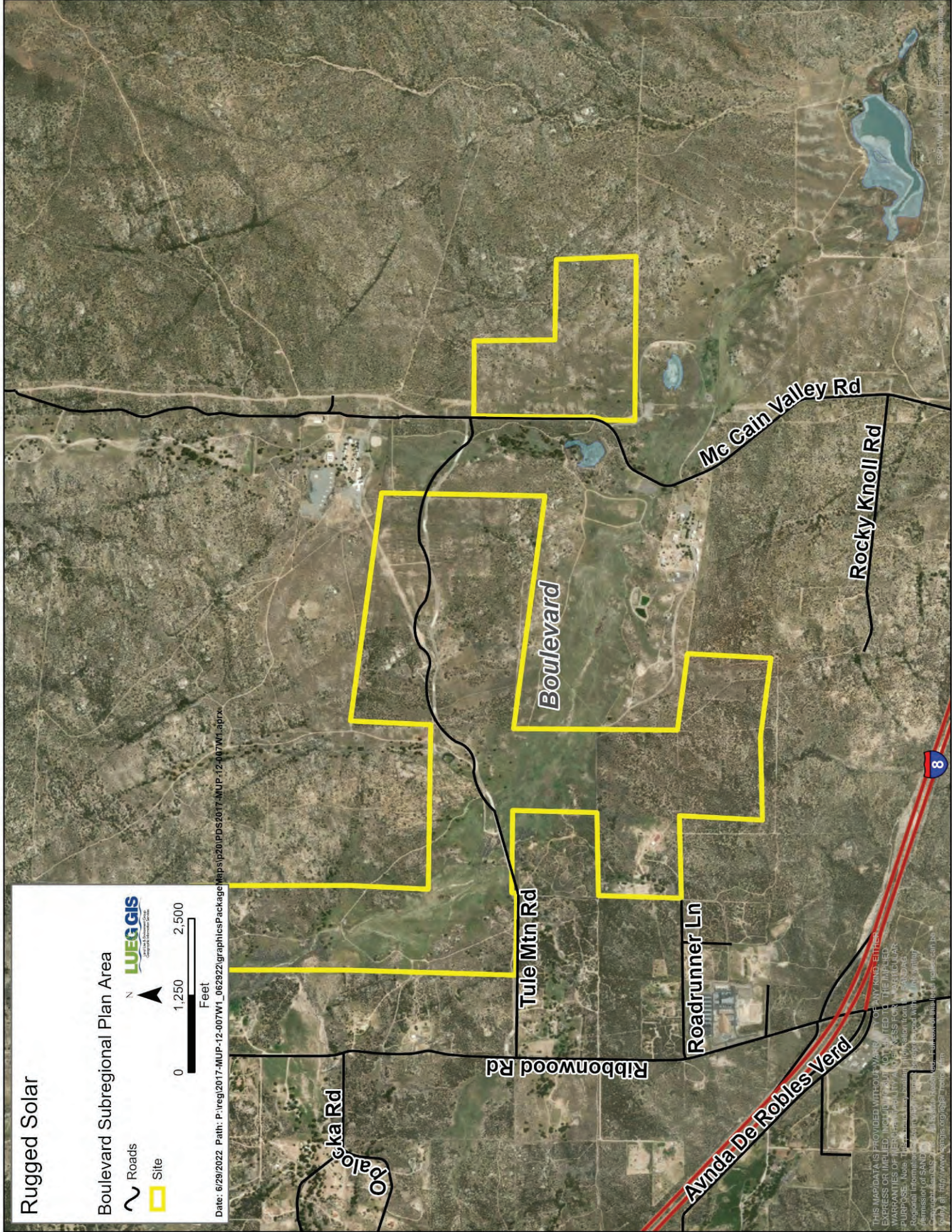
S80 - Open Space

S92 - General Rural

S94 - Transportation/Utility Corridor

Roads
Site
Parcels
Zoning





Rugged Solar

Boulevard Subregional Plan Area

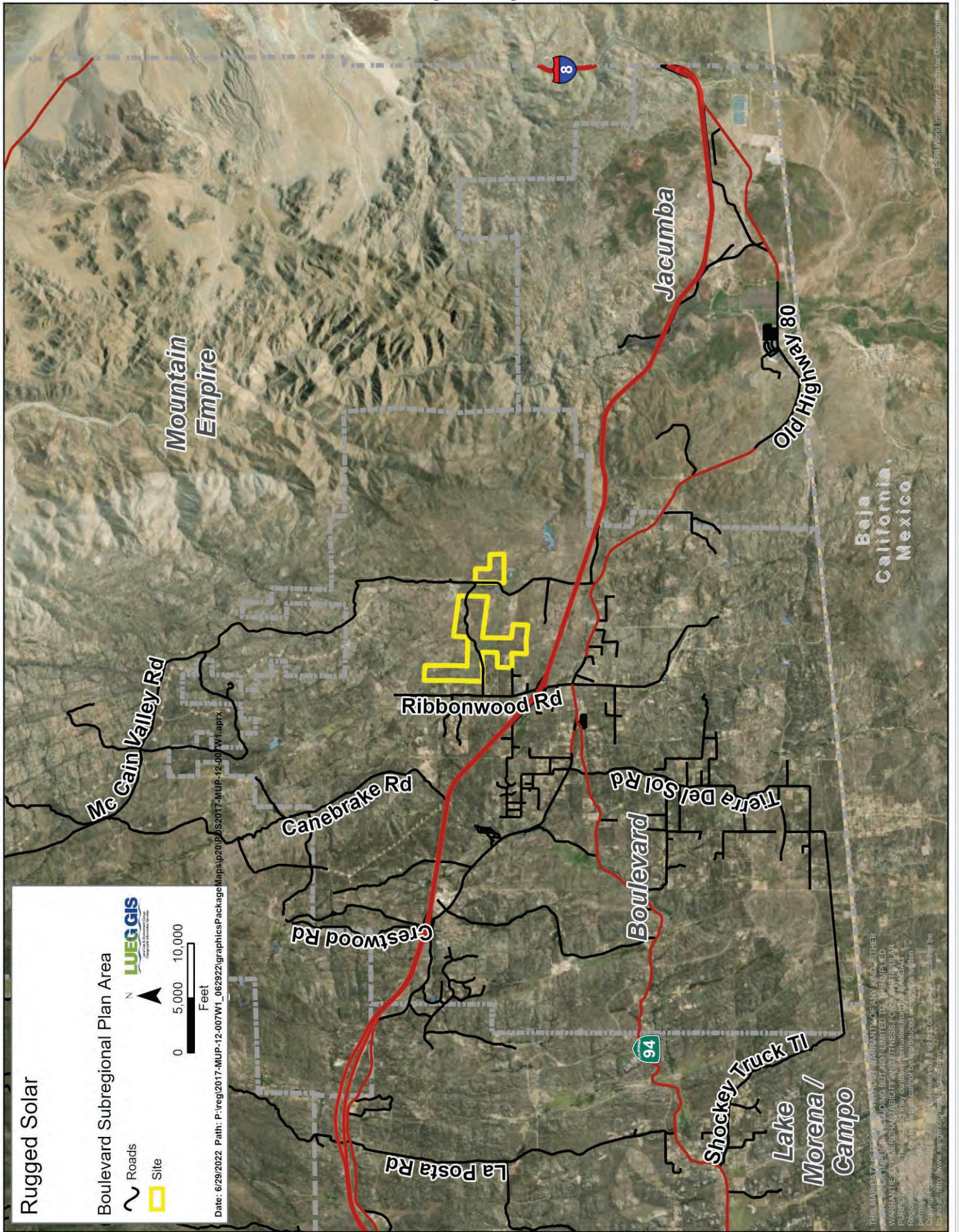
 Roads
 Site

 N
 0 1,250 2,500 Feet





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Rugged Solar

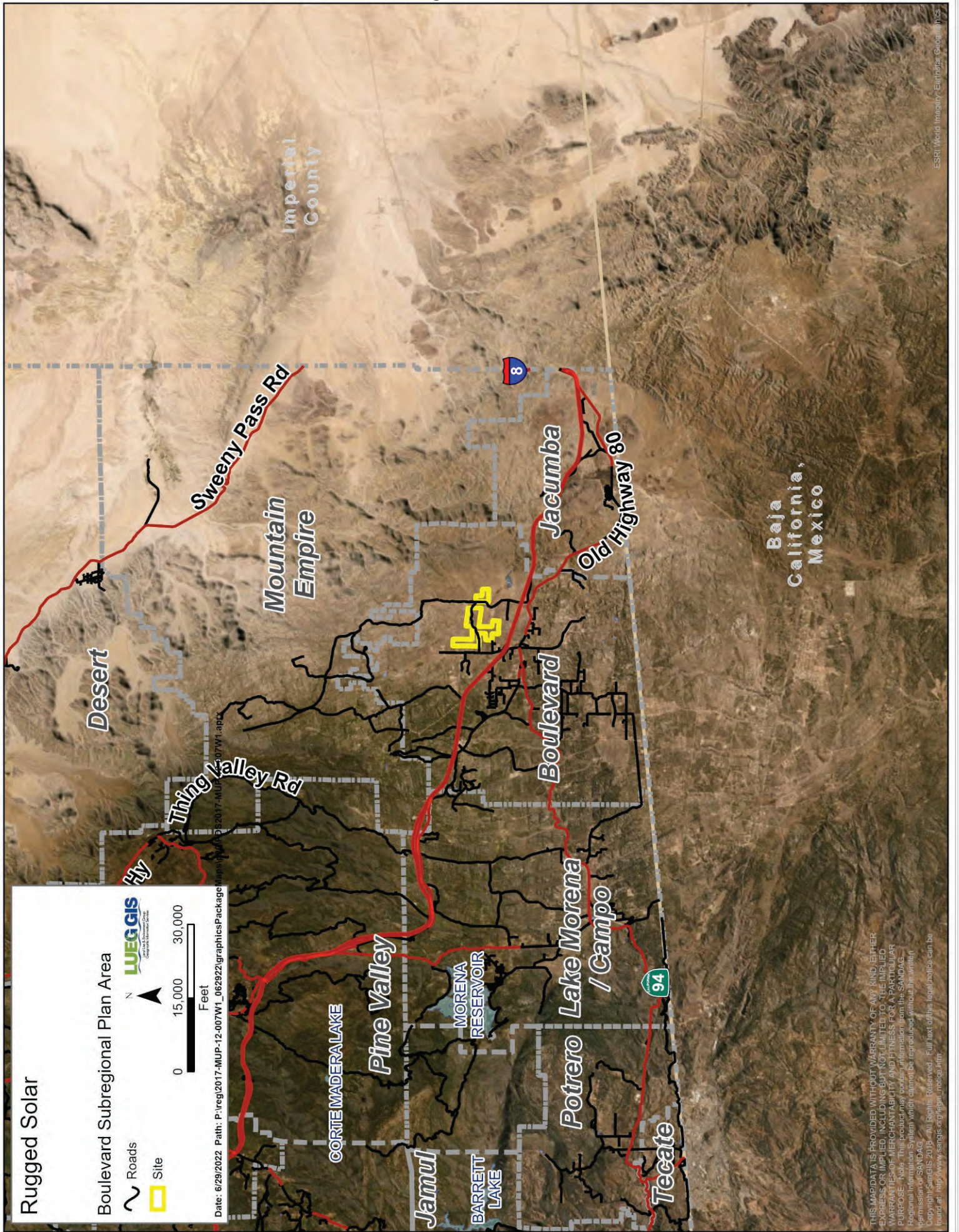
Boulevard Subregional Plan Area

 Roads
 Site



Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062922\graphicsPackage\Maps\p2017-MUP-12-007\W1.aprx

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Rugged Solar

Boulevard Subregional Plan Area

 Roads
 Site

 N
 0 15,000 30,000 Feet



Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007\W1_062922\graphicsPackage\maps\W1_062922\MUP-12-007\W1.apx

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Mountain Empire

Jacumba

Boulevard

OLD HIGHWAY 80

94

8

Rugged Solar

2 Mile Radius

Boulevard Subregional Planning Area



Cell Site



Site



2 Mile Radius



0 2,000 4,000 Feet

Date: 6/29/2022 Path: P:\reg\2017-MUP-12-007W1_062922\graphicsPackageMaps\p20\pDS2017_MUP-12-007W1.aprx

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Attachment D – Environmental Documentation



County of San Diego

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes
(858) 565-5920 Building Services
www.SDCPDS.org

DAHVIA LYNCH
DIRECTOR

April 21, 2022

An Addendum to the Previously Certified Environmental Impact Report for the Soitec Solar Development Program

FOR PURPOSES OF CONSIDERATION OF RUGGED SOLAR PROJECT

**PDS2017-MUP-12-007W1, PDS2017-MUP-12-007TE,
PDS2017-ER-12-21-0005A**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining what additional environmental documentation, if any, must be completed when a previously certified environmental impact report (EIR) covers the project for which a subsequent discretionary action (or actions) is required. The Rugged Solar Project is one of four individual solar energy projects analyzed in the Revised Final Soitec Solar Development Program EIR (Revised PEIR), which was certified by the County of San Diego Board of Supervisors on October 14, 2015. In this case, the County of San Diego (County) must assess whether the Revised PEIR for the Rugged Solar Project (Approved Rugged Project) adequately covers the impacts associated with the owner/applicant-initiated modification to Major Use Permit (MUP) 3300-12-007 (Proposed Project). This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary actions.

1. Background on previously certified EIRs:

Revised Final Soitec Solar Development Program EIR (Revised PEIR)

On October 14, 2015, the County of San Diego Board of Supervisors adopted the Tailored Proposed Project and No LanEast and LanWest Alternative (Alternative 2A) as the “project,” and certified the Revised Final Program Environmental Impact Report (Revised PEIR) (SCH NO. 2012-121-018) for the Soitec Solar Development Project (Soitec Project) (County of San Diego 2015a). The Soitec Project analyzed in the Revised PEIR encompassed approximately 1,490 acres within the Mountain Empire Subregional Plan area in unincorporated San Diego County (see Figure 1-1, Regional Location). The Soitec Project was composed of four individual solar farms. The Tierra del Sol Solar and Rugged Solar Projects were analyzed at a project level, and the LanEast Solar and LanWest Solar Projects were analyzed at a program level (see Figure 1-2, Soitec Solar Development (Approved 2015)). The four individual solar farms proposed to use concentrator photovoltaic (CPV) electric generation system technology on dual-axis trackers to produce solar energy at the utility-scale. Together, these four solar farms comprised the whole of the action as defined by CEQA, and were intended to produce up to 168.5 megawatts. However, the County Board of Supervisors approved Alternative 2A, which eliminated the LanEast and LanWest Solar Projects entirely, reduced the Tierra del Sol Solar Project by 99 trackers, and reduced the Rugged Solar Project by 177 trackers within the western subarea (Assessor’s Parcel Number [APN] 611-060-04-00) near the Tule Creek corridor. Alternative 2A as approved by the County Board of Supervisors—composed of the Tierra del Sol Solar and Rugged Solar Projects—is referred to herein as the Approved Project.

Changes to the Rugged Solar Project (Proposed Project) are the only subject of this Addendum to the Revised PEIR. The Tierra del Sol Solar Project is not being brought forward at this time and is not owned by the Rugged Solar Project applicant.

The Revised PEIR evaluated potentially significant effects of the Soitec Project for the following environmental areas of potential concern: Aesthetics; Agricultural and Forestry Resources; Air Quality; Biological Resources; Cultural Resources; Geology, Soils, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Paleontological Resources; Population and Housing; Public Services; Parks and Recreation; Transportation and Traffic; and Utilities and Service Systems.

Of these environmental subject areas, the Revised PEIR found that the Approved Project, consisting of just the Tierra del Sol Solar and Rugged Solar Projects, would result in less-than-significant impacts to Agricultural and Forestry Resources; Geology, Soils, and Seismicity; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Paleontological Resources; Public Services; Transportation and Traffic; Utilities and Service Systems; Parks and Recreation; Mineral Resources; and Population and Housing. The Revised PEIR further found that the Approved Project would cause significant impacts that could be mitigated to a level below significance to Biological Resources, Cultural and Paleontological Resources, and Noise. Finally, the Revised PEIR found that impacts to Aesthetics and Air Quality would remain significant and

unavoidable. The County Board of Supervisors made CEQA Findings and approved a Statement of Overriding Considerations when it certified the Revised PEIR and approved the Approved Project.

The Revised PEIR for the Approved Project is on file at the offices of the County Department of Planning & Development Services (PDS) and the County website at <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Soitec-Solar-RFPEIR.html>.

The Addendum to the Revised PEIR for the Proposed Project is also on file with PDS as Environmental Review Number PDS2017-ER-12-21-005A.

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

- a. Contact: Regina Ochoa, Project Manager
- b. Phone number: (619) 323-8090
- c. Email: Regina.Ochoa@sdcounty.ca.gov

3. Project applicant's name and address:

Rugged Solar LLC
c/o J. Whalen Associates Inc.
2851 Camino del Rio S., Suite 200
San Diego, California 92108

- a. Jean-Paul La Marche
- b. Phone number: (858) 349-2666
- c. Email: jean-paul.lamarche@cleanfocus.us

4. Summary of the activities authorized by present permit/entitlement application(s):

The Approved Project included refined versions of the Tierra del Sol Solar and Rugged Solar Projects, and the County Board of Supervisors issued MUPs for both projects. This application only concerns the Rugged Solar Project (herein referred to as the "Approved Rugged Project"). Accordingly, this summary only describes the activities allowed for the Approved Rugged Project, as analyzed in the Revised PEIR and certified by the County Board of Supervisors.

The Approved Rugged Project is approved for development of a utility-scale solar farm on 765 acres expected to produce up to 80 megawatts of alternating-current generating capacity from 3,261 CPV dual-axis trackers (reflecting the reduction of 120 trackers through application of PDF-AE-1 and M-AE-PP-1, and reduction of 177 trackers through the Board of Supervisors' selection of Alternative 2A) grouped into four subareas throughout the site. The Approved Rugged Project is approved to consist of the following components: A collection system to link trackers to the on-site substation and consisting of one, 1,000-volt direct-current underground conductor that would lead to two, 34.5-kilovolt underground and overhead alternating-current conductors, and a 2-acre on-site private collector substation site with a fenced pad area of approximately 6,000 square feet

and maximum height of 35 feet, including a 450-square-foot control house. A generation tie (gen-tie) line from the site is approved to connect to a co-located gen-tie line with the Tule Wind Energy Project. The co-located gen-tie line is approved to deliver power from the Approved Rugged Project's substation to the 69-kilovolt bus at San Diego Gas & Electric's Rebuilt Boulevard Substation (see Figure 1-3, Approved Rugged Project).

The Approved Rugged Project was anticipated to be monitored on site from the operations and maintenance (O&M) building, and off site through a supervisory control and data acquisition (SCADA) system. The O&M building was anticipated to be a 60-foot by 125-foot (7,500 square feet) facility that would be used for storage, employee operations, and maintenance of equipment. During construction, a temporary batch plant and rock-crushing facility is approved to be located on the Approved Rugged Project site. The temporary batch plant was approved to produce concrete for construction of the Tierra del Sol and Rugged Projects, and consisted of a 10,000-square-foot mixing plant, areas for sand and gravel stockpiles, an access road, and truck load out and truck turnaround areas.

Individual CPV trackers as approved under the Approved Rugged Project were anticipated to be installed by inserting the mast 20 feet deep and encasing it in concrete from the batch plant, vibrating the mast 20 feet into the ground, or attaching the mast to a concrete foundation. Components for the Approved Rugged Project are listed in Table 1.

Access to the Approved Rugged Project site was originally analyzed from Ribbonwood Road and McCain Valley Road via construction of a new road that was approved to connect the Approved Rugged Project's central subarea to McCain Valley Road off site. This road was subsequently constructed following approval of the Approved Rugged Project and is now a private road named Tule Mountain Road.

Table 1. Approved Rugged Project Components

Project Component	Component Description
System Technology	Dual-axis concentrator photovoltaic
Solar Energy Produced (megawatts)	80
Tracker Panel Height (feet)	Up to 30 feet
Installation Method	Concrete foundations; 20-foot mast depth; on-site concrete batch plant
Exterior Lighting	Project-wide
Project Site Acreage (acres)	765
Development Footprint (acres)	498.2
Grading Cut & Fill Quantities (cubic yards)	28,410
Substation Size (square feet)	6,000
Overhead Collection System	34.5 kilovolts; steel poles 50 to 75 feet in height
Operations and Maintenance Building (square feet)	7,500
Construction Water Use (acre feet)	59
Operational Water Use (acre feet/year)	8.7
Panel Washing Frequency	Every 6 weeks
Operational Day-to-Day Employees	20

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

The proposed Rugged project, as modified through this MUP Modification application, is herein referred to as the "Proposed Project." The Proposed Project would be a solar farm on a total of 764 acres, which represents a reduction in total site acreage by 1 acre as compared to the Approved Rugged Project. Additionally, accounting for the changes made to the Approved Rugged Project, the Proposed Project is expected to reduce the development footprint from 498.2 acres to approximately 391.2 acres, an approximately 21% reduction.

The Proposed Project would produce up to 74 megawatts of solar energy from single-axis photovoltaic (PV) trackers and would not use the CPV dual-axis technology as originally contemplated for the Approved Rugged Project. Due to the Proposed Project's change in technology from CPV dual-axis trackers to PV single-axis trackers, the Proposed Project would require significantly less concrete because the single-axis trackers do not require concrete foundations for installation. Additionally, this change from CPV dual-axis to PV single-axis technology would reduce the height of the solar array and pole-mount structures from approximately 30 feet as originally proposed under the Approved Rugged Project to approximately 7 feet, with a maximum panel height of 12 feet, under the Proposed Project. Piles would be driven to a depth of approximately 7 feet below ground surface as opposed to the 20 feet required of the Approved Rugged Project.

Similar to the Approved Rugged Project, a temporary concrete batch plant is analyzed as part of the Proposed Project that would be located on site during construction within the Proposed Project footprint. However, the batch plant is not necessary for the Proposed Project due to implementation of single-axes PV trackers, which do not require the same deep concrete footings as the technology anticipated by the Approved Rugged Project. If the Tierra del Sol Project is not implemented on the same schedule as the Proposed Project, the batch plant location on the Rugged project site would not be available for a temporary batch plant. A concrete batch plant could be sited on the Tiera del Sol site should such a plant be required; however, because the Tiera del Sol Project anticipated the same technology that the Proposed Project is no longer pursuing, and because the timing of the Tiera del Sol construction is not within the control of the Rugged project proponent, and because the location of such a batch plant (if required) is not known at this time, it is too speculative to analyze its potential re-location. However, the re-location of a batch plant to the Tiera del Sol site would reduce the distance of travel between the batch plant and the final location, and would reasonably be expected to be constructed within the area anticipated for development by the Revised PEIR; therefore, impacts would be expected to be reduced if a batch plant is relocated to the Tiera del Sol site.

The Proposed Project would include a larger on-site collector substation that would increase the size of the substation from 6,000 square feet as analyzed under the Approved Rugged Project to 26,000 square feet (see Figure 1-4, Proposed Rugged Project). Components for the Proposed Project are listed in Table 2.

Upon completion, the Proposed Project would be remotely monitored through a SCADA system and would not have physical on-site monitoring as originally contemplated under the

Approved Rugged Project. Aside from maintenance and repairs, the Proposed Project would not generate any operational traffic. The Proposed Project would have a reduction to the O&M building from a 60-foot by 125-foot (7,500-square-foot building required for operation of the Approved Rugged Project) to a 60-foot by 105-foot (6,300-square-foot) warehouse building that would be used for storage of parts and equipment.

Table 2. Proposed Project Components

Project Component	Component Description
System Technology	Single-axis photovoltaic
Solar Energy Produced (megawatts)	74
Tracker Panel Height (feet)	7 average, up to 12
Installation Method	Pile-driving with isolated pre-drilling; 7-foot depth; on-site concrete batch plant
Exterior Lighting	Storage building and substation only
Project Site Acreage (acres)	764
Development Footprint (acres)	391.2
Grading Cut & Fill Quantities (cubic yards)	75,000
Substation Size (square feet)	26,000
Overhead Collection System	34.5 kilovolts; steel poles 50 feet in height
Operations and Maintenance Building (square feet)	6,300
Construction Water Use (acre feet)	36.5
Operational Water Use (acre feet/year)	1.41
Panel Washing Frequency	Once per year
Operational Day-to-Day Employees	0

The Tierra del Sol Solar and Rugged Solar Projects were both approved by the California Air Resources Board and certified as “environmental leadership” projects under Assembly Bill (AB) 900, the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, by California Governor Edmund Gerald Brown Jr. AB 900, which took effect January 1, 2012, established specified, expedited procedures for the judicial review of EIRs and approvals granted for a leadership project related to the development of a range of projects, including clean renewable energy or clean energy manufacturing projects. Among other things, AB 900 projects are required to create high-wage, highly skilled jobs and not result in any net additional emissions of greenhouse gases (GHGs), including GHG emissions from operations. Accordingly, both the Tierra del Sol Solar and Rugged Solar Projects included the following attributes/economic benefits, some of which were included in the Project Objectives in the Revised PEIR (County of San Diego 2015a):

- A minimum capital investment of \$100,000,000 in California upon completion of construction.

- Creation of high-wage, highly skilled jobs that pay prevailing wages¹ and living wages² and provide construction jobs and permanent jobs for Californians.
- Commitment to obtain voluntary carbon offsets or GHG credits from a qualified GHG emissions broker to offset total projected construction and operational GHG emissions.
- Agreement to comply with the California Rules of Court established for litigation challenging an EIR for an Environmental Leadership Project, including payment of judicial costs for hearing and deciding the case on an expedited basis.
- Agreement to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project, in a form and manner specified by the lead agency.

The Final Soitec Solar Development Project PEIR (Final PEIR) was originally certified by the Board of Supervisors on February 4, 2015 (County of San Diego 2015b), and a legal challenge was filed by Backcountry Against Dumps and Donna Tisdale against the County and Soitec. Litigation challenging the Final PEIR was entitled to litigation streamlining under AB 900. On July 8, 2015, San Diego Superior Court Judge Joel R. Wohlfeil issued his Minute Order and Ruling (Decision) on the Court's June 25, 2015 hearing. The Decision found that the Final PEIR violated CEQA because an optional energy storage system on approximately 7 acres of the Rugged Solar Project was added to the Final PEIR in an Additional Information Statement after the Draft PEIR had been circulated for public review. The Decision found no legal fault with any other aspect of the Final PEIR. On July 29, 2015, Judge Wohlfeil issued a Peremptory Writ of Mandate (Peremptory Writ) to the Board of Supervisors requiring that the County rescind and vacate its certification of the Final PEIR, associated Findings and Statement of Overriding Considerations, and land use approvals for the Tierra del Sol Solar and Rugged Solar Projects by November 2, 2015. Therefore, the Board of Supervisors rescinded and vacated its certification of the Final PEIR, associated Findings and Statement of Overriding Considerations, and land use approvals in accordance with the Peremptory Writ on October 14, 2015. On the same day, the Board of Supervisors adopted the Revised PEIR and granted the land use approvals for the Approved Rugged Project without the optional energy storage system.

In *Golden Door Properties, LLC v. County of San Diego*, the appellate court found that a mitigation measure that allowed project applicants to offset significant GHG emission impacts by purchasing carbon offsets did not comply with CEQA. (See *id.* (2020) 50 Cal. App. 5th 467.) It is important to clarify that the specific economic benefit to offset the Approved Rugged Project's construction and operational GHG emissions was not required to mitigate the Approved Rugged Project's GHG emissions because the Approved Rugged Project did not have a significant GHG impact. Instead, the Approved Rugged Project included this benefit

¹ A prevailing wage is defined as the hourly wage, usual benefits and overtime, paid to the majority of workers, laborers, and mechanics within a particular area. The Proposed Project would incorporate the latest Department of Industrial Relations wage determinations at the time that contracts go out for bid for construction of the Proposed Project.

² A living wage is defined as the minimum income necessary for a worker to meet basic needs for an extended period of time or for a lifetime. The County of San Diego has not adopted a living wage. However, should the County adopt a living wage going forward, the Proposed Project applicants commit to complying with any wage requirements contained therein.

as a condition of certification under AB 900. The Approved Rugged Project's AB 900 economic benefits were included in the MUP issued by the County Board of Supervisors.

It is unclear whether EIR Addendums are eligible for the judicial streamlining benefits of AB 900. Nevertheless, the Proposed Project is not seeking to amend those conditions in the Rugged MUP modification, and will maintain all of the AB 900 attributes/economic benefits outlined above. Like the Approved Rugged Project, the Proposed Project would not result in a significant GHG emissions impact, as described further in the Environmental Checklist, below. The Approved Rugged Project's commitment to offset its construction and operational GHG emissions will be incorporated into the Proposed Project's Conditions of Approval.

The Proposed Project would differ from the Approved Rugged Project in several ways that would reduce the environmental impacts associated with the Approved Rugged Project. The Proposed Project would use single-axis PV tracker technology with a maximum tracker panel height of 12 feet and an average height of 7 feet, whereas the Approved Rugged Project would have used dual-axis CPV tracker technology with a maximum tracker panel height of 30 feet. The change in height and scale of the solar technology would reduce the Proposed Project's aesthetic impacts, as described further in the Environmental Checklist, below. The Proposed Project would impact 391.2 acres, whereas the Approved Rugged Project would have impacted 498.2 acres. In terms of biological resources, the Proposed Project would impact 71.5 fewer acres of sensitive vegetation communities and rare plants, including fewer impacts to individual rare plants, and 2.91 fewer acres of wetlands and jurisdictional waters. Accordingly, the reduced height of the PV tracker panels, the switch to single-axis PV tracker technology, the elimination of project-wide exterior lighting, and the reduced footprint of the Proposed Project would reduce impacts to various environmental resource areas, as discussed in further detail in the Environmental Checklist, below.

The Proposed Project would require approximately 36.5 acre-feet (AF) of water to construct, whereas the Approved Rugged Project would have required approximately 59 acre-feet of water to construct. Additionally, due to the change to single-axis PV technology from dual-axis CPV technology, the Proposed Project would require panel washing only once a year whereas the Approved Rugged Project required panel washing every 6 weeks (i.e., approximately 8 to 9 times per year) because CPV panels are more sensitive to dust. The Proposed Project would be monitored remotely and, accordingly, would not require any on-site personnel or associated bathroom facilities, whereas the Approved Rugged Project required up to 20 on-site personnel, including associated bathroom facilities, for operational purposes. As a result, the Proposed Project would only require approximately 1.4 acre-feet of annual water use for operational purposes, whereas the Approved Rugged Project required approximately 8.7 acre-feet of annual water use. A comparison of the components for the Approved Rugged Project and the Proposed Project is provided in Table 3.

The reduction in both construction and operational water usage associated with the Proposed Project would reduce impacts to groundwater resources and utilities and service systems, which would remain less than significant, as described further in the Environmental Checklist, below.

Table 3. Comparison Summary of Proposed Project and Approved Rugged Project

Project Component	Approved Rugged Project	Proposed Project	Difference
System Technology	Dual-Axis CPV	Single-Axis PV	—
Solar Energy Produced (megawatts)	80	74	(6)
Tracker Panel Height (feet)	Up to 30	7 (average), up to 12	(18) to (23)
Installation Method	Concrete foundations; 20-foot mast depth; on-site concrete batch plant	Pile-driving with isolated pre-drilling 7-foot depth; on-site concrete batch plant	(13 feet pile depth)
Exterior Lighting	Project-Wide	Storage building and substation only	—
Project Site Acreage (acres)	765	764	(1)
Development Footprint (acres)	498.2	391.2	(107)
Grading Cut and Fill Quantities (cubic yards)	28,410	75,000	46,590
Substation Size (square feet)	6,000	26,000	20,000
Overhead Collection System	34.5 kV; steel poles 50 to 75 feet in height	34.5 kV; steel poles 50 feet in height	(0–25) feet in height
Operations and Maintenance Building (square feet)	7,500	6,300	(1,200)
Construction Water Use (acre feet)	59	36.5	(12.5)
Operational Water Use (acre/year)	8.7	1.41	(7.29)
Panel Washing Frequency	Every 6 weeks (nine washings per year)	Once per year	(8)
Operational day-to-day Employees	20	0	(20)

Notes: CPV = concentrator photovoltaic; PV = photovoltaic; kV = kilovolt

Off-site impacts for the Approved Rugged Project associated with access roads and off-site fuel modification zone areas are not included in the impact comparison because these would not be required by the Approved Rugged Project or Proposed Project. Furthermore, road improvement areas within and adjacent to the on-site portions of Tule Mountain Road were associated with the Tule Wind Energy Project and analyzed under CEQA document SCH# 2009121079.

The Approved Rugged Project included various Project Design Features (PDFs) to ensure that the project avoided effects related to Aesthetics/Visual Resources; Air Quality; Geology, Soils, and Seismicity; Hazards and Hazardous Materials; Noise; Public Safety; and Transportation and Traffic (see Table 4). The Proposed Project would implement all of the same PDFs listed in Table 4, except where noted in the table with underline/strike-through text. In addition to the PDFs listed in Table 4, all mitigation measures to be carried forward from the Approved Rugged Project to the Proposed Project are provided in full in Appendix A, Project Design Features and Mitigation Measures.

Table 4. Summary of Project Design Features

Subject Area	Design Feature or Construction Measure
Aesthetics	<p>PDF-AE-1 In the southernmost parcel of the Rugged site, pull back project grading and remove trackers from the natural saddle that occurs on the southern parcel and would likely be visible to westbound Interstate 8 motorists. In-place existing natural vegetation shall be protected to act as a low screen and provide topographic and vegetative continuity across the <u>natural saddle area that occurs on the southern parcel</u> while complying with the Fire Protection Plan. Additional shrub plantings (fire resistant and a maximum height 6 feet) shall also be included in the area to reinforce vegetation line across the saddle.</p>
	<p>PDF-AE-2 Staging material and equipment storage areas, including storage sites for excavated materials, visible from nearby roads, residences and recreational areas shall be visually screened using temporary screening fencing. Fencing shall be of an appropriate design and color for the Proposed Project location.</p>
	<p>PDF-AE-3 The O&M building shall be painted/finished with muted-earth toned colors. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible. New overhead conductors shall be non-specular in design to reduce conductor visibility, glare, and visual contrast.</p>
	<p>PDF-AE-4 Weathered or cor-ten steel shall be used for gen-tie monopoles to reduce the potential for color contrast between structures and existing vegetation and terrain.</p>
	<p>PDF-AE-5 Outdoor lighting at each solar farm site shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements. More specifically, Zone A standards shall be applicable for all Class I (i.e., lighting for assembly areas where color rendition is important) and Class II (i.e., lighting for general illumination and security) lighting at the solar farm site and all outdoor lighting fixtures shall be fully shielded and directed downward. Further, fully shielded motion sensor lighting shall be installed at the on-site private substation yard, next to the entrance door to the substation control house, and mounted atop entrance gates and shall be turned off when no one is on site. When possible, tracker washing shall occur during evening and morning hours to reduce occurrences of dark sky illumination. Regarding operation of security measures, motion sensor infrared cameras shall be installed at the project site to avoid illumination of the site and surrounding area during nighttime hours.</p> <p>PDF-AE-6 A Glare Study utilizing project level information shall be prepared for the LanEast and LanWest solar farms and approved by the County Department of Planning and Development Services (PDS). The glare study shall consider potential effects to sensitive receptors in the area including residents, recreationists, and motorists on Interstate 8, Old Highway 80, and McCain Valley Road. If potential visual resource impacts associated with project generated glare are identified, then measures such as landscape screening and/or increased setbacks shall be required to reduce impacts.</p>
Air Quality	<p>PDF-AQ-1 The following measures will be applied to the Proposed Project to minimize fugitive dust (PM₁₀) and to comply with County Code Section 87.428 (Grading Ordinance), the following will be implemented:</p>

Table 4. Summary of Project Design Features

Subject Area	Design Feature or Construction Measure
	<ul style="list-style-type: none"> • The applicants will apply water three times per day or as necessary depending on weather conditions to suppress fugitive dust during grubbing, clearing, grading, trenching, and soil compaction and/or apply a nontoxic soil binding agent to help with soil stabilization during construction. These measures will be applied to all active construction areas, unpaved access roads, parking areas, and staging areas as necessary. • Sweepers and water trucks will be used to control dust and debris at public street access points. • Internal fire access roadways will be stabilized by paving, application of an aggregate base material (such as disintegrated granite), or chip sealing after rough grading. • Exposed stockpiles (e.g., dirt, sand) will be covered and/or watered or stabilized with nontoxic soil binders, tarps, fencing or other suppression methods as needed to control emissions. • Traffic speeds on unpaved roads will be limited to 15 miles per hour (mph). • All haul and dump trucks entering or leaving the site with soil or fill material will maintain at least 2 feet of freeboard, or cover loads of all haul and dump trucks securely. <p>Disturbed areas will be covered with a nontoxic soil binding agent (Such as EP&A's Envirotac II and Rhinosnot Dust Control, Erosion Control and Soil Stabilization).</p> <p>PDF-AQ-2 Project-related construction activities using 75-horsepower or greater diesel-powered equipment is powered with California Air Resources Board (CARB) certified Tier 4 Interim engines. Project grading and building plans shall include a note stating, "75-horsepower or greater diesel-powered equipment is required to be powered with CARB-certified Tier 4 Interim Engines."</p>
<p>Geology and Soils</p>	<p>PDF-GE-1 Prior to the approval of any building plan and the issuance of any building permit, a geotechnical study must be prepared by a Registered Civil or Geotechnical Engineer, and submitted for approval by the PDS, Building Division. The report must specify foundation designs, which are adequate to preclude substantial damage to the proposed structures due to liquefaction. The applicant must prepare the report and submit it along with the submittal for the building plans. The PDS, Building Division shall review the geotechnical study for compliance with all applicable building codes and engineering standards, and shall ensure that liquefaction evaluation is adequate and that any recommendations to minimize effects of liquefaction, if any, are incorporated into the project design.</p>

Table 4. Summary of Project Design Features

Subject Area	Design Feature or Construction Measure
Hazards and Hazardous Materials	<p>PDF-HZ-2 Pursuant to the San Diego County Consolidated Fire Code Section 4903 and OSHA Regulation 1926.24, Fire Protection and Prevention, the Proposed Project applicants shall prepare a Construction Fire Prevention Plan (CFPP), and have the CFPP reviewed and approved by SDCFA and CalFire a minimum of 45 days prior to issuance of the first construction permit, such as a grading permit. The CFPP will identify potential sources of ignition and fuel during construction and decommissioning, and will detail the specific fire-prevention measures that will be employed during construction and decommissioning. Appendix 3.1.4-7 provides a conceptual outline for preparation of the CFPP.</p>
	<p>PDF-HZ-3 Prior to approval of a Major Use Permit, a site-specific fire protection plan shall be prepared and approved by the SDCFA. The plan shall be prepared in accordance with San Diego County Consolidated Fire Code Section 4903 and the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Wildland Fire and Fire Protection, and shall address Code requirements for access, fencing/gates/signs, defensible space, adequate water supply and emergency response.</p>
Noise	<p>PDF-N-1 To ensure noise from tracker washing activities will comply with the County Noise Ordinance, the following operational procedures and equipment will be implemented as part of the project design:</p> <p>Wash Station Gasoline Engine Enclosure: The proposed IPC Eagle Wash Station has a reference noise level of 99 dBA, at 9 feet from the engine. The wash station incorporates a new generation Honda GX-160 gasoline powered engine. In the factory configuration, this engine is mounted to an open frame on the wash station. A number of manufacturers produce acoustic panels suitable for exterior use, fabricated with steel casing and foam insulation, which have a sound transmission class (STC) rating up to 40. Acoustic-rated louvers are also available to permit air circulation while dampening sound propagation; such louvers can achieve an STC rating up to approximately 25. A cubic enclosure constructed with solid panels on 5 sides, and an acoustic louver on the remaining face, would achieve a composite STC of 32. Such an enclosure would reduce the operational sound level of the wash station to 67 dBA at 9 feet. As a design feature, the applicant is proposing to employ a sound enclosure for the wash station engine to achieve a sound level of not greater than 67 dBA at 9 feet; as long as this maximum noise level is respected, other equipment may be substituted.</p> <p>North/South Panel Washing Operations: Because of the orientation of the trackers (long axis north-south), tracker washing would take place in a north-south direction, using the service roads oriented in this direction. Along the northern and southern property lines, washing of the closest tracker to the property line would require 10 minutes, after which the adjacent tracker (at the end of the next row over) would be washed for another 10 minutes, and then equipment would be moved down the row, away from the property line. The maximum amount of time within a critical 130 foot distance from the property line would therefore be 20 minutes in an hour.</p>

Table 4. Summary of Project Design Features

Subject Area	Design Feature or Construction Measure
	<p>Wash Station Operations Setback Distance: Using simple distance attenuation formulas, it was determined that continuous operation of the wash station within 130 feet of a property line with adjacent residential use would exceed the applicable portion of the San Diego County Noise ordinance (Section 36.404 Sound Level Limits). For eastern and western property lines, the distance from tracker washing activity would remain constant, as the equipment moves parallel to the property line; therefore a design feature is to place the IPC Eagle Wash Station a minimum of 130 feet from the eastern and western property lines. This would equate to following the center-line of the service road on the interior side of the solar tracker row closest to the east and west property lines. The noise produced by the water spray nozzle itself was not calculated because the noise level is anticipated to be at least 10 dBA less than the enclosed engine, which would not affect the composite noise level from the wash station.</p> <p>PDF-N-2 As part of the project design and to ensure noise from pile driving activities will comply with the County Noise Ordinance, the project's construction schedule shall be phased so that geologic testing and any pre-drilling for tracker mast installation will be completed before any pile driving to install tracker masts occurs. This will be added as a condition to the MUP.</p>
Public Services	<p>PDF-PS-1 As a condition to providing service and pursuant to the Safety Element of the General Plan, the applicant(s) shall enter into a fire and emergency protection services agreement with the San Diego County Fire Authority <u>Protection District</u> prior to approval of a Major Use Permit <u>Modification</u> to make a fair share contribution to fund the provision of appropriate fire and emergency medical services, which includes but is not limited to:</p> <ul style="list-style-type: none"> • An initial Paramedic <u>and firefighting staffing and/or startup</u> equipment, total cost of \$360,000<u>250,000</u>; and • Annual funding for one Paramedic and firefighting staffing and/or equipment staff firefighter, total annual cost of \$73,000<u>24,667</u>, with an annual 52%<u>52%</u> escalator.
Transportation	<p>PDF-TR-1 Prepare Traffic Control Plan. Pursuant to the County of San Diego Code of Regulatory Ordinances, Sections 71.602, 71.603 and 71.605, the project applicant or construction contractor shall obtain a traffic control permit and prepare a traffic control plan for each project to ensure safe and efficient traffic flow in the area and on the project sites during construction activities. The traffic control plan shall specifically address construction traffic within the County's public rights-of-way satisfactory to the Department of Public Works at least forty-five days prior to construction. The traffic control plan shall contain project-specific measures to be implemented during construction for noticing, signage, policy guidelines, and the limitation of lane closures to off-peak hours (although it is noted that no requirement for roadway or lane closures has been identified). The traffic control plan shall include provisions for construction times, and control plans for allowance of bicyclists, pedestrians, and bus access throughout construction. The traffic control plan shall also include provisions to ensure emergency vehicle passage at all times.</p>

Table 4. Summary of Project Design Features

Subject Area	Design Feature or Construction Measure
	<p>The traffic control plan shall include a construction notification plan, which shall identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum the two of the following components:</p> <ul style="list-style-type: none"> • Public notice mailer. A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties, and would provide alternative access, if required. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed. • Public liaison person and toll-free information hotline. The project applicant or construction contractor would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan. <p>To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required.</p>

A comparison of construction schedules between the Approved Rugged Project and Proposed Project are provided in Tables 5A and 5B. Construction schedules and equipment would vary between the two projects due to changes in project proponents and updated construction methods and technologies.³ Overall, both the Approved Rugged Project and Proposed Project would have

³ For a summary of equipment in the Approved Rugged Project, refer to the Revised PEIR Appendix 2.2-1. For a summary of equipment for the proposed project, please refer to Appendix C1, Air Quality Assessment.

similar construction schedules, with a duration of approximately 1 year. Construction schedules and equipment vary between the Approved Rugged Project and Proposed Project due to changes in project proponents, construction methods, and technology.

As explained in the Environmental Checklist, below, none of the proposed changes associated with the Proposed Project would require major revisions to the Revised PEIR due to new significant effects or the substantial increase in the severity of previously identified significant effects. There are no substantial changes with respect to the circumstances under which the Proposed Project would be undertaken that would require major revisions to the Revised PEIR due to new significant effects or the substantial increase in the severity of previously identified significant effects. Likewise, there is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Revised PEIR was certified that shows that the Proposed Project would result in new significant effects or substantially more severe effects than those analyzed in the Revised PEIR.

Table 5A. Approved Rugged Project Construction Schedule

Project Activity/Equipment	Start	End	Duration (days)
Mobilization	7/1/2014	7/8/2014	7
Clear and Grub	7/10/2014	9/18/2014	60
Grading/Road Construction	9/20/2014	9/29/14	9
Underground Electric	10/2/2014	1/26/2015	100
Substation Construction	7/17/2014	8/26/2014	35
O&M Building	11/28/2014	2/5/2015	60
Tracker Installation	8/27/2014	4/16/2015	200
Punch List and Cleanup	4/22/2015	6/30/2015	60

Source: Revised Final Program Environmental Impact Report (SCH NO. 2012-121-018) for the Soitec Solar Development Project – Appendix 2.2-2 (Approved Rugged Project);

Note: O&M = Operations and Maintenance

Table 5B. Proposed Project Construction Schedule

Project Activity/Equipment	Start	End	Duration (days)
Mobilization			
Clear and Grub	1/16/2022	1/31/2022	15
Grading/Road Construction	2/01/2022	3/31/2022	30
Solar Array Installation	4/01/2022 (Including O&M)	9/30/2022 (Including O&M)	182
Offsite Gen-Tie Connection	10/01/2022	12/31/2022	91
Site Entrance Paving & Internal Access Finish Work	10/01/2022	12/30/2022	90
Painting O&M Building	10/01/2022	10/14/2022	13

Appendix C1 Air Quality Assessment (Proposed Project);

Note: O&M = Operations and Maintenance

6. Subject areas determined to have new or substantially more severe significant environmental effects compared to those identified in the previous Negative Declaration (ND) or EIR. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> NONE | | |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or MND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

<i>Regina Ochoa</i>	4/21/22
Signature	Date
Regina Ochoa	Planning Manager
Printed Name	Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified Environmental Impact Report (EIR) for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an EIR has been certified or a ND has been adopted for a project, no Subsequent or Supplemental EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that may cause one or more effects to environmental resources. The responses support the “Determination,” above, as to the type of environmental documentation required, if any.

Environmental Review Checklist Update

- I. **AESTHETICS:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES NO

The Revised PEIR determined that the Approved Rugged Project would result in significant and unavoidable aesthetic impacts. The Revised PEIR determined that the Approved Rugged Project would conflict with the existing visual character or quality of the surrounding area (**AE-R-1**) and would create daytime glare that would impact local residences (**AE-R-2**) and motorists (**AE-R-3**). Despite the implementation of **M-AE-PP-1** and **PDF-AE-1** through **PDF-AE-5**, the Revised PEIR determined that impacts **AE-R-1**, **AE-R-2**, and **AE-R-3** would remain significant and unavoidable (County of San Diego 2015a). It was also determined that impacts to scenic vistas would be less than significant.

A Visual Resources Analysis (Appendix B1) and Glare Study (Appendix B2) were prepared to analyze the potential aesthetics impacts of the Proposed Project as compared to the Approved Rugged Project. The Proposed Project and the Approved Rugged Project would both have significant and unavoidable impacts on visual impacts related to conflicts with existing visual character or quality, but the Proposed Project would have less of an impact compared to the Approved Rugged Project due to the reduced bulk and scale of the single-axis PV trackers as compared to the CPV trackers, and the smaller developed area footprint. The average height of the Proposed Project trackers would be 7 feet, and would not exceed 12 feet in height. In comparison, the Approved Rugged Project CPV tracker panel height is approved to be a maximum of 30 feet tall. The development area footprint of the Proposed Project would occupy 391.2 acres, which is less than the 498.2-acre footprint that is approved under the Approved Rugged Project (representing a reduction of approximately 21%). The Proposed Project would introduce panels within an area of the site wherein panels were excluded in the Approved Rugged Project (see changes to PDF-AE-1), and this change would be most evident as viewed from an approximately 1-mile-long segment of westbound Interstate 8 starting at the McCain Valley Road overpass. Although the Proposed Project trackers would be partially visible in a topographical saddle to the northwest (as viewed from westbound Interstate 8), both the distance between motorists and the panels (ranging from 1.2 miles to 0.5 miles, depending on the specific location on westbound Interstate 8) and the relatively low vertical profile of trackers would allow for the trackers to blend in with the surrounding landscape. In addition, and assuming a prevailing travel speed of 60 miles per hour, tracker edges detectable in the topographical saddle would be present in views from westbound Interstate 8 for approximately 60 seconds. Therefore, the addition of these trackers in the area where

CPV trackers were previously excluded would result in a less-than-significant impact on available views from the nearby segment of westbound Interstate 8. In addition, due to the reduced vertical scale of Proposed Project trackers and the reduced development area footprint of the Proposed Project, the Proposed Project would result in reduced visual impacts as experienced from other public roads that are part of the Proposed Project viewshed, including Ribbonwood Road and McCain Valley Road.

The Proposed Project would reduce impacts related to lighting and glare compared to the Approved Rugged Project, and would result in less-than-significant impacts. With respect to glare, the Proposed Project would eliminate glare received by adjacent residences and would eliminate glare received by passing motorists on McCain Valley Road and Ribbonwood Road. Whereas the panels in the Approved Rugged Project consisted of large (up to 30 feet high) CPVs made out of clear glass Fresnel lenses, a tracker technology that is designed to concentrate incoming light on a PV cell, the PV panels of the Proposed Project are relatively low profile (maximum 12 feet tall) and are designed to efficiently absorb all incoming light (and not reflect). The Approved Rugged Project is approved to allow project-wide exterior lighting, whereas the Proposed Project would include only exterior lighting for the storage building and substation. Accordingly, the Proposed Project would no longer cause impacts **AE-R-2** or **AE-R-3** found by the Revised PEIR to be significant and unavoidable impacts of the Approved Rugged Project. The Proposed Project would cause temporary glare (September through March) in the “yellow” category (potential to cause temporary after-image) for motorists traveling east and west on Tule Mountain Road. However, Tule Mountain Road is a private, gated roadway (locked gates are installed near the west and east terminus of the roadway) and would not be open for public use. This road was established for construction of the Tule Wind Project (specifically, for delivery of large wind turbine blades), and as such, existing use is assumed to be extremely limited. Moreover, future potential use of the road would be limited to construction and operations personnel associated with the Rugged Project. Accordingly, this private road is not evaluated for significance under CEQA. In the future, if Tule Mountain Road were to be dedicated for public use, local residents would not be anticipated to use the roadway for daily or semi-regular travel. Neither Ribbonwood Road nor McCain Valley Road (north/south roadways that connect to Tule Mountain Road) are Circulation Element roadways that experience a high level of daily traffic, and there are a limited number of residences off McCain Valley Road (approximately 4) that would benefit from an east/west roadway with direct access to Ribbonwood Road, which offers direct access to Interstate 8 (potentially resulting in slightly reduced travel time).

Consistency with goals, standards, or policies related to visual resources as given in the County General Plan, Mountain Empire Subregional Plan, or Boulevard Community Plan would be less than significant under both the Approved Rugged Project and Proposed Project.

The Proposed Project’s overall visual impact on motorists would be reduced due to the Proposed Project’s reduced visibility from roadways. The Proposed Project would continue to implement Mitigation Measure **M-AE-PP-1**, which requires installation of landscape screens for visually impacted roadways and motorists who travel those roadways. The mitigation measure has been modified under the Proposed Project to specify that landscape screening is only required along McCain Valley Road, whereas the mitigation measure under the

Approved Rugged Project required screening along Tierra Del Sol Road that is no longer needed because the Tierra del Sol Project is not proceeding at this time (and is not owned by the Proposed Project applicant). A summary of each mitigation measure and PDF pertaining to aesthetics as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 6, and complete mitigation and PDF details are provided in Appendix A.

Table 6. Revised PEIR Mitigation Measures and Project Design Features – Aesthetics

Mitigation Measure/ PDF No.	Mitigation Measure/PDF Summary
M-AE-PP-1	Installation of landscape screens of McCain Valley Road for motorists.
PDF-AE-1	Existing natural vegetation shall be protected to act as a low screen and provide topographic and vegetative continuity across the natural saddle area that occurs on the southern parcel of the Rugged site.
PDF-AE-2	Visible staging material and equipment storage areas shall be visually screened using temporary screening fencing.
PDF-AE-3	The O&M building shall be painted/finished with muted-earth toned colors and materials, coatings, or paints having little or no reflectivity shall be used whenever possible.
PDF-AE-4	Weathered steel shall be used for gen-tie monopoles.
PDF-AE-5	Outdoor lighting shall conform to County of San Diego Light Pollution Code Zone A standards for lamp type and shielding requirements.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature; O&M = Operations and Maintenance

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to aesthetics, and would eliminate two significant and unavoidable impacts associated with the Approved Rugged Project (**AE-R-2** and **AE-R-3**). There are no changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects to aesthetics and visual resources.

II. AGRICULTURAL RESOURCES: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES **NO**

The Revised PEIR determined that the Approved Rugged Project would not convert an important County agricultural resource to nonagricultural use (County of San Diego 2015a). This was determined using the County Local Agricultural Resource Assessment Model, and

impacts were determined to be less than significant. The Approved Rugged Project site contains land that previously supported grazing activities but is not considered an important County agricultural resource. Additionally, it was determined that indirect impacts to agricultural resources would be less than significant. The project site would not result in a concentration of people within 1 mile of an agricultural operation or land use contract, and would not conflict with a Williamson Act contract.

Both the Proposed Project and the Approved Rugged Project would have less-than-significant impacts to agricultural resources.

The development footprint of the Proposed Project would occupy approximately 107 fewer acres of land than the development footprint that is approved under Approved Rugged Project, which represents a reduction in approximately 21%. The Proposed Project would not convert an important County agricultural resource to nonagricultural use. The Proposed Project site contains land that previously supported grazing activities but is not considered an important County agricultural resource. Indirect impacts to agricultural resources would remain less than significant under the Proposed Project.

The Proposed Project and the Approved Rugged Project would have the same less-than-significant impacts to agricultural resources.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to agricultural resources. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more effects to agricultural resources.

III. AIR QUALITY: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES **NO**

The Revised PEIR determined that the Approved Rugged Project would be consistent with regional or other state or federal air quality standards, would not impact sensitive receptors, and would not create significant odor (County of San Diego 2015a). The Approved Rugged Project would implement **PDF-AQ-1**, and **M-AQ-PP-1** and **M-AQ-PP-2** during construction

activities, and would reduce oxides of nitrogen (NO_x) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM₁₀) emissions to below a level of significance. Due to overlapping construction of the Tierra del Sol Solar and Rugged Solar Projects, however, short-term construction emissions related to NO_x would be above significance thresholds for a short time for both projects. Accordingly, the Revised PEIR found a significant and unavoidable impact (**AQ-PP-1**) due to the overlapping construction of the Tierra del Sol Solar and Rugged Solar Projects. As concluded in the Revised PEIR, impacts to air quality would be significant and unavoidable. However, as indicated in Tables 7 and 8, below, construction and operation for solely the Rugged Solar component of the Approved Rugged Project would have emission levels that fall under all applicable screening thresholds.

Air quality impacts from the Proposed Project were analyzed in the Air Quality Assessment (Appendix C1). The Proposed Project would be consistent with the Regional Air Quality Strategy, similar to the Approved Rugged Project, because it would generate less average daily traffic than the underlying RL-80 land use that was incorporated into the Regional Air Quality Strategy, and would not result in the development of any residential or commercial uses that would result in population or permanent employment increase beyond what is approved in the General Plan or previously certified in the Revised PEIR. Specifically, the Proposed Project would result in similar levels of construction employment, but would reduce the number of permanent, on-site employees from 20 employees to zero employees.

As concluded in the Air Quality Assessment for the Proposed Project (Appendix C1), the Proposed Project's construction criteria air pollutants would not exceed County screening level thresholds. Compared to the Approved Rugged Project, construction emissions would be reduced, and all emissions levels would still fall below screening level thresholds, as shown in Table 7.

Table 7: Estimated Daily Maximum Construction Emissions (pounds per day)

	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Maximum Daily Emissions (Approved Rugged Project)</i>	17.94	248.95	127.07	0.46	98.53	26.64
<i>Maximum Daily Emissions (Proposed Project)</i>	16.01	26.88	97.49	0.24	4.18	1.27
<i>Pollutant Threshold</i>	75	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

Sources: Revised Final Program Environmental Impact Report (SCH NO. 2012-121-018) for the Soitec Solar Development Project (Page 2.2-86) (Approved Rugged Project); Appendix C1 Air Quality Assessment (Proposed Project)

VOC = volatile organic compounds; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = suspended particulate matter; PM_{2.5} = fine particulate matter

Table 8: Estimated Daily Maximum Operational Emissions (pounds per day)

	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Maximum Daily Emissions (Approved Rugged Project)</i>	1.71	25.84	11.84	0.03	1.09	0.75
<i>Maximum Daily Emissions (Proposed Project)</i>	0.18	0.15	0.57	0.002	0.22	0.06
<i>Pollutant Threshold</i>	75	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

Sources: Revised Final Program Environmental Impact Report (SCH NO. 2012-121-018) for the Soitec Solar Development Project (Page 2.2-86) (Approved Rugged Project); Appendix C1 Air Quality Assessment (Proposed Project)

VOC = volatile organic compounds; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = suspended particulate matter; PM_{2.5} = fine particulate matter

A Construction Health Risk Assessment was also prepared for the Proposed Project (an attachment to Appendix C1). Based on the analysis in the Air Quality Assessment, the Proposed Project would implement Best Available Control Technology for Toxics, including using Tier 4 construction equipment. As a result, construction would not cause health risks from air quality construction emissions.

Operational emissions would be reduced compared to the Approved Rugged Project and would remain less than screening level thresholds, as shown in Table 8. As concluded in the Air Quality Assessment for the Proposed Project (Appendix C1), impacts to air quality associated with the Proposed Project would be less than significant. (See also the Greenhouse Gas Screening Letter in Appendix C2). The Proposed Project would maintain **PDF-AQ-1**, **M-AQ-PP-1**, and **M-AQ-PP-2** as prescribed in the Revised PEIR. **PDF-AQ-1** requires the project proponents to implement fugitive dust control measures, and **M-AQ-PP-1** and **M-AQ-PP-2** require the Proposed Project to regulate types of construction machinery and to implement a construction worker ridership program to reduce impacts related to NO_x and PM₁₀ emissions. The Proposed Project would also maintain **PDF-AQ-2**, which is recommended in the Air Quality Assessment (Appendix C1). **PDF-AQ-2** requires the Proposed Project to use Tier 4 construction equipment for all 75 horsepower or greater diesel-powered equipment; this PDF would further reduce emission rates (see Table 7). A summary of each mitigation measure and PDF pertaining to air quality as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 9, and complete mitigation and PDF details are provided in Appendix A.

Table 9. Revised PEIR Mitigation Measures and Project Design Features – Air Quality

Mitigation Measure/PDF No.	Mitigation Measure/PDF Summary
M-AQ-PP-1	Regulate types of construction machinery to reduce impacts related to NO _x emissions.
M-AQ-PP-2	Implement construction worker ridership program to reduce impacts related to NO _x and PM ₁₀ emissions.
PDF-AQ-1	Implement fugitive dust control measures to reduce PM ₁₀ emissions.
PDF-AQ-2	Require Tier 4 construction equipment for all 75 horsepower or greater diesel-powered equipment.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature; NO_x = oxides of nitrogen; PM₁₀ = suspended particulate matter

As noted in the Air Quality Assessment (Appendix C1) and Revised PEIR (County of San Diego 2015a), cumulative construction impacts could occur if construction activities for adjacent/nearby projects occur simultaneously. The Tierra del Sol Solar Project is not anticipated to be constructed concurrently with the Proposed Project; therefore, there would be no construction overlap between the two projects as anticipated in the Revised PEIR. Therefore, the Proposed Project's impact to short-term construction emissions would be reduced, and combined daily construction emissions would not exceed the threshold during peak construction periods; impact **AQ-PP-1** (short-term construction emissions of PM₁₀ and NO_x) would be reduced as compared to the Approved Rugged Project.

However, because the Tierra del Sol MUP is still valid, it could conceivably still occur during construction of the Proposed Project. In that case, as contemplated by the Revised PEIR, these combined cumulative impacts could be significant when construction emissions occur simultaneously and produce localized levels in excess of County standards, and impact **AQ-PP-1** (short-term construction emissions of PM₁₀ and NO_x) would still occur. However, potential cumulative impacts under the Proposed Project would not pose impacts to air quality greater than those analyzed under the Revised PEIR because, as described above, the Proposed Project would result in a reduction in construction emissions as compared to the Approved Rugged Project. Furthermore, potential simultaneous construction from the Tierra del Sol Major Project would be subject to the same mitigation measures and PDFs as prescribed in the Revised PEIR.

The Proposed Project would not create significant odors. Impacts related to odors were determined to be less than significant for the Approved Rugged Project. Specific to the Approved Rugged Project, the Revised PEIR determined that potential sources that would emit odors during construction included equipment exhaust and the on-site batch plant. The Revised PEIR stated that odors from equipment exhaust would be localized and generally confined to the immediate area surrounding the Rugged site, including the batch plant. The Revised PEIR stated that the Approved Rugged Project would use typical construction techniques, and that odors would be temporary and typical of most construction sites. Therefore, it was determined that the Approved Rugged Project would not contain any major sources of odor and would not be located in an area with existing odors. As for operational emissions, the Revised PEIR stated that land uses and industrial operations typically associated with odor complaints include agricultural uses, wastewater treatment plants, food

processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Because the Approved Rugged Project is not associated with the aforementioned land uses, it would not be expected to generate objectionable odors off site, nor would significant odors be generated during operation and maintenance of the facility. The Proposed Project would have a similar odor profile as the Approved Rugged Project; however, construction odor impacts would be reduced due to the reduced scale of the project, and operational odor impacts would also be reduced because the number of on-site employees would be reduced from 20 to zero, thus avoiding any potential for vehicle trips and other odor-causing activities. Similar maintenance activities would occur under the Proposed Project as the Approved Rugged Project; however, these activities would be temporary, only occurring once annually.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant air quality impacts. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more air quality impacts.

- IV. BIOLOGICAL RESOURCES:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES NO

The Revised PEIR determined that the Approved Rugged Project would result in potentially significant direct impacts to special-status species from County List A (**BI-R-2**), special-status species from County List B (**BI-R-3**), suitable habitat for San Diego ringneck snake (*Diadophis punctatus similis*) and rosy boa (*Charina trivirgata*) (**BI-R-9**), golden eagle (*Aquila chrysaetos*) and raptor foraging habitat (**BI-R-10**), viability of a core wildlife area (**BI-R-11**), special-status upland vegetation communities on site and in the proposed off-site access roads (**BI-R-19**), 0.3 acres of wetlands, and 3.6 acres of tamarisk scrub (**BI-R-21**), groundwater-dependent vegetation (**BI-R-24**), Resource Protection Ordinance wetland and wetland buffers (**BI-R-27**), foraging and breeding habitat (**BI-R-29**), shallow-rooted vegetation due to well drawdown (**BI-R-30**), movement of small and mid-sized wildlife (**BI-R-31**), and smaller wildlife being able to navigate the project site due to removal of habitat (**BI-R-32**) (County of San Diego 2015a). It was also determined that the Approved Rugged Project would result in direct, short-term,

construction-related potentially significant impacts to County List A and B species (**BI-R-1**), County Group I (**BI-R-4**), active nest or young of nesting special-status wildlife species (**BI-R-5**), loss of suitable nesting/ foraging habitat for avian species (**BI-R-6**), loss of individual special-status snakes from County Group II (**BI-R-7**), any active nests or young of nesting special-status bird species from County Group II (**BI-R-8**), special-status vegetation communities on site and in the proposed off-site access roads (**BI-R-18**), jurisdictional wetlands and waters on site (**BI-R-20**), foraging and breeding habitat on site (**BI-R-28**), and migratory birds and active migratory bird nests and/or eggs protected under the Migratory Bird Treaty Act (**BI-R-33**) (County of San Diego 2015a). All potential significant impacts to biological resources would be mitigated to less than significant with incorporation of Mitigation Measures **M-BI-PP-1** through **M-BI-PP-15** and **M-BI-R-1**. A summary of each mitigation measure pertaining to biological resources as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 10, and complete mitigation details are provided in Appendix A.

Table 10. Revised PEIR Mitigation Measures – Biological Resources

Mitigation Measure No.	Mitigation Measure Summary
M-BI-PP-1	Preservation of off-site open space for impacts to upland scrub and chaparral communities, and habitat for special-status plant and wildlife species.
M-BI-PP-2	Biological monitoring during ground disturbance.
M-BI-PP-3	Preparation of construction Stormwater Pollution Prevention Plan.
M-BI-PP-4	Preparation of biological monitoring report following ground disturbance activities.
M-BI-PP-5	Preparation of Fugitive Dust Control Plan.
M-BI-PP-6	Landscaping plant palette to be reviewed and approved by Project Biologist.
M-BI-PP-7	O&M personnel prohibited from harming, harassing or feeding wildlife; travelling outside of the project footprint, bringing pets onsite, or littering.
M-BI-PP-8	All measures from project Fire Protection Plan shall be implemented.
M-BI-PP-9	Weed control treatments and associated requirements.
M-BI-PP-10	Implementation of Nesting Bird Management, Monitoring, and Reporting Plan; and conduct preconstruction nesting bird surveys.
M-BI-PP-11	Cover and/or provide escape routes for wildlife and conduct daily monitoring.
M-BI-PP-12	Minimize nighttime construction lighting.
M-BI-PP-13	Design all transmission and distribution towers and lines in accordance with Avian Power Line Interaction Committee (APLIC) standards.
M-BI-PP-14	Obtain Clean Water Act, Section 401/404 permits issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for impacts to waters of the United States and state, and a Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Wildlife. If permits and agreement are not required, provide evidence from the respective resource agency that a permit or agreement is not required.
M-BI-PP-15	Implement the Groundwater Monitoring and Mitigation Plan to prevent impacts to oak woodland.

Mitigation Measures M-BI-R-1 from the Approved Rugged Project has been replaced by the revised measure M-BI-PP-14., which has been expanded to specify mitigation requirements for impacts to regulated waters and wetlands.
PEIR = Program Environmental Impact Report; O&M = operations and maintenance; CDFW = California Department of Fish and Wildlife

The Approved Rugged Project would result in potentially significant, permanent, indirect impacts to County List A and B plant species (**BI-R-13**), special-status wildlife species and electrocution/collisions by listed bird or bat species (**BI-R-15**), nesting success of tree-nesting raptors (**BI-R-17**), jurisdictional wetlands and waters (**BI-R-23**), and special-status upland vegetation communities (**BI-R-26**). Additionally, the Approved Rugged Project would result in indirect, short-term, construction-related potentially significant impacts to County List A and B plant species (**BI-R-12**), special-status wildlife species (**BI-R-14**), nesting success of tree-nesting raptors (**BI-R-16**), jurisdictional wetlands and waters on site (**BI-R-22**), and special-status upland vegetation communities (**BI-R-25**). With implementation of Mitigation Measures **M-BI-PP-1** through **M-BI-PP-15**, and **M-BI-R-1**, as summarized in Table 10 and provided in Appendix A, the Proposed Project would have less-than-significant impacts on biological resources.

A Biological Technical Report (Appendix D) was prepared to analyze the Proposed Project's impacts on biological resources. It is noted that the report prescribes different numbering conventions for impacts as compared to the Revised PEIR for the Approved Rugged Project. The summary below parenthetically notes impact numbers for the Proposed Project followed by the Approved Rugged Project. Impacts associated with the Approved Rugged Project are noted with a "BI-R" prefix.

Similar to the Approved Rugged Project, the Biological Technical Report for the Proposed Project (Appendix D) determined that the Proposed Project would have potentially significant permanent direct impacts related to special-status plant species (**Impact SP-2 [Proposed Project]; Impact BI-R-2 and BI-R-2 [Approved Rugged Project]**), habitat for special-status wildlife species (**Impact W-3 and W-6; Impact BI-R-6 and BI-R-9**), foraging habitat (**Impact W-7; Impact BI-R-10**), loss of suitable nesting habitat (**Impact W-11; Impact BI-R-17**), sensitive vegetation communities (**Impact V-2; Impact BI-R-19**), oak root protection zone (**Impact V-3**), jurisdictional aquatic resources (**Impact V-5; Impact BI-R-21 and BI-R-27**), and wildlife movement (**WM-2 and WM-4; Impact BI-R-29, BI-R-31, and BI-R-32**). The Proposed Project would have potentially significant temporary direct impacts related to special-status plant species (**Impact SP-1; Impact BI-R-1**), special-status wildlife species (**Impact W-1, W-2, W-4, W-5; Impact BI-R-4, BI-R-5, BI-R-7, and BI-R-8**), sensitive upland vegetation communities and oak root protection zone (**Impact V-1; Impact BI-R-18**), jurisdictional aquatic resources (**Impact V-4; Impact BI-R-20**), wildlife movement (**Impact WM-1; Impact BI-R-28**), and migratory birds and active migratory bird nests protected under the Migratory Bird Treaty Act (**Impact P-1; Impact BI-R-33**). Additionally, the Proposed Project would have potentially significant permanent indirect impacts related to special-status plant species (**Impact SP-4; Impact BI-R-13**), special-status wildlife species (**Impact W-9; Impact BI-R-15**), jurisdictional aquatic resources (**Impact V-7; Impact BI-R-23**), the groundwater table (**Impact V-8; Impact BI-R-24**), sensitive upland vegetation communities (**Impact V-10; Impact BI-R-26**), and wildlife movement (**WM-3; Impact BI-R-30**). Finally, the Proposed Project would have potentially significant temporary indirect impacts related to special-status plant species (**Impact SP-3; Impact BI-R-12**), special-status wildlife species (**Impact W-8; Impact BI-R-14**), tree nesting raptors (**Impact W-10; Impact BI-R-16**),

jurisdictional aquatic resources (**Impact V-6; Impact BI-R-22**), the groundwater table (**Impact V-8; Impact BI-R-24**), sensitive upland vegetation communities and oak root protection zone (**Impact V-9; Impact BI-R-25**), and wildlife movement (**WM-3; Impact BI-R-30**). As concluded in the Biological Technical Report (Appendix D), with implementation of **M-BI-PP-1** through **M-BI-PP-15**, biological resource impacts associated with the Proposed Project would be reduced to less than significant.

The Proposed Project would reduce the total project footprint from approximately 498.2 acres resulting from the Approved Rugged Project to approximately 391.2 acres. Despite the reduction in the project footprint, the Proposed Project would have similar potentially significant impacts that would need to be reduced through implementation of **M-BI-PP-1** through **M-BI-PP-15** so that impacts would be less than significant. Specifically, the Proposed Project would impact 71.5 acres less to on-site sensitive upland habitat as compared to the Approved Rugged Project (Table 11). Only two sensitive upland vegetation communities would have minor increases in impacts under the Proposed Project: granitic chamise chaparral and coast live oak woodland; however, the same mitigation would apply, and impacts would be reduced to less than significant, similar to the Approved Rugged Project.

Off-site impacts for the Approved Rugged Project associated with access roads and off-site fuel modification zone areas are not included in the impact comparison because these would not be required by either project. Additionally, the road improvement areas within and adjacent to the on-site portions of Tule Mountain Road were associated with the Tule Wind Energy Project. Therefore, it is assumed that with implementation of the Tule Wind Energy Project, the impacts along Tule Mountain Road would no longer occur under the Approved Rugged Project, and thus, would no longer occur under the Proposed Project.

Table 11. On-Site Upland Vegetation Communities Impacts for the Proposed Project Compared to the Approved Rugged Project

Habitat Types/Vegetation Communities	Approved Rugged Project Total Impacts (Grading and Fuel Modification Zone) (Acres) ¹	Proposed Project Impacts (Grading and Fuel Modification Zone) (Acres)	Acreage Difference between Approved Rugged Project and Proposed Project
<i>Upland Scrub and Chaparral</i>			
Big Sagebrush Scrub ²	62.0	49.68	12.3
Big Sagebrush Scrub (Disturbed) ²	2.9	0.67	2.2
Montane Buckwheat Scrub ²	65.6	57.83	7.7
Montane Buckwheat Scrub (Disturbed) ²	7.2	6.78	0.5
Granitic Chamise Chaparral ²	89.6	95.19	-5.16
Granitic Northern Mixed Chaparral ²	—	—	—
Red Shank Chaparral ²	35.6	32.78	2.8
Scrub Oak Chaparral ²	60.1	57.96	2.1

Table 11. On-Site Upland Vegetation Communities Impacts for the Proposed Project Compared to the Approved Rugged Project

Habitat Types/Vegetation Communities	Approved Rugged Project Total Impacts (Grading and Fuel Modification Zone) (Acres) ¹	Proposed Project Impacts (Grading and Fuel Modification Zone) (Acres)	Acreage Difference between Approved Rugged Project and Proposed Project
Scrub Oak Chaparral (Disturbed) ²	0.5	—	0.5
Semi-Desert Chaparral ²	50.7	45.07	5.6
Semi-Desert Chaparral – Rock ²	0.7	0.11	0.6
Semi-Desert Chaparral (Disturbed) ²	0.3	0.02	0.2
<i>Subtotal</i>	<i>375.1</i>	<i>346.07</i>	<i>29.0</i>
<i>Upland Woodland and Savannah</i>			
Coast Live Oak Woodland ²	0.03	0.54	-0.50
Mixed Oak Woodland ²	0.03	—	0.03
<i>Subtotal</i>	<i>0.06</i>	<i>0.54</i>	<i>-0.47</i>
<i>Non-Native Communities</i>			
Non-Native Grassland ²	64.9	21.93	43.0
Non-Native Grassland: Broadleaf-Dominated ²	N/A	—	—
<i>Subtotal</i>	<i>64.9</i>	<i>21.93</i>	<i>43.0</i>
<i>Impact Total</i>	<i>440.1</i>	<i>368.53</i>	<i>71.5</i>
<i>Oak Root Zone²</i>	<i>4.4</i>	<i>2.24</i>	<i>2.2</i>
Urban/Developed	58.1	22.67	35.43
TOTAL	498.2	391.2	107.0

Notes: Acreages may not sum due to rounding.

N/A = this vegetation community was not mapped during this analysis year.

¹ The impact totals for the Approved Rugged Project are based on Table 4-7 in the Revised PEIR.

² Considered special status by the County of San Diego (2010).

As summarized in Tables 12 and 13, the Proposed Project would overall have less impacts to rare plant species and jurisdictional aquatic resources than the Approved Rugged Project.

Table 12. On-Site Rare Plant Impacts for the Proposed Project Compared to the Approved Rugged Project

County List	Species	Approved Rugged Project Impacts (Individuals) ¹	Proposed Project Impacts (Individuals)
A	Jacumba milkvetch	226 to 2,020	1,210
	Tecate tarplant	1 to 10	—
B	Sticky geraea	177 to 850	544
	Desert beauty	956 to 4,770	203
D	Peninsular spineflower	—	190
	Desert larkspur	98 to 450	772

Table 12. On-Site Rare Plant Impacts for the Proposed Project Compared to the Approved Rugged Project

County List	Species	Approved Rugged Project Impacts (Individuals) ¹	Proposed Project Impacts (Individuals)
	Pride of California	7 to 70	3
	Payson's jewel flower	—	—
	Low bush monkeyflower	—	—

Notes: Totals may not sum due to rounding.

¹ The impact totals for the Approved Rugged Project are based on Tables 4-4 and 4-6 in the Revised PEIR (County of San Diego 2015a).

Table 13. On-Site Wetlands/Jurisdictional Waters Impacts for the Proposed Project Compared to the Approved Rugged Project

Vegetation Community/ Waters Type	Impacts		
	Jurisdiction	Approved Rugged Project Impact (Acres) ¹	Proposed Project Impact (Acres)
Wetlands/Riparian Habitat			
Alkali Meadow	ACOE/RWQCB/CDFW/County	0.1	0.05
Disturbed Alkali Meadow	ACOE/RWQCB/CDFW/County	0.2	0.16
Tamarisk Scrub	ACOE/RWQCB/CDFW/County	—	—
<i>Subtotal</i>		0.3	0.21
Disturbed Alkali Meadow	CDFW/County	—	—
Disturbed Mulefat Scrub	CDFW/County	—	—
Tamarisk Scrub	CDFW/County	—	—
<i>Subtotal</i>		---	---
Tamarisk Scrub	CDFW-Only	3.6	0.76
<i>Wetlands/Riparian Subtotal</i>		3.9	0.97
Non-Wetland Waters/Streambed			
Non-Vegetated Channel	ACOE/RWQCB/CDFW	—	0.01
<i>Non-Wetland Waters/Streambed Subtotal</i>		—	0.01
Jurisdictional Total		3.9	0.99

Note: Totals may not sum due to rounding.

ACOE = U.S. Army Corps of Engineers; RWQCB = Regional Water Quality Control Board; CDFW = California Department of Fish and Wildlife; County = County of San Diego

¹ The impact totals for the Approved Rugged Project are based on Table 4-7 in the Revised PEIR.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to biology and biological resources. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to biology and biological resources.

- V. CULTURAL RESOURCES:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES NO

The Revised PEIR determined that impacts to cultural resources discovered (CR-R-1) would be potentially significant and impacts to discovery of unknown human remains would be less than significant. With implementation of **M-CR-PP-1**, impacts to potential new cultural resources would be less than significant (County of San Diego 2015a).

A Cultural Resources Addendum Report was prepared for the Proposed Project (Appendix E). The Cultural Resources Addendum Report determined that there are no significant or Resource Protection Ordinance sites that intersect the site. Under the County Guidelines, all archaeological sites are considered “important” (County of San Diego 2007a). The importance of the site can be mitigated by the curation of artifacts recovered through implementation of **M-CR-PP-1**, which would also require monitoring during construction. Under this mitigation measure, impacts would be reduced to less than significant under both the Approved Rugged Project and Proposed Project. Any potentially significant impacts to other sites under the Approved Rugged Project have been reduced to less than significant due to avoidance achieved through project design.

The Proposed Project would have similar types of potential impacts to cultural resources as the Approved Rugged Project because they are sited in the same area. However, because the Proposed Project would have a smaller development footprint by approximately 21%, it would result in reduced overall ground disturbance and extent of possible cultural resources impacts as compared to the Approved Rugged Project.

Similar to the Approved Rugged Project, the Proposed Project would result in less-than-significant impacts to cultural resources through implementation of **M-CR-PP-1**. This mitigation measure was required under the Approved Rugged Project to mitigate potential impacts in the event of the discovery of unknown archaeological or cultural deposits; the measure requires grading monitoring, coordination with Native American monitors, archaeological reporting, and submittal of a final monitoring report to the South Coastal Information Center. This mitigation measure would address potential impacts to undiscovered buried archaeological or cultural resources; the mitigation measure would reduce the potential impact to less than significant because it establishes procedures to record, report, and treat undiscovered archaeological or cultural resources.

The Proposed Project would also implement Mitigation Measures **M-CR-PP-2** and **M-CR-PP-3**, similar to the Approved Rugged Project. **M-CR-PP-2** requires the installation of temporary

construction fencing around known archaeological sites prior to the start of ground-disturbing activities, and **M-CR-PP-3** requires implementation of an Archaeological Treatment Plan in the event that known previously recorded cultural resources cannot be avoided. As determined for the Approved Rugged Project, these mitigation measures would reduce potential impacts to known cultural resources to less than significant because they provide specific provisions to proactively avoid and/or treat known resources. A summary of each mitigation measure pertaining to cultural resources as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 14, and complete mitigation details are provided in Appendix A.

Table 14. Revised PEIR Mitigation Measures – Cultural Resources

Mitigation Measure No.	Mitigation Measure Summary
M-CR-PP-1	Monitoring of grading activities, coordination with Native American Monitors, archaeological reporting, and submittal of a final monitoring report to the South Coastal Information Center.
M-CR-PP-2	Installation of temporary construction fencing around known archaeological sites prior to the start of ground-disturbing activities.
M-CR-PP-3	Implementation of an Archaeological Treatment Plan in the event that known previously recorded cultural resources cannot be avoided.

PEIR = Program Environmental Impact Report

With implementation of Mitigation Measures **M-CR-PP-1**, **M-CR-PP-2**, and **M-CR-P-3**, the Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to cultural resources. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to cultural resources.

VI. ENERGY: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to energy including: resulting in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, and/or conflicts with or obstruct a state or local plan for renewable energy or energy efficiency?

YES **NO**

The Revised PEIR analyzed energy impacts related to the Approved Rugged Project in the context of assessing significant irreversible environmental changes (County of San Diego 2015a, Section 8.2). The Revised PEIR explained that although the project would require the use of fossil fuels, a non-renewable resource, to power construction vehicles for the site, in return, the project would create a source of clean, renewable energy, which, over the operational life of the project, would contribute incrementally to the reduction in demand for

fossil-fuel-based electricity generation. Therefore, the incremental reduction in fossil fuels would be a beneficial effect of the commitment of nonrenewable resources.

The Proposed Project would require the use of fossil fuels, a non-renewable resource, to power construction vehicles and equipment for the site. However, the Proposed Project would require less non-renewable resources for construction as compared to the Approved Rugged Project because its development footprint is smaller by approximately 21%; no permanent, on-site employees would be traveling to and from the site daily (i.e., reduced petroleum consumption); and the PV trackers would require less-intensive installation and maintenance. For these reasons, the Proposed Project would result in less construction activities and equipment, and subsequently require less non-renewable energy than the Approved Rugged Project. Moreover, the Proposed Project would employ construction equipment equipped with Tier 4 engines,⁴ which would operate more efficiently than older construction equipment fleets containing less-efficient engine types, thus reducing non-renewable energy consumption during construction.

Like the Approved Rugged Project, however, the Proposed Project would create a source of clean, renewable energy that would contribute incrementally to the reduction in demand for fossil-fuel-based electricity generation and bring a beneficial effect of the commitment of nonrenewable resources.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant energy impacts. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more energy impacts.

VII. GEOLOGY AND SOILS: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

YES NO

The Revised PEIR determined that the Approved Rugged Project would not result in significant impacts related to geology and soils (County of San Diego 2015a). The Approved

⁴ Tier 4 diesel engines significantly reduce emissions of particulate matter (PM) and oxides of nitrogen (NOx). These engines are more fuel efficient than traditional construction diesel engines.

Rugged Project is not located within a fault rupture hazard zone, and there is no evidence that the project site is located near an active fault. The Approved Rugged Project would have no impact related to exposure of people or structures to adverse effects from a known fault-rupture hazard zone. Potential adverse effects from strong seismic ground shaking, landslides and slope instabilities, liquefaction, and expansive soils would be less than significant with implementation of **PDF-GE-1**, which would require a geotechnical study to be performed on the project site and compliance with the California Building Code and the County Grading Ordinance. The Approved Rugged Project would have less-than-significant impacts to adequate soils for septic systems because the project would have to obtain an Onsite Wastewater Treatment Systems permit, which would involve demonstrating the location and design is appropriate for the site.

Similar to the Approved Rugged Project, the Proposed Project would not be located within a fault rupture hazard zone or near a known active fault; would not expose people or structures to a known hazard zone; and would not result in potential adverse effects from strong seismic ground shaking, landslides and slope instabilities, liquefaction, or expansive soils. The Proposed Project would also implement **PDF-GE-1**. A summary of this PDF pertaining to geology and soils as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 15, and the complete PDF is provided in Appendix A.

Table 15. Revised PEIR PDF – Geology and Soils

PDF No.	PDF Summary
PDF-GE-1	Require a geotechnical study to be performed on the project site and compliance with the California Building Code (CBC) and the County grading ordinance.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature

Compared to the Approved Rugged Project, the Proposed Project would have reduced impacts related to soils for septic systems because the Proposed Project would be operated remotely and, therefore, would not include any on-site restroom facilities or require on-site wastewater treatment.

The Proposed Project would have the same impact conclusions as the Approved Rugged Project. Both projects would result in less-than-significant impacts related to geology and soils.

The Proposed Project does not propose any changes that would cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to geologic resources. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to geologic resources.

VIII. GREENHOUSE GAS EMISSIONS: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more new significant effects or a substantial increase in the severity of previously identified significant effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES **NO**

The Revised PEIR determined that the total operational carbon dioxide equivalent (CO₂e) emissions associated with the Approved Rugged Project, including amortized construction-related emissions—which were calculated at 135 metric tons (MT) of CO₂e per year—would be approximately 722 MT CO₂e per year, which is less than the screening criteria of 900 MT CO₂e used to evaluate GHG impacts (County of San Diego 2015a).

Further, implementation of the Approved Rugged Project would result in net carbon savings of 106,268 MT CO₂e per year after offsetting the project’s annual GHG emissions. The Approved Rugged Project was required to offset all construction and operation emissions as a condition of AB 900 by purchasing carbon offsets. The Approved Rugged Project helped attain the state’s and County’s goals in GHG reductions by creating a source of renewable energy that would be used instead of energy from fossil fuels. All impacts associated with GHG emissions for the Approved Rugged Project were determined to be less than significant.

A GHG Screening Analysis (Appendix C2) was prepared for the Proposed Project to analyze the GHG impacts of operation and construction. The Proposed Project’s annual emissions, including operations and amortized construction emissions, would be 556 MT CO₂e per year; therefore, emissions would be less than 900 MT CO₂e per year, and would be less than significant. Additionally, according to the Revised PEIR, the Approved Rugged Project’s annual operational emissions were estimated to be 722 MT CO₂e per year (County of San Diego 2015a). Therefore, the annual emissions from the Proposed Project would be 166 MT CO₂e less than the Approved Rugged Project; therefore, impacts of the Proposed Project would be reduced compared to the Approved Rugged Project. Furthermore, with the offset of emissions resulting from the Proposed Project, emissions from construction and operations would be counteracted and would create a 73,603 MT CO₂e net reduction in emissions, as calculated in Appendix C2. This net reduction is because a greater percentage of the energy used in San Diego County would come from renewable energy sources and would therefore reduce GHG emissions with implementation of the Proposed Project. All impacts associated with GHG emissions for the Proposed Project were determined to be less than significant.

Similar to the findings in the Revised PEIR for the Approved Rugged Project, the Proposed Project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Specifically, like the Approved Rugged Project, the Proposed Project would provide a potential reduction in GHG emissions each year of operation if the electricity generated by the solar farm were to be used instead of electricity generated by fossil-fuel sources. Therefore, because the Proposed Project would assist in the

attainment of the state's and County's renewable energy goals by using a renewable source of energy that could displace electricity generated by fossil-fuel-fired power plants, the Proposed Project would comply with the goals and objectives of the state. The Proposed Project would further state-wide and County-wide efforts to reduce reliance on fossil fuels, and would not preclude the attainment of long-term emissions reductions goals. Therefore, impacts would be less than significant.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant GHG emissions impacts. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more GHG emissions impacts.

- IX. HAZARDS AND HAZARDOUS MATERIALS:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES NO

The Revised PEIR determined that the Approved Rugged Project would comply with all applicable hazardous substance regulations, would not expose persons to hazardous materials, would not emit hazardous emissions within 0.25 miles of an existing or proposed school or day care facility, would comply with applicable fire codes, and would not interfere with emergency response and emergency evacuation planning (County of San Diego 2015a). Additionally, the Approved Rugged Project would implement **PDF-HZ-2** and **PDF-HZ-3**, which would require preparation of a Construction Fire Protection Plan and a site-specific Fire Protection Plan; **PDF TR-1**, which would ensure safe and efficient traffic flow in the area and on site during construction to ensure safe access for emergency responders; and **PDF-PS-1**, which would contribute funding toward local fire and emergency response. These PDFs would

reduce impacts related to hazards to less than significant. It was also determined that there would be no impact on airports or air traffic in the area.

The Proposed Project would result in less-than-significant impacts to hazards. Similar to the Approved Rugged Project, the Proposed Project would comply with all applicable hazardous substance regulations, would not expose persons to hazardous materials, would not emit hazardous emissions within 0.25 miles of an existing or proposed school or day care facility, would comply with applicable fire codes, and would not interfere with emergency response or emergency evacuation planning. As noted in the Revised PEIR for the Approved Rugged Project (County of San Diego 2015a), the Proposed Project would also maintain and implement a site-specific Hazardous Materials Business Plan to manage the risk of accidental release of hazardous material and use of hazardous materials on the project site. The Proposed Project would not use regulated substances subject to California Accidental Release Prevention Program requirements. The nearest school to the project site is Clover Flat Elementary School, approximately 1.5 miles southwest of the Proposed Project; therefore, the Proposed Project would not expose a school or daycare to hazardous materials or substances.

The Revised PEIR determined that the Approved Rugged Project would not expose people or structures to significant risk of loss, injury, or death involving wildfires, and would not result in service level decline through implementation of **PDF-PS-1**, which would require the applicant to enter into a Fire and Emergency Protection Services Agreement. The Approved Rugged Project would provide adequate emergency access and sufficient water supplies to service the project from existing entitlements. The Revised PEIR determined that the Approved Rugged Project would result in less-than-significant impacts for wildfire (County of San Diego 2015a).

A Fire Protection Technical Memorandum was also prepared which compared the Approved Rugged Project with the Proposed Project (Appendix F1). As compared to the Approved Rugged Project, the Fire Protection Technical Memorandum determined the Proposed Project would reduce potential wildfire risk by reducing the number and degree of ignition sources that would be introduced to the site. The overall development footprint of the Proposed Project would be reduced by 107 acres, representing an approximately 21% smaller footprint compared to the Approved Rugged Project, and thus resulting in fewer potential ignition sources. Additionally, changes to the Proposed Project include a less-complicated solar tracker system, significantly less on-site maintenance activities, and reduction of the on-site daily worker population from 20 with the Approved Rugged Project to zero with the Proposed Project. The Fire Protection Technical Memorandum determined that the potential emergency services impacts on fire response resources from the Proposed Project do not rise to a level of significance given the current response resources in the project area, and anticipates a reduction in demand for emergency services from the Proposed Project compared to the Approved Rugged Project because the Proposed Project would not require full-time staffing whereas the Approved Rugged Project would have had employees on the project site daily.

Each of these changes would result in a reduced potential demand for emergency response resources. The original assessment for the Approved Rugged Project indicated that solar projects had a very low fire ignition occurrence rate. The assessment indicated that from a fire

perspective, the potential risk was low, and emergency response was within the General Plan Safety Element requirements. The Proposed Project would further reduce the potential for a fire ignition by reducing the overall area that supports the solar tracker array and by replacing the dual-axis CPV trackers with a simpler, single-axis PV tracker that has been in use on numerous other utility-scale solar projects.

The Proposed Project's trackers are anticipated to require significantly reduced maintenance and cleaning, resulting in a substantial reduction in the potential for maintenance worker-related fire starts while on site or traveling to and from the site. Likewise, on-site, daily personnel reductions from 20 to zero would negate the previously identified potential risk from this population for accidental ignitions.

Furthermore, the San Diego County Fire Protection District and the California Department of Forestry and Fire Protection (CAL FIRE) have invested in the area since the Approved Rugged Project to enhance the response capabilities throughout the region. These investments include a new fire station on Ribbonwood Road with advanced life support capabilities, and the conversion of volunteer-reliant stations to career stations.

A Fire Protection Plan Addendum was prepared for the Proposed Project that analyzed fire risks (Appendix F2). The Fire Protection Plan Addendum identifies measures and best practices to reduce the potential for wildfire ignition and minimize the potential effects of a wildfire on the project site. The Proposed Project would comply with the requirements and recommendations of the Fire Protection Plan Addendum.

The Proposed Project would also implement **PDF-HZ-2**, **PDF-HZ-3**, and **PDF-TR-1**. **PDF-HZ-2** would require preparation and implementation of a Construction Fire Prevention Plan that would be reviewed and approved by the San Diego County Fire Authority (SDCFA) and CAL FIRE before issuance of a construction permit; the Construction Fire Prevention Plan would identify potential sources of ignition and detail specific fire-prevention measures to prevent ignition during construction. **PDF-HZ-3** would require that the Proposed Project proponents prepare a site-specific Fire Protection Plan that addresses all code requirements for access, fencing/gates/signs, defensible space, water supply, and emergency response. **PDF-TR-1** would ensure safe and efficient traffic flow in the project area and on the project site during construction activities. These PDFs would reduce impacts related to hazards to a less-than-significant level. The Revised PEIR also determined that the Approved Rugged Project would have no impact on airports or air traffic in the area (County of San Diego 2015a).

A summary of each PDF pertaining to hazards and hazardous materials as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 16, and PDF details are provided in Appendix A. A summary of transportation (PDF-TR-1) and public service (PDF-PS-1) impacts are provided in their respective sections below.

Table 16. Revised PEIR PDFs – Hazards and Hazardous Materials

PDF No.	PDF Summary
PDF-HZ-2	Prepare and implement a Construction Fire Prevention Plan subject to review and approval by SDCFA and CAL FIRE. The Plan would identify potential sources of ignition and detail prevention measures.
PDF-HZ-3	Prepare a site-specific fire protection plan addressing Code requirements.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature; SDCFA = San Diego County Fire Authority

In terms of medical emergencies, Proposed Project demand reductions and recent response capabilities improvements in the Proposed Project area combine to address medical response concerns. For example, the reduction of maintenance/cleaning activities, along with the reduction of on-site daily workers from 20 to zero with the Proposed Project, would result in significant reductions in the potential for medical emergencies. It was originally estimated that the 20 on-site personnel anticipated under the Approved Rugged Project would generate up to 1.6 calls per year, using County baseline statistics for calls per-capita (County of San Diego 2015a). This is a relatively low number of calls, but was determined at the time to contribute to the increase in medical calls in the area based on the cumulative project evaluation. The Proposed Project's reduction to no on-site workers on a daily basis further reduces the call volume that would be anticipated from the Proposed Project. The potential for an emergency medical call would be limited to an accident during the daylight hours on the one day per year that the tracker panels are anticipated to be washed and on the estimated 10 to 20 days per year that maintenance personnel would be on site. Based on the relative lack of on-site personnel, it is estimated that the medical calls from the site would be near zero calls per year.

In summary, both the Proposed Project and the Approved Rugged Project would result in similar, less-than-significant impacts to hazards. The Proposed Project would reduce impacts related to wildfire risk and emergency medical demand compared to the Approved Rugged Project. Both projects would implement **PDF-HZ-2, PDF-HZ-3, and PDF TR-2, and PDF-PS-1** to reduce impacts to less than significant.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to hazards and hazardous materials, and wildfire risk. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more effects to hazards and hazardous materials, or wildfire risk.

- X. HYDROLOGY AND WATER QUALITY:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES **NO**

The Revised PEIR determined that the Approved Rugged Project would not result in significant increases in water surface elevations within Tule Creek, would not substantially alter the drainage pattern of the site or increase velocities and peak flow rates, would not create flood hazards to persons or property, would not exceed the significance threshold for impacts to water quality, and would not significantly impact groundwater resources. Therefore, impacts related to hydrology and water quality would be less than significant (County of San Diego 2015a).

A Preliminary CEQA Drainage Study (Appendix G1) and Storm Water Quality Management Plan (Appendix G2) were prepared to analyze the Proposed Project’s impacts on the hydrology of the area. The Proposed Project would not cause significant impacts related to alteration of existing drainages, increases in water surface elevations, increases in peak flow/runoff velocities leaving the site, increases to the 100-year limits of inundation, or increases to flooding hazards. The Drainage Study involved hydrologic and hydraulic software modeling of the project site and Proposed Project development.

The Drainage Study determined that the Proposed Project would not alter existing drainage patterns across the site because existing contours would be softened to reduce the potential for rill erosion without diverting flow. The study also concluded that the Proposed Project would not increase runoff velocities or peak flow rates leaving the site, cause flooding downstream, or hydraulically impact downstream stormwater infrastructure. Furthermore, the Proposed Project would not increase water surface elevation in a watercourse across the site

or downstream of the site, and Proposed Project improvements would not alter existing hydrologic or hydraulic properties of the site (Appendix G1).

The Proposed Project would demand less water for both the construction and operation phases as compared to the Approved Rugged Project due, in part, to its smaller development footprint and less-frequent operational activities (such as panel washing). The Proposed Project would use less water by 12.5 acre-feet for construction and 7.29 acre-feet per year for operations. The Proposed Project would use groundwater for construction and for operations such as annual washing of the panels, and no potable water is anticipated because the project would be unmanned. A Groundwater Resources Investigation Report was performed to analyze the Proposed Project's impact on groundwater resources. The Groundwater Resources Investigation Report (Appendix H1) determined that the Proposed Project would have a less-than-significant impact to groundwater storage and water quality. According to the report, the production capacity of the wells is sufficient to meet the Proposed Project's long-term operation and maintenance requirements (i.e., panel washing and landscape irrigation). The analysis in the report revealed that water quality for Well 8 has elevated concentration levels of uranium. However, because operation of the Proposed Project would not involve the human consumption from Well 8, the report does not recommend treatment of this water for non-potable use. Potable water would be required during construction for construction personnel that would be either trucked in or obtained from another potable source.

The Revised PEIR also concluded that implementation of a Groundwater Monitoring and Mitigation Plan (GMMP) would ensure that any unanticipated impacts to groundwater storage, well interference, and/or groundwater-dependent habitat are detected and reversed through curtailment or cessation of pumping. Implementation of the GMMP is required for the Proposed Project under Mitigation Measure **M-BI-PP-15**. A GMMP has been prepared for the Proposed Project (Appendix H2).

The Approved Rugged Project and the Proposed Project would have similar hydrological impacts. Both the Approved Rugged Project and the Proposed Project would have less-than-significant impacts related to the hydrology of the project area and water quality.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to hydrology and water quality. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more effects to hydrology and water quality.

XI. LAND USE AND PLANNING: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES NO

The Revised PEIR determined that the Approved Rugged Project would not physically divide an established community or conflict with applicable land use plans, policies, or regulations. It was determined that impacts related to land use and planning would be less than significant for the Approved Rugged Project (County of San Diego 2015a).

The Proposed Project would not physically divide an established community and would not conflict with applicable land use plans, policies, or regulations. It was determined that impacts related to land use and planning would be less than significant for the Proposed Project.

In addition, the Proposed Project would implement **PDF-TR-1** and **PDF-AQ-1** to further minimize temporary conflicts between adjacent land uses and construction activities. **PDF-TR-1** would require the preparation and implementation of a Traffic Control Plan and notification of property owners in the project vicinity. This PDF would ensure safe and timely movement of construction and residential traffic through the project area, and ensure that local residents are aware of construction activities. **PDF-AQ-1** would require dust control measures be implemented for the Proposed Project that would reduce potential effects related to dust generation and alleviate land use impacts related to dust.

With implementation of these measures, the Proposed Project and the Approved Rugged Project would have similar, less-than-significant land use and planning impacts.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to land use and planning. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to land use and planning.

XII. MINERAL RESOURCES: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES NO

The Revised PEIR determined that the Approved Rugged Project would have a less-than-significant impact on the loss of availability of known mineral resources (County of San Diego 2015a).

The Proposed Project would have a less-than-significant impact on the loss of availability of known mineral resources because it would not preclude the potential extraction of aggregate mineral resources following the decommissioning phase of the project. Furthermore, the project site would likely be unsuitable for mining operation because of the presence of Tule Creek, which is environmentally sensitive, and the presence of noise-sensitive land uses adjacent to the site.

The Proposed Project and the Approved Rugged Project would have the same impact conclusions related to mineral resources. Both projects would result in less-than-significant impacts.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to mineral resources. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to mineral resources.

XIII. NOISE: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES NO

The Revised PEIR determined that the Approved Rugged Project would result in potentially significant impacts related to operational noise related to inverter noise (**M-N-R-1**) but less-than-significant impacts related to panel washing with the application of **PDF-N-1**, and less-than-significant impacts related to construction noise, vibration, and corona noise with the implementation of **PDF-N-2**. Mitigation Measure **M-N-R-1** would locate non-enclosed inverters a minimum of 800 feet from the nearest property line, direct all switch station doorways and exterior ventilation ducts away from adjacent property lines, require preparation of a noise analysis to demonstrate compliance with the County Noise Ordinance, and locate the O&M building no closer than 1,250 feet from the property line. With this mitigation, noise impacts would be reduced less than significant (County of San Diego 2015a).

A Noise Assessment (Appendix I) was prepared to analyze the potential noise impacts of the Proposed Project. Operational noise from the Proposed Project was determined to be less than significant with the inclusion of mitigation (**M-N-R-1**). The assessment concluded that, based on the empirical data, manufacture specifications, and the distances to the property lines, noise levels from operation of the Proposed Project, including transformers, inverters, and the PV trackers and substation, were found to meet the most restrictive nighttime property line standard of 45 A-weighted decibels (dBA) at the nearest property lines. Additionally, all daytime activities (e.g., panel washing) are expected to meet the daytime property line standard of 50 dBA at the nearest property lines.

It was also determined in the Noise Assessment that construction noise impacts of the Proposed Project would be less than significant. The assessment concluded that grading activities could result in an anticipated worst-case 8-hour average combined noise level of 74.5 dBA at the property line; no blasting or rock crushing is anticipated during grading operations. Solar panel installation could result in a noise level of 74.9 dBA or less based on equipment separation at a distance of 275 feet. Given these projections and the proposed spatial separation of the equipment over the large site area, the noise levels of the grading and panel installation are anticipated to comply with the County of San Diego’s 75 dBA standard at all Proposed Project property lines (Appendix I).

The Approved Rugged Project and the Proposed Project would have similar noise impacts. Both the Approved Rugged Project and the Proposed Project would require non-enclosed inverters to be, at a minimum, 800 feet or greater from the nearest property line; all switch station doorways and exterior ventilation ducts to be directed away from adjacent property lines; preparation of a noise analysis to demonstrate compliance with the County Noise Ordinance; and the O&M building to be located no closer than 1,250 feet from the property line (**M-N-R-1**). Further, panel washing activities would comply with **PDF-N-1**, which establishes operational procedures and equipment. Specifically, **PDF-N-1** requires that the Approved Rugged and Proposed Projects install and use a wash station enclosure; this enclosure would reduce operational sound levels of the gasoline-engine wash station. **PDF-N-1** also requires a time limit of 20 minutes per 1 hour within a 130-foot distance from northern and southern property lines; the washing station would also be required to be placed a minimum 130 feet from eastern and western property lines. Construction noise impacts from both the Approved Rugged Project and Proposed Project would be less than significant with implementation of **PDF-N-2**. Specifically, **PDF-N-2** requires that construction activities be phased so that geologic testing and any pre-drilling activities for trackers be completed before any pile-driving for tracker installation occurs. A summary of each mitigation measure and PDF pertaining to noise as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 17, and complete mitigation PDF details are provided in Appendix A.

Table 17. Revised PEIR Mitigation Measures and PDFs – Noise

Mitigation Measure/PDF No.	Mitigation Measure/PDF Summary
M-N-R-1	Locate non-enclosed Inverters at a minimum of 800 feet or greater from the nearest property line, direct all switch station doorways and exterior ventilation ducts away

	from adjacent property lines, prepare a noise analysis to demonstrate compliance with the County Noise Ordinance.
PDF-N-1	Compliance with County Noise Ordinance for panel washing activities and procedures.
PDF-N-2	Require construction activities be phased so that geologic testing and any pre-drilling activities for trackers be completed before any piled driving for tracker installation occurs.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature

The Approved Rugged Project and Proposed Project would have similar, less-than-significant impacts related to groundborne vibration. Neither project would include operation components that would be sources of substantial vibration. Furthermore, no significant vibration sources currently exist, or are planned, in the project area. Construction activities for the Approved Rugged Project and Proposed Project would produce vibrations. The nearest property line to proposed construction areas would be 100 feet. At this distance, project-generated construction noise would be 70.4 dBA L_{eq} and 77.1 dBA L_{max} (with the exception of pile drivers). Therefore, noise generated by construction activities would be less than the County standard of 75 dBA L_{eq} 8-hour average at the nearest property line, and a less-than-significant impact would occur during standard construction activities.

Impact pile-driving for the installation of solar trackers is anticipated to cause the highest level of vibration. However, the Revised PEIR determined that the Approved Rugged Project's pile-driving activities would not exceed thresholds of significance based on its distance from residences; the nearest residence to these activities would be 250 feet from property lines (County of San Diego 2015a). The Proposed Project's construction activities and noise impacts would be similar compared to the Approved Rugged Project.

For these reasons, the Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant noise impacts. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more noise impacts.

XIV. PALEONTOLOGICAL RESOURCES: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to paleontological resources including project-related grading or excavation that will disturb the substratum or parent material below the major soil horizons in any paleontologically sensitive area of the County, as shown on the County's Paleontological Resources Potential and Sensitivity Map that is included in the County Guidelines (County of San Diego 2009)?

YES NO

The Revised PEIR determined that impacts from the Approved Rugged Project to paleontological resources would be less than significant. According to the County's Paleontological Resources Map, the Approved Rugged Project is located on plutonic igneous rock, which is not considered paleontologically sensitive and would therefore have no potential

for producing fossil remains (County of San Diego 2007b). The Approved Rugged Project would have less-than-significant impacts related to paleontological resources (County of San Diego 2015a).

Because the Proposed Project is located on the same plutonic igneous rock as the Approved Rugged Project, it would have the same less-than-significant impact conclusion as the Approved Rugged Project related to paleontological resources.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to paleontological resources. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more effects to paleontological resources.

- XV. POPULATION AND HOUSING:** Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES NO

The Revised PEIR determined that the Approved Rugged Project would not result in a direct impact to population and housing, and therefore impacts would be less than significant. The Approved Rugged Project construction personnel were not expected to relocate to the area. Additionally, after the Approved Rugged Project would have been constructed, it was anticipated to require up to 20 employees, which could increase the regional population, but this additional population would not represent a substantial increase across the region. Therefore, impacts to population and housing would be less than significant under the Approved Rugged Project (County of San Diego 2015a).

Compared to the Approved Rugged Project, the Proposed Project would represent reduced impacts to population and housing. The Proposed Project is anticipated to require fewer construction personnel because the project development area is smaller by 21%. Furthermore, the Proposed Project would be operated remotely and would not require day-to-day operational personnel; therefore, impacts to population and housing would be less than the Approved Rugged Project.

The Proposed Project and the Approved Rugged Project would have the same impact conclusions related to population and housing. Both projects would result in less-than-significant impacts.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to population and housing. There are no changes in circumstances under which the project is undertaken and/or

“new information of substantial importance” that would cause one or more effects to population and housing.

XVI. PUBLIC SERVICES: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES NO

The Revised PEIR determined that the Approved Rugged Project would have a less-than-significant impact on public services with the inclusion of **PDF-PS-1**, which would help fund a paramedic unit; **PDF-TR-1**, requiring a Traffic Control Plan and construction notification procedures that would ensure safe and efficient traffic flow; and **PDF-HZ-2**, which would require the preparation of a Construction Fire Protection Plan to reduce the need for additional fire prevention services. Impacts would be less than significant (County of San Diego 2015a).

The Proposed Project would include implementation of **PDF-PS-1**, a Fire and Emergency Services Agreement; **PDF-TR-1**, which would require a Traffic Control Plan and construction notification procedures to ensure safe and efficient traffic flow; and **PDF-HZ-2**, which would require the preparation of a Construction Fire Protection Plan to reduce the need for additional fire prevention services. Impacts would be less than significant. A summary of the PDF pertaining to public services as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 18, and the PDF is specifically detailed in Appendix A.

Table 18. Revised PEIR PDF– Public Services

PDF No.	PDF Summary
PDF-PS-1	Applicant shall enter into a fire and emergency services agreement with SDCFA prior to approval of the Major Use Permit Modification to make a fair share contribution to fund the provision of appropriate fire and emergency medical services.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature; SDCFA = San Diego County Fire Authority

The Approved Rugged Project and Proposed Project would temporarily increase the number of workers in the region for construction. The increase in workers in the area is not expected to substantially increase the demand for police services, schools, parks, or other public facilities such that new or expanded facilities or staff would be required. The Approved Rugged Project is approved to include 20 employees for day-to-day operations; similar to the construction phase of the Approved Rugged Project, this increase was determined to pose a less-than-significant impact to the public services and facilities mentioned above. The Approved Rugged Project and the Proposed Project would result in less-than-significant

impacts. The Proposed Project is anticipated to require fewer construction personnel because the project development area is smaller by 21%. Furthermore, The Proposed Project would include no operational day-to-day employees; therefore, its impact to public services would be reduced as compared to Approved Rugged Project (which is approved to have 20 operational employees).

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to public services. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to public services.

XVII. RECREATION: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES NO

The Revised PEIR determined that the Approved Rugged Project would not result in an impact to recreational resources, and therefore would be less than significant (County of San Diego 2015a).

The Approved Rugged Project and Proposed Project would temporarily increase the number of workers in the region for construction. The increase in workers in the area is not expected to substantially increase the demand for recreational facilities. The Approved Rugged Project is approved to include 20 employees for day-to-day operations; similar to the construction phase of the Approved Rugged Project, this increase was determined to pose a less-than-significant impact to recreation. The Approved Rugged Project and the Proposed Project would result in less-than-significant impacts.

The Proposed Project is anticipated to require fewer construction personnel because the project development area is smaller by 21%. Furthermore, the Proposed Project would include no operational day-to-day employees; therefore, its impact to recreation would be reduced as compared to Approved Rugged Project (which is approved to have 20 operational employees).

The Proposed Project and the Approved Rugged Project would result in less-than-significant impacts.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to recreation. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to recreation.

XVIII. TRANSPORTATION: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES **NO**

The Revised PEIR determined that the Approved Rugged Project’s transportation-related impacts would be less than significant (County of San Diego 2015a). The Approved Rugged Project would not increase hazards due to design features, or impact operational traffic or unsignalized intersections. Impacts associated with construction traffic, including 160 daily trips (or up to 200 daily trips during the 9-month period when construction traffic generation would be greatest), on Mobility Element and non-Mobility Element roads would be reduced through the implementation of **M-AQ-PP-2**, a construction worker rideshare program. Implementation of **PDF-TR-1**, which would require creation of a Traffic Control Plan and Construction Notification Plan, would reduce construction impacts to unsignalized intersections to less than significant. A summary the PDF pertaining to transportation as provided in the Revised PEIR for the Approved Rugged Project is provided in Table 19, and complete PDF details are provided in Appendix A.

Table 19. Revised PEIR PDF – Transportation

PDF No.	PDF Summary
PDF-TR-1	Prepare and implement a traffic control and construction notification plan. The plan shall identify the procedures that would be used to inform property owners of the location and duration of construction.

PEIR = Program Environmental Impact Report; PDF = Project Design Feature

Subsequent to the certification of the Revised PEIR, the CEQA Guidelines were updated to focus the transportation analysis on vehicle miles traveled (VMT) rather than level of service (LOS). Because the Approved Rugged Project was analyzed using LOS guidelines, and because the Proposed Project is being evaluated under this Addendum to the Revised PEIR, the Transportation Screening Analysis (Appendix J) conducted to analyze transportation impacts associated with the Proposed Project used LOS.

As concluded in the Transportation Screening Analysis, impacts from the Proposed Project on unsignalized intersections from construction would remain less than significant with implementation of **PDF-TR-1** and **M-AQ-PP-2**. Construction traffic associated with the Proposed Project would generate approximately 160 daily trips over the 12-month construction period, and a maximum of 197 daily trips during the 6-month peak construction traffic period. These daily trip estimates are similar to those analyzed under the Approved Rugged Project (160 daily trips over the 12-month period and 200 daily trips during the 6-month period). Traffic Control Plans would be required as a condition of approval for the Proposed Project, which would manage the construction trips, including worker trips and deliveries, throughout the construction process, and would keep impacts to less than significant. Operations and maintenance impacts associated with the Proposed Project would be minimal and less than significant because Proposed Project facilities would be operated remotely and would only generate operational traffic in the case of routine maintenance and repairs.

Despite the construction trips generated by the Proposed Project, the surrounding roadway segments and intersections, which are currently operating at an LOS B or better, are not expected to operate below LOS D, according to the Transportation Screening Analysis (Appendix J).

Operations and maintenance impacts associated with the Proposed Project would be less than the Approved Rugged Project because the Proposed Project facilities would be operated remotely and would only generate operational traffic in the case of routine maintenance or repairs; in comparison, the Approved Rugged Project is approved to be staffed with up to 20 day-to-day employees (equaling 40 daily trips). Therefore, the Proposed Project would have less-than-significant impacts related to traffic because the Proposed Project would only generate traffic in the event of infrequent maintenance (such as yearly panel washing) or repair work, and would not generate daily trip traffic from employees.

The Proposed Project is not subject to VMT standards or thresholds because the Revised PEIR was certified before CEQA Guidelines were changed in 2020 to require VMT analysis. However, for informational purposes, the Proposed Project's Transportation Screening Analysis determined the Proposed Project to have less-than-significant impacts related to VMT because the Proposed Project would only generate traffic in the event of maintenance or repair work, and would not be expected to generate a significant number of trips on the days employees would be required to be on site, such as for yearly panel washing. Specifically, projects generating fewer than 110 average daily trips are exempt from preparing VMT analyses because they are presumed to have a less-than-significant impact due to the de-minimis number of trips (Appendix J).

For these reasons, both the Approved Rugged Project and Proposed Project would have a less-than-significant impact on construction and operational traffic.

The Proposed Project does not propose any changes that would cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation/traffic. There are no changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause one or more effects to transportation/traffic.

XIX. TRIBAL CULTURAL RESOURCES: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES NO

“Tribal Cultural Resources” was not an environmental impact area considered by the Revised PEIR because it was certified before AB 52, which defined “tribal cultural resources” as a CEQA impact area, took effect (see California Public Resources Code Section 21084.2). The County published the Notice of Preparation of an EIR for the Soitec Project prior to July 1, 2015.

Although the Revised PEIR did not specifically evaluate potential impacts related to tribal cultural resources pursuant to the process set forth by AB 52, the potential to impact tribal cultural resources was a known issue at the time that the Final PEIR and Revised PEIR were certified. Accordingly, tribal cultural resources do not qualify as “new information” under CEQA Guidelines Section 15162(a)(3) because they were known issues at the time the County certified both the Final PEIR and Revised PEIR. Furthermore, as described in more detail below, the Revised PEIR analyzed the potential to impact cultural resources, including Native American resources, and concluded that the Approved Rugged Project would have a less-than-significant impact with implementation of mitigation.

The Revised PEIR analyzed impacts from the Approved Rugged Project to cultural resources and participated in Native American consultation. No information was obtained through consultation and monitoring during fieldwork that found that any of the evaluated sites were culturally significant. No traditional cultural properties are known to exist within the project site. Impacts related to Native American resources would be less than significant. In addition, the Approved Rugged Project would implement **M-CR-PP-1**, which would mitigate any accidental discovery of Native American resources to below a level of significance (County of San Diego 2015a).

The Proposed Project would have the same less-than-significant impact conclusion as the Approved Rugged Project relating to tribal cultural resources. The Cultural Resources Addendum Report (Appendix E) for the Proposed Project concluded that the findings and recommendations per the cultural resource inventory conducted for the Approved Rugged Project in 2013 are accurate and pertinent to the Proposed Project. Therefore, the Proposed Project maintains the recommendation that Native American monitors be present during construction in case of inadvertent discoveries per **M-CR-PP-1**.

The Proposed Project would have similar types of potential impacts to cultural resources as the Approved Rugged Project because they are sited in the same area and would implement the same mitigation measure (**M-CR-PP-1**). However, because the Proposed Project would have a smaller development footprint by approximately 21%, it would therefore result in reduced ground disturbance and extent of possible tribal cultural resources impacts compared to the Approved Rugged Project.

For these reasons, the Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to tribal cultural resources. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to tribal cultural resources.

XX. UTILITIES AND SERVICE SYSTEMS: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES NO

The Revised PEIR determined that the Approved Rugged Project would not result in an impact to utilities, and therefore impacts would be less than significant. It was determined that the Approved Rugged Project has viable sources of water to supply its construction and operational needs through the Padre Dam Municipal Water District and Jacumba Community Services District. Between these two water sources, the Revised PEIR concluded that the Approved Rugged Project would have a 14-acre surplus of water that would be available to support its construction phase (County of San Diego 2015a). According to the Groundwater Resources Investigation Report prepared for the Approved Rugged Project, the production capacity of the wells are sufficient to meet the project’s long-term operation and maintenance requirements (i.e., panel washing, potable supply, and landscape irrigation). The Revised PEIR concluded that implementation of a GMMP would ensure that any unanticipated impacts to groundwater storage, well interference, and/or groundwater-dependent habitat are detected and reversed through curtailment or cessation of pumping (County of San Diego 2015a).

Implementation of the GMMP is required for the Proposed Project under Mitigation Measure **M-BI-PP-15**. An update to the Groundwater Resources Investigation Report (Appendix H1) originally prepared for the Approved Rugged Project was conducted for the Proposed Project to provide updated evaluations on groundwater resources based on revisions to the project description and more recent groundwater production level data. The report concluded that there is sufficient long-term availability of groundwater to supply the Proposed Project. The report also stated that implementation of an updated GMMP would reduce potential impacts to groundwater-dependent habitat related to potential water table decline to less than

significant. The report includes a water quality analysis of wells to inform the Proposed Project. The analysis identified water quality for Well 8 has elevated concentration levels of uranium. However, because operation of the Proposed Project would not involve potable water or human consumption from Well 8, the report does not recommend treatment of this water for non-potable use (Appendix H1). Potable water would be required during construction for construction personnel that would be either trucked in or obtained from another potable source.

Furthermore, the applicant for the Proposed Project submitted a Project Facility Water Availability form, which was approved by the County on October 23, 2020. This form indicated that the Proposed Project is not located within the County District’s Sphere of Influence boundary.

For wastewater treatment, the Approved Rugged Project is approved to install and operate a septic system that would treat wastewater from the O&M building. The Revised PEIR determined that installation, operation, and decommissioning of this septic system would not violate any wastewater requirements of the applicable Regional Water Quality Control Board, and therefore impacts would be less than significant (County of San Diego 2015a). In comparison, the Proposed Project would have reduced impacts related to septic systems because the Proposed Project would be operated remotely and, therefore, would not include any on-site restroom facilities or require on-site wastewater treatment.

The Approved Rugged Project would send solid waste to local landfills during construction, operation, and decommissioning. The Revised PEIR determined that this stream of solid waste is not anticipated to be substantial, and impacts to local solid waste collection, transfer, and disposal capacities would be less than significant (County of San Diego 2015a). The Proposed Project would generate similar or reduced amounts of solid waste during construction and operation because the development footprint is smaller by 21% and therefore would generate less construction waste. In addition, the Proposed Project would be primarily operated remotely compared to the Approved Rugged Project, which is approved to be staffed by up to 20 full-time employees who would generate solid waste. For these reasons, the Proposed Project would have a reduced impact on utilities compared to the Approved Rugged Project. Both the Proposed Project and the Approved Rugged Project would result in less-than-significant impacts to utilities.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to utilities and service systems. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to utilities and service systems.

XXI. WILDFIRE: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would result in an increased risk of wildfire to persons or property.

YES **NO**

“Wildfire” was not an environmental impact area considered by the Revised PEIR because it was certified before the CEQA Guidelines were updated in January 2019 to include wildfires as an environmental topic. The County published the Notice of Preparation of an EIR for the Soitec Project prior to July 1, 2015.

Although the Revised PEIR did not specifically evaluate potential impacts related to wildfire, the potential to impact wildfire was a known issue at the time that the Final PEIR and Revised PEIR were certified. Accordingly, wildfire impacts and the corresponding analysis do not qualify as “new information” under CEQA Guidelines Section 15162(a)(3) because it was a known issue at the time the County certified both the Final PEIR and Revised PEIR. Furthermore, as described in more detail below, the Revised PEIR analyzed the potential to impact wildfires, as part the analysis of Hazards and Hazardous Materials, and concluded that the Approved Rugged Project would have a less-than-significant impact with implementation of **PDF-PS-1** (County of San Diego 2015a). See Section IV, Hazards and Hazardous Materials, for additional analysis.

The Proposed Project would not cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects to wildfire. There are no changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that would cause one or more effects to wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or “new information of substantial importance” that result in any mandatory finding of significance listed below?

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

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

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

YES **NO**

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the

number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As described throughout this Addendum, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would result in any of the mandatory findings of significance.

In general, the Proposed Project would result in an overall reduction in permanent ground disturbance, total project infrastructure unit counts and heights, construction equipment and associated activities, and operational and maintenance activities, thereby reducing impacts to the environment compared to the Approved Rugged Project. The Proposed Project would reduce the total project footprint from approximately 498.1 acres resulting from the Approved Rugged Project to approximately 391.2 acres. Specifically, the Proposed Project would impact 71.5 acres less to on-site sensitive upland habitat compared to the Approved Rugged Project. Only two sensitive upland vegetation communities would have greater impacts under the Proposed Project: granitic chamise chaparral and coast live oak woodland. Additionally, the Proposed Project would overall have less impacts to rare plant species and jurisdictional aquatic resources than the Approved Rugged Project. Despite the reduction in the project footprint, the Proposed Project would have similar potentially significant impacts, and thus would require implementation of **M-BI-PP-1** through **M-BI-PP-15**, as provided under the Approved Rugged Project, to reduce impacts to a level that is less than significant.

Additionally, there are no significant or Resource Protection Ordinance sites that intersect the project site. Similar to the Approved Rugged Project, the Proposed Project would result in less-than-significant impacts to cultural resources through implementation of **M-CR-PP-1**. This mitigation measure was required under the Approved Rugged Project to mitigate potential impacts in the event of the discovery of unknown archaeological or cultural deposits; the measure requires grading monitoring, coordination with Native American monitors, archaeological reporting, and submittal of a final monitoring report to the South Coastal Information Center. This mitigation measure would address potential impacts to undiscovered buried archaeological and cultural resources; the mitigation measure would reduce the potential impact to less than significant because it establishes procedures to record, report, and treat undiscovered archaeological and cultural resources.

The Proposed Project would also implement **M-CR-PP-2** and **M-CR-PP-3**, similar to the Approved Rugged Project. **M-CR-PP-2** requires installation of temporary construction fencing around known archaeological sites prior to the start of ground-disturbing activities, and **M-CR-PP-3** requires implementation of an Archaeological Treatment Plan in the event that known previously recorded cultural resources cannot be avoided. As determined for the Approved Rugged Project, these mitigation measures would reduce potential impacts to known cultural resources to less than significant because they provide specific provisions to proactively avoid and/or treat known resources.

Therefore, the Proposed Project, as compared to the Approved Rugged Project, would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or

endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

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

Cumulative impacts were previously evaluated for the Approved Rugged Project, as presented in the analyses of each resource topic contemplated in the Revised PEIR (County of San Diego 2015a). Significant and unavoidable cumulative impacts were identified for the Approved Rugged Project, including those related to aesthetics—specifically views from Interstate 8 and Old Highway 80 (**AE-CUM-PP-1**), and alteration of a visual landscape (**AE-CUM-PP-2**)—and air quality—specifically short-term construction emissions (NO_x) (**AQ-CUM-1**). In general, the Proposed Project would result in an overall reduction in permanent ground disturbance, total project infrastructure unit counts and heights, construction equipment and associated activities, and operational and maintenance activities. As such, cumulative impacts would be reduced compared to the Approved Rugged Project.

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

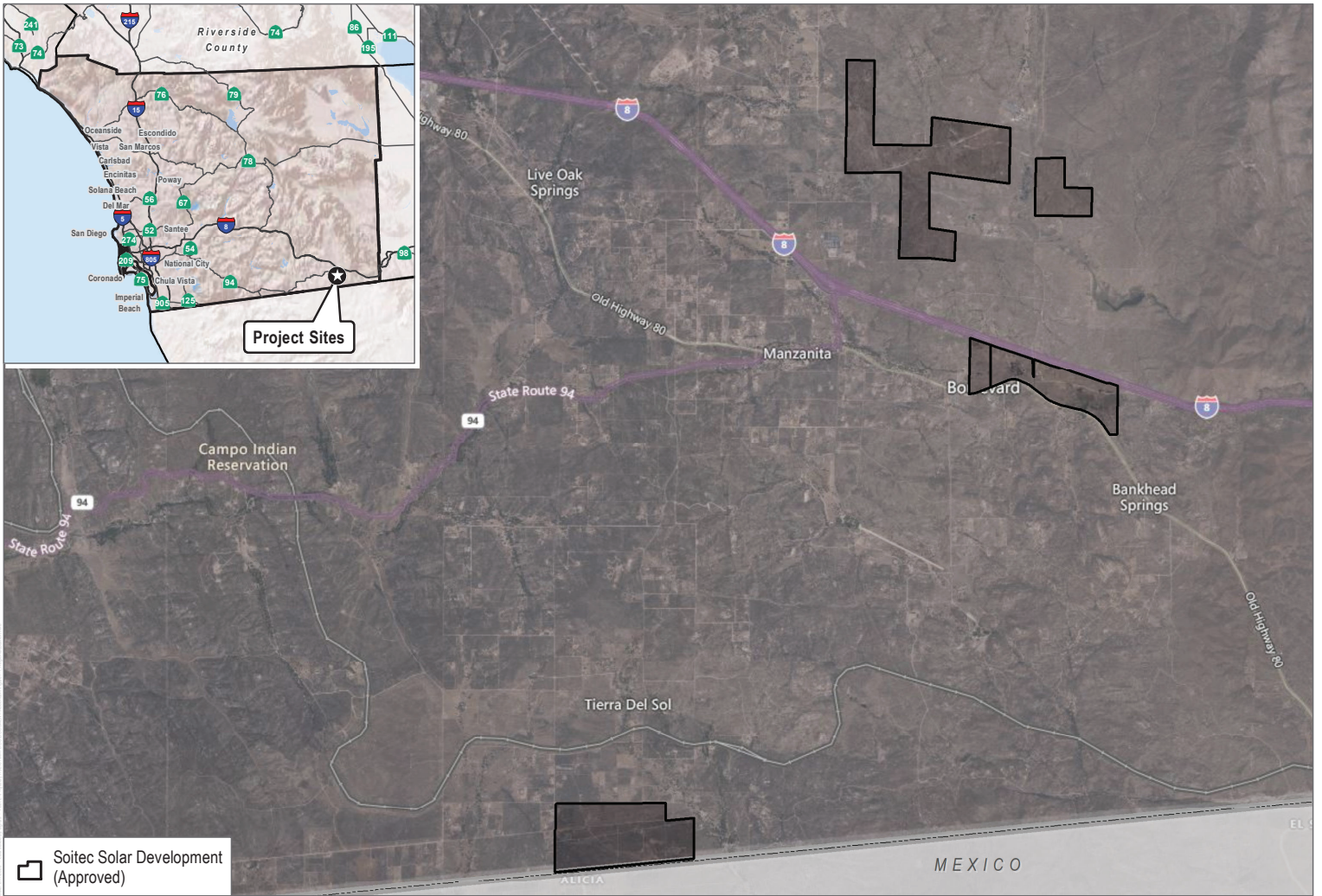
The Proposed Project would not have environmental effects that will cause substantial adverse effects on human beings. Refer to Section III, Air Quality (sensitive receptors); Section VII, Geology and Soils (rupture or faults); Section IX, Hazards and Hazardous Materials (wildfire hazard and emergency evacuations); and Section XVI, Public Services (fire protection and law enforcement services).

As described in this Addendum, there are no changes in the Proposed Project, no changes in circumstances under which the Proposed Project is undertaken, and no “new information of substantial importance” that results in any of the mandatory findings of significance.

REFERENCES

- County of San Diego. 2007a. *County of San Diego Guidelines for Determining Significance – Cultural Resources: Archaeological and Historic Resources*. Land Use and Environment Group, Department of Land Use and Planning, Department of Public Works. December 5, 2007. http://www.sdcounty.ca.gov/pds/docs/Cultural_Guidelines.pdf.
- County of San Diego. 2007b. *County of San Diego Guidelines for Determining Significance – Paleontological Resources*. Land Use and Environment Group, Department of Land Use and Planning, Department of Public Works. March 19, 2007. <http://www.sdcounty.ca.gov/pds/docs/Paleo-Guidelines.pdf>
- County of San Diego. 2010. *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Biological Resources*. Department of Planning and Land Use, Department of Public Works. September 15, 2010. http://www.sdcounty.ca.gov/pds/docs/Biological_Guidelines.pdf.
- County of San Diego. 2015a. *Revised Final Program Environmental Impact Report, Soitec Solar Development Project*. SCH NO. 2012-121-018. Certified by the County of San Diego Board of Supervisors on October 14, 2015. <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Soitec-Solar-RFPEIR.html>.
- County of San Diego. 2015b. *Final Program Environmental Impact Report, Soitec Solar Development Project*. January 2015. <https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/00.Cover-TOC.pdf>.

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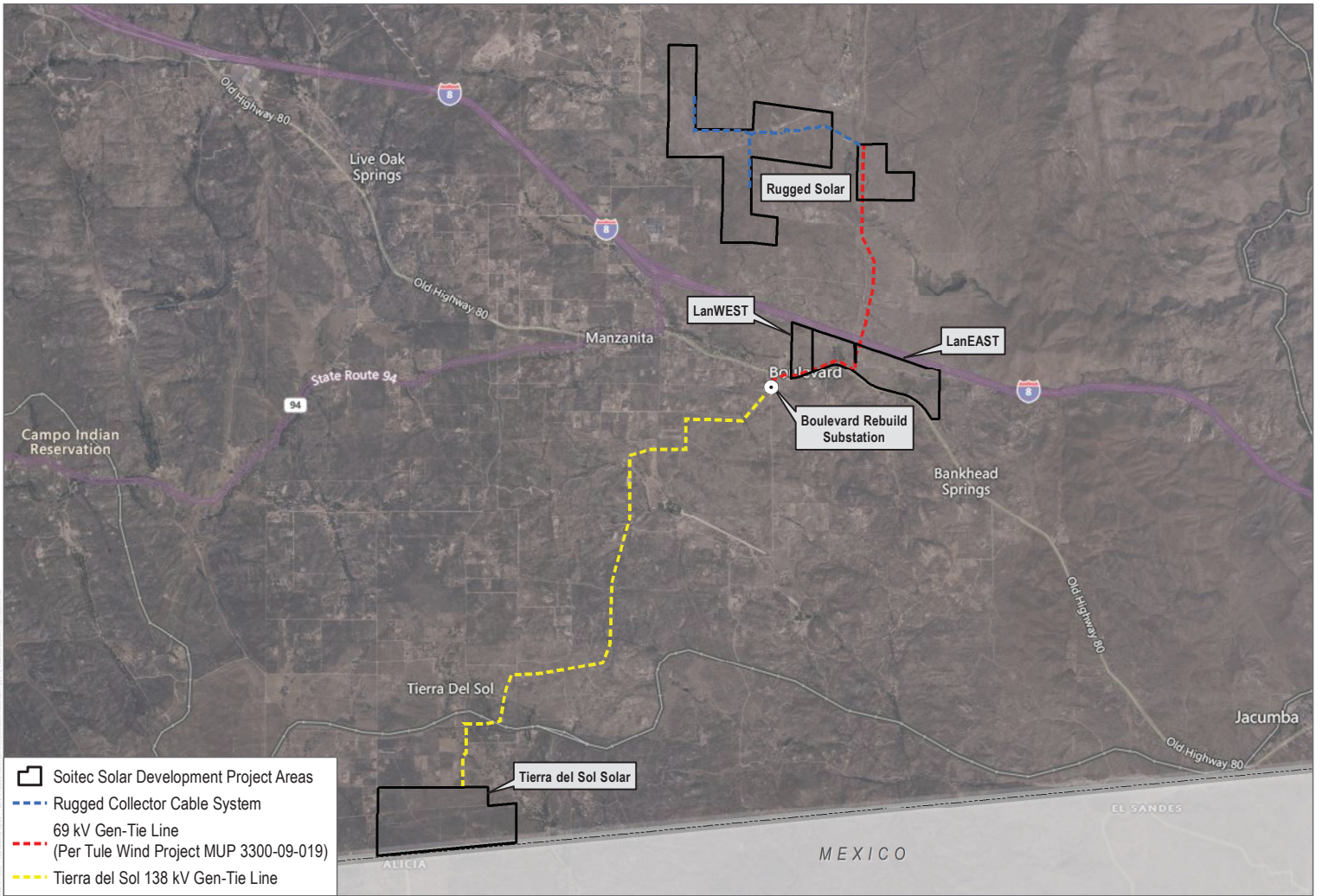
SOURCE: Michael Baker 2019; SANGIS 2020, 2021



FIGURE 1-1
Regional Location

Addendum to Final Revised Program EIR for the Soitec Solar Development Program

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SOURCE: Michael Baker 2019; SANGIS 2020, 2021

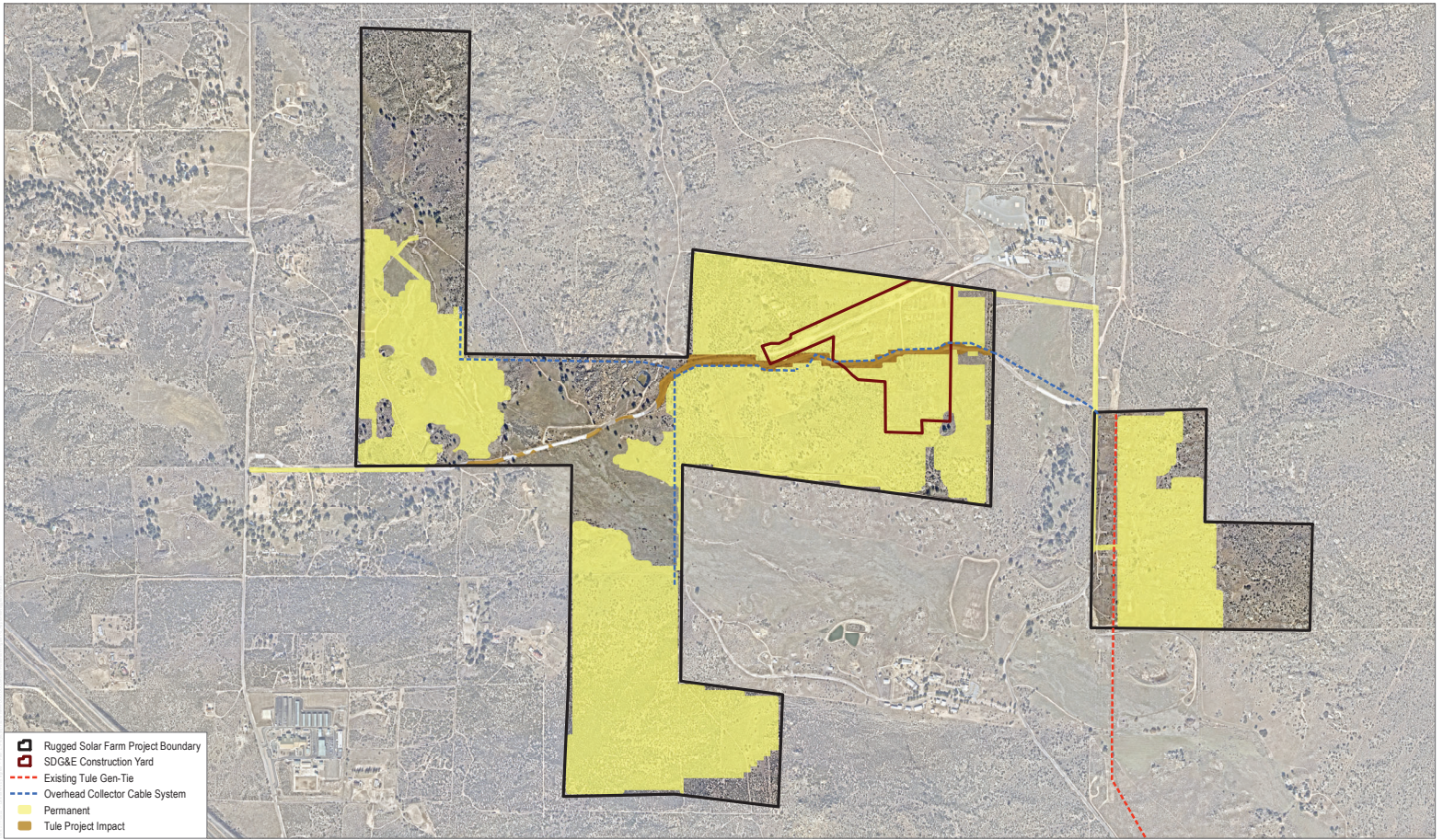


FIGURE 1-2

Soitec Solar Development (Approved 2015)

Addendum to Final Revised Program EIR for the Soitec Solar Development Program

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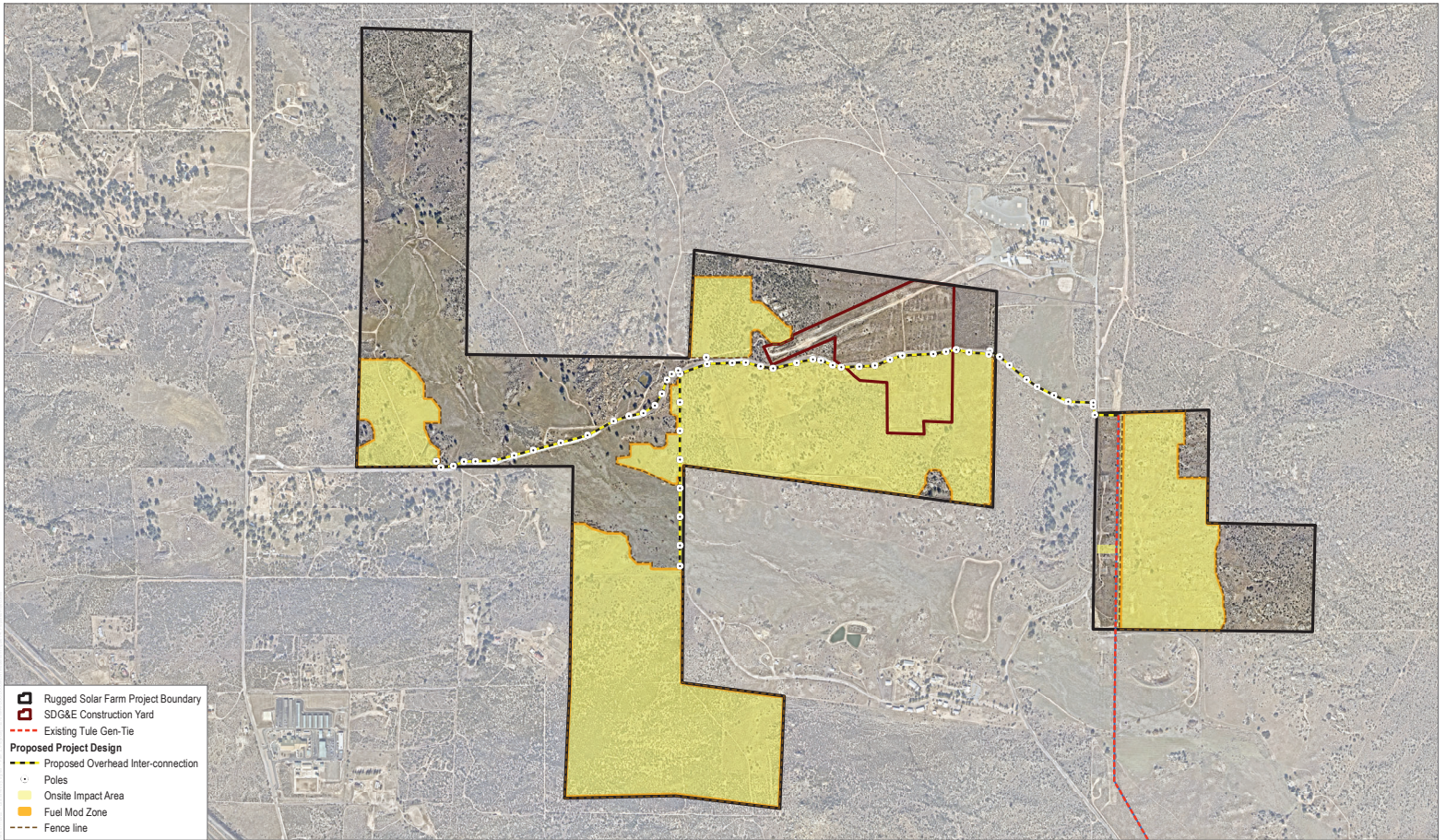
- Rugged Solar Farm Project Boundary
- SDG&E Construction Yard
- Existing Tule Gen-Tie
- Overhead Collector Cable System
- Permanent
- Tule Project Impact









SOURCE: Michael Baker; SANGIS 2020



FIGURE 1-3
Approved Rugged Project
Addendum to Final Revised Program EIR for the Sotlec Solar Development Program

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-  Rugged Solar Farm Project Boundary
-  SDG&E Construction Yard
-  Existing Tule Gen-Tie
- Proposed Project Design**
-  Proposed Overhead Inter-connection
-  Poles
-  Onsite Impact Area
-  Fuel Mod Zone
-  Fence line

SOURCE: Michael Baker; SANGIS 2020



FIGURE 1-4
Proposed Rugged Project

Addendum to Final Revised Program EIR for the Sotec Solar Development Program

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Appendix A

Project Design Features and Mitigation Measures

Appendices can be viewed at:

<https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-12-007W1.html>

Appendix B1

Visual Impact Analysis

Appendix B2

Glare Study

Appendix C1

Air Quality Assessment

Appendix C2

Greenhouse Gas Screening Letter

Appendix D

Biological Resources Report

Appendix E

Cultural Resources Addendum Report

Appendix F1

Fire Protection Technical Memorandum

Appendix F2

Fire Protection Plan Letter Update

Appendix G1

Preliminary CEQA Drainage Study

Appendix G2

SWQMP

Appendix H1

Groundwater Resources Investigation Report

Appendix H2

GMMP

Appendix I

Noise Assessment

Appendix J

Transportation Screening Analysis

Appendix A

Project Design Features and Mitigation Measures

Appendix B1

Visual Impact Analysis

Appendix B2

Glare Study

Appendix C1

Air Quality Assessment

Appendix C2

Greenhouse Gas Screening Letter

Appendix D

Biological Resources Report

Appendix E

Cultural Resources Addendum Report

Appendix F1

Fire Protection Technical Memorandum

Appendix F2

Fire Protection Plan Letter Update

Appendix G1

Preliminary CEQA Drainage Study

Appendix G2

SWQMP

Appendix H1

Groundwater Resources Investigation Report

Appendix H2

GMMP

Appendix I

Noise Assessment

Appendix J

Transportation Screening Analysis

Attachment E – Public Documentation

COUNTY OF SAN DIEGO

BOULEVARD PLANNING GROUP (BPG)

*** MINUTES/ SUMMARY FOR IN-PERSON MEETING HELD ON THURSDAY MAY 5, 2022***
 AT COMMUNITY ROOM IN BACK AT 39919 RIBBONWOOD ROAD, BOULEVARD, CA, 91905

A. MEMBERS PRESENT: 1) May 10th appointment pending for Manuel Casanova; 2) Earl Goodnight 3) Kevin Keane; 4) Donna Tisdale; 5) Michele Strand. **MEMBERS ABSENT:** 6) Michael Coyne (EXCUSED); 7) Nancy Good (EXCUSED)

B. PLEDGE OF ALLEGIANCE (optional):

C. ACT ON DRAFT MINUTES/ SUMMARY FOR APRIL 7TH MEETING:

- *M/S: Strand/Goodnight: Approve April 7, 2022 minutes as written: PASSED: 4-0-0*

D. PUBLIC COMMUNICATION:

- Pamela Forrest introduced herself as a property owner on Tierra Del Sol Road. She provided a copy of AG grading Violation Notice AD22-008 for vacant 54 acre parcel that she received. They plan to grow alfalfa there.
- The site is not conducive to alfalfa growing that takes lots of water and basically level land.
- Over-clearing and removing brush that slows down rain water and holds the soil, can cause flooding on adjacent down gradient properties.
- She wants help to get County to extend comment period by 30-days.
- Chair Tisdale reported meeting Pamela at the Post Office saw the notice and contacted the Planner.
- The planner provided several documents that Tisdale handed over to Pamela.
- The Planner promised to send a copy of the Scoping Letter to the BPG when it is available. At that time it can be added to a future agenda for review and comment.
- Tisdale announced message from Anthony Windle, the owner of Live Oak Springs. He is moving in several mobile homes that will be parked in the RV Park area temporarily while the lots are being prepped, after eviction goes forward. He wanted to calm fears that the trailers would be in the RV Park permanently.

E. ACTION ITEMS (Agenda items may be taken out of order upon request):

1. **74 MW RUGGED SOLAR: PDS2017-MUP-12-007W1 MAJOR USE PERMIT MODIFICATION; ADDENDUM TO REVISED PROGRAMMATIC EIR; NOTICE OF INTENT TO ADOPT PURSUANT TO SECTIONS OF 15162 & 15164 OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

- Jim Whalen introduced himself as Rugged Solar LLC / Clean Focus's consultant.
- Rugged Solar was previously approved in 2015 but never built.
- Reviewed comparison table between approved project and proposed project.
- CEQA does not require a re-circulated EIR unless there are significant new project impacts.
- Less water will be used. All construction water will come from Jacumba.
- Grading is increased but reportedly less net impact.
- Less glare with matt black panels than Soitec Solar CPV's glass lenses.
- Rugged Solar will NOT be bifacial. Bifacial may be used for Starlight Solar.
- Panels will likely come from Taiwan. Panels are not selected until last minute.
- Question on union workers receiving Per Diem pay.
- The developer's Engineering Procurement Construction (EPC) company works with unions and manufacturing.

- Adjacent neighbors expressed concerns over water use / well interference and visual pollution for property located immediately adjacent along Tule Jim Road. Main project access from McCain Valley.
- Chair Tisdale noted that Table 6 App H Groundwater says the Project includes 229,264 PV modules. Each module measures approximately 3.5 x 7 ft = 24.5 ft per module x 225,264 modules = 5,616,968 sq ft of surface area that will disrupt the current views and open space habitat that exists where the project is proposed.
- 5,616,968 sq ft equals the same footprint as the average 30.9 Walmart Supercenters at 182,000 sq ft which covers a lot of currently open space.
- Viewshed Analysis Figure 3 (in agenda package) left out views of project area from Tierra Heights.
- Ironically, the long-term project views from local residents /taxpayers are considered N/A in CEQA documents. They just look at the limited /few seconds of view from passing vehicles on I-8.
- According to Alisa Lembke, the Board Clerk for Valley Clean Energy, who Tisdale contacted directly, the Rugged Solar PPA item was on their agenda. It was tabled twice, and then approved at their Board's June 11, 2020 special meeting.
- A month later, on July 14, 2020, the PPA was terminated over Rugged Solar's breach of contract, failure to pay. VCE no longer has an agreement with Rugged Solar.
- Clean Focus seems to be making the same mistake that Soitec did. The groundwater analysis does not appear to include the cement needed for the chain link fence that will be topped with 3 strand barbed wire and concertina wire.
- Tisdale requested that concertina wire, shown on plot plans, be removed from project.
- During the Soitec Solar hearings it was discovered that water use for fencing was not accounted for.
- Does Rugged Solar have a PPA? No, but working with San Diego Clean Power.
- There were questions over recyclability of panels. Some are recyclable and some are not and may require special handling and disposal.
- **Motion by Kevin Keane to approve the project failed for lack of a second.**
- Tisdale stated she could not in good conscience vote for a project that would impact neighbors so significantly, when she would not want a similar project where she lived.
- Michele Strand agreed that a vote for the project would be disloyal to locals.
- **Motion by Tisdale to deny the project failed for lack of a second.**
- **Earl Goodnight and Kevin Keane both stated that solar is better than wind.**
- **M/S: Keane/Goodnight: Remain neutral on Rugged Solar project: MOTION FAILED: 3 YES; 1 NO (Tisdale); 0 abstained. 4 VOTES /QUORUM NEEDED TO PASS.**

2. RUGGED SOLAR COMMUNITY BENEFITS:

- Jim Whalen provided list and basic plans from Mark Ostrander for community center renovations.
- Whalen said the idea came to him to meet an unmet need for a community center with services for seniors and kids. The property is beautiful with numerous oaks and available space.
- Partnering with Mr. Haagen (Empire Ranch/Starlight Solar) Haagen's COO, Chris Fahey, and Clean Focus.
- Whalen originally thought the plan was to tear down current buildings but Mark Ostrander has done so much work and locals desire to retain the historic nature of the old courthouse, that full renovation is better.
- The Working Draft of the Rugged Solar Project Community Benefit Fund proposed \$800,000 plus project contingency funds for a total of \$887,000.
- They used a reportedly common national benchmark of \$10,000 /MW DC.

- Funds to be dispersed over a 12 month period with a focus on remodeling / updating the Backcountry Resource Center in Boulevard that is expected to provide a variety of benefits for the resident population.
- The San Diego Foundation is proposed to administer the funds that entail management and program administration fees. Funds are expected to be released for disbursement after the “utility –defined Commercial Operations date”.
- Tisdale expressed concerns that other communities don’t have to host ugly and destructive industrial wind and solar projects in order to have viable community centers. On the other hand, Rugged Solar is likely to be approved by the current Board of Supervisors, without question, so the community needs to receive some kind of benefit.
- Focusing funding on the Backcountry Resource Center will benefit the community as a whole with services for locals, including meeting rooms, potential for medical / dental clinics, child / adult activities /services, playground / picnic areas, recycling and more.
- ***M/S: Tisdale/Strand: Support the concept of the Rugged Solar Community Benefit (Working Draft) for the Backcountry Resource Center: PASSED: 4 YES; 0 NO***

3. COUNTY STAFF UPDATE ON LIVE OAK SPRINGS WATER SYSTEM:

- Peejay Tubongbanua, P.E., DPW Project manager, and Tony Potter provided updated information including meter data access and June 15 Board of Supervisors hearing that includes Live Oak Springs water fees via property tax roll. CIP team is still working to provide update on Phase 1 water system improvements: Contact: Peejay.Tubongbanua@sdcounty.ca.gov; 619.417.5625
- The County allotted \$8.3 million from General fund for acquisition, governance, and system wide capital improvements: 2-60 gallon wells; 2-100k gallon steel bolted tanks; chemical feed system; emergency power generator; fire flow pumps; booster pumps; electrical and instrument control; pipeline distribution; hydrants and isolation valves.
- Collection of Charges on FY 2022-23 tax roll; authorized by State Health and Safety Code and County Ordinance; cost savings for customers; reports available for public review; hearings for public comment.
- 3-year rate schedule was approved in November 2020 works out to approximately \$100 per month.
- They reported they have already experienced theft of some new copper wiring.
- Working on security and alarm systems and site access improvements.
- Live Oak Springs Water System: <https://www.sandiegocounty.gov/content/sdc/dpw/h2o1.html>
- Citizen Access (water meter data): <http://publicservices.sandiegocounty.ca.gov/CitizenAccess/Default.aspx>
- Live Oak Springs Water System contact: 858-514-4990; CSA137@sdcounty.ca.gov

F. GROUP BUSINESS, ANNOUNCEMENTS:

1. **APPOINTMENT OF MANUEL CASANOVA TO SEAT # 1 IS ON MAY 10, BOARD OF SUPERVISORS’ AGENDA.**
2. **REVITALIZATION & FIRE SAFE COUNCIL REPORTS:** No report provided.

G. PROJECT UPDATES:

1. **BOULEVARD MICROGRID & STRATEGIC UNDERGROUNDING:** CPUC conditionally approved the project on December 2nd. SDG&E is reportedly still working through the final process with the CPUC. Completion / online date expected to be August 2023.
2. **20 MW STARLIGHT SOLAR + 80 MW EXPANSION:**
 - Jim Whalen reported that AES is apparently out of the project.
3. **TERRA-GEN’S 252 MW-60 TURBINE CAMPO WIND PROJECT APPROVED BY BOARD OF SUPERVISORS ON 3-17-21 WITH VOTE TO APPROVE BOULDER BRUSH FACILITIES. APPEAL OF FEDERAL APPROVALS OF CAMPO WIND FILED IN 9TH CIRCUIT COURT APPEAL ON 2-22-22:** Approved for Campo Reservation land by Dept of Interior April

2020. Federal lawsuit filed 7-8-20. On August 6, 2021, the federal judge granted the Campo Band's Motion to Dismiss the case. FAA approved project for second time despite SO CAL TRACON objections over significant aviation impacts. An appeal of FAA approval has been filed in the 9th Circuit.

4. **TERRA-GEN'S BOULDER BRUSH SUBSTATION FACILITIES PDS2019-MUP-19-002; PDS2019-ER-19-16-001; UNANIMOUSLY APPROVED BY BOARD OF SUPERVISORS 3-17-21. CEQA CHALLENGE FILED. CAMPO BAND FILED MOTION TO INTERVENE. FAA APPROVED TRANSMISSION TOWERS IN FEB-MARCH 2022:** Boulder Brush Facilities include 3.5 miles of overhead 230 kilovolt generation transmission (gen-tie) line on private land, approximately 32 steel poles at a maximum height of 150 feet, a high voltage substation, a switchyard, in/out connection to the existing Sunrise Powerlink. These facilities will connect Terra-Gen's 60-4.2 MW Campo Wind turbines on the Campo Reservation to Sunrise Powerlink via the substation and switchyard on private land. See more project details at this link: <https://www.sandiegocounty.gov/pds/ceqa/BoulderBrush.html>
5. **90 MW JACUMBA VALLEY RANCH ENERGY PARK (JVR SOLAR); APPROVED BY BOARD OF SUPERVISORS ON 8-18-21. CEQA LAWSUIT CHALLENGING APPROVAL WAS FILED ON 9-20-21:** 90 megawatt (MW) solar energy facility and a battery energy storage system of up to 90 MW (360 MWh). The development footprint of the proposed solar facility is approximately 623 acres. Project documents are posted at: <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-022.html>.
6. **ENERGIA SIERRA JUAREZ (ESJ) WIND II-EXPANSION COMMENCES OPERATIONS:** FEB 8, 2022: Sempra announced commencement of operations for 108MW (26-Vestas V150-4.2MW) expansion of existing 155 MW ESJ Wind I project (47-3.3 MW turbines) on 13,000 acres south of the border just east of Jacumba and Ejido Jacume. Energy is exported cross border to ECO Substation per Power Purchase Agreement with SDG&E: <https://www.sempra.com/energia-sierra-juarez-phase-ii-wind-farm-commences-operations>
7. **TERRA-GEN'S 126 MW TORREY WIND PROJECT WITH 30-4.2 MW TURBINES: PDS2018-MUP-18-014:** No project progress reported since approximately 2018. Torrey Wind will rely on Campo Wind's approved but not yet built Boulder Brush Substation. On March 14th, PDS granted Terra-Gens March 14th request for project time extension through September 24, 2022. <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/TorreyWindNOP.html> The CAISO Grid Queue report (#2177) shows a Boulder Brush Hybrid with 105.8 MW wind and 314 MW battery storage with an online date of 6/1/25: <http://www.caiso.com/PublishedDocuments/PublicQueueReport.xlsx>
8. **TULE WIND PHASE II-69MW:** Currently permitted to erect up to 24 new turbines on State land and the Ewiiapayaap Reservation, with a capacity of 69 megawatts, as expansion to existing 131.1 MW Tule Wind I with 57 -2.3 MW turbines. No progress since approximately 2016: <https://www.eastcountymagazine.org/state-approves-tule-wind-phase-ii-opponents-voice-concern-eagles-wildlife-residents>
9. **BOULEVARD ENERGY STORAGE PDS2017-ZAP-17-006:** 100 MW battery storage project proposed to connect to Boulevard Substation is on the County's idle project list. County was supposed to send letter to applicant to withdraw, reactivate, or moved forward for denial after April 30, 2022. No response on that happening.
10. **60 MW 420 ACRE BOULEVARD SOLAR MUP12-010TE PDS2012-3300-12-00 @ 796 Tierra Del Sol Road;** No project progress reported. Approved in 2014 and terminated by Soitec Solar in March 2015. Invenergy withdrew from project in 2018. Absentee owner still promoting it. Permit reportedly expires in July 2022.

H. MEETING ADJOURNED AT 8:45: NEXT MEETING SCHEDULED FOR THURSDAY, JUNE 2, 2022.

Minutes approved by Group, as corrected, on June 2, 2022

Donna Tisdale, Chair: 

For More information contact Donna Tisdale, Chair at 619-766-4170 or tisdale.donna@gmail.com ; Current and past meeting agendas and approved minutes are posted on the County website @ <http://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/blvd.html>

**Disclaimer Language included as directed by San Diego County PDS: Public Disclosure: We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control. Access and Correction of Personal Information: You can review any personal information collected about you. You may recommend changes to your personal information you believe is in error by submitting a written request that credibly shows the error. If you believe that your personal information is being used for a purpose other than what was intended when submitted, you may contact us. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.*

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U.S. FISH AND WILDLIFE SERVICE
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, California 92123

In Reply Refer to:
FWS/CDFW-SDG-2022-0043226

May 20, 2022
Sent Electronically

Regina Ochoa
County of San Diego
Department of Planning and Development Services
5510 Overland Avenue, Suite 110
San Diego, California 92123

Subject: Rugged Solar Major Use Permit Modification and Time Extension Addendum to the Previously Certified Environmental Impact Report for the Soitec Solar Development Program

Dear Regina Ochoa:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) have reviewed the Addendum to the Previously Certified Environmental Impact Report (EIR) for the Soitec Solar Development Program (Addendum)¹ and other materials associated with the Rugged Solar Major Use Permit Modification and Time Extension dated April 21, 2022. We commented previously on an earlier version of this project in association with the Soitec Solar Development Program in letters dated December 17, 2012 (Service 2012), January 7, 2013 (Department 2013), December 4, 2013 (Service 2013), March 3, 2014 (Department 2014), March 4, 2014 (Service 2014), January 14, 2015 (Service 2015), and January 15, 2015 (Department 2015). We have identified potential effects of the proposed Rugged Solar project (Proposed Project) on wildlife and sensitive habitats. The comments and recommendations provided are based on our knowledge of sensitive vegetation communities in the County of San Diego (County), discussions with County staff, and our participation in regional conservation planning efforts.

A-1

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has the legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service also is responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(2)(A) of the Act.

A-2

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for

¹ While Soitec Solar Development Company includes the solar farm Tierra del Sol Solar, the only subject of this Addendum pertained to revisions to Rugged Solar.

Regina Ochoa (FWS/CDFW-SDG-2022-0043226)

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ensuring appropriate conservation of the State’s biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

A-2
Cont.

The Service, the Department, and the County signed the Third Restated and Amended Planning Agreement for the development of the North and East County Multiple Species Conservation Program (MSCP) Plans in March of 2021. The Proposed Project occurs within the plan boundary of the draft East County MSCP Plan. The Planning Agreement includes an interim process to review projects within the Planning Areas to ensure that preliminary conservation objectives and preserve options for establishing a viable reserve system are not precluded and that project impacts are adequately mitigated. Our comments on the Proposed Project are provided to assist the County in meeting this objective.

A-3

The Proposed Project would encompass 764 acres, of which 391 acres would be permanently impacted from solar panel installation, substation construction, and other auxiliary structures. Significant differences between the Proposed Project and the project described in the Previously Certified EIR include: (1) a 107-acre reduction in the development area, primarily from the removal of 177 solar trackers in the western subarea; (2) the switch from concentrating photovoltaic (CPV) dual-axis technology to single-axis photovoltaic (PV) trackers, which will reduce the height of the solar array from approximately 30 feet to 7 feet; (3) an increase in size for the on-site collector substation from 6,000 square feet to 26,000 square feet; and (4) an increase in grading, from 28,410 cubic yards of balanced cut and fill to 75,000 cubic yards.

A-4

The Proposed Project has a smaller footprint than the project described in the Previously Certified EIR; however, it is still located entirely within the Focused Conservation Area (FCA) for the East County MSCP. FCAs were identified to conserve large blocks of habitat and connectivity between them and to maintain important ecological functions. The project site supports all three conservation objectives. Please refer to our previous letters, which outline our concerns regarding potential impacts to the East County MSCP planning effort. In particular, we continue to recommend that the Proposed Project avoid and minimize impacts to this segment of the FCA and the sensitive resources on-site and that unavoidable impacts be mitigated in-kind.

A-5

Although not mentioned in the Addendum, County staff reaffirmed in a meeting with the Wildlife Agencies on May 12, 2022 (Smith 2022, pers. comm.), that the Applicant was preparing a Bird and Bat Conservation Strategy (BBCS). A BBCS often includes mortality monitoring associated with the project. Companies are strongly encouraged to apply for a Special Purpose Utility (SPUT) permit under the Migratory Bird Treaty Act (MBTA) that will facilitate this type of monitoring by allowing projects to collect and possess bird carcasses as part of the monitoring effort. Please refer to the Service’s letter dated March 4, 2014, which outlines the Service’s concerns related to potential impact to Avian Species (Service 2014). As stated in the March 4, 2014, letter, the Service recommends that the BBCS, including the monitoring plan, be developed in close coordination with the Service (Service 2014). The BBCS and any necessary permits should be in place prior to construction and should fully address and monitor construction and operation-related mortalities

A-6

Regina Ochoa (FWS/CDFW-SDG-2022-0043226)

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at all project features (e.g., fencing, utility infrastructure, and impacts with vehicles), PV presence (i.e., monitoring from first installation of panels).

We appreciate the updated Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) and rare plant surveys that were performed on-site in 2020 and 2019, respectively. However, no focused wildlife surveys for other wildlife species have been conducted for the Proposed Project. The Addendum relies on incidental sightings from the original field work for its analysis. At a minimum, the site should be surveyed for other potential covered species such as tricolored blackbird (*Agelaius tricolor*; California listed Threatened), Swainson’s hawk (*Buteo swainsoni*; California listed Threatened), and southern California legless lizard (*Anniella stebbinsi*; California Species of Special Concern) to assess the potential significance of proposed impacts under CEQA as well as the Proposed Project’s potential effects to the East County MSCP Plan.

We request that the Wildlife Agencies be included in the review and approval of the following items to ensure consistency with the goals and objectives of the East County MSCP planning effort and state wetland permit and that the data collected can contribute to regional efforts to assess impacts of solar projects on sensitive resources:

1. The On-site Resource Management Plan [M-BI-PP-1b of the Biological Resources Report (BRP)].
2. The Off-site Resource Management Plan (M-BI-PP-1b of the BRP).
3. The Restoration Plan for Special Status Plants (M-BI-PP-1c of the BRP).
4. The Wetlands Mitigation and Monitoring Plan (M-BIO-PP-14 of the BRP).
5. The Bird and Bat Conservation Strategy.

The following comments (1, 2, and 3) are specific to the Department:

1. The Department has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake, or use material from a river, stream, or lake. For any such activities, the project applicant (or “entity”) must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the Applicant is required prior to conducting the proposed activities. The Department’s issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the County’s document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. Whether an LSAA is required to satisfy requirements of section 1600 *et seq.* can only be

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Regina Ochoa (FWS/CDFW-SDG-2022-0043226)

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determined at the time a formal Notification package is submitted to the Department. Given the design elements of the Proposed Project, we strongly encourage the County to consider submittal of a streambed notification package to the Lake and Streambed Alteration Program.

- 2. CEQA requires that information developed in EIRs and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB field survey form](#) should be completed and the form mailed electronically to [CNDDDB](#).² The [CNDDDB Plants and Animals](#) site lists the types of information reported to CNDDDB.
- 3. The Proposed Project would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

We appreciate the opportunity to comment on the Addendum and its associated materials and are available to work with the County and Applicant to address our concerns. If you have any questions regarding this letter, please contact [Dimitri Pappas](#)³ of the Service or [Emily Gray](#)⁴ of the Department over electronic mail.

Sincerely,

JONATHAN SNYDER
 Digitally signed by JONATHAN SNYDER
 Date: 2022.05.20 13:17:10 -07'00'

Jonathan D. Snyder
Assistant Field Supervisor
U.S. Fish and Wildlife Service

DocuSigned by:

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David A. Mayer
Environmental Program Manager
California Department of Fish and Wildlife

cc:

[Karen Drewe](#), Department
[Jenny Ludovissy](#), Department

A-9
Cont.

A-10

A-11

A-12

² CNDDDB@wildlife.ca.gov

³ Dimitri_Pappas@fws.gov

⁴ Emily.Gray@wildlife.ca.gov

Regina Ochoa (FWS/CDFW-SDG-2022-0043226)

5

LITERATURE CITED

- [Department] California Department of Fish and Wildlife. 2013. Notice of Preparation of a Draft Program Environmental Impact Report for Soitec Solar Projects, San Diego County, California (SCH# 2012121018).
- [Department] California Department of Fish and Wildlife. 2014. Comments on Draft Programmatic Environmental Impact Report for Soitec Solar Development, San Diego County, California (SCH# 2012061068).
- [Department] California Department of Fish and Wildlife. 2015. Comments on the Final Programmatic Environmental Impact Report/Environmental Impact Statement, Soitec Solar Development Project, San Diego County, California (SCH# 2012121018).
- [Service] U.S. Fish and Wildlife Service. 2012. Notice of Preparation of an Environmental Impact Report for the Soitec Solar Development Program, Unincorporated San Diego County, California (FWS-SDG-13B0073-13TA0096).
- [Service] U.S. Fish and Wildlife Service. 2013. Biological Evaluation of the Proposed Soitec Mitigation Site, San Diego County, California. (FWS-SDG-13B0073-14TA0062).
- [Service] U.S. Fish and Wildlife Service. 2014. Draft Program Environmental Impact Report for the Proposed Soitec Solar Development Project, San Diego County, California (FWS-SDG-13B0073-14TA0111).
- [Service] U.S. Fish and Wildlife Service. 2015. Final Program Environmental Impact Report for the Proposed Soitec Solar Development Project, San Diego County, California (FWS-SDG-13B0073-15CPA0094).

PERSONAL COMMUNICATIONS

- Smith A. 2022. Chief of Project Planning, County of San Diego Development and Planning Services. Discussion with Service staff (Susan Wynn, Dimitri Pappas, and James Molden), Department staff (Karen Drewe and Emily Gray), and County Staff (Kendalyn White, Chelsea Oakes, and Randall Sjoblom) during the PDS/DPR Coordination Meeting on May 12, 2022. Subject: PDS/DPR Coordination Meeting with Wildlife Agencies.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

16 May 2022

To: Ms. Regina Ochoa
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Notice of Intent to Adopt Findings
Rugged Solar
PDS2017-MUP-12-007W1, PDS2017-MUP-12-007TE,
PDS2017-ER-12-21-005A

Dear Ms. Ochoa:

I have reviewed the proposed Findings for the subject project on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the documents posted on the County's website, we are in agreement with the Findings regarding cultural resources.

Thank you for the opportunity to review and comment upon this environmental document.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Dudek
SDCAS President
File

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B-1
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BOULEVARD PLANNING GROUP

PO BOX 1272, BOULEVARD, CA 91905

DATE: May 23, 2022

TO: Regina.Ochoa@sdcounty.ca.gov, PDS Project manager

FROM: Donna Tisdale, Chair: tisdale.donna@gmail.com 619-766-4170

RE: COMMENTS ON RUGGED SOLAR REVISED PFEIR ADDENDUM: PDS2017-MUP-12-007W1, PDS2017-MUP-12-007TE; PDS2017-ER-12-21-003A, PDS2017-ER-12-21-003B¹

RUGGED SOLAR REVISED PFEIR ADDENEDUM – ALL BPG VOTES FAILED:

- At our regular Boulevard Planning Group (BPG) meeting held on May 5th, a motion was made by Kevin Keane to approve Rugged Solar Revised PFEIR Addendum. It died for lack of a second.
- A second motion was made by Donna Tisdale to deny the Rugged Solar PFEIR Addendum/project. It also died for a lack of a second.
- A third motion was made to take a neutral position on Rugged Solar that failed for lack of a quorum, with 3 voting YES, one voting No (Tisdale), and 0 abstentions.
- With 2 of our 7 members absent and one seat vacant, a quorum of 4 votes was needed to pass the motion. **Therefore, with only 3 votes to remain neutral, no qualified vote was secured.**
- Based on the facts stated above, these comments are based on my personal review of the project documents and many years of experience as a community planner and local property owner dealing with dozens of proposed wind, solar and related transmission projects planned in East County’s backcountry and in Imperial County in the last two decades and more.

C-1

RUGGED SOLAR COMMUNITY BENEFITS- DRAFT CONCEPT ENDORSED

- A discussion was held on the fact that other communities do not need to sacrifice their community character, multiple resources, quality of life, and property values in order to secure a viable community center.
- On the other hand, there was little doubt that the Board of Supervisors (BOS) will vote to throw Boulevard under the renewable energy bus, especially with Chairman Fletcher previously stating that it “warmed his heart” when the **BOS voted to approve Campo Wind’s Boulder Brush Substation on private land with NO community benefits for Boulevard.**
- With that hard fact in mind, and the consensus that the developer should give something back to our predominantly low-income and underserved community, **the BPG voted unanimously to endorse the concept of the Rugged Solar Community Benefit Working Draft with almost \$900,000 in funding to renovate the Back Country Resource Center property.**
- The Boulevard property owners who are participating in the Rugged Solar project, most if not all of whom are absentee, should also give back to the Boulevard community.

C-2

¹<https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/RuggedSolar/Rugged%20Solar%20Project%20EIR%20Addendum.pdf>

- ***If the (BOS) approves Rugged Solar, as expected, they should match any Community benefits funding provided by the applicant. With that funding to be limited to projects within the Boulevard Planning Area, including the Back Country Resource Center and Clover Flat Elementary***
 - *As of the 2020-21 data available, Clover Flat has 9.2% Native American, 39.9 % Latino/Hispanic, 32.5% white; 16.6 % two or more races and .6% Filipino students enrolled².*
 - *Of the 163 students (K-6), only 18.75% met or exceeded standards for Each Achievement Level; and 13.09% met or exceeded standard for Math.*
- In addition, the absentee land owner, Rough Acres Foundation, should also provide some form of Community Benefit as well. They already host a re-hab facility on the property that was never submitted for community review. And they will also be benefiting from lucrative income from Rugged Solar through some form of payment for use of over 700 acres of their land.
- The BOS should also include local access, in Boulevard, to the County’s new budgeted plans for Live Well on Wheels and mobile labs that should bring services to our underserved and disproportionately impacted communities³

C-2
Cont.

RUGGED SOLAR, INCS’ FORFEITED / INACTIVE STATUS WITH SECRETARY OF STATE AND FAILURE OF LOBBYISTS TO PROPERLY REGISTER:

- The Applicant is identified as Rugged Solar LLC which as of 5-23-22 was listed as having a FORFEITED STATUS with the California Secretary of State with an INACTIVE date of 8/4/20⁴.
- In addition, James E Whalen, identified as the project contact (lobbyist) for the applicant Rugged Solar LLC, is Registered Lobbyist #736 with San Diego County. However, as of May 5, 2022, Rugged Solar LLC is not disclosed as one of the firms represented⁵. Whalen does list Rough Acres Foundation. That is a separate entity that owns the project site. However, they are not the applicant.
- Ryan Waterman #1094 is listed as the registered lobbyist for Clean Focus Renewables, Inc, as of May 5, 2022. However, he is only registered to lobby the Board of Supervisors and Office of County Counsel⁶, not PDS, or the Planning Commission.
- If these simple details cannot be complied with, what else will be considered not worthy of compliance?

C-3

PLOT PLAN: RUGGED SOLAR PROPERTY OWNER INFORMATION IS OUTDATED / NOT IN GOOD STANDING AND MUST BE CORRECTED:

- **Sheet 1: Owner Information:**

C-4

² <https://dq.cde.ca.gov/dataquest/dqcensus/enrethlevels.aspx?agglevel=School&year=2020-21&cds=37682136085054>

³ <https://www.countynewscenter.com/county-budget-builds-on-commitments-across-key-areas/>

⁴ <https://bizfileonline.sos.ca.gov/search/business>

⁵ <https://www.sandiegocounty.gov/cob/docs/lobbyists/firmsrepresented.pdf>

⁶ <https://www.sandiegocounty.gov/content/dam/sdc/cob/docs/lobbyists/registeredlobbyist.pdf>

- Correction needed: Frankie Thibodeau’s property is listed as hosting 799 trackers. She is deceased. She passed away 1/22/18⁷. 5 years is plenty of time to correct the property owner information.
- Vista Oaks Business Park is listed as an owner: As of 5/21/22, the Secretary of State’s website⁸ includes the following information on two entities in response to a search for Vista Oaks Business Park. Both show them as terminated. Vista Oaks Business Park L.P. shares the same 1000 Pioneer Way, El Cajon address. It was terminated as of 6/12/15.

Entity Information	Initial Filing Date	Status	Entity Type
VISTA OAKS BUSINESS PARK ASSOCIATION (1149898)	08/18/1983	Terminated - FTB Admin	Nonprofit Corporation - CA - Mutual Benefit
VISTA OAKS BUSINESS PARK L.P. (199810300015)	04/10/1998	Terminated	Limited Partnership - CA

C-4
Cont.

CLEAN FOCUS’S LARGEST SOLAR PROJECT TO DATE IS ONLY 5 MW COVERING 15 ACRES IN EAST LYME:

- Rugged Solar is approximately 10 times the size of their largest disclosed project. Are they qualified and prepared to handle a new 400 acre project?
- According to the Greenskies / Clean Focus website⁹, their 5 MW Antares Solar Farm¹⁰ in East Lyme, CT is their largest project: **Highlights:** 40 total acres. 25 acres of solar production, 15 acres of protected wetlands. See photo below:



C-5

RUGGED SOLAR LLC’S PPA WITH VALLEY CLEAN ENERGY WAS TERMINATED OVER BREACHED CONTRACT DUE TO FAILURE TO POST REQUIRED DEVELOPMENT SECURITY:

- According to Alisa Lembke to the Board Clerk for Valley Clean Energy, who was contacted directly, the Rugged Solar PPA item was on their agenda. It was tabled twice, and then it was

C-6

⁷ <https://www.mylife.com/frankie-thibodeau/e780783707220>

⁸ <https://bizfileonline.sos.ca.gov/search/business>

⁹ <https://www.greenskies.com/projects>

¹⁰ <https://www.greenskies.com/looking-for-solar/utility-scale>

approved at their Board’s June 11, 2020 special meeting. A month later, on July 14, 2020, the PPA was terminated. **VCE no longer has an agreement with Rugged Solar.**

- **Rulemaking 18-07-003: BEFORE THE CPUC: MOTION OF VALLEY CLEAN ENERGY ALLIANCE TO UPDATE ITS DRAFT 2020 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN - dated August 12, 2020 (attached) (excerpt-emphasis added):** “ On June 15, 2020, VCE executed a 20-year solar power purchase agreement (“PPA”) with Rugged Solar LLC for 72 MW (“Rugged Contract”), with an expected commercial operation date of April 1, 2021. On July 6, 2020, VCE submitted its Draft 2020 Renewables Portfolio Standard Procurement Plan, which includes information on the Rugged Contract pursuant to the ACR. Subsequent to that date, the project developer breached the contract by failing to post the required development security. On July 14, 2020, VCE provided a 30-day notice of termination of the Rugged Contract as a result of the uncured breach. VCE currently anticipates that the Rugged Contract will be officially terminated on August 13, 2020.”

C-6
Cont.

WATER – PROJECT FACILITY AVAILABILITY FORMS ARE MISSING AND /OR INCORRECT- THAT IS A CRITICAL ERROR FOR A FULLY GROUNDWATER-DEPENDENT PROJECT DURING A DROUGHT.

- As of May 18, 2022, PDS staff, provided via e-mail the Rough Acres Ranch Water letter (PDS399-water) dated 10-9-17; and informed me that “**We do not have record of a current construction water supply agreement with JCSD for the project.**” (Emphasis added).
- That means there is no confirmation of the availability of the 36.46 acre ft (11,880,543 gallons) of construction water for Rugged Solar LLC, which the Revised PEIR Addendum claims will come from Jacumba Community Services District (JCSD).
- Additionally, the Project Availability Form from Rough Acres Water Company, dated 10-9-17, falsely answered NO to the question in Section 1-D: “Is the project proposing the use of groundwater”.
- When, in fact, Rough Acres Water Company is fully groundwater dependent.
- The Rough Acres Water Form also states in Section 2-B that Facilities to serve the project ARE reasonably expected to be available for the next 5 years...” That five year period expires in less than 4 months in October 2022.

C-7

C-8

HOW MUCH CONCRETE IS NEEDED TO INSTALL CHAIN LINK FENCING POLES? WHAT EVER THAT NUMBER IS, IT DOES NOT SEEM TO BE INCLUDED IN THE GROUDWATER INVESTIGATION.

- HOW MUCH WATER WILL THAT REQUIRE? Where is that included in the groundwater analysis?
- This is the same error that Soitec made for Rugged Solar.
- There are calculators available to help determine what amount of concrete (and water) will be required if you know the lineal footage and the pole spacing of the fencing¹¹. For chain link the average maximum spacing is 10 ft.
- On average, chain link fence poles are 3” diameter. That would require a 9” x 24” pole hole that would require 3 – 50# bags of concrete (ready-mix) at 1 gallon of water per bag = 3 gallons of water per pole hole¹².

C-9

¹¹ <https://www.spikevm.com/calculators/fencing/fence-post-concrete.php>

SPECIFIC REQUESTS:

- Place all overhead collector poles / lines underground.
- Remove unsightly and unnecessary concertina wire from fencing plan that shows on plot plan.
- The approved Soitec Rugged Solar plot plans DO NOT include concertina wire. See AECOM’s Rugged Solar LLC Plot Plan Sheet C-132 of Soitec Solar Development LLC’s plot plans dated as received by PDS 11-5-12; MPA- 12-009.
- Even the now closed McCain Conservation prison camp next door only has 3-strand barbed wire.
- Increase project footprint setback from McCain Valley Road to reduce visual impacts on sole public access route to McCain Valley Resource Conservation / Recreation Area¹³, Lark Canyon OHV Park and Campground, Cottonwood Campground, and various hiking trails in Carrizo Gorge Wilderness / Overlook, Sawtooth Mountain Wilderness, Sacatone Overlook, and more.

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1.3 PROJECT DESCRIPTION- SURFACE OF PV PANELS = SAME SQ FT AS 30.3 WALMART SUPERCENTERS:

- The Project includes 225,264 PV modules (different numbers in different places).
- According to project consultant, each module measures approximately 3.5 x 7 ft which equals about 24.5 ft per module x 225,264 modules = 5,518,968 sq ft of surface area that will disrupt the current open space habitat that exists where the project is proposed.
- 5,518,968 sq ft equals the same amount of space as the footprints for 30.3 Walmart Supercenters that average 182,000 sq ft¹⁴.
- Correction is needed for location of Boulevard Substation that is located EAST of Ribbonwood Road on Historic Route 80, NOT on the west side of Ribbonwood Road as stated in document.
- At 75,000 cubic yards of cut and fill is almost 300 % more than the previous 26,000 cubic yards.
- 75,000 cubic yards = 225,000 sq ft. The average Walmart Supercenter is 182,000 sq ft. Therefore, Rugged Solar’s cut and fill = the same square footage as approximately 1.24 Walmart Supercenters in our rural community.
- At 26,000 sq ft, the project substation is 4.33 times the size of previously approved 6,000 sq ft substation.
- New information includes the failure of Soitec and lack of accountability for the overriding considerations that were disingenuously relied upon by the Board of Supervisors when they previously approved both the Rugged Solar and Tierra Del Sol Solar (now Boulevard Solar) projects back in 2014.
- What about Overriding Considerations used against Boulevard, included Soitec’s manufacturing plant and the jobs that went with it. Even Soitec’s attorney said the social and economic benefits were negated when Soitec’s Power Purchase contracts were terminated after being transferred to Tenaska from SDG&E:
 - “Soitec invested more than \$200 million in its San Diego factory, Soitec attorney Jerry Bloom wrote to the commission earlier this month. ***Bloom later claimed “the social and***

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¹² <https://www.everything-about-concrete.com/how-much-concrete-for-a-fence-post.html>

¹³ <http://tourguidetim.com/blog/2008/mccain-valley-recreation/>

¹⁴ <https://corporate.walmart.com/about#walmart-us>

economic benefits” of the San Diego Soitec plant were negated by the loss of the Tenaska contract.”¹⁵

- *The new Rugged Solar includes ZERO local jobs instead of the previous 20 jobs with Soitec.*
- *Project consultant said that the 20 previous jobs would never have gone to locals anyway!*
- [3.1.3-3 AB 900 Application for the Soitec Solar Energy Project](#)- No longer applies to Proposed Rugged Solar.

↑ C-18
Cont.
| C-19

APP FI_FIRE PROTECTION TECHNICAL MEMORANDUM

- *This is just another plan to make a plan that will be determined AFTER public comment closes.*
- The excerpt below documents that the memorandum does not determine or disclose what actual amount the developer would be required to pay for the increased services the Proposed Project represents when compared to the current vacant land status.
 - (excerpt) “Projects within the former San Diego County Rural Fire Protection District may be subject to the “risk rating x total acres” formula to determine the developer agreement funding amount. This approach would need additional discussion with SDCFPD to determine if it would be applicable and whether it would more proportional determine the required ongoing Proposed Project fair share funding.”
- Why should local tax payers foot the bill to benefit for-profit developers?

| C-20

A – MITIGATION MEASURES & PROJECT DESIGN FEATURES:

- **M-BI-PP-1:** Enforceable requirement is needed to ensure that all mitigation land is located within the Boulevard Planning Area where the project impacts will occur.
- Federal and State Agency Permits: Have required permits been secured?
- **M-BI-PP-15:** This section references JCSD and Pine Valley off-site water sources. Where are the current Water Availability Forms for JCSD and Pine Valley?

| C-21
| C-22
| C-23

B1 – VISUAL RESOURCES ANALYSIS – IS INCOMPLETE – CUMULATIVELY SIGNIFICANT IMPACTS

- **Excerpt from page 65 (emphasis added):** *“In summary, the proposed Project would have potential to result in a significant impact on aesthetic resources. The implementation of Mitigation Measure M-AE-PP-1 and Project Design Features PDF-AE-2 through PDF-AE-5 are proposed to reduce Project impacts with regard to aesthetic resources; however, impacts to visual character and quality would not be reduced to below a level of significance...”*
- Why do some figures include the old Soitec Solar project views instead of the currently proposed project: Figure B-1
- The proposed project change includes the addition of concertina wire on top of 3 strands of barbed wire on top of chain linked fencing. **CONCERTINA WIRE SHOULD BE REMOVED FROM PROJECT.** It represents a significant change in visual resources and community character.
- **TABLE 6. CUMULATIVE PROJECTS – DOES NOT REFLECT REALITY OR COMPLY WITH CEQA**

| C-24
| C-25
| C-26

¹⁵ <https://voiceofsandiego.org/2014/12/19/the-darling-of-san-diego-solar-manufacturing-is-on-its-death-bed/>

- **Why were listed projects limited to those approved within the last 5 years? That is not consistent with CEQA requirements.**
- The CEQA Guidelines within Section 15130 provides that “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in Guidelines Section 15065(a) (3).” That section defines “cumulatively considerable” to mean “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (14 C.C.R. 15065.)
- Project # 1 Boulder Brush status should be changed to “unresolved litigation”.
- Project #3: Torrey Wind status should be changed to “stalled” since they have not made any ‘progress’ since 2018. Their application was recently extended to September 24, 2022.
- Project #3: Boulevard Solar (formerly Soitec’s Tierra del Sol Solar) should be listed as stalled because it has not made any ‘progress’ since 2015. It has no developer; no CAISO grid queue connection; an incomplete gen-tie line easement; and the permit will expire on July 20th unless a miracle occurs.

C-27

Cumulative projects that were inexplicably excluded from cumulative project list that must be included for CEQA compliance:

1. **Terra-Gen’s Campo Wind project with 60-4.2 MW turbines** should be included because the County’s approval of Boulder Brush endorsed the Campo Wind project that significantly impacts the Boulevard Planning Area’s viewshed, fire risk, public health and safety, and much more.
2. **Existing 50 MW Kumeyaay Wind turbines** are located on the elevated Tecate Divide on the Campo Reservation north of I-8 and just west of Rugged Solar. They also impact the same Boulevard area residents and resources.
3. **SDG&E’s existing 500kV Sunrise Powerlink** runs alongside McCain Valley Road. It was granted an easement where no easements were supposed to be granted on BLM land in the McCain Valley Conservation and Recreation Area.
4. **Tule Wind’s 138kV gen-tie line** runs overhead along McCain Valley Road and underground south of I-8 to Boulevard Substation.
5. **SDG&E’s ECO Substation with Boulevard Substation rebuild:** The new 60 acre substation is in operation east of Jacumba with 13 miles new 138 kV line to new Boulevard Substation that connects both Tule Wind and Rugged Solar to the grid.
6. **Tule Wind Phase II- 69 MW** is currently permitted to erect up to 24 new turbines on State Land Commission’s land in upper McCain Valley and on the Ewiiapayaap Reservation, as expansion to existing 131.1 MW Tule Wind Phase I.
7. **SDG&E’s Boulevard Microgrid & Strategic Undergrounding:** CPUC conditionally approved the project on 12/2/21. SDG&E is reportedly still working through the final process with the CPUC.

C-28

Completion / online date expected to be August 2023. *However, much of the undergrounding work has already been completed!*

8. 20 MW Starlight Solar + 280 MW expansion: CAISO Queue # 1432: Jim Whalen is the consultant for the application that is pending for this 20 MW project planned on Empire Ranch, Jewel Valley, with intent to connect to grid via the Boulevard Substation. An 80 MW Lago Domingo Solar expansion and 200MW Lago Domingo battery storage project are also planned and are included in the CAISO grid queue (# 2168 & # 2173)¹⁶.

9. Energia Sierra Juarez (ESJ) Wind II Expansion FEB 8, 2022: Sempra announced commencement of operations for 108MW (26-Vestas V150-4.2MW) expansion of existing 155 MW ESJ Wind I project (47-3.3 MW turbines) on 13,000 acres south of the border just east of Jacumba and Ejido Jacume. Energy is exported cross border to ECO Substation per Power Purchase Agreement with SDG&E¹⁷. The turbines are visible from Boulevard and Jacumba.

10. Boulevard Energy Storage PDS2017-ZAP-17-006: 100 MW battery storage project proposed to connect to Boulevard Substation is on the County's idle project list. County was supposed to be sending a letter to applicant to withdraw, reactivate, or moved forward for denial after April 30, 2022. *Staff has failed to respond to numerous requests for updated information on this project.*

11. 60 MW 420 Acre Boulevard Solar: MUP12-010TE PDS2012-3300-12-00 @ 796 Tierra Del Sol Road; Approved in 2014 and terminated by Soitec Solar in March 2015. Invenergy withdrew from the project in 2018. No project progress reported. Absentee owner is still promoting it. Permit reportedly expires in July 2022.

12. 400 MW Boulder Brush Hybrid: CAISO Queue # 2177: Terra-Gen's Wind and Battery project planned to connect to the Boulder Brush Substation with online date of 6/1/25.

13. Regional Decarbonization Framework¹⁸: See RDF Technical Report Figure 2-10 (same as 2.13) (attached), that targets virtually all of the Boulevard Planning Area as "San Diego" Least Cost of Energy. It throws us under the renewable energy bus despite the fact that we do have lots of prime soils and carbon sequestering chaparral and oak woodlands.

14. Set Free Rough Acres:¹⁹ Believed to be currently operating at Rough Acres Ranch, 2750 McCain Valley Road. Occupancy: 15. This land use was never brought forward to the BPG for review. It was just done behind the scenes and then that use was denied by the Hamann Companies and the Set Free sign removed when questions were raised.

15. Rough Acres Ranch Conference / Retreat and Wellness Center and Campground Facility Major Use Permit #12021; Log No. 1221005²⁰. The project is proposed to be located on 713 acres at 2750 McCain Valley Road, Boulevard, It includes two campground areas with 149

¹⁶ <http://www.caiso.com/PublishedDocuments/PublicQueueReport.xlsx>

¹⁷ <https://www.sempra.com/energia-sierra-juarez-phase-ii-wind-farm-commences-operations>

¹⁸ <https://www.sandiegocounty.gov/content/dam/sdc/lueg/regional-decarb-frameworkfiles/RDF-Technical-Report-led-by-UC-San-Diego-March%202022.pdf>

¹⁹ <https://www.dandb.com/businessdirectory/setfreeroughacres-boulevard-ca-19267760.html>

²⁰ https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/RoughAcresRanch/3300-12-021_Project-Description_121515.pdf

campsites (both dry and full hookups), 2 clubhouses, 2 swimming pools, an equestrian center, a 200 person amphitheater, an archery course, a skeet shooting range, a multi-purpose athletic field, and improving and widening several un-paved roads. Occupancy not to exceed 2,000 people. **2000 people is close to Boulevard's population!**

- **At page 60: (excerpt):** "As the Boulevard area offers abundant sunshine, combined with available undeveloped lands that are generally flat, the area represents optimal conditions for the sighting of solar energy facilities in the future. Additionally, southeastern San Diego offers ideal conditions to support the installation and operation of wind turbines for electrical generation..."
 - This blanket editorial statement casually supporting the conversion of Boulevard's rugged beauty, with open rolling panoramic views, into to an industrial wind and solar wasteland does not reflect the General Plan or Boulevard Community Plan objectives, nor does it reflect the desire of the majority of Boulevard residents who moved here to enjoy a quiet, dark sky, rural life style.
 - Industrial wind and solar destroy the very resources that make our community a desirable place to live. Open landscapes are soul soothing. That is why most doctors' offices have calming art work of landscapes and nature and NOT artwork showing the industrial blight of wind and solar installations covering hills and valleys.
- **The importance of open space in California is recognized in the California Constitution (Art. XIII, Section 8), state statutes (Civil Code section 815; Government Code sections, 51071, 51220, and 65561**²¹
 - ARTICLE 1. Declaration [51070 - 51073] (Article 1 added by Stats. 1974, Ch. 1003.)51071. The Legislature finds that the rapid growth and spread of urban development is encroaching upon, or eliminating open-space lands which are necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use and conservation of natural resources. (Added by Stats. 1974, Ch. 1003.)
 - ARTICLE 2. Declaration [51220 - 51223] (Article 2 added by Stats. 1965, Ch. 1443.)51220. (excerpts) The Legislature finds:(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation...(d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments...f) For these reasons, this chapter is necessary for the promotion of the general welfare and

C-28
Cont.

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²¹https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.5.

the protection of the public interest in agricultural land.(Amended by Stats. 1980, Ch. 1219.)

- 65560 excerpt: “Open space used for the managed production of resources, including, but not limited to, forest lands, rangeland, agricultural lands, and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers, and streams that are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- 65561 excerpt: The Legislature finds and declares as follows:(a) That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.(b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.

C-30
Cont.

B2 –GLARE STUDY:

- The glare study limited the project viewshed to a 1-mile radius when local viewsheds can extend for many miles due to the hilly terrain in the area. Many homes in the expanded area will have elevated views into the project area.
 - **Excerpt from Executive Summary:** “Review of the analysis determined potential glare will be limited to motorists traveling on the private Tule Mountain Road from September through March. No glare was reported for residential viewers or motorists on Ribbonwood and McCain Valley Roads due to their distances to the Project and the 5 degree wake/stow angle of the single-axis tracking PV panels (see Section 4.0). Based on these findings, it is POWER’s professional opinion that instances of glare and overall glare impacts from the Modified Rugged Solar Project are anticipated to be low...”
- The study failed to include residences actually on Tule Jim and Roadrunner Land and in the elevated Boulevard Estates west of Ribbonwood Road and in Tierra Heights neighborhood west of Ribbonwood, south of I-8, and north of Old 80 that have extensive views of the project area and will be subject to any glare generated by the project.
- At a recent BPG meeting, one Tierra Heights resident displayed a photo on their phone of the glare they see from the solar PV panels located at the adjacent Boulevard Border Patrol station on Ribbonwood Road.

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C-32

C1 – Air Quality Assessment

- Increased project-generated electromagnetic emissions / pollution has not been addressed for this project or the related impacts on adjacent residents and / or biological resources.
- Project-generated electromagnetic interference with existing uses has not been analyzed or addressed either.

C-33

C2 – GHG Screening Letter

- **California Energy Commission 21-IEPR-01: 2021 Integrated Energy Policy Report (IEPR) Highlights (4-5-22):** (excerpt “California is beginning to address embodied emissions – emissions from the manufacturing and transport of building materials, finishes, appliances, and on-site use of construction equipment”²²)
- **Where is that full life-of-project emissions analysis for Rugged Solar?**
- **What is the source of the PV panels? Are they fully or partially sourced from China and / or alleged slave labor?**

C-34

D – BIOLOGICAL RESOURCES REPORT

- Inverters, SCADA, solar energy generation, lines, switch yards, substations, and other project components generate electrical pollution emissions that can cause harm and yet that impact has not been addressed.
- Where is the evidence that the increased project generated electromagnetic fields / radiation emissions will NOT harm the wildlife?
- **Effects of non-ionizing electromagnetic fields on flora and fauna, Part 3. Exposure standards, public policy, laws, and future directions** by [B Blake Levitt](#), [Henry C Lai](#), [Albert M Manville](#); PMID: 34563106; DOI: 10.1515/reveh-2021-0083²³:
 - Excerpt: “Many species of flora and fauna, because of distinctive physiologies, have been found sensitive to exogenous EMF in ways that surpass human reactivity. Such exposures may now be capable of affecting endogenous bioelectric states in some species. Numerous studies across all frequencies and taxa indicate that low-level EMF exposures have numerous adverse effects, including on orientation, migration, food finding, reproduction, mating, nest and den building, territorial maintenance, defense, vitality, longevity, and survivorship. Cyto- and geno-toxic effects have long been observed...”

C-35

C-36

F2 – FIRE PROTECTION PLAN ADDENDUM:

- Envirotac II is the referenced soil binder for this project.
- The Envirotac II Material Data Safety Sheet (MDS)²⁴, under # 5 Firefighting Measures, Unusual Hazards, states that “**Dried product can burn**” (*emphasis added*)
- ***Will the dried Envirotac II material used at the project be kept hydrated so it won’t represent an increased fire risk? If so, has the water required for that maintenance been included in the groundwater analysis?***
- It just takes one accidental spark at or near a major solar energy project to ignite a major wildfire in an area where the only secondary access route (Tule Mountain Road), for impacted

C-37

C-38

²² https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report?utm_medium=email&utm_source=govdelivery

²³ <https://pubmed.ncbi.nlm.nih.gov/34563106/>

²⁴ <https://www.valleyair.org/busind/comply/PM10/forms/EnvirotacIIinfo.pdf>

residents living on McCain Valley Road and Ribbonwood Road that both run north to south, runs east to west through the Rugged Solar project itself. See Grading plan at Sheet 1 of 5.²⁵

↑ C-38
Cont.

FIRE RISK EXAMPLES:

• **How a bird started a fire at a California solar farm (LA Times 6-24-19): (excerpts):**

- “It may be safe for a bird to land on an electrical wire, but not on two of them at once. A June 5 fire at a California solar farm that scorched 1,127 acres started when a bird flew into a pair of wires, creating an electric circuit and a shower of sparks, a California Department of Forestry and Fire Protection official said. It didn’t end well for the power plant — or the bird.
- “One wing touches each of the conductors, and they turn into a light bulb,” said Zach Nichols, a Cal Fire battalion chief. “Happens all the time.” The company that owns the California Valley Solar Ranch solar farm, Clearway Energy Inc., had blamed the fire on an “avian incident” without saying what exactly happened at the remote facility in the arid grasslands between Los Angeles and San Francisco. The blaze damaged power poles and wires at the 250-megawatt plant and knocked out 84% of its generating capacity, causing an estimated \$8 million to \$9 million in losses, the company said. The blaze damaged power poles and wires at the 250-megawatt plant and knocked out 84% of its generating capacity, causing an estimated \$8 million to \$9 million in losses, the company said...”²⁶
- **Safety issues in PV systems: Design choices for a secure fault detection and for preventing fire risk by M.C.Falvo. S.Capparella’**²⁷
 - Excerpt: “In a PV plant, as well as in all electrical system, a fire can be caused by the presence of short circuits (current with a high value), arcs (current with a low value, generally associated with ground-faults) and poor connections, all three of which may lead to an over-heating of cables and other electrical components”²⁸

C-39

EQUAL EQUITABLE DEFENSIBLE SPACE MUST BE REQUIRED FOR SOLAR PROJECTS WITH REQUIREMENTS FOR LOCAL HOMEOWNERS:

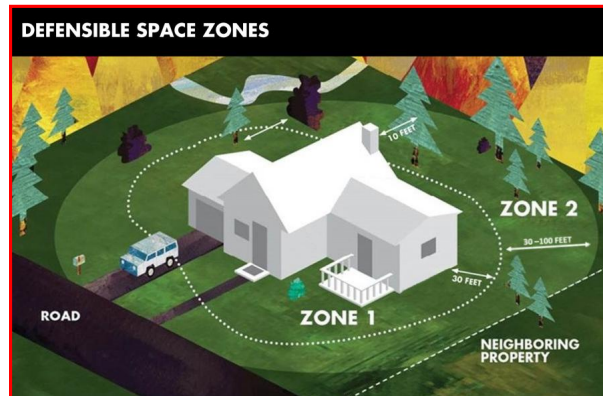
↓ C-40

²⁵ <https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/RuggedSolar/Rugged%20Solar%20Preliminary%20Grading%20Plans.pdf>

²⁶ <https://www.latimes.com/business/la-fi-bird-fire-solar-farm-20190624-story.html>

²⁷ <https://doi.org/10.1016/i.csfs.2014.11.002>

²⁸ <https://www.sciencedirect.com/science/article/pii/S2214398X14000120>



C-40
Cont.

- Setbacks for this new high voltage / high fire risk project are shown as just 25 ft when San Diego County²⁹ and CalFire³⁰ require local homeowners to create Defensible Space / Fuel Modification zones within 100 feet of their property lines. **Rugged Solar should be required to do the same.**
 - **Zone 1 – Lean, Clean and Green Zone:** Zone 1 extends 30 feet from buildings, structures, decks, etc. or to your property line, whichever is closer.
 - **Zone 2 – Reduce Fuel Zone:** Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. or to your property line, whichever is closer.

H1 – GROUNDWATER RESOURCE INVESTIGATION REPORT- DOES NOT INCLUDE JACUMBA COMMUNITY SERVICES DISTRICT GROUNDWATER THAT IS THE PROJECT-IDENTIFIED SOURCE OF APPROXIMATELY 37 ACRE FT (12,382,354 GALLONS) OF CONSTRUCTION WATER:

- **1.1 Purpose of the Report:** This section states that "...Additionally, all construction water supply for the Project will now be sourced from off-site sources", **but does not identify those sources.**
- When asked at our BPG meeting on May 5th, Jim Whalen reported that the off-site source is Jacumba Community Services District (JCSD) which relies solely on groundwater.
- **Where is the groundwater resource investigation report for JCSD?**
- **What happens if cumulative projects JVR Solar, Rugged Solar, Boulder Brush Substation, and / or Campo Wind are built at the same time using JCSD water during this extended drought period?**
- **Table 2-5 Construction Water Demand – does NOT appear to include the concrete needed to install miles of chain-link fencing.**

C-41

C-42

C-43

²⁹ https://www.sandiegocounty.gov/content/sdc/pds/fire_resistant.html

³⁰ <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>

- How many lineal ft of fencing will be installed, what will the fence post spacing be, and how much water will it take to mix all that concrete to install the fencing?

↑ C-43
| Cont.

App H GROUNDWATER RESOURCES:

- *The off-site water resources must be more openly identified.*
- **Table 2-2 Rain Gauges in Project Area** – uses outdated rainfall data, including from the Tisdale’s Morning Star Ranch that includes very wet El Nino years that skews the annual average, and leaves out more recent and much dryer years.
 - Station Location Elevation (feet amsl) Years of Operation Average Annual Rainfall (inches) Source Boulevard 1 N 32°40', W 116°17' 3,353 1924 to 1967 14.8 WRCC 2012a Boulevard 2 N 32°40', W 116°18' 3,600 1969 to 1994 17.0 WRCC 2012b Tierra del Sol N 32°39', W 116°19' 4,000 1971 to 2017 10.8 Allan 2018 Morning Star Ranch N 32°37', W 116°21' 3,659 1990 to 2005 15.8 Ponce 2006 Campo N 32°37', W 116°28' 2,630 1900 to 2017 16.2 WRCC 2018; Moyle and Downing 1978 Notes: amsl = above mean sea level.
- **2.4.1 Construction Water Demand:** The Envirotac II will last up to 18 months without reapplication. After application of the tackifier, it is anticipated that up to 39,000 gpd of water will be required for dust control for areas being actively used (e.g., access roads, equipment and vehicle staging areas, etc.) for the remainder of the Project construction
- **Table 2-5 Construction Water Demand** includes only concrete mixing associated with tracker foundations. It does NOT include the concrete needed to install chain link fence posts.

| C-44

| C-45

| C-46

| C-47

- **2.8: WATER QUALITY:**

- According to their own website, Envirotac’s line of dust control polymers interact with soil particles at Nano-level and bind them together by altering their micro-structure...”³¹
- What happens when those polymers breakdown and soak into the on-site and off-site ground and surface waters?
- When you click on Envirotac’s Environmental Data³², the page just says “coming soon”. There is no data available.
- Envirotac claims that “treated roads will reduce the permeability of roads and eliminate water penetrating and turning the surface into mud”
- Less rain permeating treated soil will result in less groundwater recharge.
- Less permeation also means increased runoff and erosion during rain events from treated areas that can move off-site and down gradient to the seasonal wetlands along the Tule Creek bed, spring fed-ponds in the immediate area, seasonal wetlands, and Tule Lake all down gradient from the Project footprint, along with adjacent private wells that may be connected via groundwater bearing fractures in our fractured rock aquifer.

| C-48

| C-49

| C-50

³¹ <https://www.eparhino.com/road-dust-control-products.html>

³² <https://www.eparhino.com/environmental-data.html>

- What is the potential for groundwater contamination? Who will monitor and /or remediate that?

C-51

● **ANOTHER CONCERN WITH INTRODUCTION OF ENVIROTAC II:**

- **Microplastic contamination found in common source of groundwater**³³
- [*Hydrogeology Journal* volume 27, pages2719–2727 \(2019\)](#)
- **Abstract**

▪ The processes of microplastic fiber pollution in groundwater are unknown. The recent research on this contaminant threat is generally focused on surface waters (mainly oceans and rivers), while aquifer contamination is only marginally mentioned as an issue needing further investigation. Synthetic microfibers can be introduced into soils in different ways (e.g. wastewater treatment plants or greywater discharge, septic tank outflows, direct injection of contaminated water in cases of managed aquifer recharge, losing streams, etc.), and can thus reach aquifer systems due to leaching or infiltration in soil pores. Microfibers can then adsorb persistent bioaccumulative and toxic chemicals, which include persistent organic pollutants and metals, and become a carrier of harmful substances in the aquifer system, hence contributing to the overall contamination in both urban and rural areas. For this reason, it is of paramount importance, not only to assess the occurrence and fate of microplastic fibers in groundwater, but also to study the role of microplastics as carriers of contaminants within the aquifer and to advance standardization and organization of monitoring campaigns. Only by addressing these key challenges can hydrogeologists contribute to the state of the art on microplastic pollution and ensure that groundwater is not neglected in the environmental assessments tackling this contaminant of emerging concern.

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H2 – GROUNDWATER MONITORING AND MITIGATION PLAN:

- See groundwater related comments above.

C-53

I – NOISE ASSESSMENT

- Regardless of whether or not the project will allegedly be in compliance with the already too high allowable noise limits, it still introduces a significant new noise source into a quiet rural residential area where noise carries for long distances, and bounces off the exposed boulders in the area.
- ***Plot Plan Sheet 6 Of 7: Does the noise assessment include the intake and exhaust fans for the inverter enclosures?***
- Will the required minimum 6 ft high noise attenuation walls be effective in reducing noise pollution at adjacent non-participating properties / residences?

C-54

C-55

C-56

³³ <https://link.springer.com/article/10.1007/s10040-019-01998-x>

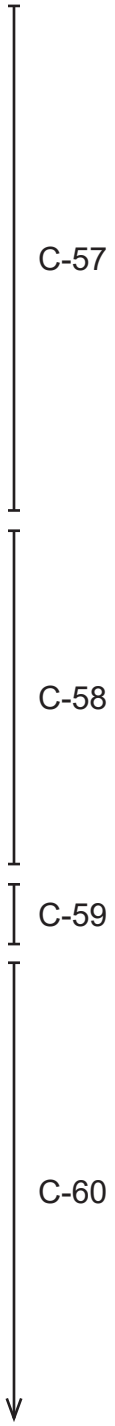
PRELIMINARY GRADING PLAN: Clearing and Grading 392 acres with vertical cut up to 32 ft is significant new information

- **Sheet 1 of 5:**
 - 391.5 acres of 763.35 acres will be cleared and grubbed.
 - That will release lots of stored carbon. Has that been addressed in the Revised PEIR Addendum?
 - “Quantities shown do not include site preparation / clear and grub or utility trench spoils.”
 - MAX CUT SLOPE HEIGHT: 14 FT.
MAX CUT SLOPE RATIO: 2:1
MAX FILL SLOPE HEIGHT: 7 FT.
MAX FILL SLOPE RATIO: 2:1
MAX VERTICAL DEPTH OF CUT: 32 FT
MAX VERTICAL HEIGHT OF FILL: 8 FT.

- **Notice:** THE SUBJECT PROPERTY CONTAINS WETLANDS, A LAKE, A STREAM, AND/OR WATERS OF THE U.S. AND/OR STATE WHICH MAY BE SUBJECT TO REGULATION BY STATE AND/OR FEDERAL AGENCIES, INCLUDING, BUT NOT LIMITED TO, THE REGIONAL WATER QUALITY CONTROL BOARD, U.S. ARMY CORPS OF ENGINEERS AND THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE. IT IS THE APPLICANT'S RESPONSIBILITY TO CONSULT WITH EACH AGENCY TO DETERMINE IF A PERMIT, AGREEMENT OR OTHER APPROVAL IS REQUIRED AND TO OBTAIN ALL NECESSARY PERMITS, AGREEMENTS OR APPROVALS BEFORE COMMENCING ANY ACTIVITY WHICH COULD IMPACT THE WETLANDS, LAKE, STREAM, AND/OR WATERS OF THE U.S. ON THE SUBJECT PROPERTY.
 - **Question:** Have all the required permits /approvals, noted above, been secured?

- **Sheets 3, 4 & 5:** Several parts of the project are subject to inundation by the 100 year flood, why would project components be allowed in those areas?

- **CONCERTINA WIRE IS OUT OF PLACE- PLEASE REMOVE FROM PROJECT**
 - **Sheet 6 of 7** Breakaway Fencing details shows 3 strand barbed wire on top of chain link fencing “wrapped with concertina wire”. Is concertina wire really necessary in this rural area?
 - **Even the now closed McCain Valley Conservation Camp / prison has only a few strands of barbed wire around their facility and NO CONCERTINA WIRE!**
 - **Concertina wire is not used at major solar projects in Imperial Valley either.**
 - Sheet 6 of 7 Fence Notes
 - “WIRE.CONCRETE FOOTINGS SHALL HAVE TOPS CROWNED AT GROUND LEVEL”.
 - **Is the water needed for mixing concrete for fence poles included in groundwater use for project?**



- “CHAIN LINK FENCE TO BE FITTED WITH UV- RESISTANT MESH FABRIC, COLOR PER CUSTOMER REQUEST”
 - *Mesh fabric may not withstand Boulevard’s high winds, the same winds that will make the fabric move, tear, and flap, will generate noise and potential nuisance.*

C-60
Cont.

PHOTOVOLTAIC PANELS; SOLAR ARRAYS; DECOMMISSIONING & RECYCLING

- **According to a Department of Toxic Substance Control (DTSC) Press Release (10-26-20), California is the First in the Nation to Add Solar Panels to Universal Waste Program³⁴**
 - **“SACRAMENTO** – On Jan. 1, California will be the first state in the nation to add hazardous waste solar panels to its universal waste program, a move intended to promote solar panel recycling and reuse and to keep them out of landfills. The new regulation is a stepping stone toward the full “cradle-to-grave” approach for climate initiatives that California sets forth and acts as a model for the rest of the nation to follow.

With solar providing an increasing amount of the state’s electricity, and new laws that require solar panels on new homes, California is one of the first states to streamline waste management options for these energy systems.

“Once again, California is leading the way on the safe handling of hazardous waste,” said Dr. Meredith Williams, Director of the Department of Toxic Substances Control. “This streamlined and easy to understand end-of-life system is another great step forward in our state’s efforts to put environmental protection first – both for the health and safety of our people and natural resources.”

The new regulation on solar panels, also known as photovoltaic modules, provides a less restrictive and more streamlined alternative to waste management for solar panels, while still maintaining restrictions on toxic chemicals such as lead, cadmium and selenium.

The regulation applies to the handling, collection, accumulation, and transportation of solar panel waste. It allows self-authorization for universal waste handlers to conduct certain physical treatment activities on solar panels.

Solar panels or parts that are not recycled and are slated for disposal may still be considered hazardous waste and subject to hazardous waste standards.

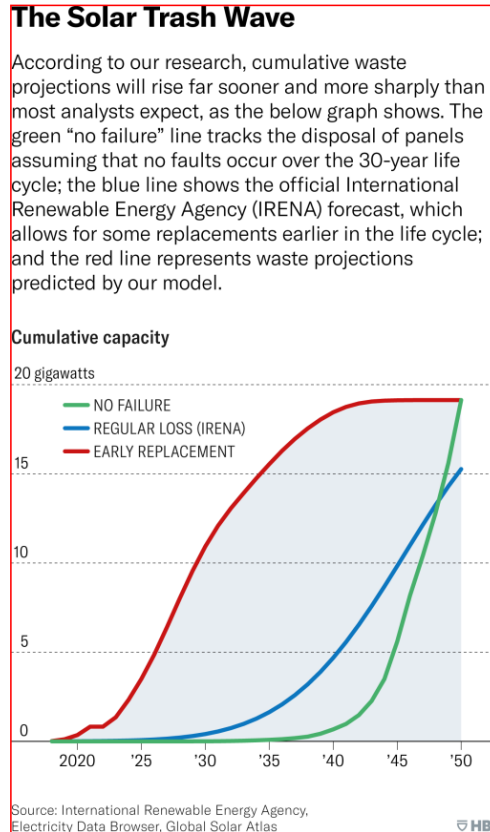
The universal waste designation only applies to solar panel waste handled in California. Once transported outside California, the waste must be managed in compliance with respective local, state, and federal regulations related to hazardous wastes.

C-61

³⁴ <https://dtsc.ca.gov/2020/10/26/news-release-t-17-20/>

The new regulation is posted on DTSC’s website at: <https://dtsc.ca.gov/dtsc-final-regulations/>”

- The DTSC website also includes the List of Universal Waste Handlers that accepts PV Modules (Solar Panels). The closest facilities are located in Riverside, San Bernardino, and San Diego³⁵. That means all that waste will potentially need to be hauled long distance for handling.
- [Sustainable Business Practices](#) | *The Dark Side of Solar Power: Harvard Business Review graphic below, is self explanatory*³⁶



C-61
Cont.

- Have the GHG emissions related to waste hauling been counted and analyzed for this project?
- A Bond should be required for recycling of, or lawful disposal of, discarded solar PV components, and other electronic components during operation, any upgrade of technology, and decommissioning.

C-62

³⁵ https://dtsc.ca.gov/photovoltaic-modules-pv-modules-universal-waste-management-regulations_uw-handlers/#

³⁶ <https://hbr.org/2021/06/the-dark-side-of-solar-power>

The Solar Boom Will Create Millions of Tons of Junk Panels: WSJ: 5/5/22³⁷ (excerpts)

- Harvesting valuable materials from old equipment presents a commercial opportunity and technical challenges
- The solar-energy boom will trigger a landslide of electronic waste in the coming decades. Some companies are already preparing for the recycling challenge.
- Solar panels are typically built to last between 25 and 30 years. Most in use today have many years of life left in them, and the few that are scrapped due to damage or age often end up in trash heaps. Experts say the small waste volumes mean it isn't yet profitable to harvest the glass, aluminum, copper, silicon, silver and lead from old panels, but the breakneck expansion of solar power is expected to change that.

C-63

Renewables Generated Demand For Rare Earths Generating Toxic & Lasting Legacy:



- **How push for modern technology has made Chinese pond toxic³⁸ Sky News 4/17/22: (excerpt)**
 - "...Western countries were happy to outsource the dirty, dangerous work or rare earth mining and processing to China, where the environmental regulations were more lax, rather than dig in their own backyard.
 - Since 2009, China has changed tack, putting more emphasis on cleaning up the pollution, and focusing on the "high quality" development.
 - The villagers' testimony shows that problem is some way from being solved, despite those efforts. Neither the local government nor Baogang, the state-owned company that runs the tailings pond, responded to multiple requests for comment.

C-64



³⁷ <https://www.wsj.com/articles/the-solar-boom-will-create-millions-of-tons-of-junk-panels-11651658402>

³⁸ <https://stopthesethings.com/2022/05/05/renewables-generated-demand-for-rare-earths-generating-toxic-lasting-legacy/>

- A tailings pond is a quaint name for what is really a dumping ground
- This pond is clean energy’s dirty secret. It is the by-product of rare earth processing. It is open to the air but worse it is seeping into the ground below, poisoning the water.
- The Chinese authorities are aware of the problem. That’s why they’re following us: at least eight cars always on our tail for three days. They question anyone we speak to and eventually prevent us from speaking to them altogether, citing COVID-19 regulations....
- Right now, Baotou presents two questions, one pressing, the other longer-term.
- Water is still leaching from the tailings pond towards the nearby Yellow River – China’s “mother river”, its basin home to 160 million people. Agriculture there depends on that water not facing the same contamination that doomed Dalahai village.
- Second, rare earths are vital to the transition towards green energy. The necessity to make that transition should not come at the cost of laying waste to the environment and to people’s lives.
- Countries should “make sure that the urgency of needing to acquire these raw materials in order to build our way out of fossil fuel dependence isn’t used as a mechanism to undermine democratic decisions and collaborative design,” Prof Klinger says.
- “It’s not that we don’t have the technology or the know-how to mine and process rare earths in a more socially and environmentally responsible manner.
- “It’s that we have created market conditions that fundamentally disincentivize any of that sort of activity because price, the lowest possible price, remains the determining factor for whether an industry sinks or swims.”
- Otherwise, this new industrial revolution risks repeating the mistakes of the old one.”

C-64
Cont.

SOLAR’S STEEL AND CEMENT IMPACTS:

Greening Cement & Steel, The Building Blocks Of Our Civilization; Clean Technica 4/17/22³⁹ (excerpts)

- “A recent report in *Nature* not only highlighted the need for greening the building blocks of our civilization, but also made some strong suggestions for how to do so.
- “Cement and steel are essential ingredients of buildings, cars, dams, bridges and skyscrapers. But these industries are among the dirtiest on the planet. Production of cement creates 2.3 billion tonnes of carbon dioxide per year, and making iron and steel releases some 2.6 billion tonnes — or 6.5% and 7.0% of global CO2 emissions, respectively.”
- “That’s in part owing to the large quantities in which these materials are used: concrete is the second-most-consumed product on the planet, after clean water. It’s also thanks to their carbon-intensive methods of production. The chemical reactions involved give off CO2, as does burning fossil fuels to deliver the extreme temperatures required in the manufacturing processes.”

C-65

³⁹ <https://cleantechnica.com/2022/04/14/greening-cement-steel-the-building-blocks-of-our-civilization/>

TOO MUCH SOLAR ON THE GRID IS CREATING CHALLENGES -UNRELIABILITY:

- **NERC sounds alarm on solar tripping in ‘sobering’ summer reliability report**⁴⁰Published May 19, 2022 Utility Dive (EXCERPT)
 - The unexpected tripping of solar generation is just one item on a list of reliability issues this summer, but as more solar is interconnected NERC officials say it could become a major threat.
 - “The inverter tripping challenge is really one of the most risky issues we have to deal with as an industry in order to ensure we can reliably interconnect the nearly 500 GW of solar we see coming online in the next 10 years,” NERC Director of Reliability Assessment and Performance Analysis John Moura said Wednesday in a call with media.
 - The unexpected tripping has occurred during “normal grid disturbances” such as a lightning strike or another piece of equipment going offline. An early occurrence was witnessed in 2016, when California’s Blue Cut Fire tripped several transmission lines and caused almost 1,200 MW of solar energy capacity to go offline unexpectedly. Similar losses of solar generation also occurred between May and August in California and Texas last year.
 - While 1,200 MW is a relatively small loss, “these types of risks have the potential to have widespread impacts across the entire interconnection,” Moura said.
- **As the volume of inverter-based resources rises, California’s grid operator says it faces difficulties maintaining reliability through its transmission services**⁴¹.
 - The new requirements stem from a 2016 event where smoke from California’s Blue Cut Fire tripped several transmission lines and caused almost 1,200 MW of solar energy to go offline unexpectedly. FERC’s decision follows recommendations developed by a North American Electric Reliability Corp. task force that was convened to address the issue.
 - “The approval will now require inverter-based generator resources to inject reactive current during low-voltage conditions to allow for a minimum delay for frequency tripping and a quick return to support the bulk power system reliability,” the ISO said in a statement.
 - The volume of inverter-based generators interconnecting within the California ISO balancing authority area has increased “dramatically” in recent years, and now includes more than 18,000 MW, according to FERC’s order.

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Thank you for consideration of these valid comments based on real world experience and concerns. Attachments:

C-68

- **VCE Rugged Solar PPA Breach: Rulemaking 18-07-003:** BEFORE THE CPUC: MOTION OF VALLEY CLEAN ENERGY ALLIANCE TO UPDATE ITS DRAFT 2020 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN - dated August 12, 2020
- **RDF Figure 2.10:** map of Boulevard focused LCOE /wind and solar

C-69

⁴⁰ https://www.utilitydive.com/news/nerc-summer-reliability-report-west-miso-ercot/624043/?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202022-05-19%20Utility%20Dive%20Renewable%20Energy%20%5Bissue:41889%5D&utm_term=Utility%20Dive:%20Renewable%20Energy
⁴¹ <https://www.utilitydive.com/news/caiso-to-require-equipment-improvements-for-inverter-based-generation/559021/>

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue
Implementation and Administration, and
Consider Further Development, of California
Renewables Portfolio Standard Program.

Rulemaking 18-07-003
(Filed July 12, 2018)

**MOTION OF VALLEY CLEAN ENERGY ALLIANCE TO UPDATE ITS DRAFT 2020
RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN**

C-69
Cont.

Sheridan Pauker
Keyes & Fox LLP
580 California Street, 12th Floor
San Francisco, California 94104
Tel: (510) 314-8202
Email: spauker@keyesfox.com

Counsel to Valley Clean Energy Alliance

Dated August 12, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue
Implementation and Administration, and
Consider Further Development, of California
Renewables Portfolio Standard Program.

Rulemaking 18-07-003
(Filed July 12, 2018)

**MOTION OF VALLEY CLEAN ENERGY ALLIANCE TO UPDATE ITS DRAFT 2020
RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN**

I. INTRODUCTION

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities (“Commission”), the Commission’s May 6, 2020 *Assigned Commissioner and Assigned Administrative Law Judge’s Ruling Identifying Issues and Schedule of Review for 2020 Renewables Portfolio Standard Procurement Plans* (“ACR”), and the July 10, 2020 *E-mail Ruling Extending Renewable Portfolio Standard Procurement Plan Review Schedule to Allow Parties to Timely File Comments and Reply Comments on the June 26, 2020 Renewable Market Adjusting Tariff Program Ruling*, Valley Clean Energy Alliance (“VCE”) hereby submits this motion to update its Draft 2020 Renewables Portfolio Standard (“RPS”) Procurement Plan.

II. MOTION AND UPDATE TO VCE’S DRAFT 2020 RPS PROCUREMENT PLAN

VCE’s update is limited to correcting clerical errors in two tables and one appendix in its Draft 2020 RPS Procurement Plan: (1) the calculated value of VCE’s 0.25% long-term contracting requirement shown in Table 5, and (2) the RPS contract ID numbers shown in Table 7 and Appendix F for the Aquamarine Solar and Rugged Solar contracts.

In addition, VCE notes that it anticipates a change in the status of one of its long-term RPS contracts that was included in its Draft 2020 RPS Procurement Plan. Specifically, on June



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15, 2020, VCE executed a 20-year solar power purchase agreement (“PPA”) with Rugged Solar LLC for 72 MW (“Rugged Contract”), with an expected commercial operation date of April 1, 2021. On July 6, 2020, VCE submitted its Draft 2020 Renewables Portfolio Standard Procurement Plan, which includes information on the Rugged Contract pursuant to the ACR. Subsequent to that date, the project developer breached the contract by failing to post the required development security. On July 14, 2020, VCE provided a 30-day notice of termination of the Rugged Contract as a result of the uncured breach. VCE currently anticipates that the Rugged Contract will be officially terminated on August 13, 2020. VCE has already begun reaching out to experienced renewable project developers in California with the intent to enter into negotiations for one or more new long-term renewable PPAs in order to ensure compliance with all applicable RPS requirements. VCE intends to enter into one or more new long-term renewable PPAs by the end of 2020 for new capacity to replace the renewable energy volume from the Rugged Contract. Time is of the essence on securing a replacement contract(s) to ensure VCE maintains its renewables procurement trajectory to meet its Board adopted policy objectives as well as its compliance commitments.

Since the Rugged Contract has not been officially terminated as of the date of this filing, removing it from VCE’s Draft 2020 RPS Procurement Plan would result in a revised RPS Procurement Plan that would not be accurate at this time. Therefore, VCE is planning to file a Final 2020 RPS Procurement Plan, as directed by Commission and currently anticipated in Q4 2020, to update its Draft 2020 RPS Procurement Plan to reflect these anticipated changes and any other applicable updates, including replacement of the Rugged contract.



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Since VCE's update pertains only to correcting two clerical errors, it will not alter the form or format of its Draft 2020 RPS Procurement Plan. Thus, VCE's motion to update its Draft 2020 RPS Procurement Plan is consistent with the instructions in the ACR.

III. CONCLUSION

For the reasons stated above, VCE respectfully requests that the Commission grant VCE's motion to update its Draft 2020 RPS Procurement Plan.

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Respectfully submitted,

/s/ Sheridan Pauker
Sheridan Pauker
Keyes and Fox LLP
580 California Street, 12th Floor
San Francisco, California 94104
Tel: (510) 314-8202
Email: spauker@keyesfox.com

Counsel to Valley Clean Energy Alliance

Dated: August 12, 2020

Officer Verification

I am an officer of the reporting organization herein and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true. The spreadsheet templates used within this filing have not been altered from the version issued or approved by Energy Division.

Executed on August 12, 2020, at Davis, California.



Mitch Sears
Interim General Manager
Valley Clean Energy Alliance
604 2nd Street
Davis, CA 95616
530-446-2750



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Attachment A

Revised Table 5 (p. 14) of VCE's July 6, 2020
Draft 2020 Renewables Portfolio Standard Procurement Plan

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			(VCE's current local renewables RFO will allow VCE fill this shortfall.)
Compliance Period 3 0.25% long-term contracting requirement	Minimum Quantity of Expected Generation from Long-Term Contracts (MWh) ≥ 0.25% of Total Retail Sales in First Year of Operation	Table 3 and Ordering Paragraph 20 of D.12-06-038	VCE's total retail sales in its first year of operations (2018) was 394,935 MWh, resulting in a 98,734 987 MWh long-term contracting requirement. As shown in the Project Development Status Template (Appendix F), VCE has entered into two long-term contracts during its first compliance period of its operation (Compliance Period 3) for 6,202,002 MWh of renewable generation over the term of the two contracts, exceeding the minimum requirement.
Compliance Period 4 65% RPS long-term contract requirement	Long-Term RPS Contract Volume used for compliance in Compliance Period 4 ≥ 65% of PQR for Compliance Period 4	Ordering Paragraph 1 of D.17-06-026	VCE's 65% requirement is estimated at 1,133,538 MWh * 65% = 736,800 MWh. RNS Template (Appendix B) shows VCE's two long-term solar PPAs are anticipated to generate 1,085,698 MWh in Compliance Period 4, exceeding the minimum requirement.

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In addition to meeting statutory RPS requirements, VCE has implemented higher internal renewable energy procurement targets based on its Board's goals. For example, while the RPS requirement for Compliance Period 4 is 39.9%, VCE's procurement plan has a renewable energy target of at least 42%. Although VCE is giving itself flexibility to accommodate changing economic conditions and Power Charge Indifference Adjustment ("PCIA") fluctuations, it is expected that this internal target will increase. These higher targets will develop as more certainty is derived from its influencing factors. They will be met with additional purchases from future solicitations. As shown in the RNS template (Appendix B), VCE has already entered into RPS contracts for existing resources and resources under development that will allow it to achieve 38% renewable energy for Compliance Period 4, indicating only minimal amounts of additional renewable energy purchases, such as through VCE's 2020 local renewables RFO, will be needed to meet VCE's internal goal of 42% renewable energy over the 2021-2024 period.

Attachment B

Revised Table 7 (p. 45) of VCE's July 6, 2020
Draft 2020 Renewables Portfolio Standard Procurement Plan

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Table 7: Alignment of RPS and IRP Planning

IRP Report Section	RPS Alignment in IRPs
<p>III. Study Results A. Conforming and Alternative Portfolios</p>	<p>VCE plans to file two IRP portfolios: One that conforms with the 46MMT scenario and one that conforms with the 38 MMT scenario (“Conforming Portfolios”). For VCE, these portfolios target GHG emissions of 156,000 tons and 129,000 tons per year, respectively, by 2030. Planned and already contracted RPS resources described in other sections of this Plan are included in the IRP and will constitute the bulk of VCE’s Conforming Portfolios based on the IRP Reference System Plan for the 2021-2025 period, including:</p> <p><u>Existing Resources (and Existing Planned)</u></p> <p>Indian Valley Hydro, 2.9 MW (Contract ID VCEA40001). This small hydroelectric resource is currently under a 5-year contract with VCE. VCE plans to continue using this resource beyond those five years if cost-effective and proven to perform as contracted. It is included as a resource for all years in the IRP.</p> <p><u>New RPS Resources</u></p> <p>VCE’s resource plan expects to rely on a mix of renewable and non-carbon resources such as solar PV, wind, hydro and battery storage. In the first half of 2020, VCE completed long-term solar PPAs for a total of 122 MW with expected online dates in Q4 of 2021:</p> <ul style="list-style-type: none"> - Aquamarine Solar (Contract ID VCEA5001250002), 50 MW. - Rugged Solar (Contract ID VCEA5001350003), 72 MW. <p>With the above resources and based on the IRP load forecast, VCE will reach about 40% RPS eligible renewable energy content from 2022.</p> <p>VCE issued an RFO for new local renewable resources in April 2020 and expects to complete contracting for resources by the end of 2020</p>

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Attachment C

Revised Appendix F of VCE's July 6, 2020
Draft 2020 Renewables Portfolio Standard Procurement Plan

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VCE 2020 Draft RPS Procurement Plan
Appendix F
Page 1 of 1

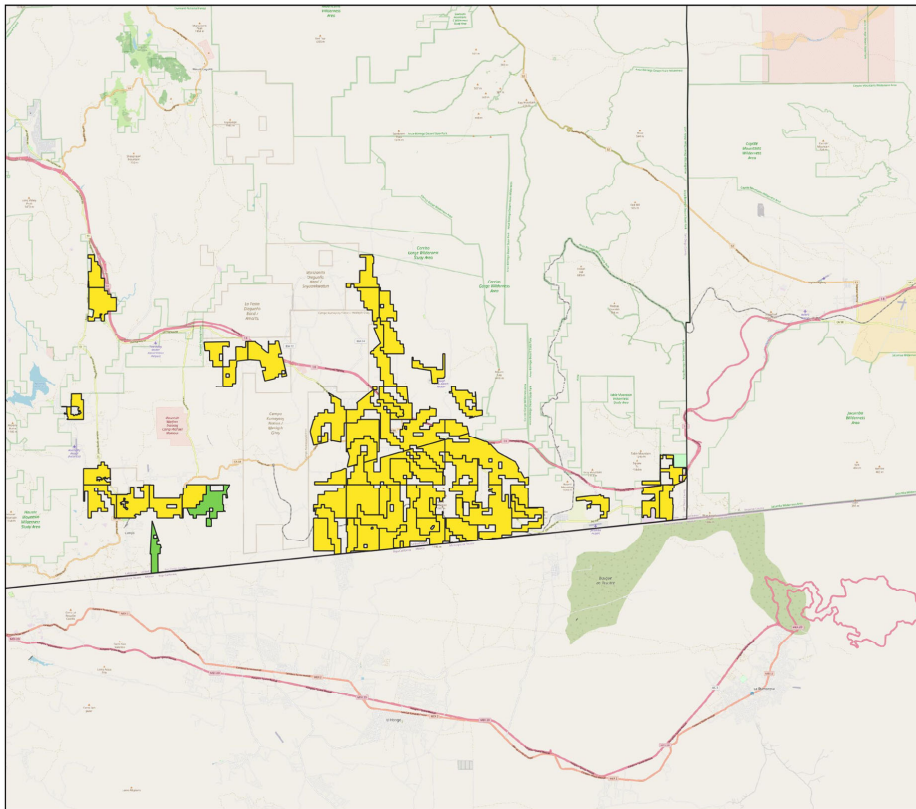
Reporting LSE Name	RPS ContractID	Project Name	Technology Type	Project Development Phase	City	County	State	Zip Code	Latitude	Longitude
Valley Clean Energy Alliance (VCEA)	VCEA50002 50012	Aquamarine Solar	Solar PV - Ground Mount	Pre-Construction	Stratford	Kings County	CA	93266	36.1893	-119.905
Valley Clean Energy Alliance (VCEA)	VCEA50003 50013	Rugged Solar	Solar PV - Ground Mount	Pre-Construction	Boulevard	San Diego	CA	91905	32.69	-115.75

Reporting LSE Name	RPS ContractID	Project Name	Contract Length (Years)	Contract Execution Date (mm/dd/yyyy)	Contract Start Date (mm/dd/yyyy)	Contract End Date (mm/dd/yyyy)	Contract Capacity
Valley Clean Energy Alliance (VCEA)	VCEA50002 50012	Aquamarine Solar	15	2/14/20	3/6/21	3/5/36	50
Valley Clean Energy Alliance (VCEA)	VCEA50003 50013	Rugged Solar	20	6/15/20	4/1/21	3/31/41	72

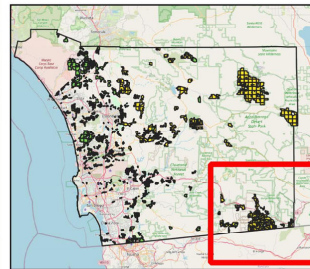
Reporting LSE Name	RPS ContractID	Project Name	Expected Annual Generation	Total Contract Volume	Project Notes
Valley Clean Energy Alliance (VCEA)	VCEA50002 50012	Aquamarine Solar	134,684	1,951,065	Capacity reported in MW, generation and total contract volume reported in MWh
Valley Clean Energy Alliance (VCEA)	VCEA50003 50013	Rugged Solar	222,820	4,250,937	Capacity reported in MW, generation and total contract volume reported in MWh

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- SD County
- LCOE
- 32.9 - 42.8
- 42.8 - 52.7
- 52.7 - 62.6
- 62.6 - 72.5
- 72.5 - 82.3
- 82.3 - 92.2



DRAFT - NOT FOR CIRCULATION

A subset of the "San Diego Least Cost" site selection figure (Figure 2.10) from the RDF Technical Report. The main map (left) is centered on Boulevard, CA to show a closer view of the CPAs in the surrounding area.

0 2.5 5 mi



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From: [Laura Felten](#)
To: [Ochoa, Regina](#)
Subject: [External] Rugged Solar Project
Date: Saturday, April 23, 2022 11:21:45 AM

Our well is right at the edge of this project on the border of our property next to your border of this project. When the wind turbines were installed, they sucked a massive amount of water from this well right next to ours. As a result, we had to replace our well pump because of all the silt and sand it started to suck up and changed the depth of the well pump. Now my question is "Where is the water going to come from for this project?". Is it going to come from that same well and we are going to have the same issues again with our well. Please be specific and detailed with this information as to where the water is going to come from and who is going to monitor it. And one other question. After the project is done, "Where is the water going to come from to maintain this project in the future?" I look forward from hearing from you. Randy and Laura Felten, 2669 Ribbonwood Road, Boulevard, CA 91905.



D-1

Sent from [Mail](#) for Windows

Response to Comment Letter A

USFWS and CDFW
Jonathan Snyder, Assistant Field Supervisor, USFWS &
David A. Mayer, Environmental Program Manager, CDFW
May 20, 2022

A-1 The comment states the United States Fish and Wildlife Service (USFWS) and California Fish and Wildlife Service (CDFW) (the commenters or the “Agencies”) reviewed the Addendum to the Recirculated Final Program Environmental Impact Report (RFPEIR) and had previously commented on the Soitec Solar Development Program in letters from 2012 through 2015. The comment notes the Agencies identified potential effects of the Proposed Project on wildlife and sensitive habitats based on their knowledge of sensitive vegetation communities discussions with County staff, and participation in regional conservation planning efforts. The comment provides background information on the commenter and their prior review and comments on the Soitec Revised Final Program Environmental Impact Report (RFPEIR).

The County notes that previous comments on the Soitec RFPEIR were addressed in Response to comment Letter F-1 and F-3 available at:

<https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Soitec-Solar-RFPEIRcommentletters.html>.

The comment provides a general statement regarding potential impacts to biological resources and serves as an introduction to comments which follow. No specific comment or environmental issue is raised by the comment; therefore, a more specific response cannot be provided; however, the County notes that impacts to biological resources including sensitive wildlife and habitats are addressed in Section IV, Biological Resources, of the Addendum. Furthermore, the Proposed Project would reduce impacts to the Approved Rugged Project by 107 acres as shown in Table 11 of the Addendum. Based on the reduced Project footprint compared to the Approved Rugged Project, and the implementation of the previously certified EIR adopted mitigation measures, the Proposed Project would result in less than significant impacts to biological resources. Additionally, the Soitec RFPEIR was certified in 2015 and remains the certified CEQA-compliant environmental review document as it relates to the Approved Rugged Project to date. As a result of minor changes to the Approved Rugged Project, an Addendum to the 2015 certified Soitec RFPEIR was prepared to demonstrate that these minor changes would not result in new significant impacts and that a substantial increase in the severity of impacts identified in the RFPEIR would not occur. As such, no new mitigation measures would be required beyond those identified in the certified RFPEIR because subsequent or supplemental environmental review under CEQA, aside from the Addendum prepared for the Proposed Project, would be required.

A-2 The comment states the primary concern and mandate of the Service (USFWS) is the protection of fish and wildlife resources and their habitat, including migratory birds, anadromous fish, and threatened and endangered animals and plants. The comment notes the USFWS is also responsible for administering the Federal Endangered Species Act (ESA) including Habitat

Conservation Plans. The comment also states the Department (CDFW) is responsible for ensuring conservation of the State's biological resources pursuant to the California ESA and the Fish and Game Code, as well as overseeing the Natural Community Conservation Planning (NCCP) program.

The comment provides factual background information on the commenters and their role to protect wildlife. The County notes that the comment does not address the adequacy or accuracy of the analysis in the Addendum and does not raise an environmental issue within the meaning of CEQA; therefore, no further response is required.

A-3 The comment states that the Agencies and the County signed the Third Restated and Amended Planning Agreement for the North and East County Multiple Species Conservation Plans (MSCPs) in March 2021, and that the Proposed Project occurs within the East County MSCP Plan area. The comment provides an overview of the Planning Agreement, noting that it includes a process to review projects and ensure that preliminary conservation objectives and preserve options are not precluded and that Project impacts are adequately mitigated. The comment concludes that the Agencies' comments are provided to assist the County in meeting this objective of the Planning Agreement.

The comment provides factual background information on the Planning Agreement for the East County and North County MSCP areas and serves as an introduction to the following comments. The County agrees that there is an interim process to review projects under the Planning Agreement. The County notes that the Proposed Project is a revised version of the Approved Rugged Project and would reduce impacts compared to the Approved Rugged Project. Please refer to Table 7-1 of Biological Technical Report (Appendix D of the Addendum), East County MSCP Planning Agreement Conservation Objectives, which provides a review of the Project's consistency with the East County MSCP. Note that there was a previous MSCP Planning Agreement dated October 2008 that was in effect at the time of the Approved Rugged Project's processing, and the Interim Project Processing requirements were followed at that time, though PDS staff continue to work with the Agencies' staff to timely submit projects to them for review. The comment does not raise a specific issued with the Proposed Project's consistency with the Planning Agreement or draft objectives or preserve design options; therefore, no further response is required.

A-4 The comment provides a summary of the Proposed Project and notes the difference between the Proposed Project and the Approved Project, which include a reduction in development area of approximately 107 acres, a different type of photovoltaic system, and increase in the size of the on-site substation and grading quantities.

The County agrees with the Agencies' summary of the changes noted in the comment, which are consistent with the analysis in the Addendum. The comment restates information contained within the Addendum and does not raise an environmental issue within the meaning of CEQA; therefore, no further response is required.

A-5 The comment states that the Proposed Project has a smaller footprint than the Approved Project, it occurs within a preliminarily delineated Focused Conservation Area (FCA) identified in the draft East County MSCP to conserve large blocks of habitat to maintain ecological functions, the site supports all three conservation objectives, and refers to previous letters from the commenter recommending avoidance and minimization of impacts to this segment of the FCA, and that unavoidable impacts be mitigated in-kind.

The comment accurately states that the Proposed Project has a reduced footprint as compared to the Approved Rugged Project and that the site occurs within a FCA identified in the East County MSCP. The Proposed Project has minimized impacts within the FCA to the extent feasible by reducing the overall Project footprint by approximately 107 acres. Unavoidable impacts would be mitigated within the on-site preserve and at the Soitec Mitigation site, which would provide for the conservation of habitat generally consistent with the assemblage of vegetation communities impacted by the Proposed Project as directed by M-BI-PP-1. Therefore, the Proposed Project would not interfere with the successful preparation of the East County MSCP because the Proposed Project has been designed in accordance with the preliminary conservation objectives outlined in the Planning Agreement and in all applicable regional planning efforts and would reduce impacts to biological resources compared to the Approved Rugged Project.

A-6 The comment recommends, prior to construction, the applicant prepare a Bird and Bat Conservation Strategy (BBCS) with mortality monitoring for the Project and apply for a Special Purpose Utility (SPUT) permit under the Migratory Bird Treaty Act (MBTA) which would facilitate the mortality monitoring.

The Proposed Project would utilize a different solar technology than those currently associated with incidences of higher avian mortality (i.e., flat panel, solar trough, and power tower). There are no evaporation ponds, mirrors, heliostats, or dark-colored photovoltaic (PV) panels associated with the Proposed Project. Rather, the Proposed Project includes non-reflective, light-colored concentrator photovoltaic (CPV) trackers that are spaced farther apart than typical PV panels and are in continual motion throughout the day tracking the sun, thereby reducing the potential to create a “pseudo-lake” effect. The Proposed Project would not create the homogeneous, light-reflecting appearance similar to fixed PV flat panel solar arrays or dual-axis concentrating photovoltaic trackers such as in the Approved Rugged Project. Above-ground power lines for the Project would be designed to conform to Avian Power Line Interaction Committee standards in accordance with Mitigation Measure M-BI-PP-13 which will protect raptors and other birds from electrocution.

Regardless, Soitec voluntarily agreed to implement a Bird and Bat Monitoring Program as a condition of approval for the Approved Rugged Project, and the applicant would implement the program for the Proposed Project as well. If the program would require collection of birds, then the applicant will secure a SPUT permit.

A-7 The comment expresses appreciation for updated site-specific surveys for rare plants and Quino checkerspot butterfly in 2019 and 2020, respectively. The comment then states the

Project should have also performed updated tricolored blackbird, Swainson's hawk, and southern California legless lizard surveys to assess potential impacts and the Project's effects on the East County MSCP.

Preliminarily, the County notes that the Proposed Project would reduce impacts to the site by 107 acres, including 71.5 acres of reduced impacts to sensitive upland habitat and 2.91 acres of reduced impacts to jurisdictional aquatic features as compared to the Approved Rugged Project. The County relies on literature reviews, property and focused surveys, and mapping by qualified biologists (County of San Diego 2010)¹. The consultants that prepared the RFPEIR performed detailed and numerous surveys, as demonstrated by the Biological Resources Technical Report for the Approved Rugged Project.

Surveys for tricolored blackbird are not required. Based on the Tricolored Blackbird Portal (UCD 2022)², the Project site does not occur within a known breeding location for tricolored blackbird and as stated in Biological Technical Report (BTR) (Addendum Appendix D) Section 3.2.1, this species is not expected to nest in the Project area due to lack of suitable nesting habitat. Therefore, loss of tricolored blackbird individuals as result of Project impacts is not anticipated. As stated in BTR Section 3.2.1, impacts to potential tricolored blackbird foraging habitat would be mitigated through M-BI-PP-1 (habitat preservation and management).

Surveys for Swainson's hawk are not required as this species is not known to breed in southern California (i.e., the Antelope Valley comprises the southernmost edge of the known breeding range in California). As stated in BTR Section 3.2.1, expected use of the Project area for stopover or foraging habitat is low. As stated in BTR Appendix H, with over 381 person-hours of wildlife surveys conducted within the Project area, Swainson's hawk was observed briefly flying over the site and is expected only as an occasional and temporary visitor (i.e., flyover) to the Project area. Therefore, loss of Swainson's hawk individuals as result of Project impacts is not anticipated and the Proposed Project would not reduce its likelihood of survival or recovery.

Regarding the southern California legless lizard, see Attachment 1, Supplemental Legless Lizard Impact Assessment for the Proposed Project in Response to Comments, which includes a site-specific technical analysis of the legless lizard for the Proposed Project. Per Attachment 1, this species was not observed during site-specific surveys in 2019. Generally, legless lizards are largely subterranean and occur in friable (sandy) soils, leaf litter, and other debris associated with coastal dunes, washes, scrub, chaparral, and woodlands. The legless lizard needs moisture for its survival, so it favors moist, warm, loose soil with some plant cover. The southern California (San Diego) legless lizard (*Anniella stebbinsi*) is found in a broader range of habitats than any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and

¹ County of San Diego. 2010. Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources. pp. 7-9.

² UCD (University of California, Davis). Tricolored Blackbird Portal. Access at <https://tricolor.ice.ucdavis.edu/>.

alluvial fans (Stebbins and McGinnis 2012³, Papenfuss and Parham 2013⁴). Lemm (2006)⁵ further describes the San Diego population as primarily occurring in oak woodland, chaparral, coastal sage, and pinyon-juniper woodland.

The species typically occurs in more vegetated coastal areas and requires some level of soil moisture whenever it occurs. Suitable habitat for legless lizard is present within the Project area. The closest California Natural Diversity Database (CNDDDB) records for this species are from 2011 and 2017 and overlaps the central portion of the Project area (CDFW 2019⁶). Therefore, legless lizard is identified as having low to moderate potential to occur on the Project site; however, this species was not observed during surveys in 2019. Further, the Proposed Project would not impact drainage areas and would only impact areas with dry soils with minimal chance of soil moisture retention. Therefore, the portions of the site identified for development have even less chance of supporting legless lizard. While there is some chance of legless lizard impact as a result of the Project, because their potential to occur is low to moderate and because the Proposed Project would reduce overall development by 107 acres, the impacts are considered to be less than significant.

Further, the potential presence of the legless lizard in a portion of the Project site that will largely remain undeveloped does not qualify as new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous RFPEIR was certified. (CEQA Guidelines § 15162(a)(3).) As noted above, CNDDDB records for the species were available in 2011, prior to the 2015 certification of the RFPEIR. In addition, the Agencies' comment, standing alone, does not provide substantial evidence that legless lizards are more likely to occur than previously known.

A-8 The comment requests the County include the commenters in review and approval of several mitigation plans required for the Proposed Project to ensure consistency with the goals and objectives of the ongoing East County MSCP planning efforts and state wetland permit and so that the data can be used for regional efforts to assess solar projects. These plans include the On- and Off-site Resource Management Plans, the Restoration Plan for Special Status Plants, the Wetlands Mitigation and Monitoring Plan, and the Bird and Bat Conservation Strategy.

The County acknowledges the comment and will collaborate with the Agencies as required. The County notes that the comment does not address the adequacy or accuracy of the analysis in the Addendum and does not raise an environmental issue within the meaning of CEQA; therefore, no further response is required.

³ Stebbins and McGinnis. 2012. Stebbins, Robert C., and McGinnis, Samuel M. Field Guide to Amphibians and Reptiles of California: Revised Edition (California Natural History Guides) University of California Press, 2012.

⁴ Papenfuss and Parham. 2013. Papenfuss, T.J., and J.F. Parham. 2013. "Four New Species of California Legless Lizards (Anniella)." *Breviora* 536:1-17.

⁵ Lemm. 2006. Lemm, Jeffrey. 2006. Field Guide to Amphibians and Reptiles of the San Diego Region. UC Press, Berkeley, CA. 326 pp.

⁶ CDFW (California Department of Fish and Wildlife). 2019. California Natural Diversity Database (CNDDDB) – Government version dated June 1, 2019. Retrieved June 08, 2019 from <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>.

A-9 The comment starts by introducing the following three comments (A-9, 10 and 11) are specific to CDFW. The comment provides background information regarding the CDFW Lake and Streambed Alteration Agreement (LSAA). The comment states the County's (CEQA) document should fully identify the potential impacts to any stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. The comment concludes by encouraging the County to consider submitting a streambed notification package to the Lake and Streambed Alteration Program.

Impacts to CDFW jurisdictional aquatic resources are provided in Table 2-4 of BTR Section 2.5 (Addendum Appendix D). Mitigation Measure M-BI-PP-14 states that prior to impacts occurring to U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional aquatic resources, the project applicant or its designee shall obtain the following permits: ACOE 404 permit or authorization under a Nationwide Permit, RWQCB 401 Water Quality Certification, and California Fish and Game Code 1602 Streambed Alteration Agreement.

A-10 The comment states that information developed for CEQA purposes is required to be incorporated into a database for use in subsequent or supplement environmental determinations and requested the project report any special status species and natural communities to the CNDDDB.

The County agrees with the comment and notes that the biological data will be uploaded to the CNDDDB as requested. The County notes that the comment does not address the adequacy or accuracy of the analysis in the Addendum and does not raise an environmental issue within the meaning of CEQA; therefore, no further response is required.

A-11 The comment states that the assessment of filing fees is necessary upon filing of the Notice of Determination by the Lead Agency, which the comment notes would help defray the cost of environmental review by the Department. The comment states the payment of the filing fee is statutorily required for the Project to become operable, vested and final.

The County agrees with the comment and notes that the appropriate filing fees will be paid if the Project is approved. The County notes that the comment does not address the adequacy or accuracy of the analysis in the Addendum and does not raise an environmental issue within the meaning of CEQA; therefore, no further response is required.

A-12 The comment expresses the commenters' appreciation for the opportunity to comment on the Addendum and states the commenters are available to work with the County to address Comments A-1 through A-11. The comment provides contact information for the commenters.

The County appreciates the opportunity to work with the Agencies. The County acknowledges the comment is a concluding statement which does not raise any new environmental issues within the meaning of CEQA. The County refers the commenters to Response to Comments **A-1** through **A-11** regarding the commenters' concerns. No further response is required.

Response to Comment Letter B

**San Diego County Archeological Society
Mr. James W. Royal, Jr., Chairperson
Environmental Review Committee
May 16, 2022**

B-1 The comment states the commenter has reviewed the Findings for the Proposed Rugged Project on behalf of the Environmental Review Committee for the San Diego County Archeological Society and is in agreement with the Findings regarding cultural resources. The comment expresses the commenter's appreciation to the County for the opportunity to review the project documents.

The County agrees with the commenter's conclusion and appreciates the review. The comment does not raise an environmental issue with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response or clarification is required or provided.

Response to Comment Letter C

Donna Tisdale
May 23, 2022

- C-1** The comment summarizes the Boulevard Planning Group (BPG) meeting minutes from May 5th, 2022. The comment states that while a motion to take a neutral position on the proposed project secured a 3-1 vote in favor, because it did not include a majority of the total 7 members of the BPG (i.e., at least 4 of the voting members), the vote was not considered a qualified vote. The comment concludes that the commenter was providing the following comments as their own personal comments and not on behalf of the BPG.
- The comment provides information on the BPG meeting where the Proposed Project was discussed and explains why, despite a majority of the 4 members present voting to take a neutral position on the project, (which represented a quorum for purposes of holding the meeting), the vote was not considered a qualified vote. The BPG's position on the Proposed Project is not an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum.
- The comment also serves as an introduction to the comments which follow and specifies the comments are those of the commenter and not the BPG. The County acknowledges the Boulevard Planning Group does not take a position on the Addendum. Notwithstanding the letter was submitted on Boulevard Planning Group letterhead, the County understands that comments C-2 – C-67 are Donna Tisdale's personal views, and not the views of the Boulevard Planning Group. This comment is not an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.
- C-2** The comment provides a summary of the BPG's discussion of the proposed Rugged Solar Community Benefits Agreement. The comment states the BPG unanimously voted "to endorse the concept for the Rugged Solar Community Benefit Working Draft with almost \$900,000 in funding to renovate the Back Country Resource Center property." The comment expresses the commenters opinion that the property owners and County Board of Supervisors should also give back to the Boulevard Community.
- The comment provides information on the BPG meeting regarding the proposed Community Benefits Agreement. The BPG's position on the Community Benefits Agreement is not an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.
- C-3** The comment provides information on the project applicant and the applicant's registered lobbyists.
- The applicant's standing with the Secretary of State and the registration status of the project's lobbyists are not environmental issues under CEQA and do not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.
- C-4** The comment states the underlying ownership information on Sheet 1 of the project's Plot Plan should be updated to account for changes in ownership.

The ownership information underlying property owners of the project site are not environmental issues under CEQA and do not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.

- C-5** The comment states Rugged Solar LLC's largest project is 5 MW on 15 acres, and questions the entity is prepared for the size and scale of the Proposed Project.

The comment consists of background information, which does not pertain to environmental issues under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.

- C-6** The comment states the applicant's power purchase agreement (PPA) with Valley Clean Energy was terminated and cites an excerpt from Rulemaking 18-07-003.

The comment provides background information on the project applicant's PPA, which is not an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.

- C-7** The comment states that the project's water facility availability forms are missing, outdated or incorrect. The comment states that County staff stated there was not a record of a current construction water supply agreement with the Jacumba Community Services District (JCSD). The commenter states this meant there was no confirmation of availability of water supply for the 36.46 acre feet of construction water for the Proposed Project.

The County notes that an updated Water Supply Availability Form has been provided by JCSD for the project's construction water. Please refer to Attachment 2 – JCSD Water Service Availability Form. Further, the County notes that the Proposed Project would reduce both construction and operational water demand compared to the Approved Rugged Project as shown in Table 3 and described in Section XX, Utilities and Utility Systems of the Addendum. Specifically, the Proposed Project is estimated to require approximately 36.46 acre feet of water for construction purposes, and only 1.41 acre feet of water for operations per year. In contrast, the Approved Rugged Project anticipated 59 acre feet of construction water and approximately 8.7 acre feet of operational water usage. Over 20 years, this would result in a reduction in water usage by 168.3 acre feet. Therefore, the Proposed Project would reduce demand for groundwater compared to the Approved Project and would not result in any new impacts or a substantial increase in the severity of a previously identified significant effect related to groundwater. It is also noted that the Proposed Project would reduce the amount of area covered in solar PV panels by approximately 107 acres, or 21% compared to the Approved Rugged Project.

- C-8** The comment states that the Project Availability Form from the Rough Acres Water Company should have answered that the project would be using groundwater because the Rough Acres Water Company is fully dependent on groundwater, and that the Project Availability Form was almost 5 years old.

The County acknowledges the comment and refers the reader to response to Comment C-7 regarding the Proposed Project's procurement of water from JCSD and notes that an updated Water Supply Availability Form has been provided by JCSD for the project's construction water. Additionally, the Project would result in a reduction in water usage compared to the Approved Rugged Project. The

County notes the project would rely on groundwater as analyzed throughout the Addendum and the RFPEIR. Additionally, the County's Sustainable Groundwater Management Team continuously tracks aquifer conditions in groundwater-dependent areas throughout the County, monitors water levels, maintains general well information and soil data, and compiles precipitation and reservoir evaporation data in support of the San Diego County Groundwater Ordinance and the State's Sustainable Groundwater Management Act. The County monitors and maintains a network of over 400 wells as part of the region-wide groundwater monitoring effort¹. The San Diego County Groundwater Ordinance was developed to ensure that development would not occur in groundwater-dependent areas of the County unless adequate groundwater resources are available to serve both the existing users and the proposed development. The comment does not raise an issue related to the physical effect of the project on the environment, rather, it requests a correction on a project availability form. No further response is required.

C-9 The comment states that the construction water demand is understated because the analysis excluded the water required to anchor fence posts with concrete for the chain link fence around the project site. The comment states that 3 gallons of water are required for each fence post, and that fence posts are spaced approximately every 10 feet.

The County acknowledges the comment and notes that the Approved Rugged Project contemplated chain-link fencing around the entire perimeter of the site as discussed in RFPEIR, Chapter 1.0, Section 1.2.1.1., Security and therefore, contemplated all potential environmental impacts associated with fence installation, including water use. Additionally, the County refers the reader to response to Comment C-7 regarding the Proposed Project's approximately 22 acre-foot reduction in water usage and overall project site (and correlated fencing requirement) compared to the Approved Rugged Project. The Proposed Project would result in less water usage during construction than the Approved Rugged Project. The comment does not provide evidence that water for fence post installation would cause the Proposed Project to use more water than the Approved Rugged Project. For reference, one acre foot of water is approximately 326,000 gallons. If the comment's 3 gallon per fence post estimate is used, one acre foot of water would create enough concrete for over 105,000 fence posts ($326,000 / 3$), which would be sufficient to hold up a fence approximately 200 miles long ($105,000 \text{ fence posts} * 10 \text{ feet of fence per post} / 5,280 \text{ feet per mile}$). Applying this logic, the addition of one acre foot of additional water would still be far less than the water allowed for the Approved Rugged Project.

C-10 The comment is a request for all overhead collector poles and lines to be placed underground.

The Addendum Section I, Aesthetics, including the Visual Resources Analysis (Addendum Appendix B1), determined that the Proposed Project would not result in new impacts or a substantial increase in the severity of a previously identified significant effect related to aesthetics identified for the Approved Rugged Project. The comment functions as a project design request from the commenter, and therefore is not an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.

¹ County of San Diego. 2022. "Groundwater in San Diego County". Groundwater Monitoring. <https://www.sandiegocounty.gov/pds/SGMA.html>.

C-11 The comment is a request to remove concertina wire from the fencing plan and states that the approved Soitec Rugged Solar plot plans do not include concertina wire.

The Addendum Section I, Aesthetics, including the Visual Resources Analysis (Addendum Appendix B1), determined that the Proposed Project would not result in new impacts and would not result in a substantial increase in the severity of a previously identified significant effect related to aesthetics for the Approved Rugged Project. While the applicant will consider the removal of concertina wire from the fencing plan, the comment functions as a project design request from the commenter, and is therefore not an environmental issue under CEQA, and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required or provided.

C-12 The comment is a request for the applicant to reduce project impacts to McCain Valley Road by increasing the project footprint setback from the roadway.

The Addendum Section I, Aesthetics, including the Visual Resources Analysis (Addendum Appendix B1), considered the location of the solar panels along McCain Valley Road Approved Rugged Project and notes that the Proposed Project would implement Mitigation Measure M-AE-PP-1, which requires installation of landscape screens for visually impacted roadways and motorists who travel those roadways. The Addendum determined that the Proposed Project would not result in new impacts nor would it result in a substantial increase in the severity of a previously identified significant effect identified for the Approved Rugged Project.

C-13 The comment restates information on the number of PV modules proposed by the project and compares the number of PV modules to the size of Walmart Supercenters, and notes that the total area of solar arrays would equal 30.3 such Walmart Supercenters.

The Addendum considered the total number of PV modules identified by the comment. Additional clarification has been provided in the Addendum in response to this comment to clarify the difference in technology between the Proposed Project and the Approved Rugged Project, as provided in Section #5. In addition to the lower-profile technology proposed under the Proposed Project, the overall footprint of the Proposed Project would be reduced by 107 acres compared to the Approved Rugged Project. The comment does not raise an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is provided.

C-14 The comment notes the location of the Boulevard Substation is on the east side of Ribbonwood Road, not on the west side of Ribbonwood Road.

The County agrees with the comment and has corrected the Addendum as requested. The correction does not change the adequacy of the analysis in the Addendum. No further response is required.

C-15 The comment restates the amount of grading cut/fill proposed by the project and compares the amount of project grading to the size of Walmart Supercenters, noting that project grading would equal 1.24 Walmart Supercenters.

The Addendum considered the amount of grading identified by the comment, specifically the Air Quality, Greenhouse Gas and Noise modeling in Appendices C1, C2, and I, respectively, to the Addendum. While the total grading quantities have increased, the impacts due to the increased grading do not result in new, significant impacts or substantially greater impacts compared to the Approved Rugged Project, as discussed in Section III, Air Quality, and Section VIII, Greenhouse Gas Emissions, of the Addendum. The comment does not raise an environmental issue under CEQA and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is provided.

C-16 The comment states the Proposed Project's substation is 4.33 times larger than the Approved Rugged Project's substation.

The comment restates information contained in the Addendum and does not raise an issue with the adequacy or accuracy of the analysis provided therein; therefore, no further response is required or provided. The County notes that the area reserved for the Proposed Project's substation is larger than the Approved Rugged Project, and notes that the final substation has not been designed and may in fact be the same size or smaller than the Approved Rugged Project as the total output of the project is reduced compared to the Approved Rugged Project. Nonetheless, the size of the substation has been analyzed throughout the Addendum and impacts have been found to be similar to or less than the Approved Rugged Project.

C-17 The comment states that the failure of Soitec and lack of accountability for the statement of overriding considerations for the RFPEIR that were disingenuously relied upon when the Approved Rugged Project was approved in 2014 constitutes new information.

The comment suggests that Soitec's withdrawal from the solar market and the statement of overriding considerations relied on when the RFPEIR was certified constitutes new information of substantial importance that was not known and could not have been known at the time and now requires preparation of a Supplemental EIR instead of an Addendum. (See CEQA Guidelines § 15162(a)(3).) To qualify as new information of substantial importance, it must show: (A) the project will have one or more significant effects not discussed in the previous EIR; (B) significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project applicant declines to adopt the mitigation measure or alternative; or (D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project applicant declines to adopt the mitigation measure or alternative. (*Id.*, § 15126(a)(3)(A) – (D).) The comment does not show that Soitec's withdrawal from the solar market or the statement of overriding considerations qualifies as new information of substantial importance under any of these factors. Additionally, the owner of the project or entity overseeing project implementation is irrelevant to CEQA because the Proposed Project would be required to comply with the mitigation measures identified in the RFPEIR certified in 2015 regardless of which entity owns and operates the Proposed Project. Therefore, no further response is required.

C-18 The comment states the statement of overriding considerations for the RFPEIR were disingenuously relied upon when the Approved Rugged Project was approved in 2014, including job creation that would

result with realization of the Approved Rugged Project. The comment states the social and economic benefits of the project were negated following the termination of Soitec's Power Purchase contracts.

The comment does not raise new environmental issues under CEQA pertaining to the Proposed Project and does not raise any concerns with the adequacy or accuracy of the analysis in the Addendum; however, the Statement of Overriding Considerations were approved at the time the RFPEIR was certified, which included approval of the Approved Rugged Project. The subject of this Addendum to the RFPEIR pertains to that of the Proposed Project in relation to the Approved Rugged Project, which demonstrates that the Proposed Project would result in fewer impacts compared to those previously evaluated in the RFPEIR for the Approved Rugged Project. The original Statement of Overriding Considerations would not change as a result of the preparation of an Addendum to a previously certified EIR. Additionally, the project will still satisfy many of the statements of overriding considerations, including but not limited to: 1. Assisting the state meet its RPS goals; 2. Creating utility-scale solar; 3. Locating near existing transmission; 6. Offsetting the greenhouse gas emissions. (See Soitec Solar Development Project Findings Regarding Significant Effects Pursuant to State CEQA Guidelines Sections 15090, 15091, and 15093 and Statement of Overriding Considerations, pp. 86-88 (Sept. 17, 2015).) Finally, the Proposed Rugged Project would result in job creation during construction and operation of the Proposed Project.

C-19 The comment states the AB 900 application for the Approved Rugged Project no longer applies to the Proposed Rugged Solar.

The Proposed Project would offset all carbon emissions through the purchase and retirement of carbon offset credits; therefore, the commitments of the project made under AB 900 and included as conditions of approval in the Major Use Permit will still apply to the Proposed Project.

C-20 The comment states that the Project's funding agreement with the San Diego County Fire Protection District (SDCFPD) is not determined until after public comment closes. The comment also asks why local tax payers should foot the bill to benefit for-profit developers.

A final fire and emergency services agreement between the applicant and the SDCFPD has been prepared that includes evaluation by SDCFPD of the Project details and a determination on the overall risk the Proposed Project presents and the fire and emergency services that may be required based on the Proposed Project's size and function. The services agreement must be approved by vote of the Board of Supervisors. The dollar amount of project-provided funding to enhance the local fire and emergency services is calculated by the SDCFPD and is proportional to the anticipated demand. The total that has been calculated by SDCFPD is \$250,000 initially, and then \$24,667 per year with a 2% per year escalator for the life of the Proposed Project. The fire and emergency services agreement demonstrates that the Proposed Project will pay for its proportional share of fire and emergency services, and that the project will be provided with adequate fire and emergency service as documented in the Addendum, Section XVI, Public Services.

C-21 The comment states that an enforceable requirement is needed to ensure that all mitigation land is located within the Boulevard Planning Area where impacts would occur.

As required by mitigation measure M-BI-PP-1, to mitigate for impacts the project applicant shall provide for the conservation of habitat generally consistent with the assemblage of vegetation communities impacted by the project, which would occur largely within the on-site Open Space Preserve and a small portion would occur within the Soitec Mitigation Site (off-site Preserve). Both preserve areas occur within the Boulevard Planning Area.

C-22 The comment asks if federal and state agency permits have been secured.

Potential impacts to jurisdictional resources are described in the Addendum, Section IV, Biological Resources. Similar to the Approved Rugged Project, the Proposed Project requires permits for impacts to jurisdictional aquatic resources. Accordingly, the Addendum carries forward Mitigation Measure M-BI-PP-14 to secure permits from the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) prior to impacts occurring within the on-site jurisdictional aquatic resources. The comment does not raise an issue with the adequacy or accuracy of the analysis in the CEQA document, therefore, no further response is required.

C-23 The comment asks for the current Water Availability Forms for JCSD and Pine Valley Mutual Water Company off-site water sources.

A Water Services Availability Letter has been provided by JCSD which would be the sole source for construction and operational water supply for the project. Construction and operational water for the project would not be sourced by Pine Valley Mutual Water Company. Please see Attachment 2. As described in Response to Comment C-7, the Proposed Project would reduce demand for groundwater compared to the Approved Project and would not result in any new impacts or result in a substantial increase in the severity of a previously identified significant effect related to groundwater.

C-24 The comment is an excerpt from page 65 of the Visual Resources Analysis.

The comment restates information in the Addendum and does not raise an issue with the analysis in the Addendum and does not address a specific impact within the meaning of CEQA, therefore, no further response is required.

C-25 The comment requests clarity on why some figures include the old Soitec Solar project views instead of the current proposed project and references Figure B-1 of the Visual Resources Analysis prepared by Michael Baker International (dated October 2020).

As explained in the Visual Resources Analysis (Addendum Appendix B1), visual simulations were not prepared for the Proposed Project; however, the analysis utilized existing conditions photographs along with visual simulations prepared for the former Rugged Solar Project to illustrate potential visibility of the proposed and former solar facility within the visual landscape. Based on the overall reduced footprint of the Proposed Project compared to the former Approved Rugged Project, project visibility would generally decrease as experienced from offsite vantage points in the surrounding area and the solar facility would be less visually obtrusive.

C-26 The comment opines that concertina wire should be removed from the project and represents a significant change in visual resources and community character.

As indicated on the proposed Project plot plan² (MBI 2020), security fencing is proposed around the perimeter of the five solar development “areas” (i.e., Areas A through E). As a perimeter element, Project fencing would be visible to viewers (primarily roadway users and local residents) that are provided close range (or foreground) views of the Project. However, given the visual prominence and horizontal footprint of solar photovoltaic panels and ancillary equipment including array racks, electrical connections, inverters, transformers and other features that would be distributed across approximately 390 discontinuous acres of currently vacant lands, fencing is not anticipated to be experienced or received as a primary/prominent project component. Refer to Response to Comment C-11, which describes aesthetic impacts of the concertina wire and the Project’s fencing plan. Further and in and of itself, concertina wire is not wholly inconsistent with the surrounding pattern of development and/or fencing in the area and commenter has not provided support as to why concertina wire represents a significant change in visual resources.

Lastly, the Visual Resources Analysis (Addendum Appendix B1) and the Addendum considered the installation of concertina wire. The comment is expressing an opinion on general suitability as opposed to presenting a specific issue with the analysis presented in the Addendum. Therefore, no further response is required.

C-27 The comment questions why the cumulative projects in Table 6 of the Visual Resources Analysis (Addendum Appendix B1) were limited to those approved within the last five years, including Boulder Brush, Torrey Wind, and Boulevard Solar (formerly Soitec’s Tierra del Sol project) and requests changes to the status of certain listed projects. The comment also restates CEQA Guidelines Sections 15130 and 15065 regarding cumulative impact analysis.

The Visual Resources Analysis (Addendum Appendix B1) includes all of the cumulative projects analyzed in the RFPEIR and those set forth in Table 6, which includes the projects referenced in the comment. CEQA Guidelines Section 15130 concerns the cumulative impacts analysis for EIRs, and CEQA Guidelines Section 15065 applies to mandatory findings of significance, which includes findings regarding whether a project has the potential to cause environmental effects that are individually limited but cumulatively considerable. (CEQA Guidelines § 15065(a)(3).) It should be noted that Section 15162 of the CEQA Guidelines regarding changes to an approved project does not require that a new cumulative impact analysis be prepared to address minor changes to an approved project. However, Section 5.6, Cumulative Impact Analysis, in the Visual Resources Analysis states that the cumulative projects list includes projects “approved within the last five years or that are currently being processed by the County of San Diego Department of Land Use Planning & Development Services”. Therefore, Table 6 is not limited to projects approved within the last 5 years as stated by the comment. The Visual Resources Analysis also explains that not all projects within or near the Boulevard area were considered for inclusion in the aesthetics cumulative impacts analysis: “A number of other solar and wind energy-generating facilities within the Boulevard area are being considered, or are under construction within the viewshed, or are already built and in operation; however, such projects are located outside of the Project viewshed and were therefore not considered in the cumulative analysis as they would not have

² Michael Baker International. Rugged Solar Plot Plan. October 16, 2020

the potential to be viewed in combination with the proposed Project. These projects include, but are not limited to, Desert Green Solar (Boulevard/Borrego Springs), NLP Granger (Valley Center), NLP Solar Valley Center (Valley Center), NRG Solar (Borrego Springs), Ocotillo Solar (Ocotillo Wells) and SDG&E Solar (Ramona).” (Id., p. 60.) The comment also seeks changes to the status of certain listed projects. The comment expresses an opinion on the status of certain listed projects as opposed to presenting a specific issue with the analysis presented in the Addendum. Additionally, Attachment 3, Supplemental Cumulative Visual Impacts Assessment for the Proposed Project in Response to Comments, is included to provide additional substantial evidence in the record demonstrating that cumulative visual impacts associated with cumulative projects in the Proposed Project vicinity would not result in a new significant impact not previously analyzed in the RFPEIR, nor would it substantially increase the severity of an existing significant impact previously analyzed in the RFPEIR for the Approved Rugged Project.

C-28 The comment states that fifteen projects were not included in the cumulative projects list in Table 6 of the Visual Resources Analysis, Addendum Appendix B1, and opines that the listed projects must be included for CEQA compliance.

Please refer to Response to Comment C-27, above. The Addendum is based on the certified RFPEIR for the Soitec Project. The RFPEIR included a CEQA compliant cumulative analysis, which included projects 2-6, 9, 11-12, and 15 as listed in the comment. (RFPEIR, 1.0 Project Description, Table 1-12 and Figure 1-12.) It should be noted that Section 15162 of the CEQA Guidelines regarding changes to an approved project does not require that a new cumulative impact analysis be prepared to address minor changes to an approved project. Project number 10 listed in the comment (Boulevard Energy Storage PDS2017-ZAP-17-006) is not an active project pending before the County. Project Number 13 listed in the comment, the County’s Regional Decarbonization Framework, is a programmatic document that does not propose specific projects, and as such, is not included in a cumulative impacts analysis. Although Section 15162 of the CEQA Guidelines does not require a subsequent cumulative analysis be prepared beyond that provided the certified 2015 RFPEIR for the Approved Rugged Project, Projects number 1 (Campo Wind Project), number 7 (SDG&E’s Boulevard Microgrid & Strategic Undergrounding), and number 8 (Starlight Solar) as listed in the comment have been included in Attachment 3, Supplemental Cumulative Visual Impacts Assessment for the Proposed Project in Response to Comments, which has been included to provide additional substantial evidence in the record demonstrating that cumulative visual impacts associated with cumulative projects in the Proposed Project vicinity would not result in a new significant impact not previously analyzed in the RFPEIR, nor would it substantially increase the severity of an existing significant impact previously analyzed in the RFPEIR for the Approved Rugged Project.

Since certification of the RFPEIR, the Proposed Project has been revised to reduce the project footprint by 21%, and slightly reduce the total energy output. Consistent with CEQA Section 15162, the Proposed Project would not result in any new impacts or a substantial increase in the severity of a previously identified significant effect compared to impacts identified for the Approved Rugged Project, and no substantial changes or new information has been provided that would change the conclusions reached in the RFPEIR.

C-29 This comment is an excerpt from page 60 of the Visual Resources Analysis (Addendum Appendix B1) prepared by MBI and contends that the Proposed Project (and other industrial wind and solar projects)

do not reflect the General Plan or Boulevard Community Plan objectives and do not reflect the community's desire for a "quiet, dark sky, and rural life style".

As disclosed on Section 1 of the Addendum, changes to the Approved Rugged Project are the subject of the Addendum. Compared to the Approved Rugged Project, the Proposed Project presents a smaller footprint overall comprised of solar panels with a reduced vertical scale. As a result, the Proposed Project would generally be less visually prominent and intrusive as compared to the Approved Rugged Project.

Regarding the text identified by the commenter, the identified excerpt states that the local climate and flat terrain are ideal for solar development. Changes to the Proposed Project and more specifically, whether changes would result in new or more severe impacts to visual resources, are the subject of this Addendum and have been found to not be new or substantially greater than the Approved Rugged Project.

C-30 The comment cites text from the California Constitution (Art. XIII, Section 8), Civil Code (Section 815), and Government Code (Sections 51071, 51220, and 65561) regarding the importance of open space.

The County acknowledges the comment and the importance of open space, and notes that the Proposed Project would reduce the total development area compared to the Approved Rugged Project by approximately 107 acres. Please refer to Response to Comment C-29, above. The comment does not raise an issue with the analysis in the Addendum and does not address a specific impact within the meaning of CEQA, therefore, no further response can be provided or is required.

C-31 The comment excerpts text from the Glare Study, Addendum Appendix B2, and states that the study was limited to a viewshed of 1-mile when local views from many homes will have elevated views into the project area.

The comment restates information in the Addendum and serves as an introduction to comment C-32 regarding private views. Please refer to Response to Comment C-32, below.

The 1-mile viewshed utilized in the Glare Study³ was determined to be appropriate by the study preparer (Power Engineers 2022) due to (1) the diminishing hazard level of potential glare over distance, and (2) the rising trajectory of glare over distance. For example, glare has the largest potential of being seen/experienced with a solar panel that is stowed parallel to the ground (i.e., zero degree stow). The glare produced in this scenario would be similar to a reflection off of a mirrored pond, where first thing in the morning, the sun would rise and glare would skip off the surface of the pond from the east and reflect at the same angle off to the west. For the Proposed Rugged Project, the minimum angle of the panel is 5 degrees and using the same hypothetical, with the sun at 5 degrees, the outbound reflection off of a 5 degree panel would be approximately 10 degrees above the horizon. Further, as the sun continues in the sky towards its apex, the steeper the angle of reflection becomes and the likelihood for project-generated glare to be experienced at ground level locations is reduced. Simple trigonometry shows us that, in this example, the trajectory of glare would be 931 feet high at a distance of 1 mile from its source. And at a distance of 1 mile from the source, a receptor/viewer would need to be

³ Power Engineers. Glare Study - Rugged Solar Project. October 2019 (Revised January 2022)

situated approximately 1,000 feet higher in elevation than the project solar panels to experience project-related glare. Upon review of the project area, there do not appear to be homes located at elevations of approximately 1,000 feet greater than Proposed Project solar panels. Thus, the 1-mile viewshed utilized in the Glare Study is appropriate for the Proposed Rugged Project and Project area.

C-32 The comment states that the Glare Study failed to include private residential views from specific neighborhoods that would be subject to any glare generated by the project.

The Glare Study (Addendum Appendix B2) analyzed structure locations in the Project area as determined by an aerial survey which were then filtered by a viewshed analysis. Given the pattern of development in the Project area, most analyzed structure locations were private residences. Please refer to Response to Comment C-31 for a generalized example of the characteristics of glare produced by solar panels and approximation of structure elevation necessary to receive/experience glare generated by solar panels of the Proposed Project. Regarding topographically elevated residential locations in the surrounding area including Boulevard Estates (located north of I-8 and west of Ribbonwood Road) and Tierra Heights (located south of I-8 and north of Old highway 80), homes in these neighborhoods would have a very low potential to experience/receive project-generated glare. For reference, Boulevard Estates is located approximately 0.6 mile to the northwest of the nearest onsite impact area that would be developed with solar panels and Tierra Heights is approximately 1.6 miles to the south and southwest. Topographically, several homes in the Boulevard Heights area are situated up to approximately 200 feet above mean sea level (amsl) greater in elevation than the nearest onsite impact area and several homes in the Tierra Heights area are situated up to approximately 600 feet amsl greater in elevation than the nearest onsite impact area. As such, project-generated glare would not generally be experienced by homes in the Boulevard Estates and Tierra Heights neighborhoods. Therefore, and combined with the rising trajectory of glare over distance as previously discussed in Response to Comment C-31 above and the possible screening effect of intervening vegetation on private properties, impact potential would be very low even during summer conditions.

Lastly, the Proposed Project would be smaller in size compared to the Approved Rugged Project, and the proposed single-axis solar panels would be much lower in height than the dual axis trackers contemplated by the Approved Rugged Project and RFPEIR. Therefore, the Proposed Project would result in reduced glare impacts when compared to the Approved Rugged Project.

C-33 The comment states that project-generated electromagnetic emission/pollution has not been address for the proposed project on the adjacent residents or existing uses.

The County notes that, as part of the RFPEIR, an analysis⁴ was performed on the health issues related to static and power frequency of the Soitec Solar Project (Asher Sheppard Consulting 2014). This analysis was included as Appendix 9.0-1 of the RFPEIR. As detailed therein, impacts were determined to not be significant, and pose no known concern for human health. The Proposed Project would be smaller in size and total output would be less than the Approved Rugged Project analyzed in the memorandum. Additionally, the proposed change in technology from a dual-axis tracking system under

⁴ Asher Sheppard Consulting, Health Issues Related to the Static and Power-Frequency Electric and Magnetic Fields (EMFs) of the Soitec Solar Energy Farms Memorandum on Scientific Information Related to Human Health Effects. April 30 2014; available at https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/RFPEIR/Appendix_9.0-1_EMF.pdf

the Approved Rugged Project to the single-axis tracking system under the Proposed Project would not change or increase the potential static and power frequency beyond what was analyzed in Appendix 9.0-1 of the RFPEIR. For these reasons, impacts are assumed to be reduced and no further analysis is required.

C-34 The comment references an excerpt from the California Energy Commission regarding embodied emissions from the manufacture and transport of building materials, finishes, appliances, and on-site use of construction equipment. The comment asks where the full life of project emissions analysis is for the Proposed Project and asks where the proposed PV panels are sourced.

The County refers the commenter to Addendum Appendix G, GHG Screening Memo, which provides an analysis of the Proposed Project's emissions including construction, operation, and decommissioning. The County notes the analysis has been prepared using CalEEMod, which is the state-of-the-art, accepted modeling software for calculating emissions from an array of projects, including solar projects. The County also notes that, as disclosed in the GHG Screening Memo and the Addendum, the Proposed Project would offset far more GHG emissions than it would generate by replacing other traditional energy sources such as coal with a cleaner alternative energy source.

Under CEQA, a lifecycle analysis is not required. A lifecycle analysis is used to assess the overall GHG impacts of a fuel, including each stage of its production and use. When considering Manhattan Beach's adoption of an ordinance banning point-of-sale plastic bags within the city limits, the California Supreme Court held:

“This case serves as a cautionary example of overreliance on generic studies of ‘life cycle’ impacts associated with a particular product. Such studies, when properly conducted, may well be a useful guide for the decision maker when a project entails substantial production or consumption of the product. When, however, increased use of the product is an indirect and uncertain consequence, and especially when the scale of the project is such that the increase is plainly insignificant, the product ‘life cycle’ must be kept in proper perspective and not allowed to swamp the evaluation of actual impacts attributable to the project at hand.”

(*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.) Further, the California Natural Resources Agency specifically chose to delete the word “lifecycle” from Appendix F (Energy Conservation) of the CEQA Guidelines because there is no existing regulatory definition of lifecycle, such emissions may not be caused by the project under consideration, and a lead agency may not be able to require mitigation for emissions that result from the manufacturing process, among other reasons. (See California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97, p. 71 (2009), available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf; Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines, p. 41 (2018), available at:

https://files.resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.)

The comment regarding the source of the PV panels does not raise an issue with the analysis in the Addendum and does not address a specific impact within the meaning of CEQA, therefore, no further response can be provided or is required.

C-35 The comment states that the impact to biological resources from the inverters, SCADA, solar energy generation, lines, switch yards, substations, and other project components that generate electrical pollution emissions has not been addressed. The comment asks for the evidence that the increased project generated electromagnetic fields/radiation emissions will not harm wildlife.

Please refer to Response to Comment C-33, above. Further, since the Proposed Project would largely result in permanent impacts (i.e., removal of habitat), wildlife use of the areas containing solar arrays is not anticipated. Fencing around the solar arrays would further preclude the majority of wildlife species from using the impacted areas. All measurable environmental issues under CEQA were adequately analyzed in the Addendum Section IV, Biological Resources, including direct and indirect impacts to wildlife species. Furthermore, the Addendum concluded that all potential significant impacts to biological resources would be mitigated to less than significant with incorporation of Mitigation Measures M-BI-PP-1 through M-BI-PP-15 and M-BI-R-1.

C-36 The comment is an excerpt from “Effects of non-ionizing electromagnetic fields on flora and fauna, Part 3. Exposure standards, public policy, laws, and future direction.”

Please refer to Response to Comment C-35, above. The Proposed Project is smaller and would generate less energy than the Approved Rugged Project. Further, the Proposed Rugged Project footprint has been reduced by 21% compared to the Approved Rugged Project, which would reduce potential impacts to biological resources.

C-37 The comment states that the use of this soil stabilizer may increase water usage or risk of the polymer burning.

The comment takes the Envirotac II Safety Data Sheet out of context by claiming that the use of this soil stabilizing polymer may require increased water usage or risk the polymer burning. Per the producers of Envirotac II⁵ (personal communication 2022), in its dry form in a tote, prior to being mixed with water for application, the material may be flammable with direct flame or heat. Once the product is applied and binds with the soil, however, it is no longer flammable and; therefore, would not rely on ongoing water applications to remain nonflammable, as suggested in the comment. Therefore, no additional water is needed to hydrate the applied Envirotac II.

C-38 The comment expresses an opinion regarding fire ignition and the possibility of a major wildfire near solar facilities, and states that secondary access during an evacuation traverses through the solar site itself.

Wildfire and emergency response issues for the Approved Rugged Project were analyzed in Section 3.1.4.3.3, Wildfire Hazards, of the 2015 certified RFPEIR. Additionally, the RFPEIR included Appendix 3.1.4-6, Draft Fire Protection Plan for the Rugged Solar Farm Project, Appendix 3.1.4-7, Construction Fire Prevention Projection Plan Outline, and Appendix 3.1.7-1, Emergency Service Capabilities

⁵ Personal communication between Dudek and Environmental Products and Applications, Inc. June 2, 2022

Assessment and Cumulative Impact Mitigation. The Proposed Project would be subject to the fire protection and prevention measures identified in the RFPEIR and these Appendices from construction through the life of the Project to prevent and minimize the potential for ignitions. This would also include implementation of project design features identified in the RFPEIR including PDF-HZ-2 (preparation and implementation of a Construction Fire Prevention Plan for review and approval by San Diego County Fire and CalFire) and PDF-HZ-3 (preparation and implementation of a site-specific fire protection plan for review and approval by San Diego County Fire). See Appendix A of the Proposed Project Addendum for previously approved project design features and mitigation measures as approved under the Approved Rugged Project, to which the Proposed Project would be subject. The location of Tule Mountain Road adjacent to the Proposed Project's developed areas and the development of the Project site with solar, would remove vegetative fuels and replace them with noncombustible and ignition resistant landscapes and features. This converted landscape represents a safer zone for travel as active wildfire flames would not occur where the vegetation has been removed. The Tule Mountain Road connector capability is not encumbered by the Project's development and, in fact, is enhanced and would perform the same function post-project as it does currently.

Additionally, the technology change from dual-axis concentrating trackers to single-axis trackers as proposed under the Proposed Project would require less ground disturbance as compared to the Approved Rugged Project, would require substantially less construction equipment to install, and require less on-going operational maintenance because single-axis technology is more reliable than the more complex technology employed by dual-axis tracking systems. Moreover, the Proposed Project's trackers are anticipated to require significantly less cleaning. These changes would result in a substantial reduction in the potential for construction worker, construction equipment, and maintenance worker-related fire starts while on-site or traveling to and from the site. Likewise, on-site, daily operational personnel reductions would go from 20 personnel under the Approved Rugged Project to 0 under the Proposed Project, thus negating the previously identified potential risk from this population for accidental ignitions.

C-39 The comment cites a Los Angeles Times article describing how a bird started a fire at the California Valley Solar Ranch, and references an article about safety issues with PV systems, including fire caused by short circuits.

While the type of ignition described in the article is possible, they are contemplated and the Proposed Project provides preventative features. For example, CPUC requirements for electrical transmission lines accounts for potential bird/animal and other known sources of ignitions and requires special protections and construction specifications (see Rules for Overhead Electric Line Construction – General Order 95). Mitigation Measure M-BI-PP-13 requires that all transmission and distribution towers and lines conform to the Avian Power Line Interaction Committee (APLIC) standards in order to protect raptors and other birds from electrocution. Additionally, solar facility components at the Proposed Project will be monitored at all times by the supervisory control and data acquisition (SCADA) system for anomalies that may indicate a short or failing component. Maintenance occurs on routine schedules as well to minimize the likelihood of a failure that leads to a fire. Lastly, vegetation would be set back from the facility via a fuel modification area to further minimize the possibility of a vegetation ignition. The comment does not provide a Project-specific issue with the Addendum or its analysis and therefore requires no additional response.

- C-40** The comment suggests that the Proposed Project should be required to comply with the same 100-foot defensible space requirements as private residences.

Residential structures, as referenced in the comment, are often wood-framed structures of varying ignition resistance (the older they are, the more vulnerable to flames and/or embers) and are the focus of defensible space policies because they are often less well maintained habitable buildings (than a managed solar facility). Defensible space, per Public Resource Code (PRC) Section 4291, requires 100 feet of modified fuel areas adjacent to structures and dwelling units. PRC Section 4291 states that: “The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation.” The Proposed Project includes an O&M building that would provide 100 feet or more of defensible space. The remainder of the site would be comprised of solar panel arrays that are not buildings, not habitable, are largely non-combustible (steel and glass) and therefore, do not require a 100-foot fuel modification zone. The Project actually provides a minimum of 30 feet of defensible space and in some areas, as much as 54 feet including an access road within the defensible space footprint. The comment raises no specific, supported issues with the Addendum’s fire risk analysis and therefore requires no additional response.

- C-41** The comment states that the Updated Groundwater Resources Investigation Report does not specifically analyze impacts associated with procuring water from the Jacumba Community Services District (JCSD), nor does it identify the source of construction water.

The Updated Groundwater Resources Investigation Report prepared for the Proposed Project dated April 2021 (as Addendum Appendix H1), as updated from the originally approved Groundwater Resources Investigation Report prepared for the Approved Rugged Project dated November 2013⁶ (Dudek 2013), was prepared for the purpose of analyzing impacts to groundwater resources in the vicinity of the Proposed Project, and to satisfy the requirements outlined in the County Guidelines for Determining Significance – Groundwater Resources⁷ (County of San Diego 2007). The County Guidelines for Determining Significance – Groundwater Resources does not require a project applicant to identify the specific source of water, rather, they contain a series of thresholds for determining significance of water use impacts specific to groundwater quantity and groundwater quality for the geographic area in which the project is proposed. JCSD’s water supply, including well locations, are located within the geographic scope of the Groundwater Resources Investigation Report prepared for the Proposed Project. Additionally, the project applicant is required to obtain authorization and approval from JCSD prior to procurement of water supply. An updated Water Supply Availability Form has been provided by JCSD for the project’s construction water. Please refer to Attachment 2, JCSD Water Service Availability Form.

Further, the County notes that the Proposed Project would reduce both construction and operational water demand compared to the Approved Rugged Project. Specifically, the Proposed Project is estimated to require approximately 36.46 acre feet of water for construction purposes, and only 1.41 acre feet of water for operations per year. In contrast, the Approved Rugged Project anticipated 59 acre feet of construction water and approximately 8.7 acre feet of operational water usage. This would result

⁶ Dudek. Groundwater Resources Investigation Report - Rugged Solar Project. April 2021.

⁷ County of San Diego. County Guidelines for Determining Significance – Groundwater Resources. March 2007. Available at: <https://www.sandiegocounty.gov/dplu/docs/GRWTR-Guidelines.pdf>

in a reduction in water usage by 168.3 acre feet over a 20-year period. Therefore, the Proposed Project would reduce demand for groundwater compared to the Approved Project and would not result in any new impacts nor would it result in a substantial increase in the severity of a previously identified significant effect related to groundwater. It is also noted that the Proposed Project would reduce the amount of area covered in solar PV panels by approximately 107 acres, or 21% compared to the Approved Rugged Project.

C-42 The comment questions what the impacts would be to groundwater resources if cumulative projects, including JVR Solar, Boulder Brush Substation, and Campo Wind, are built at the same time as the Proposed Project using water supply from JCSD.

Project-specific groundwater resources investigation reports have been prepared for all projects listed by the commenter, and that propose to obtain water supply from JCSD. The Groundwater Resources Investigation Report for JVR Energy Park dated May 2020⁸ (Dudek 2020) includes an analysis of the potential impacts of groundwater extraction for all reasonably foreseeable projects on groundwater levels and storage, including the Approved Rugged Project (Rugged Solar), JVR Energy Park, Boulder Brush Substation, Campo Wind, and Torrey Wind. Based on the analysis performed, groundwater use for all reasonably foreseeable projects, assuming a 40-year lifespan and no recharge to the aquifer, would result in a 18.6% reduction of groundwater in storage (Dudek 2020). This is less than the County of San Diego's groundwater in storage significance criteria of 50% (County of San Diego 2007). In addition, project-specific groundwater monitoring and mitigation plans have been prepared for several projects (including the Proposed Project) to ensure that pumping does not impact existing well users and groundwater-dependent habitat. The Draft Groundwater Monitoring and Mitigation Plan for the Proposed Project dated February 2022⁹ (Dudek 2022), Addendum Appendix H2, establishes protective groundwater drawdown thresholds for off-site well interference and groundwater-dependent habitat. Additionally, the groundwater monitoring and mitigation plan details requirements for ongoing groundwater level and production monitoring and reporting to the County of San Diego. If groundwater levels reach or drop below established thresholds, groundwater pumping will cease until water levels have increased above the thresholds. Additionally, written permission from the County PDS must be obtained before production may be resumed.

C-43 The comment states that Table 2-5, Construction Water Demand, of the Updated Groundwater Resources Investigation Report, does not include concrete needed to install chain-link fencing at the site and inquires how much fencing will be installed and how much water it would take to mix the concrete for the fencing.

Table 2-5, Construction Water Demand, of the Updated Groundwater Resources Investigation Report (Addendum Appendix H1) provides a conservative estimate of water demand that would be needed for all construction activities associated with the Proposed Project, including any concrete application. Additionally, a conservative 10% contingency was included as part of the water demand calculation in the event additional water is needed for ancillary uses such as chain-link fencing, if additional concrete is determined to be needed. Therefore, adequate water demand has been calculated to serve construction water needs of the Proposed Project. Moreover, as previously stated in Response to

⁸ Dudek. Groundwater Resources Investigation Report for JVR Energy Park. May 2020.

⁹ Dudek. Groundwater Monitoring and Mitigation Plan for the Proposed Project. February 2022.

Comment C-41, the Proposed Project would reduce both construction and operational water demand compared to the Approved Rugged Project. Specifically, the Proposed Project is estimated to require approximately 36.46 acre feet of water for construction purposes, and only 1.41 acre feet of water for operations per year. In contrast, the Approved Rugged Project anticipated 59 acre feet of construction water and approximately 8.7 acre feet of operational water usage. Please also refer to Response to Comment C-9, which explains that water use for installing concrete in fence post holes would not cause water demand that exceeds that analyzed in the RFPEIR.

C-44 The comment states that off-site water resources must be more openly identified in Appendix H, Updated Groundwater Resource Investigation Report, of the Addendum.

Please refer to Response to Comment C-41.

C-45 The comment states that Table 2-2 of Addendum Appendix H1, Rain Gauges in Project Area – uses outdated rainfall data including from the Tisdale’s Morning Star Ranch that includes very wet El Niño years that skews the annual average and leaves out more recent and much dryer years.

Table 2-2 provides an inventory of all rain gauges in the vicinity of the Project site and the available precipitation record. The precipitation data described in Section 2.2, Climate, and shown in Table 2-2 of Addendum Appendix H1 provide an understanding of precipitation patterns in the Project area. The precipitation data from Tisdale’s Morning Star Ranch station were not used in Appendix H1, Section 3, Water Quantity Impact Analysis. As discussed in Section 3.1.2.1 Groundwater Recharge, monthly rainfall data for a 30-year period, July 1982 through July 2012, collected at the gauging station located in Tierra Del Sol, were used in the 50% reduction of groundwater in storage analysis. As discussed in Section 2.2, the Tierra del Sol precipitation data underestimates precipitation falling on the area by 20% to 27% due to its location on a ridgeline. Therefore, the precipitation data used in the analysis likely underestimates recharge. A secondary water balance analysis was also performed using the Campo precipitation data from the last 30-year period, July 1982 through July 2012, which is likely more representative of the regional precipitation. Precipitation measured at Campo Station from 1982 to 2012 indicates an average annual precipitation of 15.4 inches, as compared to only 11.3 inches at Tierra del Sol over the same 30-year period. The results of the analysis show that for each scenario, the volume of groundwater in storage remains above the 50% significance threshold over the 30-year period and impacts to groundwater in storage are less-than-significant.

C-46 The comment reiterates a statement from the Updated Groundwater Resource Investigation Report (Addendum Appendix H1) that Envirotac II will last up to 18 months without reapplication, after which time 39,000 gallons per day of water will be required for ongoing dust control.

The application of water to the soil stabliizer is only required “for areas being actively used (e.g., access roads, equipment and vehicle staging areas, etc.) for the remainder of the Project construction.” Because the construction schedule is anticipated to be less than 18 months, reapplication of water to the soil stabilizer is not anticipated to be required. Therefore, the analysis in the Addendum appropriately considered the amount of water usage, and no revisions are required.

C-47 The comment states that Table 2-5, Construction Water Demand, of the Updated Groundwater Resources Investigation Report, does not include concrete needed to install chain-link fencing at the site.

Please refer to Responses to Comment C-9, -41, and -43.

C-48 The comment provides information from the Envirotac website regarding how the soil binder works. The comment asks what happens when the dust control polymers in Envirotac break down and soak into the on-site and off-site ground and surface water.

The County notes that the actual product used as soil binder, if required during grading, has yet to be officially selected as product availability may change prior to construction. However, according to the Envirotac II Safety Data Sheet, the polymer palliative is nonhazardous; no special environmental precautions are required prior to application; no special precautions or personal protective equipment are needed prior to handling the material prior to or during application; the product does not contain chemicals subject to hazardous materials reporting requirements or regulations; and following product use, the product can be soaked up with any inert absorbent material (including sand, silica gel, sawdust or a universal binder). Section 12, Ecological Information of the Safety Data Sheet, indicates there is no data available for metrics such as ecotoxicity, bioaccumulative potential, mobility in soil or other adverse effects. See Attachment 4 for the product material Safety Data Sheet. Given the information known about the product, and provided that there are standard methods for product removal following its application, there is no indication or evidence to suggest the product would break down to the point of infiltrating the soil at depths that could compromise groundwater quality, as suggested by the comment, because the product is intended to bind soil particles together at surficial levels to control dust. Therefore, because no scientific information regarding this possibility is available, it would be speculative to further evaluate this issue. (CEQA Guidelines § 15145.)

C-49 The comment provides information from Envirotac's website and uses this information to state that "less rain permeating treated soil will result in less groundwater recharge."

The County notes that the actual product used as soil binder, if required during grading, has yet to be officially selected as product availability may change prior to construction. Preliminarily, the Proposed Project would reduce the total development area by approximately 107 acres compared to the Approved Rugged Project, therefore, more areas would be left in a natural state which would have the effect of reducing impervious area compared to the Approved Rugged Project (and increasing recharge). The Proposed Project would also implement a Storm Water Pollution Prevention Plan (SWPPP) to ensure that any runoff from the project site would be addressed under the Clean Water Act. Further, runoff would be directed to appropriate areas for discharge and therefore, while temporarily may not infiltrate at the same location as under the undeveloped, existing condition, it would not substantially reduce recharge.

C-50 The comment states that the project would result in less permeation and increased runoff and erosion during rain events. The comment continues that this runoff can move off-site to seasonal wetland areas along the Tule Creek bed, seasonal wetlands, and Tule Lake and may be connected to private wells via groundwater bearing fractures in the fractured rock aquifer.

The comment addresses a general topic, drainage, which was thoroughly analyzed in the RFPEIR and Addendum. The Proposed Project would reduce the development footprint by approximately 21% compared to the Approved Rugged Project, and result in less impervious area. The County refers the commenter to Addendum Appendix G1, Preliminary CEQA Drainage Study and Appendix G2, Rugged Storm Water Quality Management Plan. As the comment does not raise a specific issue with the adequacy or accuracy of the analysis contained in the Addendum, no further response is required or can be provided.

C-51 The comment asks about the potential for groundwater contamination and who will monitor and/or remediate any potential groundwater contamination.

The comment addresses a general topic, groundwater, which was thoroughly analyzed in the RFPEIR and Addendum, specifically, Addendum Appendix H1, Groundwater Resources Investigation Report¹⁰ (Dudek April 2021), as well as Appendix G1, Preliminary CEQA Drainage Study and Appendix G2, Rugged Storm Water Quality Management Plan. The County notes that the Proposed Project would use less groundwater water and would reduce the development footprint compared to the Approved Rugged Project. The comment does not raise a specific issue with the adequacy or accuracy of the analysis contained in the Addendum, therefore, no further response can be provided or is required.

C-52 The comment expresses a concern with microplastics and provides an abstract for an article from the Hydrogeology Journal, Volume 27, pages 2719-2727 (2019).

The County has reviewed the abstract and notes that it does not raise a specific issue with the analysis contained in the Addendum. The County acknowledges that a soil binder will be used during grading, which is consistent with implementation of projects such as the Proposed Project. The article abstract provided does not indicate that Envirotac II or other soil binders are a risk of causing microplastic pollution. No further response is required.

C-53 The comment refers to Addendum Appendix H2, Groundwater Monitoring and Mitigation Plan, and refers to Comments C-44 through C-52.

The County acknowledges the comment and refers the reader to Response to Comments C-44 through C-52, above, for responsive information to issues related to groundwater.

C-54 The comment expresses the commenters opinion that regardless of whether the project would be compliance with the applicable noise limits, it would still introduce a new noise source in a quiet rural area where noise carries for long distances.

As stated in the comment, the County has determined based on the analysis contained in Addendum Appendix J, Noise Assessment, that the Proposed Project would meet all applicable noise limits, including “the most restrictive nighttime property line standard of 45 dBA at the nearest property lines.” The comment expresses the opinion of the commenter that the current noise limits are too high; however, it does not identify a specific issue with the analysis and therefore does not raise an issue within the meaning of CEQA. No further response is required or provided.

¹⁰ Dudek. Groundwater Resources Investigation Report. April 2021.

C-55 The comment asks if the noise assessment includes the intake and exhaust fans for the inverter enclosures.

The noise analysis in Addendum Appendix I does include an operational assessment of impacts of the Proposed Project and determined that impacts would be less than significant. Specifically, as stated on page 23 of Appendix I, Noise Assessment, “Based on the empirical data, the manufactures [sic] specifications and the distances to the property lines the cumulative noise levels from the proposed transformers, inverters and the PV trackers and substation were found to meet the most restrictive nighttime property line standard of 45 dBA at the nearest property lines.”

C-56 The comment asks if 6-foot high noise attenuation walls will be effective in reducing noise at adjacent properties and residences.

The County clarifies that there is no requirement for noise walls for the Proposed Project. As stated above in response C-55, the Proposed Project would not exceed applicable noise limits; therefore, no such noise walls are required to reduce or mitigate potential noise impacts.

C-57 The comment restates information from the Preliminary Grading Plan, including the overall clearing and grading will total 392 acres, and vertical cuts will be up to 32 feet with 2:1 fill slopes. The comment states this is significant new information and asks if the Addendum has addressed the release of stored carbon.

Construction-related GHG emissions have been analyzed and included in the calculations provided in Appendix C2, GHG Screening Letter. The Proposed Project is expected to result in approximately 1,301 MT CO₂e during construction, which is amortized to 43.3 MT per year over the 30-year Project Life. Related to the release of sequestered carbon, the Proposed Project would reduce the development footprint and impacts to biological resources by 107 acres; therefore, the Proposed Project would reduce the potential for the release of sequestered carbon as compared to the Approved Rugged Project. This is consistent with the findings of the Addendum that the Proposed Project would have less than significant impacts related to GHG emissions. Finally, the Addendum considers the potential environmental impacts associated with larger grading quantities and has concluded that the change from the Approved Rugged Project does not constitute new information as defined by CEQA Guidelines Section 15162(a)(3).

C-58 The comment repeats text from the Preliminary Grading Plan which notes the project site contains wetlands or waters of the US and/or State. The comment questions if all permits have been secured.

The comment repeats a similar question to Comment C-22, above. The Counter refers the reader to Response to Comment C-22. Therefore, , no additional response is required.

C-59 The comment states that portions of the project site are subject to inundation by the 100-year flood and asks why project components would be allowed in those areas.

The County notes preliminarily that the Proposed Project site’s location is the same as the Approved Rugged Project, however, the development footprint has been reduced by 107 acres. As stated in Appendix G1, Preliminary CEQA Drainage Study, “There are no proposed habitable structures as part of the project. The project site is located in a FEMA Zone D, correlating with an unstudied, or “Not

Printed” area.” Further, Appendix G1 notes that “Proposed improvements will not impact 100-year limits of inundation” because “Proposed improvements will not alter the existing hydrologic and hydraulic properties of the site.” The comment does not raise a specific issue with the adequacy or accuracy of the analysis in the Addendum; therefore, no further response is required.

C-60 The comment contends that concertina wire is out of place and requests that it be removed from the Proposed Project, asks if water needed for mixing concrete for fence posts is included in the water demand analysis, and questions whether mesh fabric on fences will withstand Boulevard’s high winds.

Please refer to Response to Comment C-26 that previously addressed commenter’s concerns with concertina wire. Please refer to Response to Comment C-9 that addressed commenter’s concerns with concrete water use for fence posts. Regarding the proposal to install mesh fabric on fences, many mesh materials on the market are designed for long-term durability during weather and periodic storm events, including areas that experience high winds such as the Proposed Project site. Any materials employed at the Proposed Project would be selected for durability and long-term use at the site to avoid the need for near-term replacement.

C-61 The comments references excerpts from a California Department of Toxic Substances Control Press Release from October 2022 regarding California becoming the first state in the US to add solar panels to its Universal Waste Program. The comment asks if the GHG emissions related to waste hauling have been analyzed for the proposed project.

CalEEMod does include waste emissions as part of the Proposed Project, which includes the removal/haulage. Please refer to Appendix C2, GHG Screening Letter for the CalEEMod outputs, which includes Waste as a category of emissions. As shown therein, annual operational waste emissions were calculated at approximately 3.37MT CO₂e/annually.

C-62 The comment states that a bond should be required for recycling or lawful disposal of discarded PV components during operation, any upgrading of technology, and decommissioning.

The Addendum considered the potential GHG emissions related to construction and decommissioning of the PV solar panels. As stated in Appendix C2, GHG Screening Letter, and Section VII, Greenhouse Gas Emissions, of the Addendum, implementation of the Proposed Project would have a net reduction in GHG emissions because the project would generate clean energy compared to traditional energy sources. Additionally, Condition 25 of the Rugged Major Use Permit requires a decommissioning plan and a secured agreement to ensure removal of the solar energy system prior to issuance of a building permit. Accordingly, the commenter’s request is already included in the project’s MUP.

C-63 The comment references excerpts from an article, “The Solar Boom Will Create Millions of Tons Junk Panels,” published in 2022 by the Wall Street Journal. The comment provides information, according to the article, related to the manufacturing, duration, and waste produced from solar panels, and indicates that companies are already preparing for the recycling challenge.

The comment does not raise issues specific to the Proposed Project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-64 The comment references excerpts from an article, “How push for modern technology has made Chinese pond toxic,” published in 2022 by Sky News. The comment provides information, according to the article, related to the production of solar panels and associated environmental impacts in China.

The comment does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-65 The comment references excerpts from an article, “Greening Cement & Steel, The Building Blocks of Our Civilization,” published in 2022 by Clean Technica. The comment provides information, according to the article, related general impacts associated with the production and use of steel and cement.

The comment does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-66 The comment references excerpts from an article, “NERC sounds alarm on solar tripping in ‘sobering’ summer reliability report,” published in 2022 by Utility Dive. The comment provides information, according to the article, related to the reliability of solar power generation.

The comment does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-67 The comment references excerpts from an article, “CAISO to require equipment improvements for inverter-based generation,” published in 2022 by Utility Dive. The comment provides information, according to the article, related to the reliability of solar power generation and associated requirements.

The comment does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-68 The comment thanks the County for consideration of the above comments.

The comment is a concluding remark and does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

C-69 The comment notes two attachments to the comment letter, including, “VCE Rugged Solar PPA Breach: Rulemaking 18-07-003: BEFORE THE CPUC: MOTION OF VALLEY CLEAN ENERGY ALLIANCE TO UPDATE ITS DRAFT 2020 RENEWABLES PORTFOLIO STANDARD PROCUREMENT PLAN” and “RDF Figure 2.10: map of Boulevard focused LCOA/wind and solar.”

The comment and attachments are acknowledged. The comment does not raise issues specific to the project or regarding the adequacy or accuracy of the analysis contained in the Addendum; therefore, no further response is required.

Response to Comment Letter D

Randy and Laura Felten
2669 Ribbonwood Road, Boulevard, CA 91905
April 23, 2022

D-1 The comment states the Proposed Rugged Project is adjacent to the commenters' property. The comment recounts that when wind turbines were installed, it used water from the well adjacent to the commenters' well, and states that as a result, the commenters had to replace their well pump. The comment questions where the water is going to come from for the Proposed Rugged Project – specifically whether it is going to come from the same well and whether the commenters are going to have the same experience. The comment asks who is going to monitor the water and where the water will come to maintain the project in the future.

As noted in the Addendum, the Proposed Rugged Project would result in less water usage than the Approved Project. Specifically, the Approved Project would use approximately 59 acre feet of water during construction and 8.7 acre feet annually for operational use, while the Proposed Rugged Project would use no on-site groundwater during construction and 7.34 acre feet/year for operational water use. Therefore, impacts related to groundwater would be substantially reduced compared to the Approved Project, as analyzed in the Addendum Section X, Hydrology and Water Quality and Section XX, Utilities and Service Systems. The comment does not raise an issue with the adequacy of the analysis in the Addendum; therefore, no further response is provided.

For the Rugged Solar Farm, wells adjacent to the Project site are eligible to be included in the monitoring program. At the request of and with permission from adjacent landowners, pressure transducers will be installed by the applicant's consultant in private domestic wells and monitored during the first five years of project groundwater pumping. Please contact the County at pds.luegggroundwater@sdcounty.ca.gov if interested in having your well monitored.

MEMORANDUM

To: Jean-Paul La Marche, Rugged Solar LLC
From: Brock Ortega, Principal Biologist, Dudek
Subject: Supplemental Legless Lizard Impact Assessment for the Proposed Rugged Project in Response to Comments
Date: June 14, 2022
cc: Jennifer Sucha, Dudek and Sean Kilkenny, Dudek
Attachments: 1: Brock Ortega - Qualifications

This memorandum has been prepared in response to comments received on the Addendum to the previously certified Revised Final Program Environmental Impact Report (Revised Final PEIR) (SCH NO. 2012-121-018) for the Soitec Solar Development Project and associated Technical Appendices including the Biological Resources Report prepared by Dudek (Dudek 2022). In particular, this memorandum focuses on Comment A-7 of Comment Letter “A” from the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) related to legless lizard. Comment Letter “A” states that updated surveys should have been performed for legless lizard for the Proposed Rugged Project to assess potential impacts and the project’s effects on the East County Multiple Species Conservation Program (MSCP).

Comment A-7 from Comment Letter “A” and Response

Preliminarily, the County notes that the Proposed Rugged Project would reduce the overall area of disturbance by 107 acres compared to the Approved Rugged Project as analyzed under the Revised Final PEIR, including 71.5 acres of reduced impacts to sensitive upland habitat and 2.91 acres of reduced impacts to jurisdictional aquatic features as compared to the Approved Rugged Project. The County relies on literature reviews, property and focused surveys, and mapping by qualified biologists. (See County of San Diego, Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources, pp. 7-9 (2010).), The RFPEIR performed detailed and numerous surveys, as demonstrated by the Biological Resources Technical Report for the Approved Rugged Project.

Regarding legless lizard, this species was not observed during site-specific surveys in 2019. Generally, legless lizards are largely subterranean and occur in friable (sandy) soils, leaf litter, and other debris associated with coastal dunes, washes, scrub, chaparral, and woodlands. The legless lizard needs moisture for its survival, so it favors moist, warm, loose soil with some plant cover. The southern California (San Diego) legless lizard (*Anniella stebbinsi*) is found in a broader range of habitats than any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans (Stebbins and McGinnis 2012, Papenfuss and Parham 2013). Lemm (2006) further describes the San Diego population as primarily occurring in oak woodland, chaparral, coastal sage, and pinyon-juniper woodland.

The species typically occurs in more vegetated coastal areas and requires some level of soil moisture whenever it occurs. Suitable habitat for legless lizard is present within the project area. The closest CNDDDB records for this

species are from 2011 and 2017 and overlaps the central portion of the project area (CDFW 2019). Therefore, legless lizard is identified as having a low to moderate potential to occur on the project site, however, as mentioned previously, this species was not observed during surveys in 2019. Further, the Proposed Rugged Project will not impact drainage areas and will only impact areas with dry soils with minimal chance of soil moisture retention. Therefore, the portions of the site identified for development have even less chance of supporting legless lizard. While there is some chance of legless lizard impact as a result of the Proposed Rugged Project, because their potential to occur is relatively low and because the Proposed Rugged Project would avoid the highest potential areas and reduce overall development by 107 acres, impacts are considered to be less than significant.

Brock Ortega, Principal, Senior Wildlife Biologist

References

- CDFW (California Department of Fish and Wildlife). 2019. California Natural Diversity Database (CNDDDB) – Government version dated June 1, 2019. Retrieved June 08, 2019 from <https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>.
- County of San Diego. 2010. Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources. pp. 7-9.
- Dudek. 2022. Biological Resources Report for the Rugged Solar Farm Project. County of San Diego, California. Environmental Review Number PDS2012-3910-120005. MUP PDS2017-MUP-12-007W1. April 2022.
- Lemm. 2006. Lemm, Jeffrey. 2006. Field Guide to Amphibians and Reptiles of the San Diego Region. UC Press, Berkeley, CA. 326 pp.
- Papenfuss and Parham. 2013. Papenfuss, T.J., and J.F. Parham. 2013. “Four New Species of California Legless Lizards (*Anniella*).” *Breviora* 536:1–17.
- Stebbins and McGinnis. 2012. Stebbins, Robert C., and McGinnis, Samuel M. Field Guide to Amphibians and Reptiles of California: Revised Edition (California Natural History Guides) University of California Press, 2012.

Attachment 1

Brock Ortega Qualifications

Attachment F – Ownership Disclosure



County of San Diego, Planning & Development Services
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS
ZONING DIVISION

Record ID(s) MUP-12-007W1

Assessor's Parcel Number(s) 611-100-01-00, 611-100-02-00, 611-091-07-00, 612-030-19-00, 612-030-01-00, 611-090-04-00, 611-091-03-00, 611-090-02-00, 611-04-00-00, 611-091-09-00, 611-110-01-00

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. NOTE: Attach additional pages if necessary.

A. List the names of all persons having any ownership interest in the property involved.

Rough Acres Foundation
Frankie R. Thibodeau 2011 Trust

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

[Blank lines for listing individuals]

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

Brendan Thiessen- Director
John C. Mulder- Director
John W. Gibson- Director
Frankie R. Thibodeau - Settlor

NOTE: Section 1127 of The Zoning Ordinance defines Person as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Signature of Applicant: Stanley Chin

Print Name: Stanley Chin

Date

OFFICIAL USE ONLY
SDC PDS RCVD 11-15-17
MUP12-007W1



**Attachment G – Fire and Emergency Services
Agreement**

**FIRE PROTECTION AND MITIGATION AGREEMENT
SAN DIEGO COUNTY FIRE PROTECTION DISTRICT & RUGGED SOLAR LLC**

THIS FIRE AND EMERGENCY SERVICES AGREEMENT (“Agreement”) dated _____ (“Effective Date”) is entered into by and between the COUNTY OF SAN DIEGO (“County”) and Rugged Solar LLC (“Applicant”) (individually, “Party” and collectively, “Parties”).

RECITALS

WHEREAS, San Diego County Fire Protection District supports the delivery of high-quality emergency medical and fire services to a 1.5 million-acre area of unincorporated San Diego County, and coordinates regional fire prevention for unincorporated San Diego County;

WHEREAS, Applicant has applied for a Major Use Permit Modification (Project No. MUP-12-007WI) for certain real property located within the unincorporated area of the County of San Diego, as more particularly described on the attached Exhibit A, incorporated herein by reference (“Property”);

WHEREAS, Applicant seeks approval from County to construct the revised Rugged Solar Park Project (“Project”) on the Property, as more fully described on the attached Exhibit B, incorporated herein by reference, with a solar generation capacity of 74 megawatts (MW) of installed alternating current (AC);

WHEREAS, the potential for significant environmental impacts associated with the Project were studied in a Revised Final Program Environmental Impact Report (Revised PEIR) and an Addendum to that Revised PEIR;

WHEREAS, as a condition of County’s approval of the Project prior to issuance of a grading permit, Applicant is required to enter into this Agreement with the County to contribute funds to support San Diego County Fire Protection District capabilities and services during construction, operation and decommissioning phases of the Project pursuant to the County General Plan Safety Element;

WHEREAS, County desires to receive such funds and use them as specified in this Agreement to support San Diego County Fire Protection District capabilities and services to the Project during the construction, operation and decommissioning phases of the Project;

WHEREAS, Applicant and County previously entered into a Fire and Emergency Services Agreement dated as of October 14, 2015 (the “Original Agreement”); and

WHEREAS, the Parties intend that the Agreement shall supersede and replace the Original Agreement in its entirety,

NOW, THEREFORE, in consideration of the foregoing, the Parties hereby agree as follows:

1. The Project

The description of the Project is contained in Exhibit B attached and incorporated herein by reference.

2. Scope of Agreement

**FIRE AND EMERGENCY SERVICES AGREEMENT
SAN DIEGO COUNTY FIRE PROTECTION DISTRICT & RUGGED SOLAR LLC**

Provided that Applicant timely complies with each of its obligations under this Agreement, County agrees to use the funds it receives under the Agreement to support San Diego County Fire Protection District (SDCFPD) capabilities and services to the Project, as more fully set forth in the Scope of Services attached as Exhibit C and incorporated herein by reference (the “Services”). County has issued a Project Facility Availability Form for Fire Services to Applicant for the Project, which is contingent upon receipt of all the following: (a) Applicant’s signature on this Agreement; (b) confirmation that the Initial Compensation (as defined in Section 4(A) below) has been delivered to County; (c) documentation that establishes legal access to the Property, as provided in Section 13 below; and (d) a Fire Protection Plan accepted by County, attached hereto as Exhibit D and incorporated herein by reference.

3. Term

This Agreement shall be effective upon the Effective Date. The initial term of this Agreement shall begin upon issuance of any building permit for the Project and be in effect for a period of ten (10) years thereafter (the “Initial Term”). The Applicant shall give notice to the County within thirty (30) calendar days of obtaining a building permit.

This Agreement shall be automatically renewed following the Initial Term for consecutive five (5)-year periods (each referred to as a “Renewal Term”) for the life of the Project, and which shall terminate only after the Applicant has complied with a County-approved decommissioning plan. The Applicant may terminate this Agreement pursuant to Section 8 below.

4. Compensation

(A) Initial Compensation

Within thirty (30) calendar days of the issuance of any building permit for the Project, Applicant shall make a one-time initial payment to County in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) (“Initial Compensation”). The Initial Compensation shall be used as the County sees fit to support SDCFPD capabilities and services to the Project.

(B) Annual Compensation

(1) For any Fiscal Year, or portion thereof, after Applicant has received the final building inspection and Certificate of Occupancy, Applicant shall pay annually to County \$24,667.00 (the “Base Rate”) for the Services. “Fiscal Year” means the period starting on July 1 and ending on the following June 30. After the first year, the Base Rate shall increase by two percent (2%) each fiscal year.

(2) Applicant’s duty to pay County the Annual Compensation shall commence on the date the Applicant received the final building inspection and Certificate of Occupancy. If the Certificate of Occupancy is issued on a date other than July 1, County shall prorate the Annual Compensation as follows: (a) calculate the number of days remaining in the current Fiscal Year by determining the days from and including the date of the Certificate of Occupancy is issued to and including the following June 30 (the “Remainder”); (b) multiply the Base Rate by a fraction, the numerator of which is the Remainder, and the denominator of which is 365, which is equal to the proportionate amount due for the portion of the fiscal year in which Certificate of Occupancy is issued (“Year 1 Amount”); and (c) calculate the rate applicable to the next following Fiscal Year by calculating the Base Rate times 1.02 (the “Following Year Rate”). The San Diego County Fire Protection District shall calculate all of the above and give notice thereof to Applicant (“Compensation Notice”).

**FIRE AND EMERGENCY SERVICES AGREEMENT
SAN DIEGO COUNTY FIRE PROTECTION DISTRICT & RUGGED SOLAR LLC**

Applicant shall pay the Year 1 Amount within thirty (30) days of receipt of the Compensation Notice, and shall pay, on or before July 1 of the next Fiscal Year, the Following Year Rate

(C) Invoices

Within thirty (30) days following issuance of any building permit, County shall provide Applicant with an invoice setting forth the Initial Compensation pursuant to Section 4(A). Within thirty (30) days following the Applicant's receipt of the final building inspection and Certificate of Occupancy, County shall provide Applicant with an invoice setting forth the Annual Compensation due for Year 1 pursuant to Section 4(B). On or before June 1 of each year thereafter, County shall deliver to Applicant an invoice setting forth the Annual Compensation amount due for the next fiscal year pursuant to Section 4(B) above, and Applicant shall pay such amount to County on or before July 1. Any amount due to County, if not paid within thirty (30) days of when due, shall bear interest from the due date until paid at the rate of ten percent (10%) per annum.

5. Approvals

Applicant is solely responsible for obtaining all governmental licenses, permits, and/or approvals required of or deemed necessary or appropriate by the Applicant or the County in order to begin physical construction of the Project, including without limitation application for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively, the "Approvals"). Applicant acknowledges and agrees that County has no duty or obligation to obtain any such Approvals on behalf of the Applicant.

This Agreement shall not constitute an Approval of the Project by County in any way. To the extent County has separate and distinct permitting authority for an aspect of the Project, this Agreement in no way limits or controls County's discretion in approving, approving with conditions, or denying a particular project or project component.

County's governing body shall not take action to approve this Agreement unless either (a) a CEQA document for the Project has been certified by County lead agency; or (b) County certifies an environmental document in compliance with CEQA.

6. Installed Alternating Current Capacity

This Agreement assumes the County grants Applicant a Major Use Permit Modification for solar generation capacity of 74 MW AC and Applicant installs solar generation capacity of 74 MW AC. If Applicant constructs the Project at either a greater or lesser capacity than 74 MW AC of solar generation, due to the County granting a Major Use Permit Modification for more or less than that amount or for other reasons, the Initial Compensation and Base Rate shall be revised proportionally by multiplying each by the actual capacity divided by 74.

7. Modification or Amendment

This Agreement or any of its provisions may be modified or amended only by written agreement executed by all Parties to this Agreement.

8. Termination

Applicant may terminate this Agreement by providing County sixty (60) calendar days' prior written notice, pursuant to Section 23 below, if: (a) Applicant fails to obtain the Approvals described more fully in Section 5; or, (b) Project operations on the Property entirely cease subsequent to

**FIRE AND EMERGENCY SERVICES AGREEMENT
SAN DIEGO COUNTY FIRE PROTECTION DISTRICT & RUGGED SOLAR LLC**

issuance of the Approvals and Applicant completes a County-approved decommissioning plan, including the removal of any Project improvements from the Property required by the plan.

9. Assignment

Applicant may assign this Agreement if Applicant is transferring the Project to an assignee, provided the following: (a) any such assignment is in writing substantially in the form of Exhibit E (“Assignment”), attached hereto and incorporated herein by this reference; (b) the Assignment provides for Applicant’s assignment of all obligations in this Agreement; and (c) Applicant and/or the assignee promptly deliver a fully executed Assignment to County in accordance with Section 23 below within twenty (20) days of receipt of such Assignment.

Notwithstanding the above, a change in ownership of Applicant is not an assignment. In the event of a change in ownership, the Applicant shall provide written notice to the County with the new owner’s name, address, telephone number and contact person.

10. Indemnification

Applicant shall indemnify, defend and hold County, and the employees, volunteers, representatives, contractors, agents, successors, and assigns of County (collectively “County Parties”) harmless from and against any and all claims, demands, liability, judgments, awards, fines, mechanics’ liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorneys’ fees and court costs (hereinafter collectively referred to as “Claims”), related to the installation, use, maintenance, repair, removal, and/or any other work or service for the Project or otherwise related to this Agreement, and arising either directly or indirectly from any act, error, omission or negligence of Applicant or its contractors, licensees, agents, servants or employees, including, without limitation, Claims caused by the sole passive negligent act or the concurrent negligent act, error or omission, whether active or passive, of County Parties. Applicant shall have no obligation, however, to defend or indemnify County Parties from a Claim if it is determined by a court of competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of County Parties.

Applicant’s obligations under this Agreement shall be effective upon the Effective Date, regardless of whether any or all approvals and/or actions of County regarding the Project remain valid or are invalidated by any court. Applicant’s obligations to indemnify, defend, and hold County harmless shall survive the termination of this Agreement, but shall be limited to events that occurred during the term of this Agreement.

11. Breach

Failure to abide by any terms of this Agreement shall constitute a breach of this Agreement. The Party asserting a breach must notify the other Party in writing pursuant to Section 23 below. Each Party shall have the right but not the obligation or duty to cure any breach by the other Party of the terms of this Agreement.

An “Event of Default” shall exist if: (a) the breach can be cured solely by the payment of money and the breach is not cured within thirty (30) business days after the notifying Party delivers notice (a “Breach Notice”) thereof to the breaching Party; or (b) the breach cannot be cured solely by the payment of money and the breach is not cured within thirty (30) days after the notifying Party delivers a Breach Notice thereof to the breaching Party; provided, however, that if a cure reasonably requires more than thirty (30) days, no Event of Default shall exist so long as the breaching Party is diligently proceeding with a cure. If an Event of Default occurs, the notifying Party shall be entitled to any and all remedies available at law; provided, however, that attorneys’ fees are not recoverable.

**FIRE AND EMERGENCY SERVICES AGREEMENT
SAN DIEGO COUNTY FIRE PROTECTION DISTRICT & RUGGED SOLAR LLC**

12. No Waiver

The failure of any Party to require the other Party's strict performance of any term, provision, covenant or condition of this Agreement, or the failure of any Party to exercise any right or remedy upon the breach of any term, provision, covenant or condition of this Agreement, shall not invalidate this Agreement, nor shall it be considered as a waiver by such Party of any term, provision, covenant or condition. Delay by any Party in pursuing any remedy or in insisting upon full performance for any breach or failure of any term, provision, covenant or condition shall not prevent such Party from later pursuing remedies or insisting upon full performance for the same or any similar breach or failure.

13. Access

At all times during the term of this Agreement, Applicant shall ensure that County has twenty-four (24) hours per day, seven (7) days per week, pedestrian and vehicular access to, over, around, and across the Property for purposes of providing the Services as provided by this Agreement. As a condition of this Agreement, prior to the Effective Date of this Agreement, Applicant shall demonstrate to the satisfaction of County that County Parties, and all other local, state, and federal firefighting and/or emergency response agencies and their respective employees, agents, volunteers, representatives, contractors, successors and assigns will have legal access to the Property that will allow fire and emergency personnel and apparatus entry onto the Property for the purpose of providing the Services during the term of this Agreement.

The Parties acknowledge that this Agreement is not intended to expand, limit, or modify in any way County's independent rights as a governmental agency to access the Property for purposes of providing the Services described in this Agreement.

14. Site Maintenance

Applicant agrees to keep and maintain the Property in good condition and clear of hazardous substances (other than hazardous substances used or useful in the construction, operation or maintenance of the Project in accordance with applicable law) at all times so as to avoid and prevent the creation and/or maintenance of fire or emergency hazards.

15. Project Site Safety

Unless otherwise provided by the Scope of Services in this Agreement, County Parties are not responsible for any condition of the Property or Project site conditions during the term of this Agreement. The Parties acknowledge and agree that Applicant has responsibility for all conditions of the Property and all Project site conditions, including safety of all persons and property.

16. No Third Party Beneficiaries

The Parties hereto agree that there shall be no third-party beneficiaries to this Agreement. This Agreement is not intended to and shall not confer any rights or remedies hereunder upon any other party other than the Parties to this Agreement and their respective assignees and successors in interest.

17. Successors in Interest

This Agreement and all rights and obligations created by this Agreement shall remain in full force and effect whether or not any Parties to the Agreement have been succeeded by another entity,

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and all rights and obligations created by this Agreement shall be vested and binding on such Party's successor in interest.

18. Integration

This Agreement and the Exhibits and references incorporated into this Agreement fully express all understandings of the Parties concerning the matters covered in this Agreement. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless made by a written agreement pursuant to Section 7 of this Agreement. All prior negotiations and agreements are merged into this Agreement. The Parties acknowledge and agree that the Recitals set forth above are true and correct and are hereby incorporated by reference.

19. Jurisdiction and Venue

Any suit or proceeding concerning this Agreement, the interpretation or application of any of its terms, or any related disputes shall be held in a federal or state court of competent jurisdiction in the County of San Diego, State of California. The Parties each consent to the jurisdiction of these courts and waive any objections that such venue is objectionable or improper. The Parties agree that this Agreement shall be governed, interpreted, construed and enforced in accordance with the laws of the State of California.

20. Severance

If any provision of this Agreement is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and, provided that the fundamental terms and conditions of this Agreement remain legal and enforceable, the remainder of this Agreement shall remain operative and binding on the parties.

21. Signing Authority

The representative for each Party signing on behalf of a corporation, partnership, joint venture, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or governmental entity.

22. Counterparts

This Agreement may be executed in counterparts, which when taken together shall constitute a single signed original as though all Parties had executed the same page. The Parties agree that a signed copy of this Agreement transmitted by one Party to the other Party by facsimile transmission or electronic mail as a PDF, shall be binding upon the sending Party to the same extent as if it had delivered a signed original of this Agreement.

23. Notices

All letters, statements, or notices required pursuant to this Agreement shall be deemed effective upon receipt when personally served, transmitted by facsimile machine or electronic mail, or sent certified mail, return receipt requested, to the following addresses:

To: County San Diego County Fire Protection District
 Jeff Collins, Director
 5510 Overland Ave, Suite 250,
 San Diego, CA 92123

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Telephone No. (858) 974- 5813

To: Applicant Rugged Solar LLC
Attn: Jean-Paul La Marche
150 West Iowa Avenue
Sunnyvale, California 94086

With a copy to: Brownstein Hyatt Farber Schreck, LLP
Attn: Ryan R. Waterman
225 Broadway, Ste. 1670
San Diego, CA 92101
Telephone No. (619) 702-7569

Any such notice or demand shall be deemed served at the time of delivery if delivered in person, by facsimile transmission, or electronic mail, or on the business day following deposit thereof in the U.S. Mail where sent by registered or certified mail.

“Applicant”

RUGGED SOLAR, LLC

“County”

SAN DIEGO COUNTY FIRE PROTECTION DISTRICT

By: _____
Authorized Representative
Rugged Solar LLC

By: _____
Andrew Potter,
Clerk of the Board
County of San Diego

Approved as to form:

By: _____
Suedy Alfaro
Senior Deputy
Office of County Counsel

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DRAFT

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Exhibit "A"

Legal Description of the Property

The land referred to herein is situated in the State of California, County of San Diego Unincorporated and described as follows:

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Exhibit "B"

Project Description

The following documents are hereby incorporated by reference as the project description for the Rugged Solar Project:

1. Project description provided in the Addendum to the Revised Final Program Environmental Impact Report for the Rugged Solar Project;
2. Rugged Solar Plot Plans, as approved.

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Exhibit “C”

Scope of Services

San Diego County Fire Protection District provides fire suppression and emergency medical support services as the first responder provider for the Project area and stands by in a state of readiness to perform these duties when not engaged in active fire suppression or emergency services.

San Diego County Fire Protection District intends to use the funds provided under this Agreement to mitigate risks of wildfires by supporting San Diego County Fire Protection District capabilities and services to the Project.

San Diego County Fire Protection District will engage in the control or extinguishment of a fire of any type and perform activities which are required for and directly related for and directly related to the control and extinguishment of fires.

San Diego County Fire Protection District has the right to review all building plans to ensure that the plans comply with all applicable fire codes and regulations. San Diego County Fire Protection District’s fire prevention inspectors may conduct periodic inspections of construction activities or facilities to ensure that business operations are conducted in a safe manner and are consistent with all applicable fire suppression rules and regulations.

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Exhibit "D"

Applicant's Approved Fire Protection Plan, accepted _____

TO BE PROVIDED BY APPLICANT

DRAFT

FIRE AND EMERGENCY SERVICES AGREEMENT
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Exhibit "E"

Form of Assignment of Agreement for Provision of Fire and Emergency Response Assignment

ASSIGNMENT OF AGREEMENT

THIS ASSIGNMENT OF AGREEMENT (this "Assignment") is made effective as of _____, 20 __, by and between _____ ("Assignor"), and _____ ("Assignee").

- A. Assignor is a party to the Fire Protection and Mitigation Agreement ("Agreement") entered into with the San Diego County Fire Protection District on _____, 20 __.
- B. Assignor wishes to assign to Assignee, and Assignee wishes to assume, Assignor's rights and obligations in and under the Agreement.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency for which are hereby acknowledged, the parties hereto agree as follows:

- 1. Assignor hereby transfers, conveys, sells and assigns to Assignee all of Assignor's right, title and interest in and to Agreement.
- 2. Assignee hereby affirmatively and unconditionally accepts the assignment and assumes the obligations of Assignor with respect to the Agreement.
- 3. This Assignment is governed by California law, without regard to its conflicts of law provisions. This Assignment may be executed in any number of counterparts, each of which may be executed by any one of more of the parties hereto, but all of which shall constitute one and the same instrument, and shall be binding and effective when all parties hereto have executed and delivered at least one counterpart.
- 4. Each party shall take such acts and execute and deliver such documents as may be reasonably required to effectuate the purposes of this Assignment.
- 5. The terms and provisions of this Assignment shall be binding upon and insure to the benefit of the respective parties hereto, and their respective successors and assigns.
- 6. The Assignee's contact information is as follows:

Name:

Address:

Telephone number:

Facsimile number:

Email address:

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IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be duly executed as of the day and year first written above.

ASSIGNOR:

By: _____

Name: _____

Title: _____

ASSIGNEE:

By: _____

Name: _____

Title: _____

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