




COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: John Zorovich, Deputy Director, Energy, Minerals, and Compliance Division 

STAFF CONTACT: Jacquelynn Ybarra, Staff Planner, jybarra@countyofsb.org

DATE: August 1, 2023

HEARING DATE: August 9, 2023

RE: Revised Findings and Conditions of Approval for the Revision to Permit Condition No. 38, MM BIO-16 (Golden Eagle Take Permit) for the Strauss Wind Energy Project, Case No. 23RVP-00031

1.0 Background

This project was last considered by your Commission on July 12, 2023. The project is a revision to the Strauss Wind Energy Project (SWEP) Conditional Use Permit No. 16CUP-00000-00031 Condition of Approval No. 38 to state that prior to operation, Strauss Wind LLC (Strauss) must demonstrate that a Take Authorization application for golden eagles has been determined complete by U.S. Fish and Wildlife Service (USFWS), rather than an Incidental Take Permit (ITP) be issued (or intended to be issued or not needed) as currently stated.

Strauss requested the revision due to the potentially lengthy timeframe for a USFWS ITP to be issued (e.g. 1-3 years), and Strauss' desire to begin operations in September 2023. Strauss asserts that the proposed project would provide both equal protection and mitigation for potential impacts to golden eagles, as was provided for in the Environmental Impact Report (EIR) certified for the SWEP (18EIR-00000-00001).

At the July 12, 2023 hearing, the Planning Commission heard the Applicant's testimony and received public comment, and stated that they could find legitimate reasons based on substantial evidence to modify the adopted mitigation measure in accordance with the California Environmental Quality Act (CEQA). The Commission also requested that staff add supplemental monitoring and reporting requirements to Condition No. 38 to ensure impacts to golden eagles remain mitigated to the maximum extent feasible in accordance with the County's Land Use and Development Code (LUDC).

The Applicant expressed a willingness to add the Commission's requests to their Conditions of Approval, thus the Commission continued the item by a vote of 5 to 0 to August 9, 2023, and directed staff to:

- Prepare Findings for Approval for Case No. 23RVP-00031, including revised CEQA Findings; and
- Revise 16CUP-00000-00031 Condition of Approval No. 38 to add: 1) additional reporting every six months by Staff to the Planning Commission regarding the status of the ITP application; 2) additional reporting every two years by the Applicant to the Planning Commission regarding the status of the ITP application; and 3) a statement that Strauss shall submit a copy of the approved ITP to the County once issued.

The Commission's recommendations are detailed below. Revisions to the Findings are summarized in Section 2.0 and detailed in Attachment A. Revisions to the Conditions of Approval are summarized in Section 3.0 and detailed in Attachment B. The policy consistency analysis and Staff's recommendations are presented in Sections 4.0 and 5.0, respectively.

1.1 Reasons to Modify Condition No. 38

Staff originally recommended denial of the project, citing in part that the Applicant's failure to submit a timely ITP application to the USFWS did not constitute a legitimate reason to modify the approved mitigation measures incorporated into Condition No. 38 (Planning Commission Staff Report dated July 3, 2023, incorporated herein by reference).

However, at the July 12, 2023 hearing, following testimony by the Applicant and public comment, the Commission identified the following legitimate reasons to modify Condition No. 38 to allow Strauss to operate the SWEP prior to obtaining an ITP.

1. **Proof of Concept.** The SWEP, once operational, would provide proof of concept by providing evidence that the facility design and operation is feasible. The SWEP is the first wind energy project constructed on the California coast. The SWEP deploys state-of-the-art technology making it the first of its kind in California and in the United States. Once the SWEP is operational, proof of concept could be realized, and data could help design future wind projects.
2. **Ability to Deliver on Contract with Marin Clean Energy (MCE).** MCE is a not-for-profit public agency that provides electricity to communities across four California Bay Area counties. Strauss is contracted with MCE under a 15-year Power Purchase Agreement that allows MCE to purchase energy from the SWEP once it is operational. Power from the SWEP is a main component of MCE's near- and long-term procurement plans to lower costs for MCE's customers, reduce the risk of power outages, and reduce the need for

fossil-fueled peaker plants during times of high-demand grid needs. Once the SWEP is operational, it would allow MCE to meet its procurement plans and meet the need for reliable in-state renewable energy.

3. **Degradation of Equipment.** If the commencement of operations is delayed while the USFWS ITP is pending issuance (which can take 1-3 years or longer), the constructed SWEP would sit idle. Over time, existing equipment warranties would run out making maintenance more cost-prohibitive, and degradation of equipment could occur which could decrease performance reliability and increase the potential for faults and failures.
4. **Immediately Available Renewable Energy.** Once operational, the SWEP would have a generating capacity of approximately 98.14 megawatts, which would generate enough power to supply about 43,000 California homes annually, thereby reducing carbon dioxide emissions by as much as 40,000 metric tons annually.
5. **Replacement of Other Power Sources.** Once operational, the SWEP would potentially offset other California energy sources such as fossil fuel burning and nuclear power plants, and could avert the construction and operation of new fuel burning power plants. This could reduce petroleum usage and greenhouse gas emissions.
6. **Support for California's Climate Goals.** The SWEP would further California plans and policies related to increasing the amount of available renewable energy. Specifically, California's Renewable Portfolio Standard goals for electricity procurement at 33 percent by 2020, 50 percent by 2026, 60 percent by 2030, and 100 percent of total retail sales from renewable energy sources and zero-carbon resources by December 31, 2045. Once operational, the SWEP would help achieve California's statewide goal to achieve carbon neutrality as soon as possible.
7. **Support for the County's Energy and Climate Action Plan.** The SWEP contributes to achieving the County's renewable energy goals and addresses public concerns related to greenhouse gas emissions and climate change, energy security, and fossil fuel dependence. The SWEP furthers County Energy and Climate Action Plan Measure RE 4 that encourages the development of utility-scale renewable energy projects, and the County Energy Element Goal 5 that encourages the use of alternative energy.
8. **The Revisions Provide No Less Protection, and Potential Impacts Remain Mitigated to the Maximum Extent Feasible.** The proposed project provides no less protection to golden eagles, and potential impacts remain mitigated to the maximum extent feasible, as Strauss remains obligated to complete the ITP process and has committed to implementing all required mitigation procedures imposed through that process. The

project also ensures that the minimization efforts required through other Conditions of Approval, including the Bird and Bat Adaptive Management Plan (AMP) and bird surveillance technology, will be in place prior to SWEF operation.

Given these important objectives, and given the additional revisions to the Conditions of Approval to ensure the maximum protection of, and mitigation for potential impacts to, golden eagles (discussed below), it is now infeasible and unnecessary that Strauss obtain the ITP prior to commencing SWEF operations.

1.2 Additional Reporting and Monitoring Requirements

The Commission proposed the following additional monitoring and reporting requirements be added to Condition No. 38 in order to keep the Commission and the public informed of the USFWS ITP status.

1. Staff should provide the Commission with a written report every six months regarding the status of the ITP application;
2. Strauss should return to the Commission every two years to publically report on the status of their ITP application; and
3. Strauss should provide the County with a copy of their ITP once issued.

The Commission also suggested that the Bird and Bat AMP required by existing Condition No. 42 could be re-evaluated through the County's formal permit revision process if the ITP is denied or not obtained. The AMP is an approved document that provides a framework to guide responses in the event that a bird or bat mortality exceeds specific thresholds. Responses include notifying the County, the USFWS, and the California Department of Fish and Wildlife of mortalities, conducting an enhanced carcass-monitoring program, conducting mortality investigations, and potentially implementing project modifications including the selective curtailment or restriction of turbine operations.

2.0 Revised Findings for Approval

Finding 1.1 has been revised to remove the CEQA exemption and add the consideration of the previously certified 18EIR-00000-00001 to describe that no subsequent environmental document is required under CEQA Guidelines Section 15162. Finding 1.2 was revised to add the legitimate reasons to modify the condition (as described above in Section 1.1), and to describe how the proposed project is consistent with CEQA. Lastly, Finding 2.1 was revised to add all required

findings of LUDC Section 35.82.060.E.1 for approval of Conditional Use Permits. The full revisions are depicted in ~~strikeout~~ and underline format (~~strikeout~~ for deletions, and underline for additions) in Attachment A.

3.0 Revised Condition of Approvals

Under the Condition No. 38 description, text was revised to state that prior to operation, Strauss will submit an ITP application to the USFWS, and will provide the County with a letter from USFWS stating that the application is deemed complete.

Under the Condition timing, text was revised to state that prior to operation, Strauss will: 1) provide the County with a signed contract with the contractor responsible for implementing other required bird and bat avoidance and minimization measures; 2) provide documentation for the complete installation of bird surveillance technology; and 3) provide a Letter of Commitment to the County to ensure Strauss maintains an active ITP application and complies with all USFWS compensatory mitigation requirements.

Under Condition monitoring, text was added to state that planning staff will file a written report to the Planning Commission every six months regarding the status of Strauss' ITP application, and that Strauss shall present the status of the application to the Planning Commission every two years until the ITP is issued. Text was also added to state that Strass shall provide the County with a copy of the ITP once issued. The full revisions are depicted in ~~strikeout~~ and underline format in Attachment B.

4.0 Policy Consistency

As described in the Planning Commission Staff Report dated July 3, 2023 (incorporated herein by reference), the SWEP was previously analyzed for consistency with the LUDC under Case No. 16CUP-00000-00031. The proposed project's consistency with the LUDC is described in the table below. With the implementation of the revised Conditions of Approval, the project would be consistent with the LUDC.

Project Compliance with LUDC Requirements	
REQUIREMENT	DISCUSSION
<p><i>Section 35.84.040 – Changes to an Approved Project</i></p> <p>Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during or after construction or establishment and operation of the approved land use.</p>	<p>In compliance. The proposed project is requested as a change to the SWEP, approved under County Permit 16CUP-00000-00031. The change is requested by the Applicant during construction of the approved land use.</p>
<p><i>Section 35.84.040 (E)(2) – Revisions</i></p> <p>A revised permit shall be processed in the same manner as a new Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan, in compliance with Chapter 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), as applicable</p>	<p>In compliance. The proposed project is being processed in the same manner as a new Conditional Use Permit. Compliance with Chapter 35.82.060 is described below.</p>
<p><i>Section 35.82.060(E) – Findings Required for approval of Conditional Use Permits</i></p> <p>a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.</p>	<p>In Compliance. The proposed project would not result in any physical changes to the SWEP. The site remains adequate for the type of use and level of development approved.</p>
<p>b. Significant environmental impacts will be mitigated to the maximum extent feasible.</p>	<p>In Compliance. Environmental impacts to golden eagles were previously determined to be mitigated to the maximum extent feasible</p>

Project Compliance with LUDC Requirements	
REQUIREMENT	DISCUSSION
	<p>under Case No. 16CUP-00000-00031. However, the requirement to obtain an ITP prior to operation is no longer feasible, due to the potentially lengthy timeframe for ITP issuance, and the urgency to commence SWEP operations. The alternative requirements for Strauss to provide the County with a letter from the USFWS stating that an ITP is expected to be issued, or is not needed are also no longer feasible, as the USFWS does not provide pre-determination letters.</p> <p>The project provides no less protection for golden eagles, and potential impacts remain mitigated to the maximum extent feasible, as Strauss remains obligated to complete the ITP process and has committed to implementing all required mitigation procedures imposed through that process.</p> <p>The project also ensures that the minimization efforts required through other existing Conditions of Approval, including the Adaptive Management Plan and bird surveillance technology, would be in place prior to operation.</p> <p>With the addition of supplemental reporting and monitoring requirements regarding the ITP status added to Condition No. 38, environmental impacts to golden eagles would remain mitigated to the maximum extent feasible.</p>

Project Compliance with LUDC Requirements	
REQUIREMENT	DISCUSSION
c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.	In Compliance. The proposed project would not result in any physical changes to the SWEP. Streets and highways remain adequate for the type and quantity of traffic approved.
d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project	In Compliance. The proposed project would not result in any physical changes to the SWEP. Public services remain adequate to serve the project.
e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area	In Compliance. The proposed project would not result in any physical changes to the previously approved SWEP.
f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.	In Compliance. The proposed project is limited to compliance with the LUDC, as the Comprehensive Plan and applicable community or area plans (i.e. the Lompoc Planning Area) do not contain requirements, policies, or goals related to golden eagles. The project complies with all sections of LUDC Sections 35.84.040 (E)(2) and 35.82.060(E) related to revisions to Conditional Use Permits as described herein.
g. Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.	In Compliance. The proposed project would not result in any physical changes to the previously approved SWEP.

5.0 Recommendations

Staff recommends that your Commission take the following actions:

1. Make the required Findings for Approval of the project specified in Attachment A to this Staff Memo, including the CEQA findings;
2. Determine that the previously certified Environmental Impact Report (18EIR-00000-00001) is adequate, and no subsequent environmental review is required pursuant to CEQA Guidelines Sections 15162 (Attachment C); and
3. Approve the project, Case No. 23RVP-00031, subject to the Conditions of Approval included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended actions.

Attachments

Attachment A: Findings for Approval

Attachment B: Conditions of Approval

Attachment C: Link to 18EIR-00000-00001

ATTACHMENT A
FINDINGS FOR APPROVAL

ATTACHMENT A: ~~FINDINGS FOR DENIAL~~ FINDINGS FOR APPROVAL

The Planning Commission adopts the following Findings for ~~Denial~~ Approval of the Revision to Permit Condition No. 38, MM BIO-16 (Golden Eagle Take Permit) for the Strauss Wind Energy Project (SWEP), Case No. 23RVP-00031. ~~Only findings that cannot be made are discussed below.~~

1.0 CEQA FINDINGS

~~1.1 CEQA EXEMPTION~~

~~The Planning Commission finds that denial of the proposed project (Case No. 23RVP-00031) is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a). Please see the Notice of exemption included as Attachment B.~~

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The project is a request by Strauss Wind LLC (Strauss), an affiliate of BayWa r.e. Wind, LLC to revise 16CUP-00000-00031 Condition of Approval No. 38, MM BIO-16 (Golden Eagle Take Permit) for the SWEP. Condition No. 38 was adopted as a feasible mitigation measure to reduce impacts to golden eagles to the maximum extent feasible, as described in Finding 1.4 of the 16CUP-00000-00031 Board Action Letter dated February 4, 2020.

Potential impacts to golden eagles were reviewed under CEQA as detailed in the Final Supplemental Environmental Impact Report (SEIR) No. 18EIR-00000-00001, and were considered a Significant and Unavoidable impact. Pursuant to CEQA Guidelines Section 15091, the Board of Supervisors found that, to the extent the identified Significant and Unavoidable impacts remain Significant and Unavoidable, such impacts were acceptable when weighed against the overriding social, economic, and other benefits set forth in the Statement of Overriding Considerations (Finding 1.8 of the Board Action Letter dated February 4, 2020, incorporated herein by reference).

Because FSEIR No. 18EIR-00000-00001 was previously certified, CEQA Guidelines Section 15162 states that no subsequent EIR or Negative Declaration shall be prepared for this project, unless one or more of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions to the Supplemental EIR 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 at the time the previous Supplemental EIR was certified as complete has become available.

The proposed project to revise Condition No. 38 will not result in any physical changes to the SWEP, and there are no changed circumstances that would trigger the above occurrences. No new significant environmental effects, or a substantial increase in the severity of previously identified significant effects under FSEIR No. 18EIR-00000-00001 have been found with the proposed project, as described in Finding 1.2 below. Therefore, no subsequent environmental document is required.

1.2 CEQA CONSISTENCY

~~The project is a request by Strauss Wind LLC (Strauss), an affiliate of BayWa r.e. Wind, LLC to revise 16CUP-00000-00031 Condition of Approval No. 38, MM BIO-16, which was adopted as a feasible mitigation measure as identified in the previously certified Final Supplemental Environmental Impact Report (FSEIR) No. 18EIR-00000-00001. Condition No. 38 was adopted to mitigate significant and unavoidable environmental impacts to avian and bat species associated with the Strauss Wind Energy Project (SWEP) to the maximum extent feasible.~~

The proposed project would revise Condition No. 38 to state that prior to operation, Strauss must demonstrate that a take authorization application for golden eagles (*Aquila chrysaetos*) has been determined complete by the U.S. Fish and Wildlife Service (USFWS) under the Bald and Golden Eagle Protection Act, rather than an Incidental Take Permit (ITP) be issued (or intended to be issued, or not required), as currently stated.

Under CEQA, a modification to an approved and adopted mitigation measure must be supported by a legitimate reason for the change based on substantial evidence, ~~and~~

~~such modification cannot result in new or more severe environmental impacts, and additional CEQA documentation is required only if that modification would result in a new or substantially more severe significant environmental impact. The project to revise Condition No. 38 is proposed due to the uncertain timing of USFWS golden eagle take authorization, and the urgency of the commencement of SWEP operations. However, the Planning Commission finds that uncertain timing of the federal permitting process is not a legitimate reason for the change, and that there is no other substantial evidence in the record to support the request.~~

The Planning Commission finds that the following are legitimate reasons to modify Condition No. 38 as proposed, and that substantial evidence in the record supports the request as described in the Staff Memo dated August 1, 2023, herein included by reference:

1. **Proof of Concept.** The SWEP, once operational, will provide proof of concept by providing evidence that the facility design and operation is feasible.
2. **Ability to Deliver on Contract with Marin Clean Energy (MCE).** Strauss is contracted with MCE under a 15-year Power Purchase Agreement. Power from the SWEP will help lower energy costs, reduce the risk of power outages, support high-demand grid needs, and reduce the need for fossil-fuels, helping California meet the need for in-state reliable energy.
3. **Degradation of Equipment.** Expired warranties and degradation of equipment could occur when the SWEP is non-operational, and could decrease performance reliability and increase the potential for faults and failures.
4. **Immediately Available Renewable Energy.** Once operational, the SWEP will have a generating capacity of approximately 98.14 megawatts (MW), which will generate enough power to supply about 43,000 California homes annually, thereby reducing carbon dioxide emissions by as much as 40,000 metric tons annually.
5. **Replacement of Other Power Sources.** Once operational, the SWEP will potentially offset other non-renewable energy sources and could avert the construction and operation of new fuel burning power plants, reducing petroleum usage and greenhouse gas emissions.

6. **Support for California’s Climate Goals.** The SWEP will further California plans and policies related to increasing the amount of available renewable energy and achieving carbon neutrality as soon as possible (e.g. the Renewable Portfolio Standard goals).
7. **Support for the County’s Energy and Climate Action Plan.** The SWEP contributes to achieving the County’s renewable energy goals and addresses public concerns related to greenhouse gas emissions and climate change, energy security, and fossil fuel dependence. The SWEP furthers County Energy and Climate Action Plan Measure RE 4 and County Energy Element Goal 5.
8. **The Revisions Provide No Less Protection, and Potential Impacts Remain Mitigated to the Maximum Extent Feasible.** The project provides no less protection to golden eagles, and potential impacts remain mitigated to the maximum extent feasible, as Strauss remains obligated to complete the ITP process and has committed to implementing all required mitigation procedures imposed through that process. The project also ensures that the minimization efforts required through other Conditions of Approval, including the Adaptive Management Plan and bird surveillance technology, will be in place prior to operation.

Given these important project objectives, and given the additional revisions to the Conditions of Approval to ensure maximum protection of and mitigation for potential impacts to golden eagles, it is now infeasible and unnecessary that Strauss obtain the ITP prior to commencing SWEP operations.

~~Further, the project would result in less protective mitigation measures for golden eagles than currently approved.~~ Under CEQA, lead agencies are required to adopt any feasible mitigation measures as identified in an EIR that would mitigate, avoid, or lessen a project’s significant environmental impacts (State CEQA Guidelines Section 15021). Where supported by the evidence, feasible mitigation measures may include “compliance with a regulatory permit or similar process” (State CEQA Guidelines Section 15126.4). Condition No. 38 requires, in part, compliance with a federal regulatory permit, and is in most respects a feasible mitigation measure. The County Land Use and Development Code (LUDC) does not require specific mitigation ratios for impacts to golden eagles; instead, Condition No. 38 relies on the federal take authorization process, which would minimize and mitigate the impacts of a potential

golden eagle take to the maximum extent practicable, and would condition an ITP to ensure compliance with compensatory mitigation requirements.

~~Strauss is proposing to provide the County with a “Letter of Commitment” to keep the ITP application active, and to comply with any future compensatory mitigation measures once the ITP is issued. However, a “Letter of Commitment” is less binding and less enforceable than an ITP, and therefore would be less effective in ensuring compensatory mitigation for any eagles lost compared to an ITP. Without issuance of an ITP prior to operations (or a determination that an ITP is expected to be issued or not required), the County would have less assurance that Strauss would be able to satisfy their compensatory mitigation requirements for this species.~~

Strauss has not yet obtained the ITP; it has submitted its application for the ITP, and USFWS has determined that the application is complete. Strauss is proposing to provide the County with a “Letter of Commitment” to keep the ITP application active, and to comply with any future compensatory mitigation measures once the ITP is issued. Condition No. 38 as currently written requires that: 1) the ITP be issued prior to operation; 2) that the USFWS provide a letter stating that the ITP is expected to be issued; or 3) that the USFWS provide a letter stating that an ITP is not required. The ITP being issued prior to operation is now not feasible without delaying SWEP operations, and thereby delaying or potentially foregoing the benefits of the SWEP outlined above. A letter from the USFWS stating that the ITP is expected to be issued is also no longer feasible, as Strauss confirmed that the USFWS does not issue such pre-decision determinations (Strauss formerly required such a determination, and was informed that the USFWS did not issue such letters). A letter from the USFWS stating that an ITP is not required is also not feasible, as Strauss is committed to maintaining its ITP application and adhering to the terms of its conditions.

~~The Planning Commission finds that there is not a legitimate reason or substantial evidence in the record to support the requested revision to a previously adopted mitigation measure, and finds the revised permit condition would be less protective of biological resources affected by a significant and unavoidable environmental impact of the Strauss Wind Energy Project.~~

Therefore, approval of the proposed revisions to Condition No. 38 is based on legitimate reasons supported by substantial evidence, and will not result in a substantial increase in the severity of the significant and unavoidable impact to golden eagles identified in FSEIR No. 18EIR-00000-00001.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the County Planning and Development Department, located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 FINDINGS THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

The USFWS will be responsible for any required golden eagle take authorization under federal law for the SWEP in accordance with the requirements of Condition of Approval No. 38 BIO-MM 16.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. Pursuant to Subsection 35.82.060.E.1 of the Santa Barbara County Land Use and Development Code, a Conditional Use Permit application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable. ~~The Planning Commission finds that there is insufficient evidence in the record to support findings 35.82.060.E.1 (b & f) below based on the following.~~ Each of these findings can be made, as discussed below.

- a. ***The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.***

The project to revise Condition No. 38 does not result in any physical change to the SWEP. The site remains adequate in terms of location, physical characteristics, shape, and size to accommodate the SWEP, as described in the Board of Supervisor's Action Letter, Attachment 1 – Finding 2.1a, dated February 4, 2020, incorporated herein by reference.

- b. ***Significant environmental impacts will be mitigated to the maximum extent feasible.***

~~The proposed project would result in less protective and less enforceable mitigation measures for golden eagles than is provided for by the existing condition. As currently approved, Environmental impacts to golden eagles were determined to be mitigated to the maximum extent feasible through existing mitigation requirements adopted through the SEIR, and through the requirement to obtain federal approval of an~~

enforceable ITP that may require additional minimization efforts and/or compensatory mitigation, as determined by the Board of Supervisors in the January 28, 2020 approval of the SWEP, Case No. 16CUP-00000-00031 and 18VAR-00000-00002. ~~Under the proposed project, Strauss would be allowed to commence operations prior to obtaining golden eagle take authorization from the USFWS, and the County would have less adequate assurance that minimization efforts and/or compensatory mitigation measures for this species would occur, as required by a federal ITP.~~

However, the requirement to obtain an ITP (or a letter from USFWS that an ITP is likely to be issued or not needed) prior to operation is no longer feasible or necessary. Due to the potentially lengthy timeframe for ITP issuance, and because the USFWS does not provide pre-determination letters, requiring the ITP prior to commencement of operations would conflict with urgent SWEP objectives. Instead, through revisions to the Conditions of Approval, including Strauss's commitment to implementing all required mitigation measures imposed through the ITP process, and commencing all required minimization efforts prior to operation, the project provides no less protection for golden eagles than as was provided for under the original SWEP approval. The Planning Commission finds that with revisions to the Conditions of Approval, environmental impacts to golden eagles remain mitigated to the maximum extent feasible.

c. *Streets and highways are adequate and properly designed.*

The project to revise Condition No. 38 does not result in any physical change to the SWEP. Streets and highways remain adequate and properly designed as described in the Board of Supervisor's Action Letter, Attachment 1- Finding 2.1c, dated February 4, 2020, incorporated herein by reference.

d. *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.*

The project to revise Condition No. 38 does not result in any physical change to the SWEP. Adequate public services remain, as described in the Board of Supervisor's Action Letter, Attachment 1- Finding 2.1d, dated February 4, 2020, incorporated herein by reference.

- e. **The project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.**

The project to revise Condition No. 38 does not result in any physical change to the SWEP. The project remains non-detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood, and is compatible with the surrounding area, as described in the Board of Supervisor's Action Letter, Attachment 1- Finding 2.1e, dated February 4, 2020, incorporated herein by reference.

- f. **The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

~~The proposed project would result in less protective and less enforceable mitigation measures for golden eagles than is provided for by the existing condition, as described in Finding 2.1.b. Because the project is not in compliance with Finding 2.1.b, it is also not in compliance with Finding 2.1.f.~~

~~The Planning Commission finds this less protective measure impedes their ability to find that the project meets the requirements of LUDC Sections 35.82.060.E.1(b & f), and therefore cannot make these findings.~~

The project complies with the County's Land Use and Development Code, as discussed in Section 4.0 of the Planning Commission Staff Memo dated August 1, 2023, incorporated herein by reference. Therefore, the Planning Commission finds that the project complies with all applicable requirements of the County's Comprehensive Plan and complies with the County's Land Use and Development Code.

- g. **In designated rural areas the use will be compatible with and subordinate to the rural and scenic character of the site.**

The project to revise Condition No. 38 does not result in any physical change to the SWEP. The project remains compatible with the rural character of the site to the maximum extent feasible in consideration of technical requirements of the SWEP, as described in the Board of Supervisor's Action Letter, Attachment 1- Finding 2.1g, dated February 4, 2020, incorporated herein by reference.

ATTACHMENT B
CONDITIONS OF APPROVAL

ATTACHMENT 2

Conditions of Approval

Case Nos. 16CUP-00000-00031, 18VAR-00000-00002, and 23RVP-00031

- 1. Proj Des-01 Project Description.** This Conditional Use Permit (Case Nos. 16CUP-00000-00031 and 18VAR-00000-00002) and subsequent revision No. 23RVP-00031 is based upon and limited to compliance with the project description, the hearing Exhibits A and B dated November 20, 2019, the hearing Exhibits A and B dated August 9, 2023, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Project Components

Wind Turbine Generators (WTGs): Up to 29 wind turbine generators (WTGs) will be installed. Six WTGs will have a capacity of 1.79 megawatts (MW) and will be up to 427 feet tall. Twenty-three WTGs will have a capacity of 3.8 MW and will be up to 492 feet tall. The WTGs will be installed consistent with the Modified Project Layout (Planning Commission Exhibit A) evaluated in the certified Final SEIR. The WTGs will have achieved design certification by a reputable and experienced third-party verification institute, such as DNV GL, TÜV, or other comparable certification bodies for wind turbines, and demonstrate a design life of at least 20 years. The Owner/Operator shall employ an Independent Engineering (IE) firm to review construction supervision procedures, including materials testing, compliance with the design certificate, quality assurance reports and procedures, corrosion protection, and others. The IE also reviews standards and documentation for supervision during the transportation, erection, and commissioning of the WTGs.

WTG spacing will be no less than 1.5 rotor diameters (675 to 492 feet). The precise location of each WTG may be subject to minor adjustment (micro-siting) until the time of its construction. Micro-siting adjustments shall be limited to shifting a WTG up to 100 feet within its footprint identified in the preliminary grading plan.

The WTGs blades will be a three-bladed, horizontal axis design approximately 224.7 feet (3.8-MW WTG) to 160 feet (1.79-MW WTG) long and constructed in one piece of laminated fiberglass. A rotor hub, to which the blades will be bolted, will be covered by a composite nose-cone structure to streamline the airflow and protect the equipment. The nacelle will include the drive train (main shaft, bearing and gearbox), generator, and other electrical and hydraulic components. A transformer will be located either at the base of each tower, or inside the tower to increase the generation voltage up to the 34.5 kV of the collector system.

WTG towers will be epoxy-coated steel tubes, tapering from 14 feet diameter at the base to 10 feet at the nacelle, with access to the nacelle from within the tower. No guy wires shall be used. Each exposed concrete pad will be up to 16 feet in diameter and extend less than one foot above grade. A 20-foot-wide graded ring consisting of gravel or crushed rock will be placed around each foundation for positive drainage and access.

The WTGs will be equipped with obstruction lighting subject to an FAA-approved lighting plan and will consist of synchronized red flashing beacons on every WTGs unless the FAA approves otherwise.

The WTGs will be equipped with sensors and yaw and pitch controls to adapt to different wind speeds and directions to maximize power output. Safety features designed into the WTGs shall include a fail-safe rotor braking system, vibration, temperature, and fire detection systems in the nacelle and tower, and a lightning protection system. The safety systems of all WTGs will comply with the codes set forth by the Occupational Health and Safety Administration (OSHA), the American National

Standards Institute (ANSI), and European Union (EU) health and safety standards. The WTGs will be equipped with a lightning protection system that connects the blades, nacelle, and tower to the earthing (grounding) system at the base of the tower. The nacelle shall be accessed using a ladder located inside the WTG tower. Internal ladders and maintenance areas inside the tower and nacelle will be equipped with safety provisions for securing lifelines and safety belts and conform to or exceed ANSI 14.3-1974 (Safety Requirements for Ladders).

The power from the WTGs will be transmitted to a pad mount step-up transformer adjacent to the tower (1.79-MW WTGs) or tower-based transformer (3.8-MW WTGs) that will step-up the voltage from 690 V to 34.5 kV. Each WTG controller will communicate via fiber-optic cables to the operations and maintenance (O&M) facility. Operational parameters will be transmitted to the central computer through a Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will be monitored from the O&M control room and/or remote locations.

Power Collection System and Communication System. Each string of WTGs will be interconnected via 34.5-kV electrically insulated cables. The collector cables will be underground and follow roads, except for 2.34 miles. Of those 2.34 miles, 1.84 miles of cables will be underground but outside of the road and 0.5 mile will be installed above ground. The aboveground collection line will be installed, supported by single poles or H-frame structures. Another collector section will utilize transmission line structures and be under-built on the transmission line structures to connect this string to the substation. The overhead collection system will be constructed in conformance with good utility practice, the National Electric Safety Code (NESC), ANSI, and Avian Power Line Interaction Committee (APLIC). These collector cables will transmit the generated power to the Project substation where the voltage will be increased from 34.5 kV to 115 kV to match the voltage of the PG&E grid at the point of interconnection.

All underground collection circuits will be buried in trenches three to four feet deep. The size of the buried cable will vary depending on the type of cable used and how many turbines are interconnected on the specific circuit. Collection cables will be buried with the communication fiber cable and the ground wire. Connections will be made in above-ground, locked junction boxes. Both underground and above-ground markers will be installed at multiple locations to support identification of the collector system's underground path. Operation of the Project will be controlled by the automated SCADA system, which shall be capable of monitoring all operational parameters and starting and stopping each WTG. The system will allow remote control and monitoring of individual WTGs and the entire Project site locally and remotely. Communication lines for the SCADA system will be buried in the same trenches used for the electrical collector lines and routed to the substation's control room.

Meteorological Tower and SODAR Units. Prior to the start of construction, meteorological data will be collected using mobile sonic detection and ranging (SODAR) units to record weather data necessary to determine the most efficient operational strategy for the WTGs. The data collected will include wind speed and direction, temperature, humidity, barometric pressure, and rainfall.

One permanent meteorological tower, one permanent SODAR device and one temporary SODAR device will be installed to measure the wind speed for forecasting purposes and the performance of the WTGs during operation. The meteorological tower will be an un-guyed lattice structure, up to 295 feet in height and will be installed north of WTG W-11 and northwest of WTG W-8. The permanent SODAR device will be installed in the northern portion of the site. Both permanent structures will have foundations. The meteorological tower and SODAR devices will be accessed by driving four-wheel drive equipment, such as a crane and backhoe, across participating properties. A power and communication cable from the closest wind turbine will be installed underground and terminated at the meteorological tower or at a small H-frame structure at the base of the tower.

Operations and Maintenance (O&M) Facility. A 5,000-square foot O&M building will be located near the center of the site within the area that will be used as a laydown yard during construction. The building will be constructed with corrugated metal of a neutral color. The entire 16.5 laydown yard area will be used during construction for storage and processing of materials, temporary construction trailers and parking. The parking area at the laydown yard will accommodate up to 100 vehicles and workers will also use individual construction staging areas throughout the site for parking.

After construction is completed, the O&M facility will occupy approximately 0.39 acres and include the following:

- Main building with offices (50' x 100')
- Spare parts storage room
- Tool crib
- Restrooms
- Shop area
- Outdoor storage for large parts
- Outdoor parking facilities for approximately 5 - 7 staff and visitors
- Turnaround area for large vehicles
- Outdoor lighting
- Storage for oil and lubricants
- A 5,000-gallon fire water tank.

Water will be provided to the O&M facility via a new groundwater well and in-ground piping. Water usage will be for domestic purposes and potentially for blade cleaning once per year. An onsite leach line septic system will be installed to provide sewage disposal at the O&M facility.

Transmission Line. A new 115-kV transmission line approximately 7.3 miles in length will be constructed within approximate 100-foot wide easements to interconnect the Project with the PG&E transmission grid. The transmission line will be constructed of double steel H-frame structures and wood triple poles at angle points with guy wires along the route. The poles will be up to approximately 75 feet in height and placed up to 1,650 feet (570 feet average) apart based on the terrain and alignment. Approximately 44 new poles will be installed. Engineered structures with concrete foundations may be required to support the conductors in some locations. The exact number of poles and their sizes, types, and spacing will be determined as part of final design engineering. The transmission line will use new poles only and will run parallel to existing power lines for part of its length. The transmission line consistent with accepted industry standards, protective measures, and established industry guidelines. These include the recommended practices and procedures of the IEEE, standards for overhead line construction consistent with CPUC General Order 95 (GO95), avian protection measures consistent with the 2012 Avian Power Line Interaction Committee Guidelines, electric magnetic field design guidelines accepted for transmission design in California, and other applicable rules and standards.

The transmission line will be inspected regularly during operations to ensure the system is in good condition and will not create hazards. Fire management and safety procedures will include maintenance of a minimum 10-foot buffer zone cleared of flammable fuels (vegetation) around the base of each transmission pole structure. Under Public Resources Code, Section 4293, a minimum 10-foot clearance between vegetation and conductors is required for safety and to minimize tree-related outages. Maintenance of the buffer zone may include periodic trimming or removal of fast-growing trees to achieve at least three years of clearance before the next trim. The maintenance program shall

include removing dead, rotten, or diseased trees or vegetation that hang over or lean toward the system to prevent a falling hazard.

Substation. All the power generated by the WTGs will be transmitted to the onsite Project substation via the power cable collection system. The Project substation will step up the voltage from 34.5 kV to 115 kV and serve as the originating point of the 115-kV overhead transmission line connecting to the PG&E system at the Project switchyard.

The substation will be located entirely on the privately held land of a participating Project landowner within the Project boundary and will be approximately 150 feet by 220 feet, plus 10 feet for the berm on either side. Structural and electrical equipment will be installed on top of structural concrete forms, which will be roughly 18 inches above rough grade. The substation perimeter will be entirely secured by an 8-foot chain-link fence topped with three-strand barbed wire, raked outward at a 45-degree angle. A locked, double-swing gate will be installed in the fencing to provide access to the substation. The entire footprint of the substation will be finished with a graveled layer of clean, washed rock free of sands or organic material to act as a fire barrier and step protection. Spatial separation of transformers and other design considerations will be incorporated in the design for fire prevention. Detection and extinguishing equipment will be installed pursuant to applicable code requirements.

The substation will be fitted with 60-foot high static poles to create a shield to protect equipment inside the substation from lightning. Where needed, overhead shield wires will be attached to the static poles to enhance lightning protection. The 15' x 30' control building will house switchboard panels, batteries, battery chargers, supervisory control, meters, and relays, and provide all-weather protection and security for the control equipment. The control building will be ventilated to prevent the accumulation of hydrogen gases from battery operation.

The substation will include standard low-illumination lighting. Exterior light fixtures at the Project substation lighting will be hooded, with lights directed downward or toward the area to be illuminated. No shrubbery, hedges, or other landscaping around the perimeter of the substation will be installed.

Switchyard. The 100' x 100' switchyard will connect the Project to the PG&E electrical system. Structures will not exceed 55 feet in height. Components located at the switchyard will include a 115-kV high-voltage breaker, energy metering devices, disconnect switches, surge arrestors and a 15' x 20' pre-manufactured concrete control building to house protection relays and real-time automation control and communication devices. No voltage transformers shall be located at the switchyard. The switchyard will be surrounded by an 8-foot high chain link fence topped with three-strand barbed wire. A double-swing gate will be installed in the fencing to provide access to the switchyard and shall be kept locked. The entire footprint of the switchyard will be finished with a layer of gravel which will function as a fire barrier. The switchyard will include standard low-illumination lighting with exterior light fixtures hooded and directed downward or toward the area to be illuminated. No voltage transformers will be installed.

Access Roads. There are 11.58 miles of existing roads that will be modified and widened. Of those 11.58 miles, 0.78 miles will be to San Miguelito Road (34 road modifications), 1.8 miles will be to roads on the wind farm site (widened to 22 to 40 feet and will be compacted and/or surfaced with gravel), and 9.0 miles are along the transmission line route. There are 8.2 miles of new roads that will be constructed and will be unpaved (compacted and/or surfaced with gravel), except in steep areas where they may be paved with asphalt. Of these 8.2 miles, 7.1 new roads would be on the wind site and 1.1 would be along the transmission line. New and improved roads will remain after constructed and areas of temporary disturbance shall be revegetated as roadwork is completed. Property owners shall have access to their properties via existing roads during all phases of the Project.

Watercourse crossings will be improved or upgraded as part of turbine access road modifications. Seven of eight crossings will be accomplished with culverts. One existing at-grade crossing of San

Miguelito Creek will remain at-grade. All grading shall be subject to a final, approved grading and erosion control plan to minimize erosion and ensure adequate slope stabilization.

WTG Blade Transportation Routes. Large project components (WTG blades, etc.) shall be transported to the site. Turbine blades for GE 3.8 blades will be delivered using Interstate 5 (I-5) and will exit I-5 at Old River Road and proceed south to CA-166 (Maricopa Highway) where the route will turn west. Just prior to Highway CA-1 the route will turn north on Thompson Avenue, then west on Los Berros Road, before turning south on CA-101. The route then turns onto E. Union Valley Parkway, then CA-135 (Orcut Expressway) to CA-1 South, then turn south onto Santa Lucia Canyon Road and Floradale Avenue, before turning east onto Ocean Avenue, then South I Street and San Miguelito Road (see Figure 2-5, Turbine Blade Transportation Route).

The remaining GE 3.8 components will be delivered from the Port of Stockton via I-5, CA-132W, CA-140E, CA-165S, CA-152E, CA-33S, and exit at Fairfax Avenue. From Belmont Avenue, CA-33S, exit at Manning Avenue. From Colorado Road, turn to CA-145S, CA-269S, CA-33S, CA-166W, CA-101S, CA135S to Donovan Road, turn to Blosser Road, CA-116W, CA-1S to Santa Lucia Canyon Road, Floradale Avenue, and turn to Ocean Avenue, then South I Street to San Miguelito Road.

The GE 1.79 components will be delivered via I-5, I-210W, I-118W, I-23, CA-101, CA-135, CA135S to Donovan Road, turn to Blosser Road, CA-116W, CA-1S and use Santa Lucia Canyon Road, Floradale Avenue, and turn to Ocean Avenue, then South I Street to San Miguelito Road.

The local routes shall be consistent with the Alternative Surface Transport Route (Planning Commission Attachment F, Exhibit B).

Setbacks. The approved Variance for setbacks allows the Project Owner to: (1) reduce the setback to 230 feet along the Vandenberg AFB property line, and (2) remove the requirement for setbacks between Project-participant properties. All other required setbacks will be met.

PG&E Facilities Upgrades. Pursuant to an interconnection agreement between the Project owner and PG&E, PG&E will make certain equipment upgrades to its system to facilitate the interconnection with the Project. These upgrades will be carried out by PG&E under the authority of the California Public Utilities Commission. These upgrades are evaluated in the certified Final SEIR, but the California Public Utilities Commission is responsible for approving, monitoring and enforcing requirements related to them.

Project Construction

The Project will be constructed in one phase. There will be an average of 1,619 truck trips per month during the 10-month construction period. At peak, construction at the WTG site would require from 50 to 100 workers. Eighty percent of this workforce is expected to live or stay in the Lompoc area during construction. Construction will typically proceed as follows:

- Grading of field construction office, laydown area, and Project substation.
- Construction of site roads, turnaround areas, and crane pads at each WTG location.
- Construction of the WTG tower foundations, transformer pads, and meteorological tower.
- Installation of the electrical collection system (underground and overhead lines) and transmission line.
- Assembly and erection of the WTGs.
- Construction and installation of the substation and O&M building.
- Commissioning and energizing the Project.

Construction of roads, WTG foundations, and other facilities will require approximately 948,179 cubic yards of cut and 950,811 cubic yards of fill, to be balanced onsite. All grading would be done

in accordance with a formal Stormwater Pollution Prevention Plan (SWPPP) required by the Regional Water Quality Control Board. Temporary earth disturbance will involve approximately 5 acres and permanent disturbance will be about 149 acres. Total disturbance will be approximately 154 acres. One or two portable concrete batch plants will be set up on site. All concrete washouts will occur using washout pits or containers. All hardened concrete contained in the pits and/or containers will be hauled off site and disposed of accordingly.

Heavy equipment, including excavators, bulldozers, graders, and trucks, will be used to clear sites, build access roads and foundations and transport and set large turbine components in place. Water for construction, including dust control, will be obtained from up to three proposed onsite water wells and/or trucked in from the Lompoc Regional Wastewater Reclamation Plant (LRWRP). If water is trucked in from LRWRP to the work site, approximately seven water trucks will make four trips per each work day.

San Miguelito Road will be modified at 34 locations outside of the boundaries of the primary wind site to accommodate transport of the 224.7-foot blades. Modifications will include road widening and shoulder compaction to allow for a straighter path or cut and fill at unnavigable curves. Approximately 3.2 acres will be permanently disturbed and 158 oak trees removed. Public access will be maintained during component transport and other construction activities, with some traffic interruptions expected. Flaggers or traffic control devices shall be used to temporarily stop traffic as needed during modifications to San Miguelito Road and for component transport when construction road widths do not accommodate traffic flow in both directions simultaneously. During the construction phase of the Project, the Applicant may request P&D to allow them to limit travel on San Miguelito Road beyond the intersection of Sudden Road on a temporary basis for public safety and security issues.

WTG Construction. Foundation construction will include the following stages: drilling, blasting (if required) and hole excavation; outer form setting; rebar and bolt cage assembly; concrete casting and finishing; removal of the forms; backfilling and compaction; construction of the pad transformer foundation; and foundation site area restoration. Excavation and foundation construction will be conducted in a manner that will minimize the size and duration of excavated areas required to install foundations. Portions of the work might require over excavation or shoring.

The foundation type shall be a Patrick and Henderson Inc. (P&H) patented post-tensioned foundation. The final grading plan, including micro-siting adjustments shall be reviewed and approved by County staff prior to construction. The P&H foundation will be drilled or dug to approximately 25 to 35 feet deep, depending on geotechnical conditions and loadings, and will be approximately 18 to 20 feet in diameter. The foundation will be in the configuration of an annulus—two concentric steel cylinders. The central core of the smaller, inner cylinder will be filled with soil removed during excavation. In the cavity between the rings, bolts will be used to anchor the tower to the foundation and the cavity will be filled with concrete. Bolting the tower to the foundation will provide post-tensioning to the concrete.

WTG Assembly. The WTG components will be delivered to the site via transport trucks in multiple sections; the main components will be off-loaded at the individual WTG sites or staged at the laydown area before transport to the final location. After setting the WTG electrical bus cabinet and ground control panels on the foundation, the tower will be erected by crane in sections. Tower construction will be followed by hoisting and installation of the nacelle; assembly, hoisting, and installation of the rotor; connection and termination of internal cables; and inspection and testing of the electrical system.

The rotors for the 1.79-MW WTGs will be constructed on the ground at the WTG location, connecting the three blades to a hub. The hub rests on a stand, which is removed prior to erection of the assembled rotor. Each blade will be attached to the hub utilizing a crane, which can lift each blade with a spreader

bar attachment thereby avoiding the need for a tandem pick of the blade. The assembled rotor will sit approximately 4 feet above the ground on the hub stand, allowing the blades to remain suspended above the ground within the construction staging area, and in any areas immediately surrounding the staging area. Therefore, there is no grubbing or grading required beyond the designated limits of the construction staging area designated for the assembly of the WTG. In cases where the blades overhang, either down-slope or upslope areas, the assembled rotor orientation can change to accommodate the contours. For example, blade number 1 can move from the 12 o'clock position to another position to accommodate the contours. As a result, grubbing and grading will be limited to the designated areas of permanent and temporary disturbance for each WTG. Turbine locations for those turbines have been selected that allow the rotor assembly without the need of additional grading.

The rotors for the 3.8-MW WTGs will be constructed with a single blade lift while suspended from the crane. When the rotor is ready to be attached to the nacelle, the main crane attaches to the hub while a support crane (typically a rough-terrain “RT” style hydraulic crane) attaches to one of the blades. The RT tailing crane does not require a crane pad to be built and is mobilized within the disturbed area where the other turbine equipment (towers, blades, etc.) had been staged around the foundation prior to erection. The two cranes work in tandem until the rotor is rotated 90-degrees. The tailing crane then detaches, and the main crane completes the installation of the rotor to the nacelle main shaft, again, from its location on the crane pad. All grading or grubbing will occur within designated areas of permanent and temporary disturbance for each WTG.

Collection System Construction. Typical installation of the collection system involves the following:

- The exact location of the collection system trench is surveyed and staked using a registered surveyor.
- A grader is deployed to make two passes along the trench running line to move the topsoil away to the side, if topsoil is to be preserved.
- Trenching is typically performed using a mechanized trencher or excavator.
- The trenching spoil is typically deposited adjacent to the open trench.
- The conductor cables, neutral cable and fiber optic cable get installed. Usually a truck pulls the cable reels adjacent to the trench to lay the cables simultaneously. In some cases, the cable reels are pulled by the trencher itself and immediately installed in the trench behind the trencher.
- A paddling machine usually follows the trencher to screen the spoil and deposit clean spoil on the collection system cables.
- This screened spoil that was deposited in the trench on top of the cables is then compacted, usually using a small compactor.
- The remaining spoil is then deposited into the trench, and compaction is usually specified as 95 percent of natural compaction.

The topsoil is then bladed back over the trench using a grader.

Transmission Line Construction. Approximately 38,544 feet (7.3 miles) of transmission line will be installed. Construction steps for transmission line installation are summarized as follows:

1. *Install support structure foundations.* For steel structures, a foundation hole will be excavated; forms, rebar, and anchor bolts installed; concrete poured; forms removed; soil or gravel replaced around the base; and a pole installed at each of the new pole sites. Installation of wood poles will involve excavating, installing the pole, and backfilling the excavation; no foundation would be required for poles placed in straight spans.

2. *Install structures/poles.* The poles will be installed by conventional methods, or by helicopter as needed. The steel pole shafts will be delivered to the pole site in two or more sections depending on pole design. The steel poles will be assembled on the ground in the pole laydown area. The sections will be pulled together with a winch and the cross arms bolted to the pole. Insulators will be attached to the cross arms and secured. A crane will be used as necessary used to erect the poles and set them in the excavation or on the anchor bolts embedded in the concrete foundation for certain steel poles. The final step will be to tighten the securing nuts on the foundation.
3. *Stringing the conductors.* Temporary clearance structures will be installed at road crossings and other locations to prevent the conductor from being lowered or falling onto the traffic below before tensioning. Insulators and sheaves for the conductors will be installed. The conductors will be pulled through each pole under controlled tension to keep the conductors elevated above crossing guard structures, roads, and other facilities. Once the conductors are in place, vibration dampers and other accessories will be installed.

Site Restoration: Areas subject to temporary disturbance, including shoulders of access roads, will be reseeded once heavy construction activities have been completed and in accordance with the approved Site Restoration and Revegetation plan.

Project Operation

Start-up: Each WTG will be inspected and checked for mechanical, electrical, and control functions in accordance with the manufacturer's specifications before being released for startup testing. A series of startup procedures will then be performed by the manufacturer's technicians; this process will require approximately 8 to 16 hours per WTG. Final testing will include mechanical, electrical, control, and communications inspections and tests to ensure that all systems are working properly.

After the WTGs have been commissioned and are producing power, a period of acceptance testing will begin to ensure that the WTGs are performing according to the agreed-upon parameters. During this time, the power produced will be fed into the utility grid. Electrical tests on the transformers, power lines, and Project substation will be performed by qualified engineers, electricians, and test personnel to ensure that electrical equipment is operating within tolerances and that the equipment has been installed in accordance with design specifications, standards and requirements by PG&E and the California Independent System Operator.

Operation: During the operational phase of the project, a staff of five to seven personnel will be employed onsite to monitor WTG and system operation, perform routine maintenance, troubleshoot malfunctions, shut down and restart WTGs when necessary, and provide security. They will be headquartered at the O&M facility and travel around the site as needed. Normal operations could involve deployment of up to three crews of two technicians each around the site and two to three personnel in the office. Staff may not be present at the site 24 hours per day; however, operations will be continuously monitored through the SCADA system from remote locations. Standard operating procedures dictate that WTGs will not be operated at high wind speeds because of the high loads exerted on the equipment. The maximum operating wind speed will be in the range 25 meters per second or 60 miles per hour, depending on the specific model chosen. In higher wind speeds, for equipment protection, the blades will feather and the rotor will free-spin with very low rotational speed.

In the event that severe storms result in a downed overhead line, procedures outlined in the emergency response plan will be applied. Tensioning sites will be located within the overhead distribution line rights-of-way to facilitate line replacements. In the event of a high-voltage grid outage, the WTGs will have internal protective control mechanisms to safely shut them down. The WTGs will require

the grid to be energized to generate power when the wind is blowing. A separate low-voltage distribution service feed may be connected to the low-voltage side of the Project substation as a backup system to provide auxiliary power to Project facilities in case of outages. If low-voltage service is not available, back-up power will be provided by PG&E's existing 12kv line at the substation in case of an unscheduled outage.

Firefighting equipment will be stored at the on-site substation, in the O&M Building and in work vehicles. A 20-pound CO2 fire extinguisher will be stored at the substation and at the O&M Building for small fires. In addition, service pick-up trucks will be equipped with a 5-pound standard fire extinguisher. The design of the substation will take into account local permitting and may be adjusted accordingly. Further, a safety and emergency response plan will be developed in conjunction with the local Fire Marshall. A dedicated repeater will be installed for emergency response in accordance with the specifications of the Santa Barbara County Fire Department.

The substation and switchyard will meet or exceed Institute of Electrical and Electronics Engineers (IEEE)-979 Substation Fire Protection. Detection and extinguishing equipment shall be installed in accordance with all applicable national and local codes.

Safety signage will be posted where necessary around WTGs, transformers, and other high-voltage facilities, and along roads, in conformance with applicable State and federal regulations. A safety policy plan will be developed and included as part of the mitigation requirements. . Electronic access to any SCADA access point is protected by at least two layers of security using high industry standard VPN technology and secure passwords and 24/7 remote monitoring. Surveillance cameras shall be installed to provide monitoring of the wind farm and its SCADA system.

Equipment, supplies, and spare parts will be stored inside the O&M facility, with the exception of Project vehicles, which will be stored outside the building within the secured yard. The substation will also be fenced and the gate kept locked; the control houses shall be locked. All WTGs shall be locked. Access roads will be periodically graded and compacted to maintain the design, safety, and environmental requirements during the life of the Project. Stored chemicals, oils and biodegradable cleaning chemicals and detergents will be held in onsite tanks or drums equipped with secondary containment areas to prevent runoff at the O&M facility. Maintenance on cut-and-fill slopes, culverts, grade separations, and drainage areas will be performed as necessary to minimize erosion problems and maintain functional drainage structures.

Project Decommissioning

The anticipated life of the Project is 30 years. Future repowering or decommissioning of the project will require a discretionary permit from the County and will be subject to environmental review. Decommissioning will require that the Owner prepare a decommissioning plan for County review and approval, as well as a financial assurance acceptable to the County to ensure timely and proper decommissioning.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

- 2. Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and

conditions of approval thereto. All plans (such as Revegetation and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM SEIR 18EIR-00000-00001

3. **MM VIS-1 Materials Storage During Construction.** All construction materials and excavated materials shall be stored away from San Miguelito Road, whenever possible, to reduce impacts on mountain views. Materials storage shall be confined to within the WTG pads, staging areas, and the Project Substation and Operations and Maintenance (O&M) facility areas.

Plan Requirement. County staff will confirm that a notation regarding materials storage is denoted on building plans.

Timing. County staff will review and approve the plan notation prior to issuance of the Zoning Clearance for construction.

Monitoring. P&D compliance monitoring staff shall conduct inspections during construction activities along San Miguelito Road to confirm and enforce compliance.

4. **MM VIS-2 Location of Construction Activities.** Construction activities shall be confined to within the WTG pads and access roads; staging areas; the Project substation and O&M facility areas; transmission line right-of-way, structure pads, pull sites and switchyard; and sections of San Miguelito Road designated for modifications in the approved, final construction plans.

Plan Requirement. County staff will confirm that a notation regarding construction activities is denoted on building plans.

Timing. County staff will review and approve the plan notation prior to issuance of the Clearance for construction.

Monitoring. P&D compliance monitoring staff shall conduct inspections during construction activities to confirm and enforce compliance.

5. **MM VIS-4 Landscape and Lighting Plan.** In accordance with the Santa Barbara County Land Use Element, Visual Resources Policies, Policy 1, the applicant shall be required to submit a landscaping plan to the County for review and approval.

The landscaping portion of the Landscape and Lighting Plan shall include but not be limited to (as appropriate): (1) salvaging top soil for reuse; (2) revegetating cut and fill slopes and graded areas visible to the public; (3) applying appropriate colorants to reduce the visual contrast between lighter-colored exposed rock and soils or introduced gravel and the adjacent darker vegetation; and (4) planting vegetation to screen the switchyard pad from public view discussed under KOP 2 and Impact VIS-6). Specifically, screening vegetation should achieve a minimum height of six to eight feet at maturity in order to achieve the screening of a substantial majority of the switchyard pad; fencing; and complex, industrial-appearing components within the fenced area. However, necessary vegetation heights will ultimately depend on final grading plans and the final height of the switchyard pad.

Any facility lighting shall be included in the lighting portion of the Landscape and Lighting Plan. Measures to minimize the attraction of birds to facility lighting shall be developed and presented in the Plan. Also, the lighting portion of the Plan shall require that all permanent exterior and security lighting be hooded (shielded) and

that lamps and reflectors are directed downward and are not visible from beyond the Project site. Also, night lighting shall not cause excessive reflected glare or illuminate the nighttime sky except for required FAA hazard lighting.

Plan Requirement and Timing. The Landscape and Lighting Plan shall be reviewed and approved by the Central Board of Architectural Review prior to issuance of the Zoning Clearance for construction.

Monitoring. P&D compliance monitoring staff shall conduct inspections during operations to confirm and enforce compliance.

6. MM VIS-5

Reduced FAA Hazard Lighting Plan. The Applicant shall request a reduced FAA hazard lighting plan after the WTG locations and WTG details are finalized in order to ensure the minimum required FAA lighting is installed.

Plan Requirement and Timing. The Reduced FAA Lighting Plan received from the FAA shall be submitted to P&D prior to issuance of the Zoning Clearance for construction. If the Reduced Lighting Plan is not received from the FAA, the Applicant shall submit FAA's response to the request.

Monitoring. P&D compliance monitoring staff shall conduct inspections during construction to confirm and enforce compliance.

7. MM AQ-1

Construction Equipment Emission Reduction Plan. A Construction Equipment Emission Reduction Plan shall be prepared by the Applicant that contains the following elements.

- a. **Off-Road Engine Tier** – Diesel equipment shall be powered with engines certified to comply with Tier 3 or better standards, as defined in the California Emission Standards for Off-Road Compression-Ignition Engines in California Code of Regulations (CCR) Title 13, Division 3, Chapter 9, Article 4, Section 2423, or newer or more stringent emissions performance standards.
- b. **On-Road Heavy Truck Age** – On-road heavy-duty equipment with model year 2010 engines or newer shall be used.
- c. **Equipment Replacement** – Diesel-powered equipment will be replaced by electric equipment whenever feasible.
- d. **Alternative Fuel Vehicles** – Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- e. **Catalytic Converters** – Ensure that catalytic converters are installed on all gasoline- powered equipment, if feasible.
- f. **Engine Maintenance** – Maintain engines and emission systems in proper operating condition.
- g. **Engine Size** – The engine size of construction equipment will be the minimum practical size.
- h. **Number of Equipment** – The number of construction equipment operating simultaneously will be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- i. **Worker Trips** – Construction worker trips will be minimized by requiring carpooling and by providing for lunch on site.

Plan Requirements. All requirements shall be shown on grading and building plans prior to issuance of the Zoning Clearance for the first phase of construction and prior to issuance of the Zoning Clearance for subsequent Project phases.

Timing. A Construction Equipment Emission Reduction Plan shall be prepared prior to issuance of the Zoning Clearance.

Monitoring. Condition shall be enforced throughout all construction periods. P&D compliance monitoring staff shall ensure measures are included in the Construction Equipment Emission Reduction Plan and shall perform periodic site inspections of construction contractor maintenance activities as appropriate.

8. MM AQ-2

Dust Control Plan. A Dust Control Plan shall be prepared by the Applicant that contains the following elements.

- a. **Water Application** – Apply water sprays to all disturbed active construction areas a minimum of two times per day, except when soil water content would exceed the level recommended by the soils engineers for compaction or when weather conditions warrant a reduction in water application. At a minimum, this should include wetting down active areas in the late morning and after work is completed for the day. Additionally, use adequate dust control to keep fugitive dust from being transmitted outside of the Project site boundary. Perform increased dust control watering when wind speeds exceed 15 miles per hour. The amount of additional watering would depend upon soil moisture content. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- b. **Soil Stabilization** – Minimize the amount of disturbed area and stabilize any disturbed area that would not be covered with base or paving within 14 days after completion of disturbing activities by use of soil coating mulch, non-toxic dust palliatives, compaction, reseeding, or other approved methods. Soil stockpiled for more than 2 days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting soil or other fine bulk materials will be covered in transit.
- c. **Construction Monitoring** – The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties will include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.
- d. **Limit Traffic Speed** – Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.
- e. **Track-out Controls** – Gravel pads or other wheel washing controls will be installed at all access points to prevent tracking of mud onto public roads. If any mud or soil is tracked onto the pavement of the road, it shall be removed from the pavement as soon as possible but no later than one hour after it has been deposited on the paved road.
- f. **On-site Access Road Treatment** – The on-site WTG access road segments to each WTG that will be paved shall be paved prior to beginning installation of that WTG and the associated collection system.

Plan Requirements and Timing. All requirements, including road segments to be graveled or paved, shall be shown on grading and building plans prior to issuance of the Zoning Clearance. Condition will be enforced throughout construction.

Monitoring. P&D compliance monitoring staff shall ensure measures are included in the Dust Control Plan and will perform periodic site inspections as appropriate to ensure compliance.

9. MM BIO-1

Worker Education and Awareness Program. The Applicant shall fund a County-approved biologist to develop and implement a worker education and awareness program (WEAP) specific to the Project. The program shall be presented to all individuals involved in the construction and O&M phases of the Project. The program shall include information focused on sensitive habitats and species and shall include, but not be limited to, the following:

- a. The natural history, including sensitive species and habitats, shall be described as well as the current status, reasons for decline, and protection measures relevant to the species and habitats.
- b. Contact points shall be provided for workers to report sightings of sensitive biological resources such as El Segundo blue butterfly, California red-legged frog, active bird nests, badger dens, and roosting bats and raptors in the vicinity of Project facilities.
- c. Workers shall be provided with photographs of sensitive biological resources including sensitive wildlife and plant species, den and burrow entrances, and nest structures. Qualified biologists, familiar with El Segundo blue butterfly (ESBB) and Gaviota tarplant, will provide a brief educational program for all personnel prior to initiation of any construction activities within the Project site. The program will include identification of ESBB, its host plant, coast buckwheat, and Gaviota tarplant; the general provisions and protections afforded to ESBB and Gaviota tarplant by the Endangered Species Act; and measures to be implemented during the Project to avoid and minimize adverse effects to ESBB and Gaviota tarplant.
- d. Workers shall be informed verbally and in writing of the various Project tasks that require biological surveys and monitoring for resource protection.
- e. Workers shall be provided with a photograph or description of the markers for active bird nests, trees, salvaged topsoil piles and windrows, or other mitigation areas, so that they shall know these are not to be disturbed without a biological monitor present.
- f. Workers shall be provided with photographs of invasive weeds and instructed to report to the biologist any new populations observed near Project facilities.
- g. Workers shall be informed not to litter. All trash and litter shall be picked up and removed from the construction sites at the end of each day.
- h. Workers shall be informed to obey a speed limit of 15 miles per hour while traveling on the Project site to avoid collisions with wildlife.
- i. Workers shall avoid driving over or otherwise disturbing areas outside the designated construction areas.

Plan Requirements. The Applicant shall submit the WEAP to P&D for review and approval 30 days prior to implementation. All workers, contractors, and visitors shall attend the WEAP prior to entering the Project site and performing any work. The Applicant shall provide copies of the training attendance sheets to County staff as a record of compliance with this measure on a monthly basis. Trained crew members shall receive a sticker for their hardhat from the County Environmental Quality Assurance Program (EQAP) Inspector demonstrating WEAP training.

Timing. The WEAP shall be reviewed and approved by P&D prior to issuance of the Zoning Clearance. Implementation of WEAP training shall occur prior to the start of construction and as new crew members are added to the Project.

Monitoring. P&D compliance monitoring staff shall ensure compliance with the WEAP throughout construction and operation by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate.

10. MM BIO-2

Ground Disturbance. The Applicant shall minimize the amount of disturbance, to meet or exceed the commitments made in the CUP application, including areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil shall be used to control erosion, build new roads, and improve road shoulders; and areas for associated facilities. Construction activities shall avoid sensitive areas, such as riparian zones, forests, etc., where feasible. Construction shall avoid all wetlands regulated by Santa Barbara County, CDFW, and USACE (see MM BIO-9) where feasible. Parking, lay down, storage areas, and other sites of surface disturbance shall be located in previously disturbed areas or in annual grassland (except in Gaviota tarplant habitat) and will be mowed, versus graded, where feasible to keep root structures in place; thereby, facilitating future revegetation. Any disturbed area that is not covered with base or paving within 14 days of its disturbance shall be stabilized through use of soil coating mulch, dust palliatives, compaction, reseeding, or other approved methods.

A biologist shall conduct a sweep of the site before mowing or removing vegetation and monitor for special-status species during work activities. Permanent access roads shall follow routes used for construction access to reduce the amount of new road construction. Vehicles and equipment access shall follow marked routes. Indiscriminate cross-country vehicle travel shall not be allowed.

Plan Requirements. The detailed plans, showing the limits of the grading, ground disturbance, access routes, and installation of facilities will be reviewed and approved by County staff.

Timing: The plans shall be approved by P&D prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site, as well as review the restoration plan to ensure compliance with this measure as appropriate. P&D compliance monitoring staff will monitor construction and revegetation activities to ensure the plan is fully implemented.

11. MM BIO-3

Site Restoration and Revegetation Plan. The Applicant shall retain a County-approved botanist to prepare and implement a site restoration and revegetation plan for all vegetation communities subject to temporary impacts during construction and ground-disturbing O&M activities. Impacts to sensitive vegetation or habitat types

(Section 4.5.1) will be restored to replace prior habitat values; impacts to other vegetation or habitat will be revegetated to prevent future erosion or weed invasion. The plan shall also require compensatory mitigation for permanent impacts to vegetation. The plan shall include, but not be limited to, the following requirements and other provisions:

- a. A map identifying all areas for revegetation or restoration, based on the affected vegetation or habitat type as described above.
- b. The site restoration and revegetation plan will identify quantitative success criteria for all habitat restoration that is based on both native vegetation percent cover and native species richness. Long-term success criteria shall include, but not be limited to, criteria such as requiring that restoration areas support at least 80 percent of the prior native species abundance and percent cover and is relatively weed free or demonstrates similar weed cover to surrounding, good quality habitat. All restoration activities and monitoring will be designed and implemented with the objective of achieving the success criteria.
- c. Native grassland communities shall be avoided to the greatest extent feasible.
- d. Top soil, and the seed bank it contains, shall be conserved on areas where soil is excavated such as WTG sites, access roads, and transmission pole locations.
- e. Woody material shall be removed from the soil surface and piled in an area that will be out of the way during construction. The upper 6 to 8 inches of soil shall be scraped from the disturbance footprint and piled into a stockpile in an area that will not be disturbed during construction.
- f. Topsoil stockpiles shall be clearly marked for avoidance.
- g. Stockpiles shall be immediately protected from wind erosion by covering them or hydromulching them to protect the pile from wind erosion. Wind erosion protection shall be renewed as needed.
- h. Any disturbed area that is not covered with base or paving within 14 days of its disturbance shall be stabilized through use of soil coating mulch, dust palliatives, compaction, reseeding, or other approved methods.
- i. Salvaged topsoil shall be redistributed on areas that will be revegetated following construction.
- j. Hydroseed with soil stabilization seed mixture shall be applied to temporarily disturbed areas, as appropriate, to facilitate revegetation and avoid erosion of bare soils. The hydroseed mix shall contain a mulch and binder to retard wind erosion by providing a crust over the soil surface. Native plant seeds shall be added to the hydroseed mixture or hand broadcasted onto the site just prior to hydroseeding. Care shall be taken to avoid premature germination of native species caused by prolonged immersion in the hydroseeder. On slopes, the Applicant shall augment the erosion control seed mixture with seed of native grassland and coastal scrub species native to the site and collected from the Project region. Appropriate seed mixtures including native needlegrass species for use on grassland and coastal scrub areas shall be developed in consultation with and approved by CDFW and County staff using seed of native species originating from the area between the Santa Ynez River and Hollister Ranch, and inland as far as California State Highway 1. Recommendations from USDA

Natural Resources Conservation Service for reseeded of agricultural grazing areas will be sought and incorporated as approved by the above agencies. The use of non-native species considered detrimental to agricultural grazing will be avoided.

- k. Where central coast scrub or central coast scrub/grassland mosaic has been removed by construction, revegetation will include coast buckwheat (*Eriogonum parvifolium*) in the seed mix. *E. latifolium* is not allowed in the plant palette due to its potential adverse effects on the El Segundo blue butterfly.
- l. The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years prior to P&D acceptance of the restoration habitat. The site restoration and revegetation plan shall include the irrigation requirements and schedule.
- m. Permanent impacts to vegetation will be mitigated by replacement (preferably onsite) of all habitats except disturbed and developed areas at a 3:1 ratio per impacted vegetation type for sensitive vegetation (see Attachment B-1, SEIR Table 4.5-3) and a 1:1 ratio for non-sensitive vegetation. Replacement will occur via permanent protection of existing habitat (provided the habitat meets the same functional value as impacted habitat), onsite restoration, or both. Impacted vegetation types must be proportionally represented within proposed habitat compensation area(s) to ensure in-kind mitigation.
- n. Prior to issuance of the Zoning Clearance, the Owner/Applicant shall identify suitable compensation lands for permanent vegetation impacts and record a conservation easement in a form approved by P&D that protects the proposed conservation area in perpetuity. The easement shall apply to a contiguous portion of land to, at a minimum, meet the required mitigation ratio of 3:1 for permanent impacts to sensitive vegetation (i.e., 3 acres protected for each impacted acre) and 1:1 for non-sensitive vegetation. The easement shall be controlled by a qualified conservation organization approved by P&D.
- o. The restoration areas shall be monitored for a minimum of 5 years by a qualified botanist, and the botanist shall submit annual progress reports to P&D. Weed control shall be started within 3 months of planting, or earlier if weeds have begun to flower. Weeding shall proceed as frequently as necessary to prevent weeds from spreading off the Project site into the adjacent area and to prevent seed set. An effort shall be made to cut weeds before they develop seeds to minimize the spread of invasive weeds. Cut mustard shall be hauled off the site and disposed of where the toxins in the stems shall not affect other plants. Any new weed species not present in the Project area prior to construction shall be eradicated.
- p. At the end of the five-year monitoring period the qualified biologist shall prepare a monitoring report detailing the success of the restoration efforts. The report will identify whether or not new habitat is established, self-sustaining, and capable of surviving drought, and if it meets or does not meet the quantitative success criteria by objective evaluation. The report shall provide recommendations for further restoration treatment, if success criteria have not been met. This monitoring report shall be submitted to P&D for review and approval.

Plan Requirements. The Applicant shall prepare a restoration and revegetation plan and submit it to County staff for approval. The plan shall include success criteria to determine whether restoration is proceeding as expected. Annual monitoring reports shall be submitted to P&D for the duration of the site restoration and revegetation efforts (minimum 5 years). A final report shall be submitted at the end of the initial 5-year monitoring period. If additional restoration is required because success criteria have not been met at the end of 5 years, additional annual reports will be submitted until the restoration is demonstrated to be successful and complete. If restoration cannot be achieved according to success criteria after 5 years, the affected area will then be mitigated as a permanent impact subject to the compensatory mitigation requirements in the plan.

Timing. The detailed grading plan, showing the limits of the grading, and the Restoration and Revegetation Plan shall be approved by P&D prior to issuance of the Zoning Clearance. Prior to issuance of the Zoning Clearance, the Applicant shall record the conservation easement(s) and file a performance security with P&D to complete restoration. The form and amount of the performance security shall be based on similar securities required for mine reclamation as follows, or alternate forms or methods as deemed acceptable by P&D. The form of the security shall be as specified by California Code of Regulations § 3803 et seq. (Financial Assurance Mechanism). The amount of the security shall be calculated as specified in California Code of Regulations § 3805.1 (Financial Assurance Cost Estimate Form). P&D may adopt an alternate security form or calculation method in coordination with the applicant by providing agreement in writing.

Prior to issuance of the Zoning Clearance, the Owner/Applicant shall: (1) submit the open space/ conservation easement for review and approval and (2) implement the requirements of the easement as specified in the approved easement.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the restoration plan, annual reports, and final monitoring report for compliance with this measure as appropriate. P&D compliance monitoring staff will monitor construction and revegetation activities to ensure the plan is fully implemented.

12. MM BIO-4a

Tree Protection Plan. The Applicant shall retain a County-approved botanist or arborist to design and implement a tree protection plan in order to protect existing native trees and minimize adverse effects of grading and construction. The approved botanist or arborist will be on site throughout all grading and construction activities which may impact native trees. The botanist or arborist's duties shall include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out, and participation in the pre-construction meeting. The name and contact information for the approved arborist/biologist shall be submitted to P&D prior to the initial on-site pre-construction meeting. All development and potential ground disturbances shall be designed to avoid the maximum number of native trees feasible. No ground disturbance, including grading for buildings, access ways, easements, and subsurface grading, shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The Tree Protection Plan shall include the following measures:

- a. The plan shall show the location, diameter at breast height (DBH), and critical root zone of all native and specimen trees that are potentially subject to

disturbance due to Project construction and operational activities, including transport of large loads on San Miguelito Road or on-site access roads.

- b. The Tree Protection Plan shall clearly identify any areas where grading, trenching, or other construction related activities (including but not limited to grading, soil compaction, or irrigation) would encroach within the critical root zone of any native or specimen tree. The critical (or sensitive) root zone for each tree shall be defined as the area extending from the base of the tree to a distance 1.5 times the radius of the tree's canopy. All encroachment is subject to review and approval by P&D.
- c. Fencing or other clearly visible marking of all native and specimen trees not designated for removal shall be installed to protect the critical root zone. Fencing shall be at least 3 feet in height of chain link, vinyl construction fence, or other material acceptable to P&D and shall be staked every 6 feet. The Applicant shall place signs stating "tree protection area" at 15-foot intervals on the fence. Fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to issuance of the Zoning Clearance, and shall remain in place throughout all grading and construction activities.
- d. The following are not permitted unless specifically authorized by P&D in advance. If authorized, the following will only be conducted by hand and under the direction of a County-approved arborist/biologist. If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (e.g., 215 or smaller track hoe) may be used as determined by County staff and under the direction of a County-approved biologist.
 - 1. Any trenching required within the dripline or sensitive root zone of any specimen.
 - 2. Cutting any roots of one inch in diameter or greater, encountered during grading or construction. If authorized, roots must be cut cleanly and treated as specified in the Oak Tree Protection Plan.
 - 3. Tree removal and trimming.
- e. Construction equipment staging and storage areas shall be located in designated staging and lay-down areas depicted on Project plans submitted prior to issuance of the Zoning Clearance. No construction equipment shall be parked, stored, or operated within the protected areas. No fill soil, rocks, or construction materials shall be stored or placed within the protected area.
- f. All utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- g. Any tree wells or retaining walls shall be shown on the tree protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all native trees unless specifically authorized by P&D. Grading shall be designed and constructed to avoid ponding and ensure proper drainage within critical root zones.

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- h. Access routes for equipment shall be checked for clearance prior to bringing any equipment onto the site. All trees and shrubs that require limbing or pruning shall be prepared at least 2 days prior to the arrival of the equipment and adhere to the following standards:
 - 1. All limbing shall be done under the supervision of a licensed arborist or qualified biologist.
 - 2. Any inadvertently broken limbs shall be cleanly cut under the direction of a licensed arborist or qualified biologist.
 - 3. In the event that damage to a native tree is so severe that its survival is compromised, the tree shall be replaced in kind as specified in MM BIO-4b.
 - i. Only trees designated for removal on the approved Tree Protection Plan shall be removed. Any native trees which are removed, relocated, or damaged (more than 20 percent encroachment into the critical root zone) shall be replaced as specified in MM BIO-4b.
 - j. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
 - k. Any unanticipated damage (including removal) that occurs to trees resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include, but is not limited to, posting of a performance security, replacing native trees on a 10:1 (15:1 for blue oak and valley oak trees) ratio, and hiring a County-qualified arborist/biologist to evaluate all proposed native tree and shrub removals within 25 feet of potential ground disturbances. The arborist/ biologist report shall present biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with an emphasis on preservation. The required mitigation shall be undertaken immediately under the direction of P&D.
 - l. If the County-approved arborist/biologist certifies that any tree is damaged to such an extent that it will not survive, it shall be replaced as described in MM BIO-4b, below. If the approved arborist/biologist determines that 20 percent or more of the canopy or root area of a tree is removed or damaged, the tree will be presumed removed.
 - m. Monitoring plan to track health and survival of all impacted trees for 7 years.

Plan Requirements. This requirement shall be recorded with the final Project plans. The Applicant shall submit grading plans, building plans, and the Tree Protection Plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. The Applicant shall post a performance security that is acceptable to P&D to guarantee tree replacement.

Timing. The Tree Protection Plan shall be approved by P&D, and evidence of having obtained the performance security shall be provided to P&D prior to issuance of the Zoning Clearance. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading, construction, and operational activities.

Monitoring. P&D compliance monitoring staff shall inspect the plans and site throughout development to ensure compliance with and evaluation of all tree protection and replacement measures.

13. MM BIO-4b Tree Replacement Plan (TRP) – Planned Removal and Unexpected Damage. The Owner/Applicant will prepare and implement a Tree Replacement Plan (TRP). The TRP shall be prepared by a County-approved arborist or biologist to mitigate for authorized or unexpected losses of native trees. All components of MM BIO-4a (Tree Protection Plan) will apply to oak tree and tanoak replacement and related activities. The TRP shall, at a minimum, include the following components as well as any other County revisions and recommendations:

- a. **Conservation Easement.** Prior to issuance of the Zoning Clearance, the Owner/Applicant shall identify a suitable woodland forest replacement area and record a conservation easement in a form approved by P&D that protects the proposed conservation area in perpetuity. The easement shall apply to a contiguous portion of land to, at a minimum, meet the required mitigation ratio of 3:1 and for all impacts (temporary and permanent) to woodlands and forests (i.e., 3 acres protected for each impacted acre). The easement shall be controlled by a qualified conservation organization approved by P&D.
- b. **Performance Security.** The owner/applicant shall determine the full cost of implementing and monitoring tree replacement and shall post a performance security with P&D. The performance security may be upon inspection and approval of successful restoration, as specified in the final approved TRP.
- c. Specific woodland and forest performance standards (i.e., quantitative success criteria) addressing both short- and long-term objectives for consistency with standards of (1) six self-sufficient coast live oak trees for each mature oak tree removed due to proposed Project activities, and (2) three acres of restored woodland or forest for each acre impacted. The numbers of planted acorns or nursery stock trees shall clearly correspond to the 6:1 performance standard regarding self-sufficient trees at the end of the monitoring period, anticipating that not all acorns or plantings will be successful. Similarly, the planting patterns and other restoration techniques will clearly correspond to the 3:1 performance standard regarding woodland or forest acreage.
- d. Detailed schedule (e.g., a Gantt chart) of all restoration activities, including obtaining plant propagules, issuing contracts, and performing all phases of planting and restoration work during the appropriate season¹. The schedule shall identify the responsible party for each task and identify each “critical path” for successful restoration. The schedule will specify completion dates for each requirement, relative to application or issuance of grading permits.
- e. Description of existing woodlands and forests, in terms of aerial extant, habitat diversity (structure, shrub/herb associates, wildlife use), sustainability (documentation of mortality, oak tree and associated shrub/herb health assessment), tree and associated shrub inventories/counts, densities (i.e., trees per acre) of trees and any co-dominant species, analysis of habitat functions and values as a basis for quantitative woodland and forest performance standards.

¹ Acorns should be collected in mid- to late summer for maximum viability; planting should occur after the onset of fall/winter rains and no later than late February.

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- f. Explanation and applicability of the oak tree and oak woodland quantitative success criteria in terms of their conformity to applicable County and State oak mitigation requirements.
 - g. Replacement of damaged oak trees or those planned for removal shall occur at 10:1 ratio (acorns/saplings) or greater, to be planted and maintained in a manner that will yield the required final 6:1 replacement rate². Alternate ratios may be applicable for saplings (identified below), also planted and maintained in a manner that will yield the required 6:1 replacement rate. Replanting and mitigation tree locations will be shown on plans. The TRP shall include a detailed planting methodology (including spacing among planted acorns or saplings) so that replacement acorns or saplings will result in the required 6:1 ratios.
 - h. **Nurture Trees.** As an alternative to tree replacement, for no more than five percent of mature trees removed, naturally occurring tree saplings between six inches and six feet tall may be protected and nurtured in areas of the SWEP site unaffected by proposed Project disturbance, at a 10:1 ratio (i.e., 10 established sapling/nurture trees for one removed tree). Nurturing will only be applicable for seedling or sapling size trees that would otherwise be vulnerable to damage or loss, not yet meeting criteria as “established,” and in suitable locations for establishment (e.g., not located beneath an existing closed canopy). Saplings selected for nurturing will be subject to County approval.
 - i. If using replacement trees rather than acorns, nursery stock grown in pots or tree tubes must be of sufficient size to ensure health and vigor at the time of installation. Saplings shall be grown from locally obtained seed at minimum 6:1 ratio to yield six established self-sufficient trees for each mature tree removed (assuming 100 percent success). All replacement trees will be obtained from a nursery source certified free of SOD pathogen and free of gold-spotted oak borer and polyphagous shot-hole borer damage.
 - j. Selected trees shall be boxed and transplanted if feasible. If a County-approved arborist certifies that it is not feasible to replant the tree, it shall be replaced according to the TRP specifications. The TRP shall include an estimated survival likelihood for transplanted trees and specify a minimum 7-year monitoring period for health and vigor of transplanted trees, and shall include remedial measures for any transplanted trees that fail to become established.
 - k. Detailed and quantitative description of viable acorn collection methods and seasonality; storage location, methods and conditions; inventory management methodology; and schedule. The description will specify the number of fertile acorns to be collected in August and September and stored pursuant to best practices (e.g. storage bags with vermiculite, checked weekly³), including a 20 percent allowance for anticipated non-viable acorns.
 - l. Detailed and quantitative description of tree sapling production, nursery management, and the locations and capacity of contract nurseries.

² Note that planting two viable acorns per hole, followed by culling to yield one live seedling per hole yields good establishment rates, but would necessitate at minimum 12 live acorns per removed tree, assuming 100 percent establishment.

³ See Attachment B-2: <http://sactree.com/pages/346>, Storing Acorns.

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- m. Identify suitable locations for woodland and forest restoration, including demonstration that in-kind tree planting would be feasible in terms of habitat suitability, land ownership, and long-term control of the mitigation site.
 - n. A detailed Maintenance and Monitoring Program and a detailed Adaptive Management Plan shall be components of the TRP. The Maintenance and Monitoring Program shall include weed control techniques and strategies, necessary replacement planting activities, and monitoring (both qualitative horticultural/progress monitoring and quantitative success monitoring). The Maintenance and Monitoring Program shall also include information about how the habitat value and ecological function of the restoration area will be evaluated and will identify specific success criteria. The Adaptive Management Plan shall describe the restoration approach and strategy.
 - o. Criteria for demonstrating self-sufficiency of planted and nurtured trees, based on a minimum 7-year monitoring period (including tree survival during a minimum of two years without irrigation) with demonstrable continued growth and absence of pests. Trees not meeting success criteria will be monitored for an additional 7 years following replanting or relocation.
 - p. The trees shall be irrigated with drip irrigation on a timer until established (a period to be established by P&D approved arborist). The trees shall be weaned off of irrigation over a period of two to three years.
 - q. No permanent irrigation shall occur within the dripline of any native tree.
 - r. All new and replanted trees shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
 - s. Restoration activities shall be performed by workers familiar with restoration work and supervised by a qualified restoration biologist/ecologist/environmental scientist or certified arborist. Contractors and subcontractors will be subject to County review and approval, to be based on experience with previous oak tree and oak woodland restoration projects.
 - t. Detailed explanation of long-term conservation management of the oak planting and restoration site(s). This section must be consistent with planned conservation management of the site as planned according to Paragraph a. of this measure.
 - u. For any proposed off-site tree planting or nurturing (i.e., areas outside the proposed Project area and proposed conservation easement), the TRP will identify potentially suitable sites and acreages and specify terms for long-term protection of those sites. Planting or nurturing trees in burned areas will only be acceptable if the burned areas are demonstrably failing to recover naturally from fire (i.e., failing to re-sprout from above-ground limbs or basal burls).
 - v. Reporting requirements, including a schedule and content for progress reports. The reports must provide sufficient detail to document progress completed to date and confirm that materials and contractors are available to complete each phase according to the approved restoration schedule.
 - w. An appendix, containing the full text of applicable County or State oak mitigation requirements.

- x. **Guarantee.** As part of the contract price, the Owner/Applicant shall guarantee and maintain all work for a period of not less than seven years and extending beyond seven years of monitoring for any needed replacement plantings and warrant that the Performance Standards specified above will be met. The guarantee shall cover both workmanship and plant materials, replacing any and all plants that die at appropriate intervals, and maintaining such replacements until the minimum survival rate is achieved. In addition, a 100 percent survival rate over the first year is required. All plants dead at the end of each month during the year after planting shall be replaced immediately. The Owner/ Applicant shall provide a copy of the guarantee to P&D for its review and approval.

Plan Requirements and Timing. Prior to issuance of the Zoning Clearance, the Owner/Applicant shall: (1) submit the open space/ conservation easement for review and approval; (2) implement the requirements of the easement as specified in the approved easement; (3) submit the Tree Replacement Plan to P&D for review and approval; and (4) provide P&D a copy of the signed contract with the restoration contractor. The Owner/Applicant shall post a performance security to ensure installation and a minimum 7-year maintenance period for replacement trees prior to initial brushing or grading. The performance security shall be based upon the itemized plants within the aforementioned contract.

Monitoring. P&D compliance monitoring staff shall inspect the plans and site throughout development to ensure compliance with and evaluation of all tree protection and replacement measures.

14. **MM BIO-4c Invasive Plant Pathogen Abatement (SOD Prevention).** A County-approved biologist will ensure that the spread or introduction of plant pathogens will be avoided to the maximum extent feasible. To reduce the potential for spread of sudden oak death and other pests, all grubbed woody material shall be chipped, spread out to dry, and disposed of on site or at an appropriate facility. To minimize the unintended movement of host material, soil, and water from areas infested with *Phytophthora spp.* the following Best Management Practices will be implemented:
- a. Prior to commencement of construction, the approved biologist shall evaluate the level of currently known *Phytophthora* infestations (e.g., viewable in SODmap) along the entirety of the Project area. In the event that there is a risk of infestation at any work area, establish a vehicle and equipment power wash station to remove potentially contaminated accumulations of soil, mud, and organic debris. The station shall be located within the potentially infested area, paved or rocked, well-drained so that vehicles exiting the station do not become contaminated by the wash water, and sited where wash water and displaced soil does not have the potential to carry fines to a watercourse.
 - b. Prior to entry to any proposed Project area for the first time, equipment must be free of soil and debris on tires, wheel wells, vehicle undercarriages, and other surfaces (a high-pressure washer and/or compressed air may be used to ensure that soil and debris are completely removed).
 - c. Compliance with the provision is achieved by demonstrating that the vehicle or equipment has been cleaned at a commercial vehicle or appropriate truck washing facility.

- d. The interior of equipment (cabs, etc.) must be free of mud, soil, gravel and other debris (interiors may be vacuumed or washed).
- e. Footwear and small tools must be thoroughly cleaned and sanitized before moving to a new job site. Shoe soles must be free of debris and soil. Water, a stiff brush, screwdriver or similar tool can be used to remove soil from shoe treads. Once soil or debris have been removed, an appropriate sanitizing agent of ethyl or isopropyl alcohol (at least 70 percent concentration) must be used to kill pathogen spores which may be present on boot soles or tools (sanitizing agent may be applied by using spray bottles filled with alcohol to thoroughly wet the surface). Boot soles and hand tools must be sprayed with enough alcohol that surfaces are fully coated and wet. Brushes and other implements used to help remove soil will be cleaned after use with alcohol.

Plan Requirements. The conditions identified above shall be implemented for any soil-disturbing activities throughout the life of the Project. All SOD prevention activities will be included in monthly and final reports.

Timing. The Owner/Applicant shall prepare a reporting format or log sheet for of all related compliance activities, to be submitted to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall monitor construction and revegetation activities to ensure the measure is fully implemented.

15. MM BIO-5

Pre-Construction Rare Plant Surveys and Restoration. The Applicant shall retain a County-approved botanist to conduct appropriately timed pre-construction surveys for sensitive native plant species, bryophytes, and lichens in all areas to be disturbed, including power line pole locations and access roads, and within a 100-foot buffer. Surveys will be valid for a period of one year. In the unlikely event that a federally listed plant species is found on or near an area to be disturbed by the Project (other than Gaviota tarplant impacts evaluated in the Project SEIR and addressed in Condition 16/MM BIO-6), the USFWS shall be consulted and the Project shall be adjusted to avoid impacts to the extent feasible. Other species protection measures recommended by the USFWS shall be implemented, as needed. In impact areas where avoidance of (California Rare Plant Rank) CRPR 1, 2, 3, or 4 plants or locally rare species is not feasible, for herbaceous species, for every one (1) acre of occupied habitat loss, three (3) acres of occupied habitat shall be re-established and protected by collection of seeds or other propagules from the plants during the appropriate time of year. For shrubs and trees, for every plant lost, three (3) plants will be re-established and protected. The seed or propagules shall be used for restoration in the immediate area (if suitable habitat continues to be present) or on a nearby, suitable location. In the case of lichens with regional significance, a qualified lichenologist shall recommend feasible methods to relocate and re-establish the lichens at a suitable nearby site, if avoidance is not feasible. Methods may include collecting, moving, and emplacing a sample of substrate supporting the lichen at a suitable site nearby.

The topsoil and seedbank shall be salvaged in all areas where the terrain allows it. Topsoil shall be windrowed or stockpiled and marked to keep it separated from subsoil. Topsoil piles shall be stabilized by covering the windrows or by spraying

with hydromulch and binder to protect the soil from wind erosion. Salvaged topsoil shall be spread over all restored areas.

Plan Requirements. The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by County staff prior to approval of the tentative Project map. If surveys indicate that replacement of sensitive native plants is necessary, the Applicant shall prepare a detailed mitigation plan as a component of the Site Restoration and Revegetation Plan (Condition 11/MM BIO-3) and submit it to P&D for approval. The Applicant shall file a performance security with P&D to complete restoration.

Timing. County staff will inspect the Project plans and site as well as review the mitigation plan to ensure compliance with this measure as appropriate. The mitigation plan shall be approved by P&D prior to issuance of the Zoning Clearance. P&D will review the 2019 botanical surveys (Dudek, 2019c) to determine if the field survey component of this mitigation measure is complete.

Monitoring. P&D compliance monitoring staff shall monitor construction and revegetation activities to ensure the plan is fully implemented.

16. MM BIO-6

Gaviota Tarplant Disturbance. The Project owner/operator shall retain a qualified botanist approved by P&D, USFWS, and CDFW to prepare a Gaviota Tarplant Mitigation Plan and shall obtain an Incidental Take Permit (CDFW) and Biological Opinion (USFWS) for impacts to Gaviota Tarplant. The Project owner/operator will implement the Gaviota Tarplant Mitigation Plan in coordination with P&D, CDFW, and USFWS. Gaviota tarplant habitat will include all areas of previously identified occupied habitat plus any additional areas that are discovered during preconstruction surveys prior to ground disturbance (to-date the cumulative total acreage of impacts is identified as 26.34 acres). Gaviota tarplant shall be assumed to be present within all areas where it had been previously mapped even if it is not evident during preconstruction surveys (because seedbank may be present that could germinate and establish under different environmental conditions). A determination shall be made of the total areas of (1) permanent habitat loss, (2) temporary excavations, and (3) surface disturbance for the construction phase of the Project. To the extent feasible, turbine micro-siting (Condition 36/MM BIO-15a) will avoid Gaviota tarplant habitat. Soil seed bank material and/or whole post-flowering Gaviota tarplant material (containing seed) will be salvaged from occupied habitat before construction-related disturbance. The seed bank or plant material will be managed to maintain seed viability and will be used to supplement on-site revegetation (per Condition 11/MM BIO-3, Site Restoration and Revegetation Plan) where appropriate (to be specified in the Gaviota Tarplant Mitigation Plan). CDFW and USFWS will be consulted regarding implementing the mitigation strategy, which could also include offsite preservation of existing occurrences. Compensatory mitigation for Gaviota tarplant shall be implemented to offset take; compensation lands will be managed according to the Gaviota Tarplant Mitigation Plan. Permanent disturbance to Gaviota tarplant shall be mitigated at a minimum 3:1 ratio. Areas of temporary disturbance shall be restored to pre-disturbance conditions and compensated at a 3:1 ratio. Temporary impacts to Gaviota tarplant habitat will be mitigated as permanent impacts unless monitoring over at least a 15-year period demonstrates full recovery of self-sustaining Gaviota tarplant occurrences (plant density and extent of occupied

area) in the temporarily impacted areas. To account for annual variability, the final density and extent of the Gaviota tarplant occurrence in the restored area can be adjusted to compare to pre-disturbance levels using metrics obtained from a nearby reference location to demonstrate full recovery has occurred.

Plan Requirements. The Project owner/operator shall submit the Gaviota Tarplant Mitigation Plan, CDFW ITP, and USFWS Biological Opinion to P&D along with the detailed grading plan. The detailed grading plan, showing the limits of the grading shall be reviewed and approved by County staff prior to approval of the final plans. The Applicant shall file a performance security with P&D to complete restoration. The mitigation plan shall also address ongoing impacts during the operations phase of the Project as well as the more extensive impacts that will result from Project construction.

Timing. The CDFW ITP and USFWS Biological Opinion shall be submitted by the Project owner/operator prior to approval of the Land Use Permit for construction phase.

Monitoring. P&D compliance monitoring staff shall verify that the perimeter of all approved work areas in Gaviota tarplant habitat are properly flagged prior to any ground disturbance in the area and shall monitor construction and revegetation activities to ensure the plan is fully implemented per the CDFW ITP and USFWS Biological Opinion.

The Director shall submit a report on the implementation of the Gaviota Tarplant Mitigation Plan to the Planning Commission at a public hearing annually for a five year period. The reporting shall commence one year after the wind turbines become operational or as soon thereafter as practical.

17. MM BIO-7

Kellogg's and Mesa Horkelia Habitats. For Kellogg's and mesa horkelia occupied habitats identified during pre-construction surveys (see MM BIO-5, above) and the 2018 *Horkelia cuneata* assessment (Dudek, 2018b), the Applicant shall minimize plant removal to the extent feasible and facilitate in situ conservation of extant Kellogg's and mesa horkelia through methods such as adjusting disturbance area boundaries and tracking over Kellogg's and mesa horkelia habitat, where the terrain shall safely allow it, rather than widening roads beyond the permanent road width to minimize plant removal. A qualified native plant horticulturist will salvage Horkelia plants and rootstocks prior to site disturbance and reintroduce them onto restoration sites. The seedbank shall be salvaged and stockpiled separately from other spoil along roads and adjacent to other facilities constructed in Kellogg's and mesa horkelia habitat as described for Gaviota tarplant (MM BIO-6). Salvaged stockpiles shall be covered or sprayed with hydromulch and binder to crust the surface to minimize soil loss to wind erosion and to protect from rain and mold. Salvaged seedbank shall be spread over restored areas as described for Gaviota tarplant except that a normal mixture of mulch and binder shall be used. If the area is within Gaviota tarplant habitat, methods for the latter shall be used.

Plan Requirements. The detailed grading plan, showing the limits of the grading will be reviewed and approved by County staff prior to approval of the tentative Project map. If surveys indicate that replacement of horkelia is necessary, the Applicant shall prepare a detailed mitigation plan as a component of the Site Restoration and Revegetation Plan (Condition 11/MM BIO-3) and submit it to P&D

for approval. The Applicant shall file a performance security with P&D to complete restoration.

Timing. The mitigation plan shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance staff shall inspect the Project plans and site as well as review the mitigation plan to ensure compliance with this measure as appropriate. P&D compliance monitoring staff shall monitor construction and revegetation activities to ensure the plan is fully implemented.

18. MM BIO-8

Native Grassland Restoration. The Applicant shall retain a County-approved botanist to determine the total area of native grassland to be removed (temporary and permanent) during Project construction, following final engineering.

Impacts to native grassland shall be mitigated through a combination of seeding with salvaged topsoil (seedbank salvage), seed collected on site, and purchased seed from locally-grown stock. Seed shall be collected from the populations of native grasses and native grassland species on the Project sites prior to the start of construction. The seed shall be stored dry and included in the seed mixture applied to the restored areas. Drill seeding shall be performed for mixtures that include native grass seed. Native grassland revegetation techniques, locations, and success criteria shall be incorporated into the Restoration and Revegetation Plan (Condition 11/MM BIO-3).

Plan Requirements. The detailed grading plan, showing the limits of the grading will be reviewed and approved by County staff. The Applicant shall file a performance security with the P&D to complete restoration.

Timing. The mitigation plan shall be approved by P&D prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the mitigation plan to ensure compliance with this measure as appropriate. P&D compliance monitoring staff will monitor construction and revegetation activities to ensure the plan is fully implemented

19. MM BIO-9

Wetland Avoidance and Riparian Habitat Restoration Plan. The Applicant shall make every effort to minimize the area and degree of impact to State and Federal wetlands and other Waters of the U.S. associated with placement of bridges, siting of the O&M facility, and other construction-related tasks through a Wetland Avoidance and Riparian Habitat Restoration Plan.

All final construction design plans and mapped wetland features shall be clearly presented in the Wetland Avoidance and Riparian Habitat Restoration Plan for approval by P&D, CDFW, USACE, and RWQCB, as applicable. The plan shall present an approach for the restoration of lost and/or disturbed features including calculations, proposed restoration locations, cattle or other disturbance barriers, plant mixes, quantitative restoration goals (maximum criteria for weedy species and minimum criteria for native hydrophytic plants), and temporal and native plant composition success criteria. At a minimum, any temporarily disturbed wetlands or other jurisdictional feature shall be restored to its former condition at an aerial ratio of 1:1 with a clearly defined temporal goal and success criteria. If any jurisdictional feature is permanently lost, it shall be mitigated by the creation, preservation, and/or enhancement of the same type of feature in the Project area at an aerial ratio of 3:1.

Best Management Practices. All wetland areas within 50 feet of ground disturbance shall be protected from siltation by placement of silt fence, straw bales (composed of certified weed-free straw), or other barriers. Barriers shall be in place prior to ground disturbance.

No fueling of vehicles or equipment shall occur within 100 feet of the top of any creek bank or within 100 feet of any seep or spring. Further, spill containment measures shall be implemented at all refueling sites. In the event that petroleum products escape into a creek, seep, or spring, every effort will be made to immediately remove the material using plastic sheets, absorbent blankets, or other materials, as necessary.

Runoff from fresh concrete shall be directed away from the top of any creek bank and from any seep or spring into a plastic-lined hollow. Any washout from concrete trucks shall be collected within a designated contained and lined area and removed from the site. Dried concrete scraps shall be removed and all trash and litter shall be picked up and removed from the construction sites at the end of each day.

Riparian Habitat Restoration. The riparian habitat restoration component of the plan shall be designed using state-of-the-industry practices and monitored to ensure attainment of performance criteria within five years, or remedial actions shall be undertaken until the performance criteria are achieved. The plan shall include, but not be limited to, specific elements that would normally be required for the successful achievement of the performance standard:

- a. Restoration shall include native riparian species from locally obtained plants and seed stock.
- b. The new plantings shall be monitored for a minimum of five years to ensure successful establishment. Dead plants shall be replaced in kind, and monitoring shall continue until performance criteria are met.
- c. The new plantings shall be irrigated with drip irrigation on a timer and shall be weaned off of irrigation when root zones are established.
- d. Removal of native species in the creek shall be prohibited.
- e. Non-native species located in the work area shall be removed from the creek.

Plan Requirements. The detailed Wetland Avoidance and Riparian Habitat Restoration Plan shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance. This condition shall be printed on all Project plans. A biological/wetland monitor shall be present for all activities that have the potential to directly or indirectly affect regulated wetland features. Prior to issuance of the Zoning Clearance, the Applicant shall also file a performance security with P&D for complete restoration.

Timing. Any proposed removal or temporary disturbance to jurisdictional features shall be approved by P&D, CDFW, and the USACE prior to any construction that may affect wetland features. Site-specific wetland creation/restoration plans shall be developed by the Applicant and approved by P&D, in consultation with CDFW, and USACE as appropriate, prior to issuance of the Zoning Clearance. The Applicant shall independently consult with CDFW and USACE as necessary. The plan shall be implemented within one year of the disturbance and in consultation with CDFW and County staff.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site, as well as review the mitigation plan to ensure compliance with this measure and will monitor construction and revegetation activities to ensure the plan is fully implemented.

- 20. MM BIO-11a Pre-Construction Wildlife Surveys.** The Applicant shall retain a County-approved biologist to perform a wildlife survey prior to ground disturbance, including grading and the excavation of the WTG sites. The biologist shall survey the surrounding area (where access allows) out to a 300-foot radius from the WTG site, the WTG footings, access roads, and staging, parking, and lay down areas prior to grading. Surveys shall be completed daily before the start of initial vegetation clearance or ground disturbance in any affected area. If any special-status wildlife species are found, they shall be relocated to similar habitat at least 300 feet away from construction activity. Common species shall be relocated as feasible.

Plan Requirements. This condition shall be printed on all Project plans. The Applicant shall report compliance with this measure in the Monitoring Report (MM BIO-11d) to County staff on survey and relocation activities.

Timing. Results of wildlife surveys shall be submitted to County staff prior to ground disturbance. This measure shall be implemented throughout all ground disturbances.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site, as well as review the monthly reports to ensure compliance with this measure, as appropriate.

- 21. MM BIO-11b Fencing.** To minimize the amount of disturbance to wildlife habitat and sensitive biological resources, the Applicant shall clearly mark environmentally sensitive areas for avoidance in the field. These areas include, but are not limited to, occurrences of special-status plants, trees to be avoided, sensitive vegetation communities adjacent to work areas, and jurisdictional resources. Project boundaries shall be clearly marked with fencing or staking that shall be replaced as needed.

Plan Requirements. The detailed fencing plan, showing the location of required fencing shall be reviewed and approved by P&D staff prior to initiation of ground-disturbing activities. This condition shall be printed on all Project plans.

Timing. The detailed fencing plan, showing the location of required fencing shall be reviewed and approved by P&D staff prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site, to ensure compliance with this measure as appropriate. P&D compliance monitoring staff will review construction monitoring reports to ensure the plan is fully implemented.

- 22. MM BIO-11c Biological Monitoring.** The Applicant shall fund a County-approved, Environmental Monitor during Project construction to monitor construction activities and to ensure compliance with all mitigation measures. The Environmental Monitor shall be present on site during all vegetation removal and during all initial ground disturbance activities for all aspects of the Project and shall regularly inspect the Project site as needed after the initial ground disturbances to ensure that all mitigation measures are being implemented. The Environmental Monitor shall

ensure that wildlife do not become entrapped in the excavations during installation of the WTGs and associated underground collection system from the WTGs to the substation (i.e., open trenches). Safeguards shall be implemented during daytime periods of non-activity and overnight, such as a placing a platform over the entire excavation site, flush with the ground surface, installing escape ramps in trenches, or exclusionary fencing. The Environmental Monitor shall be responsible for ensuring these safeguards are in place on a daily basis. Should relocation be required, construction shall be halted until the Designated Biologist arrives on site and clears the work area (in compliance with all applicable permits and authorizations).

Plan Requirements. The Environmental Monitor shall work closely and cooperatively with County staff and County’s consultants on a daily basis or as needed.

Timing. The Environmental Monitor shall be designated prior to the start of construction.

Monitoring. P&D compliance monitoring staff shall work with the Environmental Monitor throughout construction.

- 23. MM BIO-11d Monitoring Report.** On a bi-weekly basis, P&D-approved, Environmental Monitor shall provide P&D a Construction Monitoring and Biological Resources Mitigation Report. This report shall include a description of the activities that have occurred on site, wildlife species encountered, relocation efforts, wildlife mortalities and injuries, violations or issues with construction activities, and any Project-related resolutions.

Plan Requirements. The Applicant shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to County staff. On a bi-weekly basis, the Applicant shall report compliance with this measure in writing to County staff on survey and monitoring activities.

Timing. The format of the Construction Monitoring and Biological Resources Mitigation Report shall be submitted by the Applicant and approved by P&D prior to start of construction.

Monitoring. The Environmental Monitor shall submit the Construction Monitoring Report on the first and third week of each month to detail the previous two week’s activities. This report may be submitted electronically. P&D compliance monitoring staff will review the Construction Monitoring Report throughout construction.

- 24. MM BIO-12 Avoidance Measures for Nesting Birds.** All trees and brush to be removed as part of Project-related construction activities shall be removed outside of the bird breeding season (February 1 to August 31) to avoid additional impacts to nesting raptors and other native birds. Vegetation clearing shall occur outside the bird breeding season whenever feasible to minimize impacts to nesting birds. If construction must take place in or near areas with potential for breeding birds during the breeding season (February 1 to August 31), P&D-approved biological monitor(s) shall oversee pre-construction breeding native bird surveys within seven (7) days of construction commencement (i.e., mobilization, staging, vegetation clearing, or excavation). Surveys shall be conducted in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation or site access restrictions render a 500-foot survey radius infeasible. Surveys shall be conducted to include all structural components of the on-site equipment and existing infrastructure, including construction equipment. All native birds observed, breeding behaviors, and bird nests

within areas of suitable breeding bird habitat in the construction zone shall be noted. The required survey dates may be modified based on local conditions with the approval of P&D.

If breeding native birds with active nests (i.e., containing eggs or dependent young) are found prior to (or during) Project activities including vegetation clearing and excavations, a biological monitor shall oversee the establishment of a buffer (typically 300 feet for passerines and 500 feet for raptors other than eagles, see below) around the nest; no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. If appropriate, temporary construction fencing may be installed to mark the buffer area around active nests to prevent construction activities from occurring in the buffer area. The prescribed buffers may be adjusted to reflect existing conditions, including but not limited to ambient noise, topography, and disturbance, with the approval of P&D of Santa Barbara in coordination with CDFW. If a nest buffer is reduced below the standard buffer size, then a qualified, County approved ornithologist shall monitor the nest daily to ensure that Project activities are not causing disturbance. If birds show signs of disturbance, the buffer will be increased.

Nest surveys for golden eagles shall be conducted within 1 mile of the Project, and a 1-mile buffer shall be implemented around each active nest where no Project-related construction disturbance is permitted while the nest is active. This buffer may be adjusted with concurrence from the USFWS and CDFW.

If native birds are found to be nesting in existing infrastructure proposed for removal, buffers as described above shall be implemented and removal shall be postponed until the young have fledged or, if no young are present, until after the breeding season has passed. If birds are found to be nesting in construction equipment, that equipment shall not be used until the young have fledged the nest or, if no young are present, until after the breeding season has passed. The biological monitor(s) shall oversee regular monitoring of the nest to determine success/failure and to ensure that Project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for the results of the surveys and providing a copy of the monitoring reports for impact areas to P&D. Monitoring reports shall be produced weekly, and shall document nest locations, descriptions of nest status, actions taken to avoid impacts, and any necessary corrective actions taken. Active nest locations shall be marked on an aerial map and provided to the construction crew on a weekly basis after each survey is conducted. Active nests shall not be removed without written authorization from USFWS and CDFW.

Surveys for burrowing owls shall be conducted within seven (7) days of construction within all suitable habitat in the Project area, including areas within 500 feet of all Project facilities, WTG sites, and access roads (where access allows), unless a smaller survey area is authorized by CDFW. The survey shall be performed regardless of season of the year due to this species' being present in the winter.

During both the construction and O&M phases, a speed limit of 15 mph shall be established and enforced. The speed limit shall reduce the potential for loss of bird species, including passerines, due to collisions with vehicles.

Plan Requirements. This condition shall be printed on project plans prior to grading permit issuance.

Timing. Pre-activity clearance surveys shall be conducted by a P&D-qualified biologist each morning and/or within new work areas prior to commencement of work. All pre-activity survey reports shall be submitted to P&D prior to the initiation of ground-disturbing activities.

Monitoring. P&D compliance monitoring staff shall review reports and conduct site inspection as needed during pre-construction and construction for compliance with this measure.

25. **MM BIO-13 Conservation of El Segundo Blue Butterfly (ESBB).** Nothing in this measure authorizes take of the federally listed ESBB, including its eggs, pupae, or larvae. Unless directed otherwise by the USFWS (in a Biological Opinion), initial disturbance of occupied or potentially occupied ESBB habitat may only occur early during the flight season to avoid destroying ESBB eggs, pupae, or larvae and maximize possibility that adult butterflies will move to nearby habitat for egg laying. A qualified ESBB monitor must confirm flight dates on the site and monitor all vegetation clearing or initial site preparation activities.

Surveys. Prior to initiation of construction activities within or adjacent to ESBB habitat, a qualified entomologist approved by P&D and USFWS shall conduct directed protocol surveys for ESBB during the flight season (approximately mid-June to August) within all areas of coast buckwheat on the Project site that could be impacted by construction, operation, or maintenance of the Project. If the ESBB is detected, occupied areas shall be designated ecologically sensitive areas and protected with a 500-foot disturbance-free buffer during construction activities unless otherwise authorized through the context of a Biological Opinion.

Habitat Restoration or Enhancement. A plan to restore and/or enhance ESBB habitat shall be prepared by a County-approved botanist with input from a County-approved entomologist. The goal of the plan shall be to establish mature coast buckwheat plants with other Central coast scrub species on areas having sandy soils and judged suitable for this type of restoration or enhancement by the Project biologist and County-approved entomologist. In order to provide suitable larval food sources for ESBB and minimize any temporal loss of occupied or suitable habitat, the plan will incorporate potted coast buckwheat nursery stock (preferably salvaged from other on-site disturbance areas) and specify irrigation or other management/maintenance measures to establish suitable habitat as rapidly as possible. ESBB habitat restoration will commence at the earliest feasible date, prior to disturbance of existing occupied or suitable habitat. The restoration or enhancement will preferably occur in or adjacent to one or more areas of existing habitat supporting coast buckwheat on sandy soils or it could occur in an area disturbed by the Project. If those locations are not feasible, the restoration and enhancement plan will identify alternate locations, to be based on restoration science and ESBB habitat considerations. The plan shall identify sites to be restored or enhanced and the approach to restoration and enhancement, including proposed density of coast buckwheat plants, which shall be generally consistent with the density of coast buckwheat in occupied ESBB habitat in the Project region and performance criteria shall reflect that density. Restoration or enhancement will be conducted at a 3:1 ratio (3 acres of restored suitable habitat for each acre of temporarily or permanently disturbed suitable habitat) on an acre-for-acre basis. The plan shall be submitted to USFWS for review and approval, prior to implementation.

Following completion of the restoration or enhancement, the owner/applicant will monitor vegetation performance and ESBB occurrence on both restoration sites and previously mapped habitat (both suitable and occupied) to evaluate success of the mitigation. Additionally, the restoration and enhancement plan will identify remedial measures to be implemented as needed to improve the success of the mitigation.

Suitable and occupied ESBB habitat adjacent to construction areas shall be clearly marked for avoidance (e.g., by orange plastic construction fencing). The delineation shall be directed and approved by a County-approved biologist.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to County staff on monitoring activities, including avoidance measures and restoration/habitat enhancement.

Protocol surveys shall be documented in a report to be provided to P&D, USFWS, and CDFW. The report shall include a description of methodology, description and maps of the survey areas, and identification of locations of any ESBB observed in the Project area (including maps and GPS coordinates). Occupied sites shall be described in detail in the report (vegetation, soils, exposure, and other factors that may influence species occurrence).

Timing. The habitat restoration/enhancement plan, protocol survey report, and the Biological Opinion shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall review Project plans, conduct site inspections as appropriate and review the monthly reports for compliance with this measure.

26. **MM BIO-14a Coast Horned Lizard.** The Applicant shall fund a County-approved biologist to conduct daily clearance surveys of active construction areas, including the sites of footings for WTGs and power poles, access roads, and staging, parking, and lay down areas, for coast horned lizards. The survey may be done in conjunction with surveys for ground-nesting birds. However, the survey for horned lizards shall be performed regardless of season of the year. If horned lizards are found, they shall be relocated to similar habitat at least 300 feet away from construction activity.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and relocation activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall review Project plans, conduct site inspections as appropriate and review the monthly reports to ensure compliance with this measure.

27. **MM BIO-14b Northern California Legless Lizard.** The Applicant shall retain a County-approved biologist to survey for legless lizards in suitable habitat within the Project footprint as well as for a distance of 50 feet away (where access allows). Surveys shall consist of raking substrates in suitable habitat and relocating any legless lizards into suitable habitats at least 100 feet from construction activities. The biologist shall work with the equipment operator during initial vegetation clearance to identify those areas that would require legless lizard mitigation, and then to salvage and relocate exposed

animals. The following techniques shall be employed to minimize impacts to the legless lizard:

1. Following initial vegetation clearance in pre-identified areas, grading shall be done in two consecutive 6- inch layers.
2. With each lift, the biologist shall check the areas for possible relocation of legless lizards. If any are found, they shall be moved to similar habitat near shrubs at least 100 feet from the construction sites.
3. Monitoring for legless lizards shall be discontinued when grading reaches depths greater than 12 inches.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on monitoring and relocation activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

28. MM BIO-14c San Diego Desert Woodrat. The Applicant shall retain a County approved biologist to survey the locations of WTGs and access routes prior to construction, as well as for a distance of 50 feet away (where access allows) for signs of the San Diego desert woodrat. The following technique shall be employed to avoid impacts to the San Diego desert woodrat:

1. If signs of this species are found at or near the areas to be disturbed (such as a small stick nest within a rock overhang), it shall be evaluated for potential impact due to construction activities.
2. If disturbance to a nest is likely to occur, the animal shall be live-trapped and relocated to a distance of 300 feet from Project activities and within similar habitat. The nest shall be dismantled and the materials placed at the relocation site within rocky habitat.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and relocation activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

29. MM BIO-14d American Badger. The Applicant shall retain a County-approved biologist to survey, within three (3) days prior to construction, for badger dens in the Project area, including areas within 250 feet of all Project facilities, WTG sites, and access roads (where access allows). The survey shall be performed regardless of season of the year. If badger dens are found, each den shall be classified as inactive, potentially active, or definitely active. Active dens include dens having a dirt apron with fresh diggings and tracks.

Inactive dens shall be excavated by hand and backfilled to prevent reuse by badgers.

Potentially and definitely active dens shall be monitored for 3 consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) or game cameras at the entrance. If no tracks are observed in the tracking medium after 3 nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage the badger from continued use. The den shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and burrow excavation activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

- 30. MM BIO-14e Roosting Bats.** All sites where trees, buildings, or other suitable bat roosting habitat will be removed shall be surveyed by a County-approved biologist for roosting bats immediately prior to construction in a given area. The survey shall occur at the sites of construction activity, as well as up to 300 feet away (where access allows). If an active roost is found, appropriate construction buffers shall be established based on the species, context of the roost, and activities planned as determined by P&D-approved biologist in coordination with P&D and CDFW as appropriate. Updated maps showing active roosting locations shall be distributed to the biological monitors, EQAP inspector, and crew foreman on a weekly basis. The roost shall be monitored to record any potential construction-related effects. Construction activities, buffer zones, and timing may be modified as directed by P&D and CDFW to avoid impacts to roosting bats.

If any non-maternity bat roost cannot be avoided, the Applicant will coordinate with CDFW to develop a site-specific strategy to minimize impacts to bats and allow them to leave the roost unharmed, and these activities will be conducted under CDFW guidance. Prior to destroying any known roost, the Applicant must demonstrate to P&D and CDFW that alternative bat roosting habitat is available nearby for any evicted bats to use.

Plan Requirements. This condition shall be printed on all Project plans. On a bi-weekly basis, the Biological Monitor shall report compliance with this measure in writing to P&D staff on survey results and buffer area design.

Timing. Surveys shall be conducted and submitted to P&D prior to construction. The Environmental Monitor shall submit the Monitoring Report on the first and third week of each month to detail the previous two week's activities. This report may be submitted electronically.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the bi-weekly reports to ensure compliance with this measure as appropriate.

- 31. MM BIO-14f Vernal Pool Fairy Shrimp.** The Applicant shall retain a qualified, County-approved biologist to conduct protocol surveys for the federally threatened vernal pool fairy

shrimp within suitable habitat each year of construction, in areas subject to Project disturbance. Surveys can only be suspended upon written authorization from the USFWS and P&D. The biologist shall hold the required 10(a)(1)(A) recovery permit from the USFWS to conduct surveys within all potential fairy shrimp habitat found within the Project footprint or, for habitat outside the footprint itself, that would be hydrologically affected by the Project (e.g., road ditches or berms that could redirect natural surface flows away from vernal pools) including, but not limited to, seasonal/ephemeral wetlands, swales, large road ruts and known vernal pool habitat. Surveys shall follow the guidelines set forth by the USFWS in the Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act (ESA) for Listed Vernal Pool Branchiopods. Within 90 days of the completion of surveys, a report shall be submitted to P&D and USFWS detailing the methods and results of each survey event.

Avoid Seasonal Depressions and Known Waterbodies. All known seasonal/ephemeral depressions, vernal pools and known water bodies that could be occupied by listed fairy shrimp shall be shown on all applicable construction plans. The Applicant shall avoid all seasonal/ephemeral depressions, vernal pools and known waterbodies that occur within the Project site to minimize impacts to listed fairy shrimp. A 100-foot buffer shall be placed around all seasonal/ephemeral depressions, vernal pools and known waterbodies that have the potential to, but do not presently support listed fairy shrimp, to prevent equipment from entering these areas. If, after conducting surveys, areas identified as potential habitat have been verified to not contain listed fairy shrimp, the 100-foot buffer can be removed. All vernal pools, seasonal depressions and known waterbodies containing documented populations of listed fairy shrimp shall require a 250-foot buffer. These buffers shall be shown on all applicable construction plans (with a highly visible method easily identifiable by construction workers in the field). On-site delineation of this buffer shall be in place prior to the commencement of construction activities. The method used for delineation shall be kept in good working order for the duration of the construction period.

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

Compensation for Impacts to Vernal Pool Fairy Shrimp Habitat. If Project impacts will result in impacts to habitat for, or result in the loss of, vernal pool fairy shrimp, then the Applicant will be required to consult with the USFWS. If occupied habitat cannot be avoided, the Applicant shall consult the USFWS and obtain the appropriate take authorizations or permits prior to site mobilization activities. The Applicant shall also implement any conservation measures contained within these permits. To compensate for impacts to occupied habitat, the Applicant shall provide both a preservation and creation component for compensation as follows:

1. **Preservation Component.** For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS approved ecosystem preservation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the Project site or on another non-bank site as approved by the USFWS.
2. **Creation Component.** For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS approved habitat mitigation bank, or, based on USFWS evaluation of site-specific conservation

values, two acres of vernal pool habitat will be created and monitored on the Project site or on another non-bank site as approved by the USFWS.

Plan Requirements. The Applicant shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to P&D staff. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and monitoring activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

- 32. MM BIO-14g California Red-Legged Frog.** The Applicant shall retain a qualified, County-approved herpetologist to conduct pre-construction surveys for the California-red-legged frog within all areas of critical habitat and within all suitable aquatic habitat in the Project site and adjacent to the transmission line corridor and San Miguelito Road modifications, including areas that would be affected by construction, operation, or maintenance of the Project, in accordance with the most current USFWS protocols. The surveys shall be documented including a description of methodology, description and maps of the surveyed areas, and identification of locations of any California red-legged frog observed within the proposed Project area (including maps and GPS coordinates). If the species is identified in the Project area at any time, the USFWS, CDFW, and P&D shall be notified within 48 hours and the Applicant shall consult with these agencies to determine the appropriate next steps. Construction monitoring and pre-construction surveys for the species shall be conducted in conjunction with other sensitive species monitoring as detailed in MM BIO-11c. Best management practices and avoidance measures to prevent impacts to wetland habitats shall be implemented as detailed in Condition 19/MM BIO-9. In addition, habitat restoration of upland habitats for the species shall be implemented as part of Condition 11/MM BIO-3.

Plan Requirements. The Applicant shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to P&D staff. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and monitoring activities.

Timing. Surveys shall be submitted prior to start of construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

- 33. MM BIO-14h Western Spadefoot Toad.** Prior to site mobilization, the Applicant shall retain a qualified biologist approved by P&D and CDFW to conduct the following:

1. Conduct a pre-construction survey during the appropriate time of year when this species can be detected (i.e., during periods of suitable rainfall that result in pooling or the formation of other aquatic habitat) to determine the presence of western spadefoot toad and related habitat. Surveys will include sampling seasonal water features that hold water for a minimum of four weeks, to detect eggs, larvae, metamorphs, or adults.

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2. Should the toad and habitat be found, and be impacted by temporary and/or permanent Project impacts, a habitat restoration and management plan shall be prepared for review and approval by P&D, in coordination with CDFW, that addresses the following:
 - a. Impacted occupied breeding habitat to be replaced, on-site, at a 2:1 ratio.
 - b. Relocation areas shall be designed as suitable toad habitat, and as far away as feasible from any Project-related structure or foreseeable construction area (minimum 250-foot buffer from construction activities). Relocation areas must be approved in advance by CDFW.
 - c. Terrestrial habitat surrounding the proposed relocation site shall be as similar in type, aspect, and density to the location of the existing ponds as feasible.
 - d. No site preparation or construction activities shall be permitted in the vicinity of any occupied ponds until the design and construction of the relocation habitat in preserved areas of the site has been completed and all western spadefoot toad adults, tadpoles, and egg masses detected are moved to the created pool habitat under the direction of CDFW. If egg masses or tadpoles are relocated, the newly constructed ponds shall also be inoculated with algae laden plant material/ and or water from the source ponds to provide a viable food source.
 - e. Restoration areas shall be included in the Site Restoration and Revegetation Plan and restoration shall be completed in accordance with Condition 11/MM BIO-3.
 - f. Permanent protection and management of restoration areas (e.g., conservation easement or fee title purchase, etc.).

Annually, for the duration of construction activities and based on appropriate rainfall and temperatures (generally between the months of February and April) the biologist shall conduct a series of surveys in all appropriate water bodies and surrounding 100-foot buffer areas within the Project footprint (where access allows). Surveys will include evaluation of all previously documented occupied areas and a reconnaissance level survey of the remaining natural areas of the site. All western spadefoot adults, tadpoles, and egg masses encountered shall be collected and released in the identified/created restoration ponds described above.

Plan Requirements. This condition shall be printed on all Project plans. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on monitoring and relocation activities.

Timing. Surveys shall be submitted prior to the start of construction and annually during the construction phase.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

34. **MM BIO-14i California Condor.** A qualified biologist with demonstrated knowledge of California condor identification shall be on site to monitor impacts to biological resources during all construction activities within the Project area and assist the

Applicant in the implementation of the monitoring program. Workers shall be trained on the issue of microtrash or litter during WEAP training, including what constitutes litter, its potential effects to California condors, and how to avoid the deposition of microtrash. In addition, daily sweeps of the work area shall occur to collect and remove trash. All spills of ethylene glycol shall be cleaned up immediately and a report documenting the actions taken to remediate the spill shall be provided to Santa Barbara County within five calendar days. All California condor sightings in the Project area during construction shall be reported directly to the USFWS, CDFW, and P&D staff.

Plan Requirements. The Applicant shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to P&D staff. On a monthly basis, the Applicant shall report compliance with this measure in writing to P&D staff on survey and monitoring activities.

Timing. This measure shall be implemented during construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

35. **MM BIO-14j Maternity Colony or Hibernaculum Surveys and Avoidance Measures for Special-status Bats.** Any necessary removal of potential bat roost habitat (i.e., large trees, snags, or rockpiles with interstitial crevices that are outside of existing disturbance areas) shall occur between September 1 and October 31 to the extent feasible to avoid potential impacts to bat maternity or hibernation roosts. If the September 1 to October 31 work window is not feasible, pre-disturbance bat roost surveys shall be conducted by a County-approved qualified biologist experienced with the bats that could occur in the Project area. No more than 15 days prior to vegetation removal or initial site disturbance in previously undisturbed areas, the qualified biologist shall conduct surveys for special-status bats within 300 feet of proposed disturbance areas (where access allows). If hibernacula (hibernation roosts) or maternity roosts are found, no work shall occur within 100 feet during the hibernation period (November 1 to March 31) or breeding season (March 1 to July 31), as applicable.

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

Plan Requirements and Timing. The qualified biologist shall conduct surveys for special-status bats within 300 feet of proposed disturbance areas (where access allows) and shall report results of the surveys to the P&D staff. The biologist shall inform P&D and CDFW of the need to evict any special-status bats prior to implementing the evictions and shall monitor and report the results of such evictions to P&D and CDFW.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the monthly reports to ensure compliance with this measure, as appropriate.

- 36. MM BIO-15a Siting.** The turbines shall be micro-sited (i.e., moved up to 100 feet from current site plan design) so that each WTG and transmission tower is located at least 500 feet away from active raptor nest sites, if present, and to avoid or minimize impacts to other biological resources including Gaviota tarplant, El Segundo blue butterfly habitat, as well as other special-status plant occurrences and wildlife habitat. Preconstruction surveys (Condition 20/ MM Bio-11a) shall identify existing raptor nest sites and other sensitive resources. The Applicant shall, in consultation with the CDFW, attempt to dissuade raptors from building new nests within 500 feet of any turbine.

Plan Requirements. This measure shall be printed on all Project plans.

Timing. During the preconstruction and construction phases, the Applicant shall provide P&D with monthly summary reports of raptor nest survey results and any activities undertaken to dissuade new nests near turbines, which may be provided electronically. This measure shall be implemented throughout construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site and review the monthly reports to ensure compliance with this measure, as appropriate.

- 37. MM BIO-15b Appropriate WTG and Project-Element Design.** To minimize the likelihood of collisions of birds with WTGs and Project transmission poles, transmission lines, and power collection lines, the design features of all WTGs and Project related facilities shall include the following:

All overhead collection lines and transmission lines shall be designed to minimize the potential for raptor electrocution and collision using the latest APLIC (2012) guidelines. Conductors shall be marked for avoidance in accordance with the APLIC guidelines. Line spacing shall accommodate protection of the California condor and shall be a minimum of 83 inches. Further, construction and work procedures shall be consistent with the APLIC guidelines “*Reducing Avian Collisions with Power Lines: The State of the Art in 2012.*”

WTGs shall be microsited and designed to minimize collision potential, consistent with *USFWS Land-Based Wind Energy Guidelines (2012)* and *California Guidelines for Reducing Impacts To Birds And Bats From Wind Energy Development (2007)*. The Owner/Applicant shall confer with a qualified wildlife biologist experienced in evaluating WTG bird and bat hazards to develop micrositing plans. WTGs with low rotational speed (approximately 10 to 23 revolutions per minute [RPM]) and tubular towers shall be used.

1. All permanent meteorological towers shall be unguyed.

2. Installation of active control technology, such as one or more IdentiFlight units⁴ or other proven technology as available, that can identify large birds such as eagles and automatically curtail WTG operation if birds are detected approaching or entering the Project site.
3. Installation of one or more bat deterrents at the Project site, such as the Bat Deterrent System developed by NRG Systems.⁵
4. Aviation warning lights installed on turbines shall be designed to minimize impacts to night-migrating birds by utilizing white lights with the longest permissible duration between flashes or strobes, to the extent feasible to maintain consistency with Project-specific FAA requirements.

Plan Requirements and Timing. These measures shall be printed on Project plans. The Applicant shall provide P&D final building plans including design element plans for review and approval prior to issuance of the Zoning Clearance. This measure shall be implemented throughout construction.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as appropriate to ensure compliance with this measure.

- 38. MM BIO-16 Monitoring and Adaptive Management Plan – Bird and Bat Conservation Strategy.** A Monitoring and Adaptive Management Plan is required, due to the uncertainty of the Project’s operational impacts on protected and special-status bird and bat species. The Plan shall be developed and implemented in an effort to provide maximum feasible mitigation for those impacts. Monitoring studies of bird activity and fatalities at the site shall be required to collect information on bird activity and fatalities caused by wind farm operations. In addition, an Adaptive Management Plan (AMP) shall be implemented if the bird or bat mortalities trigger specified thresholds.

The Owner/Applicant will incorporate the Monitoring and Adaptive Management Plan into a Bird and Bat Conservation Strategy to be submitted to USFWS and CDFW for review and approval. Additionally, prior to beginning operation, the Owner/Applicant will submit an application to obtain golden eagle take authorization from USFWS under the federal Bald and Golden Eagle Protection Act ~~or and~~ will provide P&D with a letter from USFWS stating that ~~either such application is deemed complete authorization is under review and expected to be issued or is not necessary for the Project.~~ The application for take authorization will incorporate all components of the Monitoring and Adaptive Management Plan that pertain to golden eagles and will specify hazard removal measures such as powerline retrofitting to offset potential take of golden eagles. Note that take of golden eagles is prohibited under California law as this species is fully protected.

P&D will enforce the following measures unless CDFW either adopts them as part of a Sec. 2081 incidental take permit or Sec. 1602 streambed alteration agreement or if CDFW, as a Responsible Agency, enforces Condition 38/MM Bio-16.⁶ In reviewing and approving the final plan and applying the required measures, P&D will consult with CDFW and USFWS, as appropriate.

⁴ <http://www.identiflight.com>

⁵ <http://www.nrgsystems.com/products/bat-deterrent-systems>

⁶ Section references are to sections of the California Fish and Game Code.

The Plan shall be prepared by a County-approved biologist and be subject to P&D approval. The Plan shall include the sections outlined in subsections 16.a to 16.d below, which comprise the following components:

- a. **Before-after/Control-impact (BACI) Study.** Required study to compare pre- and post-construction bird use on the site.
- b. **Bird/Bat Mortality Study.** Required study to estimate bird and bat mortality rates during wind farm operations and to identify WTGs causing unanticipated levels of mortalities.
- c. **Remove Carrion Near Turbines.** Program to promptly remove carrion from livestock grazing areas in the Project site for the purpose of reducing the attraction of raptors, vultures, and condors.
- d. **Adaptive Management Program.** Additional mitigation measures to be required if specific thresholds of bird or bat mortality are reached.

Plan Requirements. The Owner/Operator shall prepare the Adoptive Management Plan as described in Conditions 38-42 (MMs BIO-16, 16a, 16b, 16c, and 16.d) below, in consultation with CDFW and USFWS.

Timing. The Adoptive Management Plan shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance. In reviewing and approving the final plan and applying the required measures, P&D will consult with CDFW and USFWS, as appropriate.

Prior to beginning operation, the Owner/Operator shall:

(1) submit an Eagle Conservation Plan (ECP) and application to obtain golden eagle take authorization from to the USFWS under the federal Bald and Golden Eagle Protection Act or and shall provide P&D with a letter from USFWS stating that either such authorization is under review and expected to be issued or is not necessary for the Project. an ECP has been submitted and the application is deemed complete;

(2) provide the County with a signed contract with the contractor responsible for implementing the Adaptive Management Plan described in both the ECP and in Condition 42/MM BIO-16d, the Before-After/Control-Impact Study (Condition 39/MM BIO-16a), Bird/Bat Mortality Study (Condition 40/MM BIO-16b), and prey base reduction measures are implemented (Condition 41/MM BIO-16c);

(3) provide documentation demonstrating the complete installation of active surveillance technology (such as Identiflight units) described in Condition 37/MM BIO-15b; and

(4) provide a letter of commitment to P&D stating the Owner/Operator shall maintain an active eagle take permit application with the USFWS and will ensure compliance with all compensatory mitigation requirements that may result from the permit.

Monitoring. P&D compliance monitoring staff will ensure that the Eagle Take Permit application remains active with the USFWS, and that the Adaptive Management Plan (described below in Condition 39/MM BIO-16a and Condition 42/MM BIO-16d), the Before-After/Control-Impact Study (described below in Condition 39/MM BIO-16a), Bird/Bat Mortality Study (described below in Condition 40/MM BIO-16b), and prey base reduction measures are implemented (described below in Condition 41/MM BIO-16c). P&D compliance monitoring staff

will review all monthly, quarterly, and annual reports provided pursuant to the Avian and Bat Mitigation Plan and ensure that appropriate adaptive management measures are undertaken if AMP thresholds are reached (see Monitoring under Condition 42/MM BIO-16d).

After the commencement of operations, P&D planning staff will file a report to the Planning Commission every six months regarding the status of the Eagle Take Permit application, and the Owner/Operator shall present the status of the application to the Planning Commission via a public hearing every two years until the Eagle Take Permit is issued. The Owner/Operator shall provide P&D planning staff a copy of the approved USFWS Eagle Take Permit upon issuance.

- 39. MM BIO-16a Before-After/Control-Impact (BACI) Study.** Conduct BACI surveys under direction of a County-approved biologist. The purpose of the BACI surveys is to compare pre- and post-construction bird use on the site; to assess the effects of the Project on avian species; to assist in determining whether additional mitigation elements are necessary; and to collect research data to better understand wind power industry impacts and provide regulatory agencies with data for future Projects. Study reports shall include estimates of average bird usage on the site and information on the location of species within the site, flight elevations and patterns of activity, and WTG avoidance behavior. The study data and reports shall be provided to P&D for review. The surveys shall be conducted from the time of Project approval throughout the life of the Project.

The methodology shall include methods for interpreting and summarizing the data, and the contents, format and schedule for reports. The methodology should follow the recommendations of the CEC Guidelines (CEC and CDFG, 2007)⁷ and USFWS Land-Based Wind Energy Guidelines (2012). The methodology may incorporate the Applicant's current BACI methods as appropriate and explain any substantive changes between the studies currently being conducted by the Applicant and the methodology proposed for approval. The methodology could be modified during the course of the BACI study, with concurrence of P&D and Project operator.

Plan Requirements, Timing and Monitoring. See Plan Requirements, Timing and Monitoring under Condition 38 (MM BIO-16).

- 40. MM BIO-16b Bird/Bat Mortality Study.** Conduct a bird and bat mortality study under direction of a County-approved biologist. The purpose of mortality surveys is to estimate mortality rates for different species on the site attributable to collisions with WTGs and to identify individual WTGs or groups/strings of WTGs that cause unanticipated levels of mortality. The information will be used to determine whether the mortality thresholds of the Adaptive Management Plan (see AMP, below) have been reached. In addition, the collected data will add to the body of knowledge to provide regulatory agencies with data for future Projects. Brief quarterly reports including tabulated search data and annual reports including analysis of the year's data shall be prepared. The study data and reports shall be provided to the P&D for review. Monitoring shall be conducted for life of the Project.

The general design of the study should follow recommendations of the CEC Guidelines (2007) and USFWS Land-Based Wind Energy Guidelines (2012), or improved methodologies if appropriate, including methods for carcass search

⁷ California Guidelines for Reducing Impacts To Birds And Bats From Wind Energy Development (2007)

surveys, scavenger studies, evaluation of researcher efficiency, data analysis and reporting methodology. Specifically, carcass searches shall occur once every two weeks at 30 percent of the WTGs, or more if needed, as recommended in the CEC Guidelines. Reports shall include mean estimated fatalities and 90 percent confidence intervals for species or appropriate bird and bat groups. The plan shall include training of Project operations staff in handling and reporting avian and bat fatalities encountered in the course of their regular activities. The selection of which WTGs to monitor may be adjusted from year to year (or as appropriate).

Sampling methodology (including but not limited to search methods, areas, and techniques) and sample locations to be approved by P&D with outside technical support if needed. If the AMP is triggered by excess fatalities, the frequency or design of carcass searches should be modified, as provided in the AMP.

Plan Requirements, Timing and Monitoring. See Plan Requirements, Timing and Monitoring under Condition 38 (MM BIO-16).

- 41. MM BIO-16c Remove Carrion Near Turbines.** Conduct a program under direction of a County-approved biologist to promptly remove carrion from all areas in the Project site within a 500-foot radius of every WTG. The program shall include regular patrols of the Project site to locate and remove livestock carcasses or other carrion, to minimize attractants for avian carrion feeders such as vultures, condors, hawks, and eagles. The program’s plan shall be subject to P&D approval. Brief quarterly reports documenting patrols and removals shall be provided to P&D for review. The reports may be provided electronically. The program shall begin during the construction phase and continue for the duration of Project operation.

At minimum, the program’s plan shall include the specific patrol and reporting schedule throughout the Project site to identify carcasses and carrion; carcasses and carrion will be removed from the vicinity within 24 hours of being located.

Plan Requirements, Timing and Monitoring. See Plan Requirements, Timing and Monitoring under Condition 38 (MM BIO-16).

- 42. MM BIO-16d Adaptive Management Plan (AMP).** Develop an Adaptive Management Plan (AMP) to be activated in the event that bird or bat mortality exceeds specified threshold levels. The AMP provides a structured framework to guide response, in case Project operations result in excessive mortality that was unforeseeable at the time of EIR certification and Project approval. The AMP defines two impact categories and corresponding response options, as described below. Table 4.5-6 summarizes the thresholds that will trigger Level 1 and Level 2 actions by P&D. Level 2 actions may also be triggered by annual mortality statistics, as described below.

SEIR Table 4.5-6. Adaptive Management Threshold Criteria (Actions required if number of fatalities caused by WTGs reaches these thresholds in any consecutive 12-month period)

	Level 1	Level 2
	- Notify County - Increase carcass search frequency in specified area(s)	- Notify County - Adaptive measures to reduce fatalities
Federal- or California-listed species or California Fully Protected Species	1 fatality	2 fatalities

Non-listed Sensitive Species (CSC, WL, and Local Species of Concern)	2 fatalities (birds) 2 fatalities (bats)	3 fatalities (birds) 3 fatalities (bats)
Raptors without designated conservation status	3 fatalities	5 fatalities
Non-sensitive bird or bat species	4 fatalities per WTG, per year	12 fatalities per WTG, per year
Any injured birds will be counted as “mortalities.”		

Level 1 – First Alert and Enhanced Survey

If recorded bird or bat fatalities reach the threshold criteria for Level 1 (Table 4.5-6), the Project operator shall notify P&D within 24 hours and make any required notifications to CDFW and USFWS.

The carcass search frequency shall be increased in the vicinity of the specific WTG(s) suspected of being responsible, to determine whether WTG(s) are at cause and to better understand the causal factors and circumstances contributing to the fatalities. Carcass search patterns and extent may be modified, survey frequency may be increased up to twice per week, and supplementary field observations may be required for up to six months, if necessary to assess the pattern or frequency of fatalities. The additional information would facilitate a more informed response in the event that mortality levels reach Level 2. The Project operator shall provide wind velocity data for the area of the fatalities if P&D determines that the data are important for assessing the cause of fatalities or for designing enhanced search patterns.⁸ Details of the enhanced monitoring program will be subject to County approval.

Level 2 – Response Options

If recorded bird or bat fatalities reach the threshold criteria for Level 2 (Table 4.5-6), the Project operator shall notify P&D within 24 hours and make any required notifications to CDFW and USFWS. The Level 2 thresholds might also be reached based on the annual mortality statistics, which would be reported in the annual reports of the mortality study.

The cause of bird and bat fatalities at wind farms is often indeterminate, due to the condition of the carcasses, activity of scavengers, and wide radius of land-fall. P&D shall require Level 2 response options only if it determines with reasonable certainty that the fatalities are caused by wind farm operations and which WTGs are at cause. The determination must be based on substantial evidence and made by a qualified biologist approved by P&D. Bird or bat carcasses will be frozen and retained by the owner/applicant for at least 90 days, and will be made available to P&D, CDFW, or USFWS on request. Changes in bird and bat use of the site observed in the BACI studies should be taken into account in the evaluation of impacts and response

⁸ The data may be provided as hourly average wind speed and direction in the project area, or as otherwise agreed with the County. If the data is considered proprietary, it may be provided under a confidentiality agreement with the County.

options.⁹ Measures required must be reasonable, feasible, and specifically targeted to reduce fatalities at the particular problem WTG(s).

The following Level 2 response options shall be considered by P&D, in consultation with CDFW and USFWS, and implemented if determined to be feasible and likely to reduce or compensate for further fatalities similar to those that triggered the Level 2 response. Such measures shall not be undertaken without appropriate environmental review, if applicable. Less extreme, less costly measures shall be exhausted before more extreme or costly measures are required. Any cost associated with implementing these measures shall be borne by the operator.

1. Habitat modifications to make the site less attractive to impacted species, including efforts to reduce the prey base (e.g., ground squirrels), weed control, grazing management. However no anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site or in support of any project activities.
2. Project modifications. Modifications must have a sound scientific basis, but need not be proven definitely effective, such as installing “dummy towers” at end of WTG rows; painting of WTG blades on selected WTGs to increase their visibility; audible warnings on towers; or other new or experimental technologies to divert birds/bats or react to the presence of at-risk species. If appropriate, a modification may be implemented as a controlled experiment to test efficacy in reducing mortality.
3. Selective curtailment of turbine operation, dependent on specific locations of mortalities or on daily or seasonal bird or bat activity, to be determined from monitoring results.
4. Restricting turbine operation at low wind speeds; i.e, increasing the “cut-in speed” (the wind speed at which the turbines begin generating electricity) to 5.0 m/s or greater.

If any of these measures are implemented, the Project operator, in consultation with P&D, shall implement an effectiveness evaluation program to assess the intended and unintended effects of the measure. The measure should be reversed, discontinued, or modified if little or no reduction in mortality is demonstrated within a reasonable time or if it leads to unintended, adverse consequences, as determined by P&D.

Plan Requirements and Timing. See Plan Requirements and Timing under Condition 38 (MM BIO-16).

Monitoring. P&D compliance monitoring will ensure that the Adoptive Management Plan (described above in Condition 39/MM BIO-16a and Condition 42/MM BIO-16d), the Before-After/Control-Impact Study (described above in Condition 39/MM BIO-16a), Bird/Bat Mortality Study (described above in Condition 40/MM BIO-16b), and prey base reduction measures are implemented (described above in Condition 41/MM BIO-16c). P&D permit compliance staff will review all monthly, quarterly, and annual reports provided pursuant to the Avian and

⁹ One of the primary objectives for operations monitoring stated in the CEC Guidelines is to determine whether the avoidance, minimization, and mitigation measures implemented for the project were adequate or whether additional corrective action or compensatory mitigation is warranted.

Bat Mitigation Plan and ensure that appropriate adaptive management measures are undertaken if AMP thresholds are reached.

These Level 1 and Level 2 thresholds apply to the actual numbers of carcasses attributable to Project facilities or operations recovered in the regular weekly carcass searches. However, incidental finds of carcasses attributable to the Project of federally or state listed bird or bat species or California FPS shall also count toward the thresholds. The numbers assume the carcass searches comprise a 30 percent random sample of 29 WTG locations, or 10 WTGs. If the number of WTGs constructed is substantially different or a different number of WTGs is sampled, the thresholds shall be adjusted accordingly.

Alternative Level 2 Threshold Criteria Based on Annual Mortality Statistics.

In addition, Level 2 measures shall be triggered if the estimated, Project-wide mortality rates of non-listed sensitive species, for fatalities attributable to the Project, adjusted for searcher efficiency and scavenger removal, exceed 0.08 per WTG per year (at the 90 percent confidence level¹⁰) in any 12-month period. The equivalent Level 2 trigger for non-sensitive raptors shall be 0.15 fatalities per WTG per year. Level 2 measures shall also be triggered by large-scale mortality of non-sensitive bird or bat species at thresholds of 4 and 12 fatalities per WTG, per year, respectively.

Basis of Thresholds

Given the current state of the science, mortality rates of birds and bats at proposed wind sites cannot reliably be predicted, except in the case of new wind farms nearby existing ones in similar settings. Mortality of passerines due to collisions with WTGs is not strongly correlated with bird usage of a site, and many interrelated and species-dependent factors contribute to raptor mortalities, apart from number of birds at the site. The relationship between bat usage and fatalities is not understood. (CEC Guidelines, 2007)

Listed and Sensitive Species

The Level 1 threshold for federally or state listed species and California FPS was set at one individual fatality, due to the required coordination with CDFW or USFWS in case of a single fatality. A second fatality within a year would trigger Level 2. The necessary additional mitigation would be provided by adaptive management options, which P&D would require, as appropriate. Thresholds for non-listed sensitive birds or bats were set higher than for listed species, in keeping with their lower protection status.

Raptors without Designated Conservation Status

¹⁰ The estimates of adjusted mortality involve complex statistics due to the small sample sizes and uncertainty in adjustments for searcher efficiency and scavenger removal bias. The estimated rates are approximate and involve uncertainty that can be estimated as a confidence interval using Monte Carlo methods or other appropriate statistical approach. (For example, see Stateline Wind Project Wildlife Monitoring Final Report, FPL Energy, Stateline Technical Advisory Committee, 12/04. p.4 et seq.) The Level 2 Thresholds shall be triggered by estimates of the annual, site-wide mortality rate only if the stated threshold rate is exceeded with 90 percent confidence, based on a 1-sided statistical hypothesis test.

The estimated average raptor mortality rate for wind farms in the U.S. is 0.006 per WTG per year; the overall average rate in the U.S. is 0.033 per year.¹¹ Maximum raptor mortality for modern wind farms in the U.S. outside California is estimated to be 0.07 raptors in the Northwest. Raptor mortality at wind farms in California ranges from 0.01 to 0.24 fatalities per WTG per year (average of 0.15 per WTG or 1.37 per MW per year).¹² This data is based on older wind farms, which include large numbers of small-sized WTGs (hence the high mortality rate expressed on a per-MW basis). The high raptor mortality at these facilities is associated with high raptor use. The results of the winter 2006-07 avian survey at the Lompoc Wind Energy Project site indicate raptor use of the site may be slightly higher than that of most wind projects in U.S., but much lower than projects in Solano County and the Altamont Pass Wind Resource Area.¹³ However, raptor mortality rates may prove to be lower than expected on the basis of observed raptor use at SWEP, because the most frequently observed raptors at the site are turkey vultures, which are known to have low mortality rates at wind farms.

Based on this information, it is expected that raptor mortality rates at the Project will be less than 0.10 fatalities per WTG per year. This amounts to approximately 3 raptor fatalities per year expected for the entire site (30 WTGs), or 1-2 for a random sample of 15 WTGs. The Level 1 threshold for non-sensitive raptors is set at 3 fatalities per year for the 15 WTGs sampled. The Level 2 threshold is set at 1½ times the Level 1 threshold, which rounds to 5 fatalities per year for the 15 WTGs sampled.

If recorded bird or bat fatalities trigger the threshold criteria for Level 2, the Director shall submit a report to the Planning Commission at a public hearing within three months, or as soon thereafter as practical, on the nature of the impact and the status of the adaptive management plan, including any measures taken to address the impact.

- 43. MM BIO-17 Weed Control Plan.** The Applicant shall have a County-approved, qualified restoration ecologist or biologist prepare a comprehensive adaptive Weed Control Plan (WCP) to be administered during the construction and operation phases of the proposed Project. The WCP shall be submitted to P&D for review and approval and shall be updated and implemented for weed eradication and monitoring for the life of the proposed Project. The WCP shall include, but is not limited to, the following:
- a. Conduct a pre-disturbance survey for invasive weeds in all presently undisturbed areas that are proposed for ground-disturbing activity in the proposed Project footprint and a 100-foot buffer. Weed populations that are rated high or moderate for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2018) shall be mapped and described according to density and area covered. Identify the invasive species that will be subject to control measures (ubiquitous non-native species such as brome grasses and wild oats should be identified and described, but need not be subject to control measures).

¹¹ Erickson, W.P., et. al, *Avian Collisions with Wind Turbines: A Summary of Existing Studies and Comparisons of Avian Collision Mortality in the United States*, 10/01, pp. 2 & 39.

¹² National Wind Coordinating Committee, *Wind Turbine Interactions with Birds and Bats: A summary of research results and remaining questions*, 11/04, p.4.

¹³ CEC Guidelines, 2007, Appendix G, Figures 1 and 4.

Areas with weed infestations shall be treated prior to ground disturbance in presently undisturbed areas according to control methods detailed below and BMPs for invasive weed populations. Success criteria shall be identified for each invasive species and shall consist of control (i.e., existing populations do not expand beyond current extent) or eradication.

- b. Weed control treatments shall include legally permitted herbicide, manual, and mechanical methods approved for application. The application of herbicides shall be in compliance with State and federal laws and regulations under the prescription of a Pest Control Advisor, with P&D's concurrence, and shall be implemented by a Licensed Qualified Applicator. Herbicides shall not be applied during or within 72 hours of a forecasted measurable rain event or during high wind conditions that could cause spray drift onto native vegetation. Where manual or mechanical methods are used, plant debris shall be disposed of at an appropriate off-site location. The timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds. Consultation with a County-approved, qualified wildlife biologist or botanist shall be required prior to weed control treatments to develop strategies to avoid any adverse impacts to plants and wildlife in the area.
- c. Herbicides known to have residual toxicity, such as pre-emergents and pellets, shall not be used in natural areas or within channels (engineered or not) where they could run off into downstream areas. Only the following application methods may be used: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack and squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with backpack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations.
- d. Throughout construction and operation, all sites impacted by the proposed Project (including access roads within the Project site and along the transmission line) and a 100-foot buffer shall be surveyed annually for new invasive weed populations and identified weed populations shall be treated and monitored. Treatment of all identified weed populations shall occur at a minimum of once annually. When no new seedlings or re-sprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.

Weed control efforts shall be timed annually to reduce invasive weed seed production. This entails conducting weed removal when flowering has just started, but before seeds have been produced. All plant debris shall be disposed of at an approved location. Weed control efforts shall generally commence in early spring (February), or as determined each year by a qualified restoration ecologist or biologist.

- e. All seeds and straw materials used during proposed Project construction and operation shall be weed-free rice straw or other weed-free product, and all gravel and fill material shall be weed free. All plant materials used during restoration shall be native, certified weed-free, and approved by P&D.
- f. Prior to entry to any proposed Project area for the first time, equipment must be free of soil and debris on tires, wheel wells, vehicle undercarriages, and other

surfaces (a high-pressure washer and/or compressed air may be used to ensure that soil and debris are completely removed). Compliance with the provision is achieved by on-site inspection and verification or by demonstrating that the vehicle or equipment has been cleaned at a commercial vehicle or appropriate truck washing facility. In addition, the interior of equipment (cabs, etc.) must be free of mud, soil, gravel and other debris (interiors may be vacuumed or washed).

Plan Requirements and Timing. The Applicant shall submit a WCP to P&D for review and approval prior to issuance of the Zoning Clearance. Requirements of the WCP shall be implemented by the Applicant as specified in the approved WCP. The Applicant shall report results of pre-disturbance survey(s), weed control efforts and annual surveys during the life of the proposed Project to P&D. P&D-approved biologist shall document implementation of the WCP requirements, including pre-disturbance surveys in a summary report to P&D submitted annually during the life of the proposed Project.

Monitoring. P&D compliance monitoring staff shall inspect the Project plans and site as well as review the weed control plan and final monitoring report for compliance with this measure as appropriate. P&D compliance monitoring staff will monitor construction and revegetation activities to ensure the plan is fully implemented.

- 44. MM CULT-6 Avoidance of Cultural Resources.** Avoidance of cultural resource sites is the preferred measure, and all impacts to CRHR eligible sites shall be avoided to the greatest extent feasible, consistent with project objectives.

Plan Requirements and Timing. As Project design plans are being finalized, P&D and its qualified archaeologist shall review 1 inch to 400 feet (1":400') or better scale ortho-topographic maps of the areas of known Project impacts and provide an assessment of direct adverse effects to CRHR-eligible or unevaluated cultural resources. Recommendations for plan adjustments to avoid all eligible resources to the extent feasible shall be made and design adjustments may be necessary. Final Project layout (for example, WTG placement, access road alignment, power pole locations, and staging areas) shall include measures to avoid eligible sites where feasible. All work shall be completed as part of final design, and any necessary modifications shall be incorporated into the final plans. P&D shall confirm that this measure has been conducted prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall check plans prior to issuance of the Zoning Clearance and shall spot check in the field during ground disturbing activities.

- 45. MM CULT-7 Final Plan Notification.** The Applicant shall include a note on a separate informational sheet to be recorded with the final plans for each construction phase designating the known archaeological sites as unbuildable areas, unless the archaeological site is formally evaluated by a County-approved archaeologist as ineligible for the CRHR or a Phase 3 data recovery program has been implemented. The areas shall not be identified as archaeological sites on the informational sheet.

Plan Requirements and Timing. The informational sheet shall be submitted to P&D prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall spot check to ensure compliance.

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- 46. MM CULT-8 Temporary Fencing.** Known unevaluated or determined significant archaeological sites and 50-foot buffer areas shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 meters of the site and buffer. A special circumstance of fencing will be applied to site SBA-2754. This site will not undergo impacts because no improvements to the paved road crossing through it will occur. The fencing is required to prevent inadvertent turns off the road into the site area by vehicles or equipment.

Plan Requirements and Timing. The fencing requirement shall be shown on approved grading and building plans. Plans are to be reviewed and approved prior to issuance of the Zoning Clearance and fencing is to be in place prior to start of construction. The areas shall not be identified as archaeological sites on the informational sheet.

Monitoring. P&D compliance monitoring staff shall verify installation of fencing by reviewing photo documentation or by site inspection prior to issuance of the Zoning Clearance to ensure fencing in place throughout grading and construction through site inspections.

- 47. MM CULT-9 Site Capping.** Current grading plans designate areas within resources where soils will be cut and filled for creation of WTG pads, O&M facilities, and all road improvements. All areas currently designated as fill within a cultural resource site are areas of impact. These locations shall be subject to measures contained within a capping plan to be prepared as part of MM-10 below.

Plan Requirements and Timing. The capping requirement shall be shown on approved grading and building plans. Plans are to be reviewed and approved prior to issuance of the Zoning Clearance; and capping is to be in place prior to start of Project construction. The areas capped shall not be identified as archaeological sites on the informational sheet.

Monitoring. P&D compliance monitoring staff shall verify installation of capping by reviewing photo documentation or by site inspection prior to issuance of the Zoning Clearance. P&D compliance monitoring staff will ensure capping remains in place throughout grading and construction through site inspections.

- 48. MM CULT-10 Archaeological Data Recovery Excavation, Monitoring, and Reporting Plan.** All potentially impacted cultural resources have been evaluated and impacts to these resources will be mitigated through implementation of a Data Recovery Excavation, Monitoring, and Reporting Plan (Plan). The Plan shall be initiated with the minimum excavated sample sizes specified in Table 4.6-3 below. The data recovery sample sizes specified are based on a suggested minimum one percent sampling of the areas that will be impacted. The minimum one percent sample size is arbitrary but consistently applied in Table 4.6-3. The final Data Recovery volumes will have to have input from the archaeologists and SYBCI conducting the Phase III work. If the Data Recovery program includes data quantity thresholds, then the thresholds will determine the quantity when thresholds are met. Thresholds to consider could include excavation of 100 percent of features exposed, general quantities of various artifacts and materials to compromise a representative sample for chronology building, and

other data requirements for studies of site and artifact function, among others, identified in the Project Data Recovery Research Design.

Investigative elements in the Plan shall be conducted sequentially and shall include:

- Geophysical survey with ground penetrating radar, proton magnetometer, ground resistivity or conductivity, as determined appropriate by specific soil conditions.
- Canine forensic surveys at sites with conditions indicating habitation features and domestic artifact and food remains, where human burials may be more likely to occur.

Additional elements of the Plan shall include, but are not limited to:

1. A detailed capping plan that will identify that the following conditions are met to consider capping as a mitigation measure:
 - The soils to be covered will not suffer serious compaction.
 - The covering materials are not chemically active.
 - The site is one in which the natural processes of deterioration have been effectively arrested.
 - Although the placement of fill on top of an archaeological site may reduce direct impacts of construction, impacts will result from the loss of access to the site for research purposes. Also, scarification and compaction of soils must be reduced to the uppermost three inches and capped with a sterile sand or other fill. A sample of the cultural resource shall be excavated and appropriately curated for research purposes.
2. A Horizontal Directional Drilling (HDD) Plan. The depths of sites subject to collection line impacts have been identified. The use of HDD would have to place conduit at least two feet below the maximum depth of the resource. Impacts to the resource at junction boxes or trench entry and exit points will require data recovery mitigation.
3. The identification, evaluation and treatment of unanticipated discoveries.
4. Archaeological and Native American Monitor requirements, duties and responsibilities.
5. Worker Environmental Awareness Program training.

Plan Requirements and Timing. All work, including Plan development, implementation, and completion, shall be funded by the Applicant. The scope of work for the Plan shall be prepared by a County-approved archaeologist and submitted to P&D for review and approval. Once the scope of work is approved, the Plan shall be prepared by a County-approved archaeologist and submitted to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall review all phases of Plan development and implementation for compliance with this measure.

SEIR Table 4.6-3. Minimum Phase III Data Recovery Excavations at Recommended CRHR Eligible Archaeological Resources *Impacted*

Resource Designations	Site Area (m ²)	Area to be Disturbed (m ²)	% of Site Impacted	Data Recovery (m ²)*
Primary No.: P-42-002465 Trinomial: CA-SBA-2465	199,150	2,770	1.39%	28
Primary No.: P-42-002754 Trinomial: CA-SBA-2754	21,770	0	0%	0
Primary No.: P-42-002756	180,450	62,480	34.62%	625
Primary No.: P-42-002757 Trinomial: CA-SBA-2757	51,680	15,416	29.83%	154
Primary No.: P-42-003840	206,350	25,500	12.36%	255
Primary No.: P-42-003841/42	68,760	1,700	2.47%	17
Primary No.: P-42-003843	40,550	472	1.16%	5
Primary No.: P-42-003844	34,520	7,575	21.94%	76
Primary No.: P-42-003849	42,530	2,528	5.94%	25
Primary No.: P-42-003993	14,810	605	4.09%	6

49. MM FPES-1 Fire Protection Plan. The Applicant shall prepare a Fire Protection Plan that meets SBCFD requirements. The plan shall contain (but not be limited to) the following provisions:

- a. All construction equipment shall be equipped with appropriate spark arrestors and carry fire extinguishers.
- b. A fire watch with appropriate firefighting equipment shall be available at the Project site at all times when welding activities are taking place. Welding shall not occur when sustained winds exceed that set forth by the SBCFD unless a SBCFD-approved wind shield is on site.
- c. A vegetation management plan shall be prepared to address vegetation clearance around all WTGs and a regularly scheduled brush clearance of vegetation on and adjacent to all access roads, power lines, and other facilities.
- d. Operational fire water tanks shall be installed prior to construction.
- e. Provisions for fire/emergency services access if roadway blockage occurs due to large loads during construction and operation.
- f. Cleared, maintained parking areas shall be designated; no parking shall be allowed in non-designated areas.
- g. The need for and/or use of dedicated repeaters for emergency services.
- h. Appropriate Hot work permits (such as cutting and welding permits) shall be obtained from the jurisdictional fire agency.
- i. Compliance with California PRC 4291, 4442, and 4443.

Permit Requirements and Timing. The Fire Protection Plan shall be provided to the SBCFD and P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall confirm that appropriate measures are implemented during construction. County fire inspectors will verify compliance with measures applicable to operations and periodically spot check compliance during operations.

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- 50. MM FPES-2 Smoking and Open Fires.** Smoking and open fires shall be prohibited at the Project site during construction and operations. A copy of the notification to all contractors regarding prohibiting smoking and burning shall be provided to P&D.
- Permit Requirements and Timing.** A copy of the notification to all contractors regarding prohibition of smoking and burning shall be provided to P&D for review and approval prior to issuance of the Zoning Clearance.
- Monitoring.** P&D compliance monitoring staff shall verify the notification prior to issuance of the Zoning Clearance, and the onsite monitor shall confirm compliance during construction.
- 51. MM FPES-3 Install Gravel around Substation and Switchyard.** Gravel shall be placed around the perimeter of the Project Substation and Switchyard as a fire prevention measure. This requirement shall be noted on building plans.
- Permit Requirements and Timing.** This requirement shall be noted on building plans. Gravel shall be installed prior to the start of operations.
- Monitoring.** P&D compliance monitoring staff shall verify requirement is noted on building plans and that gravel has been installed.
- 52. MM FPES-4 Access Roads.** Access roads shall remain passable by emergency vehicles for the duration of the Project. Turnaround requirements at the terminus of access roads shall be included in roadway designs. The final design shall be approved by the SBCFD, and the final access road map (including topographic map) shall be provided to both the SBCFD and the City of Lompoc Fire Department.
- Permit Requirements.** The approved access road design shall be included on the final plans with a note that the roads shall remain passable at all times.
- Timing.** The plans shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance.
- Monitoring.** P&D compliance monitoring staff shall verify the approval of the access road design prior to construction and confirm compliance upon completion of construction. SBCFD inspectors will periodically verify that the access roads are maintained in an acceptable condition.
- 53. MM FPES-5 Flammable Fuel Buffers and Electrical Clearances.** Annually, a 10-foot buffer area around the base of each the transmission line’s wood pole structures shall be cleared of flammable fuels (vegetation). To minimize the potential for electrical arcing between the transmission line’s electrical conductors and nearby vegetation, a minimum 15-foot clearance shall be maintained between vegetation and conductors consistent with Public Resources Code Section 4292. Fast-growing trees shall be removed or vegetation trimmed back farther than this minimum required to achieve at least 3 to 4 years of clearance before the next trim. The maintenance program shall also include removing dead, rotten, or diseased trees or vegetation that hang over the conductors or lean toward the transmission line.
- Permit Requirements.** The buffer areas around each wood pole structure shall be included on the final plans with a note that a minimum 15-foot clearance shall be maintained between vegetation and conductors.
- Timing.** The plans shall be approved prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall verify the buffer areas around wood pole structures prior to construction approval and confirm compliance upon completion of construction. SBCFD inspectors shall periodically verify that proper clearance is maintained between vegetation and conductors.

54. **MM FPES-6** **Red Flag Warning.** The Applicant shall participate in the Red Flag Warning program with local fire agencies and the National Weather Service. The Applicant shall stop work during Red Flag conditions reduces the risk of wildlife ignition.

Permit Requirements. The construction contractor shall stop work during Red Flag conditions. If work is necessary during red flag conditions, the construction contractor shall obtain prior approval from P&D and the appropriate fire agency. P&D and/or the appropriate fire agency may require that work during a red flag condition utilize onsite fire monitoring or all additional conditions as deemed necessary to reduce fire risk.

Timing. During red flag conditions, P&D and the appropriate fire agency shall be notified about potential work during red flag conditions as soon as Red Flag conditions are anticipated.

Monitoring. In addition to SBCFD, P&D compliance monitoring staff shall have the authority to stop work on the Project during red flag conditions.

55. **MM GEO-1** **Seismic Design.** Project facilities shall be designed using the appropriate seismic design criteria from the CBC and County of Santa Barbara Building Regulations based on seismic design parameters provided by the Project-specific Geotechnical/Seismic Evaluation report. Substation and switchyard components shall be designed based on IEEE 693 recommended seismic design practices and other applicable IEEE standards. The transmission line shall be designed consistent with recommended practices and procedures of the IEEE, standards for overhead line construction consistent with CPUC General Order 95, and other applicable rules and standards. The wind turbines design shall incorporate seismic design guidelines from IEC Standard 61400-1 (or equivalent wind turbine seismic design guidelines).

Plan Requirements and Timing. The Applicant shall submit plans for buildings and structures indicating compliance with standards to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D building and safety inspectors shall inspect the site prior to occupancy clearance (for the O&M facility) and prior to operation of the WTGs and power line.

56. **MM GEO-2** **Grading and Drainage Plan.** The Applicant shall prepare a final Grading and Drainage Plan, designed to minimize erosion and landslides, which includes the following measures:

- a. Avoidance of identified landslides and areas of unstable slopes, as feasible.
- b. If slope instability impacts cannot be avoided, submit detailed plans of the placement of structures and/or excavation/grading measures (with limits of cut and fill and slope restoration method) as related to stabilization of slopes prior to construction for review and approval.
- c. Where fill is placed upon a natural or excavated slope steeper than about 5:1 (20 percent), construct a base key at the toe of the fill and bench the fill into the

existing slopes. Embed the base key at least 2 feet into competent inorganic soils; then bench the fill horizontally into the existing slope at least 2 feet normal to the slope as the fill is brought up in layers.

- d. Construct cut slopes no steeper than 1.5:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- e. Construct fill slopes no steeper than 2:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- f. Design grading on slopes steeper than 3:1 to minimize surface water runoff.
- g. Use diversion structures and spot grading to reduce siltation into adjacent streams during grading and construction activities.
- h. Limit grading during construction to the dry season (April 15 to November 1) to the extent practicable. If grading needs to be done outside of the dry season, Applicant will coordinate grading work with P&D and will follow all applicable guidelines.
- i. Keep soil damp during grading activities to reduce the effects of dust generation.
- j. Stockpile excess topsoil on site and segregate it from other soils to facilitate future land restoration
- k. Any disturbed area that is not covered with base or paving within 14 days of its disturbance shall be stabilized through use of soil coating mulch, dust palliatives, compaction, reseeding, or other approved methods.
- l. Install erosion control structures where appropriate, including temporary erosion control structures, such as trench plugs and water bars, on moderately steep slopes.
- m. Restore soil elevation/topography consistent with the approved grading and erosion control plans.
- n. Reseed all exposed graded surfaces with deep-rooted, native, drought-tolerant ground cover to minimize erosion. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- o. Strip areas to receive fill of vegetation, organic topsoil, debris, and other unsuitable material. Place engineered fill in layers not exceeding 12 inches in loose thickness, properly moistened and compacted, and tested for 90 percent compaction.
- p. Designate a place for temporary storage of construction equipment at least 100 feet from any water bodies.
- q. Project grading and earthwork shall be observed and tested by a geotechnical engineer or his representative to verify compliance with these mitigation measures.

Plan Requirements. A Grading and Drainage Plan shall be prepared. The Plan shall be designed to address erosion and sediment control throughout Project construction. Plan requirements shall be noted on all grading and building plans. The Applicant shall notify P&D prior to commencement of grading.

Timing. The Grading and Drainage Plan shall be submitted for review and approval by P&D and County Flood Control, prior to issuance of the Zoning Clearance. Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized. Graded surfaces shall be reseeded within 60 days of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 60 days of grading completion.

Monitoring. P&D staff shall perform site inspections throughout the construction.

57. **MM GEO-3** **Expansive Soils.** Soil analyses shall be completed for expansion potential. Once Project design has been developed and the criteria for the facility performance have been established, the soils engineer shall review the mitigation measures and modify them as appropriate. If further measures are considered necessary to mitigate problems posed by expansive soils, the following alternatives shall be considered:

- a. Over-excavation of expansive soils and replacement with non-expansive fill.
- b. Support of structures on drilled shaft foundations.
- c. Lime treatment of expansive subgrades.

Plan Requirements and Timing. Soil analyses and performance criteria shall be completed and submitted to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D building and safety inspectors shall inspect the site to ensure that construction complies with the appropriate performance standards.

58. **MM GEO-4** **Foundation Support.** Foundations for Project components, such as the O&M Building and substation, and for other Project support facilities, such as bridge foundations, shall be sited on cut pads that have been engineered and treated, if necessary, to provide a uniform foundation support and reduce differential settlement. Soil treatment could include soil removal and recompaction, pre-wetting, and potentially, deep foundation or deep soil densification techniques. Alternatively, structure foundations shall be designed to tolerate potential differential settlement.

Plan Requirements. Final building plans, including foundation design elements and requirements for engineered site preparation shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance.

Monitoring. P&D building and safety inspectors shall inspect the site to ensure that construction complies with the appropriate standards.

59. **MM RISK-1** **Hazardous Materials Management Plan.** The Applicant shall prepare a Hazardous Materials Management Plan.

Plan Requirements. The plan shall meet SBCFD requirements and shall be submitted to SBCFD prior to issuance of the Zoning Clearance.

Monitoring. The P&D compliance monitoring staff shall verify the completion and approval of the plan prior to issuance of the Zoning Clearance.

60. **MM RISK-2** **Refueling Spill Notification.** Refueling vehicles shall have a sign listing pertinent contacts to notify in the event of a spill.

Plan Requirements and Timing. A copy of the notification to all contractors regarding this requirement shall be provided to P&D prior to the issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall verify the notification prior to issuance of the Zoning Clearance and confirm compliance during construction.

61. **MM RISK-3 Equipment Maintenance.** All equipment shall be adequately maintained to minimize operational losses of hazardous materials and to reduce the risk of accidental spillage.

Plan Requirements and Timing. A copy of the notification to all contractors regarding this requirement shall be provided to P&D prior to issuance of the Zoning Clearance.

Monitoring. The P&D compliance monitoring staff shall verify the notification prior to issuance of the Zoning Clearance and compliance confirmed during construction.

62. **MM RISK-4 Avoidance of Sensitive Areas for Refueling.** Construction fueling shall be designated such that sensitive areas are avoided. A copy of the notification to all contractors regarding this requirement shall be provided to P&D.

Plan Requirements and Timing. The copy of the notification to all contractors regarding this requirement shall be provided to P&D prior to issuance of the Zoning Clearance.

Monitoring. The P&D compliance monitoring staff shall verify the notification prior to issuance of the Zoning Clearance and confirmed during construction.

63. **MM WAT-1 Construction Water Source.** If the proposed new onsite well is used for construction water, the Applicant shall install a monitoring well as close to the existing offsite well as reasonably possible to monitor groundwater levels within the aquifer. The monitoring well shall be equipped with an automatic water-level recorder (e.g., pressure transducer). Water level data from the monitoring well shall be recorded hourly and reported to P&D on a bi-weekly basis during the first six months of construction and monthly thereafter until three months following the end of construction. Water-level data reported to P&D shall include an interpretation of water levels and anticipated construction activity and water use. The reporting interval shall change from bi-weekly to weekly if the water level declines in the monitoring well 7 feet or more.

If water-level trends at the monitoring well indicate that a drawdown of 14 feet or more is anticipated to occur at any time during the use of the well for construction purposes, the Applicant shall adjust and/or reduce construction well production to avoid water levels reaching the drawdown threshold of 14 feet in the nearest offsite well.

Plan Requirements. The Applicant shall prepare a groundwater monitoring plan for the onsite well to be used as a water source during construction. The monitoring plan shall remain in effect during construction and three months after completion of construction activities.

The Applicant shall provide P&D with documentation of an alternate available source of water, i.e., City of Lompoc recycled water, prior to the initiation of construction.

Timing. The groundwater monitoring plan shall be submitted to P&D for review and approval prior to the initiation of construction. Water level data from the monitoring well shall be reported to P&D on a bi-weekly basis during the first six months of construction and monthly thereafter until three months following the end of construction. Water-level data reported to P&D shall include an interpretation of water levels and anticipated construction activity and water use.

Monitoring. P&D compliance monitoring staff shall review reports and ensure compliance with the requirements of this measure.

- 64. MM WAT-2 Minimize Watercourse Encroachment.** A Watercourse Encroachment Plan showing all watercourse encroachments shall be submitted to P&D permitting staff for review and approval. The plan shall demonstrate that any disturbance to riparian vegetation is the minimum practicable, and does not adversely affect the creek channel, vegetative cover over the stream, or flow pattern.

Plan Requirements. Plan requirements shall be noted on all grading and building plans. The Applicant shall notify P&D prior to commencement of grading.

Timing. The Watercourse Encroachment Plan shall be submitted for review and approval by P&D prior to issuance of the Zoning Clearance for construction.

Monitoring. P&D compliance monitoring staff shall ensure compliance with the road widening plan. Grading inspectors will monitor technical aspects of the construction activities.

- 65. MM LU-1 Staking of Coastal Zone.** The Owner/Applicant shall install exclusion fencing or stake the coastal zone boundary to ensure that no construction activities occur within the coastal zone area. The Owner/Applicant shall ensure that no construction activity occurs beyond the designated construction boundaries.

Requirements and Timing. The installation of exclusion fencing or staking shall be completed prior to the start of construction activities associated with WTGs E-1, E-2, W-1, W-2, W-4, W-5, W-9, W-10, W-11, W-12, and W-13 as identified in Planning Commission Exhibit A (Modified Project Layout).

Monitoring. P&D compliance monitoring staff shall conduct inspections prior to and during construction to confirm compliance with this measure.

- 66. MM LU-2 Decommissioning & Reclamation Plan.** The Applicant shall develop a Decommissioning and Reclamation Plan that addresses facility decommissioning, abandonment, and post-abandonment reclamation efforts.

Requirements and Timing. The Decommissioning and Reclamation Plan shall be submitted to P&D for review and approval as part of the Applicant's permit application for a discretionary permit for facility decommissioning and abandonment. The plan shall be implemented during facility abandonment, with reclamation efforts following. This requirement shall apply in the case of partial decommissioning as well as decommissioning of the entire Project.

Monitoring. P&D will review and approve the Decommissioning and Reclamation Plan as part of discretionary permit review, and implementation of the plan will be conducted during County inspections of abandonment and reclamation activities.

- 67. MM LU-3 Financial Assurance for Decommissioning and Reclamation.** The Applicant shall submit to P&D:

- a. An itemized cost estimate for removal of all structures and equipment and reclamation of the Project site and an estimate from a qualified party of the reclamation value of the SWEP infrastructure. The bases for all estimates shall be identified and documented. The estimates shall be revised and updated and resubmitted to County staff every five years.
- b. The Applicant shall submit to County staff a financial assurance mechanism acceptable to P&D for the cost of removal of structures and equipment and reclamation of the Project site. The amount of the assurance shall be based on the itemized cost estimate. The financial security shall be in place for the life of the Project. P&D will release the security upon successful completion of structure and equipment removal and site reclamation, as determined by County staff.

Requirements and Timing. The financial assurance for decommissioning and reclamation shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance. The permittee shall update and resubmit the financial assurance every five years.

Monitoring. P&D compliance monitoring staff shall monitor successful completion of structure and equipment removal and site reclamation. P&D shall release financial assurance upon determination that all structures and equipment have been removed and the site reclaimed pursuant to the approved Decommissioning and Reclamation Plan.

- 68. MM NOI-1** **WTG Maintenance.** The Applicant shall maintain all WTGs in excellent working order to minimize operational noise impacts.

Plan Requirements. The Applicant shall provide maintenance records to P&D, upon request, demonstrating that the WTGs are being maintained appropriately.

Timing. Condition will be enforced throughout the life of the Project.

Monitoring. P&D compliance monitoring staff shall enforce compliance with this condition.

- 69. MM NOI-2** **Construction Hours.** All Project construction activities within 1,600 feet of non-participating residences, including those that involve use or transit of heavy equipment (i.e., greater than 2-axle vehicles) along San Miguelito Road, shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by P&D as necessary for emergency repairs. Project construction activities subject to this restriction include those at the wind farm site, the switchyard site, and sites along San Miguelito Road. Temporary noise barriers, ensuring that noise is reduced at the nearby Sheffield residences to below 65 dBA Leq, shall be installed at all times at the switchyard site during switchyard construction to shield the nearest residences from switchyard construction noise. Project construction activities at locations at least 1,600 feet from non-participating residences shall be limited to 7:00 a.m. to 10:00 p.m., Monday through Friday. The use of helicopters, blasting, or pile driving shall not occur within 1,600 feet of non-participating residences. If it is not feasible to avoid use of blasting or pile driving within 1,600 feet of non-participating residences, then temporary noise barriers shall be erected to break the line-of-sight and shield the affected residences by providing at least a 5-dBA reduction. The noise barriers shall have a Sound Transmission Class

of STC-30 or greater and a Noise Reduction Coefficient rating of NRC-0.85 or greater, as subject to County approval and shown on construction plans.

Work may occur within the WTG sites after hours or on weekends and holidays, subject to at least 48 hours written authorization from P&D, and weekend and holiday work shall be limited to 8:00 a.m. to 5:00 p.m. Requests for weekend and holiday work shall be submitted to P&D for approval in advance shall include a description of the activity to occur, including equipment usage and duration. All complaints received regarding weekend and holiday work shall be immediately submitted to P&D.

Plan Requirements. The Applicant shall prepare a map showing which areas are subject to the limitation on construction hours (i.e., within 1,600 feet of non-participating residences) and include notes on the final plans requiring compliance with the construction time limits for blasting or pile driving. County staff shall review all requests for weekend and holiday work, and issue written approvals or denials as applicable. County staff shall consider all noise complaints when reviewing subsequent requests for weekend/holiday work.

Timing. County staff will review the map that shows areas subject to limitation on construction hours and confirm that the notification is included on the final plans prior to issuance of the Zoning Clearance. Prior to ground disturbance at the switchyard location, the Applicant shall demonstrate that the noise barrier reduces noise to the Sheffield residences to below 65 dBA Leq.

Monitoring. P&D compliance monitoring staff shall inspect the site during construction to verify compliance with this condition.

70. MM NOI-3

Telephone Number for Noise Complaints. The Applicant shall establish a telephone number for use by the public to report any significant undesirable noise conditions associated with the construction and operation of the Project. If the telephone is not staffed 24 hours per day, the Applicant shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the Project site during construction in a manner visible to passersby and the number shall be maintained until the Project has been operational for at least 1 year.

Plan Requirements and Timing. The Applicant shall establish a phone number and required features prior to issuance of the Zoning Clearance for construction.

Monitoring. P&D compliance monitoring staff shall inspect the site during construction to enforce compliance with this condition.

71. MM NOI-4

Noise Complaint Resolution Plan. Throughout the construction and operation of the Project, the Applicant shall document, investigate, and evaluate all complaints and attempt to resolve all legitimate Project-related noise complaints.

Plan Requirements. The Applicant shall prepare a noise complaint resolution plan. The plan shall describe the specific steps that will be carried out by the Applicant in response to noise complaints. The final determination as to whether the response is adequate will be made by P&D. The noise complaint forms will include instructions for filing the form with the Applicant and with P&D.

Timing. The Applicant shall submit a noise complaint resolution plan for approval by P&D prior to issuance of the Zoning Clearance for construction.

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- Monitoring.** P&D compliance monitoring staff shall review any forms submitted and ensure that complaints are being resolved. P&D may require further noise analyses and require additional mitigation measures, if appropriate.
- 72. MM NOI-5** **Maintenance of Construction Equipment.** Construction contractors shall be required to ensure that construction equipment is well tuned and maintained according to the manufacturer’s specifications, and that the standard noise reduction devices on the equipment are in good working order.
- Plan Requirements.** The Applicant shall ensure that equipment is maintained in good working order during construction.
- Timing.** Conditions will be enforced throughout construction.
- Monitoring.** P&D compliance monitoring staff shall inspect the site during construction to enforce compliance with this condition
- 73. MM NOI-6** **Resident Notification.** In coordination with P&D, the Applicant shall hold a pre-construction meeting for residents of Miguelito Canyon to review upcoming construction activities and associated noise and traffic. The Applicant shall notify residences within 1 mile of any unusually loud construction activities, including the use of helicopters, blasting or pile driving, at least 1 week prior to their scheduled occurrence. In addition, the Miguelito Canyon residents shall be notified at least one week prior of any anticipated road/lane closures and property owner ingress/egress restrictions. Such activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by P&D.
- Plan Requirements and Timing.** The Applicant shall provide proof of notification to P&D 1 week prior to the schedule occurrence of loud construction activities. An example of the notification shall be provided prior to issuance of the Zoning Clearance for construction.
- Monitoring.** P&D compliance monitoring staff shall review the notice and enforce compliance with this condition.
- 74. MM NOI-7** **Acoustical Analysis.** The Project will be designed and operated to ensure the noise level attributable to the Project does not exceed 43.3 dBA Leq (1 hour) under normal operating conditions at any existing nonparticipating residences, or 58.3 dBA Leq at participating residences. The Applicant shall submit to P&D a detailed acoustical analysis of the final site layout and selected WTGs. All calculations or modeling input and output files shall be made available to P&D. The analysis shall include all available vendor sound-level data (specified as either guaranteed or expected), including a site-specific analysis of how sound power levels increase with wind speed.
- If a stall-controlled WTG is selected, sound power level data must be sufficient to estimate maximum sound levels under any stall condition because this could fall outside the range reported by IEC 61400-11 (IEC, 2006). Control strategies, if available, to reduce Project noise levels also shall be discussed and evaluated, and implemented, if decided appropriate.
- Plan Requirements.** This requirement shall be shown on the final plans. The acoustical analysis and final layout and specification of WTGs shall be submitted to P&D for review. County acceptance of the acoustical analysis and WTG layout does not constitute endorsement nor relieve the Applicant from ensuring the actual WTG

operating noise levels are in compliance with the limits of 43.3 dBA Leq (1-hour) limit for at nonparticipating residences, and 58.3 dBA Leq at the participating residences.

Timing. P&D shall review and approve the acoustical study and final WTG layout prior to issuance of the Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall ensure that the final plans incorporate the WTG layout and turbine specifications, as used for the approved acoustical analysis.

75. MM NOI-8

Noise Monitoring and Control Plan. The Applicant shall prepare and submit a “Noise Monitoring and Control Plan” prior to issuance of the Zoning Clearance.

Plan Requirements. The plan shall be authored and implemented under the direction of a County-approved professional acoustical engineer or an engineer who is certified by the Institute of Noise Control Engineering to characterize the existing ambient noise levels in terms of CNEL, Ldn, and Leq (1-hour) and determine the actual noise level generated by the Project at the participating and nonparticipating residences. The Applicant may use the IEC 61400-11 methodology to measure and analyze noise from the wind turbine generators, but the results will need to be presented in terms CNEL, Ldn, and Leq (1-hour) to determine noise levels at nearby residences.

Monitoring existing conditions shall occur for sufficient periods to characterize the existing noise levels during daytime and nighttime conditions and a range of wind speeds that includes calm conditions and wind speeds typical for WTG operation. Operational noise monitoring shall occur at the same locations for a period of at least 72 continuous hours of WTG operation. The Applicant shall be responsible for all expenditures associated with this analysis, including County staff time. If the analysis finds that the noise generated by the WTGs exceeds 43.3 dBA Leq (1-hour) or causes an increase of greater than 10 dBA CNEL at nonparticipating residences or exceeds 58.3 dBA Leq at the participating residences, the Applicant shall develop and implement measures to reduce Project noise levels to comply with this level. One example of a measure that can be implemented depending on the results of noise monitoring after commercial operations would be for the Applicant to engage with the turbine vendor for a control system that continuously adapts wind turbine operations to respond to local wind speeds and wind directions to achieve the targeted noise levels, known as a Wind Farm Noise Management system (GE, 2016). The proposed measures shall be submitted to P&D for approval before implementation. Post-mitigation noise monitoring may be conducted by P&D’s acoustical consultant. The Applicant shall also reimburse P&D for these expenditures.

Timing. The Plan shall be submitted to P&D for review and approval prior to issuance of the Zoning Clearance. The noise measurements to characterize baseline ambient noise levels shall commence at least 3 months prior to site grading or as otherwise approved by P&D. Operational noise monitoring shall commence within 3 months following startup of commercial operations.

Monitoring. P&D compliance monitoring staff shall ensure compliance with Plan requirements.

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- 76. MM NOI-9 Maintenance Hours.** Maintenance or other routine noise-generating operations activities within 1,600 feet of nonparticipating residences shall be limited to weekdays between the hours of 8:00 a.m. to 5:00 p.m. only, unless activities are for emergency repairs or as otherwise approved by P&D.
- Plan Requirements.** This note shall be printed on all final plan sets for Project components that are within 1,600 feet of nonparticipating residences.
- Timing.** Conditions will be enforced throughout Project operational phases.
- Monitoring.** P&D compliance monitoring staff shall ensure the note is printed on the appropriate final plan sets and will monitor compliance with the condition throughout the Project life.
- 77. MM PALEO-1 Pre-Construction Workshop.** The Applicant shall retain the services of a paleontologist who meets the Society of Vertebrate Paleontology (SVP; 2010) criteria of a Qualified Professional Paleontologist and who is County-qualified. Prior to any ground disturbance, the Qualified Professional Paleontologist shall submit a Paleontological Resource Mitigation and Monitoring Plan (PRMMP) to P&D for the review and approval. P&D shall review the plan for sufficiency prior to acceptance. The PRMMP shall be prepared and implemented under the direction of the Project Paleontologist and shall address and incorporate Mitigation Measures PALEO-1 through PALEO 4 (Conditions 69-72). The PRMMP shall be prepared at the sole expense of the Applicant and be based on SVP assessment and mitigation guidelines. The PRMMP shall, at a minimum, address the following:
- a. Identification and mapping of impact areas of high sensitivity what will be monitored during construction;
 - b. A coordination strategy to ensure that a Qualified Professional Paleontologist or a qualified Paleontological Resource Monitor will conduct Monitoring at the appropriate locations at the appropriate intensity;
 - c. The significance criteria to be used to determine which resources will be avoided or recovered for their data potential;
 - d. The need for Paleontological Resource Monitors to test loose sediment for microvertebrate remains and to secure, store and process a standard sample [as defined by the SVP Guidelines (2010)] of sediment from each formation that shows signs of preserving identifiable microvertebrate fossils;
 - e. The need for spoils from excavation and borings in diatomite sediments to be set aside until the Qualified Professional Paleontologist and/or the Paleontological Resource Monitor(s) can split the larger piece to test for the presence of significant fossils;
 - f. Procedures for the discovery, recovery, preparation, and analysis of significant paleontological resources encountered during construction, in accordance with standards for recovery, reporting, and curation established by the SVP (2010);
 - g. Stipulation that the Qualified Professional Paleontologist will oversee preparation, identification, and reporting of significant fossils recovered;
 - h. Stipulation that the methods employed to monitor and recover fossils in each formation shall be included in the final report;

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- i. Stipulation that the significance of the fossils recovered be analyzed in the final report;
 - j. Provisions for verification that the Applicant has an agreement with a recognized paleontological repository, as defined by the guidelines of the SVP (2010), for the disposition of recovered fossils and that the fossils shall be prepared prior to submittal to the repository as required by the repository (e.g., stabilized, prepared, analyzed, curated, and catalogued);
 - k. Description of monitoring reports that will be prepared which shall include daily logs, monthly reports, and a final report with an itemized list of specimens found to be submitted to P&D, the Applicant, and the designated repository within 90 days of completion of monitoring;
 - l. Person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between Project construction management and the mitigation and monitor team shall be identified;
 - m. All impact avoidance measures (such as flagging or fencing to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts

P&D compliance monitoring staff and the Qualified Professional Paleontologist shall conduct a pre-construction workshop with construction workers and other Project personnel. The workshop shall inform personnel what fossil resources are and what they look like, what do and who to notify in case of a paleontological discovery, and penalties for the illicit disturbance of fossils. The workshop shall inform personnel that the Qualified Professional Paleontologist and the Paleontological Resource Monitor(s) are authorized to halt construction in the vicinity of a suspected fossil find so that it may be investigated. Attendees shall receive sticker for hardhat. Construction personnel shall not be permitted on site without sticker.

Plan Requirements. All construction personnel shall receive training. All construction personnel shall have designated sticker. The Applicant shall keep training records onsite for review by P&D, if requested.

Timing. The PRMMP shall be reviewed and approved by County staff prior to issuance of the Zoning Clearance. Training shall occur prior to commencement of any construction-related activity.

Monitoring. P&D compliance monitoring staff will receive and review the PRMMP. P&D compliance monitoring staff will receive and review the training material prior to any training, spot check construction staff to ensure construction staff have required sticker, and request training attendance records, if determined necessary.

- 78. MM PALEO-2 Implement Monitoring Program.** Paleontological resources monitoring of mechanical disturbance only in Project areas known to have high sensitivity sediments shall occur concurrently with those construction activities. The Qualified Professional Paleontologist shall supervise the monitoring for paleontological

resources. Monitoring shall be performed by one or more individuals meeting the SVP (2010) criteria for a Paleontological Resource Monitor and who is determined by P&D to be qualified to identify paleontological resources. Based on field data, the Qualified Professional Paleontologist may decrease or increase in the monitoring of specific activities and areas. The Qualified Professional Paleontologist will ensure that all monitoring and specimen recovery be conducted in a manner consistent with the PRMMP.

Plan Requirements and Timing. Prior to start of construction, a contract or Letter of Commitment between the Applicant and Qualified Professional Paleontologist and the Paleontological Resource Monitor, consisting of a project description and scope of work, shall be prepared. The contract shall be executed and submitted to P&D for review and approval prior to issuance of the Zoning Clearance for construction.

Monitoring. P&D compliance monitoring staff shall confirm monitoring through the Qualified Professional Paleontologist and spot check field work.

79. MM PALEO-3 Discovery of Fossils. If fossils are found by the monitor or by construction personnel, the Qualified Professional Paleontologist and the Paleontological Resource Monitor(s) shall have the authority to temporarily halt surface disturbing actions in the immediate vicinity until an assessment of the find is completed, and the following actions will be taken:

- a. Construction activity shall cease within 50 feet of the find;
- b. Follow appropriate notification procedures consistent with the PRMMP;
- c. Assessment of the find, usually in the field by the Project paleontologist and determination of recovery procedures;
- d. Construction activity avoidance of the designated area until a find is assessed and, if recovery is called for, scientifically recovered; construction-related excavations would continue in other areas away from the discovery;
- e. Continued monitoring of construction in all appropriate areas while the find is being recovered;
- f. Post-field initial study, preparation, reporting, and subsequent curation.

Plan Requirements. Fossils that may be discovered during construction must first be assessed to determine whether they are scientifically significant and whether recovery measures are warranted. If recovery is recommended, it shall be completed in a manner reflecting scientific standards currently applied to paleontological excavations. Within those limits, all appropriate measures shall be taken to expedite recovery and to minimize interference with construction scheduling. P&D shall be notified within 48 hours of a paleontological resource discovery assessed by the Project paleontologist to be significant and warranting recovery. The paleontological monitor shall periodically update P&D during the recovery and notify them upon completion of recovery.

Timing. This measure shall be in effect throughout construction.

Monitoring. P&D compliance monitoring staff shall ensure that this measure is implemented through regular contact with the monitor and site visits as appropriate.

80. MM PALEO-4 Pre-construction Pedestrian Survey. A Qualified Professional Paleontologist shall conduct or supervise a pedestrian survey of parts of the Project footprint on high sensitivity sediments to determine where clearing, grubbing, and grading could affect paleontological resources. The results of this survey must be utilized to design the PRMMP stipulated in Mitigation Measure PALEO-1. The boundaries of the areas having high paleontological sensitivity and to be cleared, grubbed, or graded shall be programmed into a GPS device so that the places where sensitive sediments lying not far below the ground surface can be defined.

Timing. Survey will occur prior to completion of the PRMMP.

Monitoring. P&D compliance monitoring staff shall ensure that this measure is implemented prior to receiving PRMMP to review.

81. MM REC-01 Community Signage and Communication with LVDC, LVBC, LPAS, and SBAS. The Applicant shall post signage at Miguelito County Park and communicate with the Lompoc Valley Distance Club (LVDC), Lompoc Valley Bicycling Club (LVBC), La Purisima Audubon Society (LPAS), and Santa Barbara Audubon Society (SBAS) regarding the proposed construction schedule and anticipated construction activities along San Miguelito Road.

Requirements. The Applicant shall communicate the proposed construction schedule directly with the LVDC, LVBC, LPAS, and SBAS. The Applicant shall post information regarding the Project construction schedule in a conspicuous location at Miguelito Canyon Park. In the event that there would be a substantial delay in the construction schedule (i.e., one month or longer beyond the original schedule), the Applicant shall update the signage at Miguelito County Park and shall communicate the revised construction schedule with the LVDC, LVBC, LPAS, and SBAS.

Timing. The Applicant shall provide the construction schedule to LVDC, LVBC, LPAS, and SBAS no less than 30 days prior to the start of Project construction. The Applicant shall also post the required Project information at Miguelito County Park no less than 30 days prior to construction. The Applicant shall provide P&D compliance monitoring staff with documentation of this communication no less than two weeks prior to the start of construction.

Monitoring. P&D compliance monitoring staff shall review submittals and spot check in the field to verify compliance with these requirements.

82. MM TC-1 Traffic Management Plan (TMP). The Applicant shall prepare a TMP for submittal to P&D and the Public Works Department of Santa Barbara, City of Lompoc, and Caltrans. The purpose of the TMP is to address potential hazards associated with Project truck traffic and to address level of service impacts. The plan will require measures such as informational signs, flagmen when equipment may result in blockages of throughways, and traffic control to implement any necessary changes in temporary lane configuration.

Specific provisions would include, but not be limited to:

- a. Location and use of flag persons and pilot cars during the delivery of large/heavy loads.
- b. Requirements to limit the hours for transporting large/heavy loads to minimize traffic impacts.

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- c. Limit the number of large/heavy loads per day, or to specific days.
 - d. Provide for advance notification of residents, businesses, emergency providers, and hospitals when roads or intersections may be partially or completely closed.
 - e. Develop protocols for passage of emergency vehicles and regular traffic when large/heavy vehicles are traveling at slow speeds.
 - f. Ensure adequate parking for workers, construction vehicles, and trucks.
 - g. Encourage measures for using carpooling, shuttle buses, cycling, or motorcycling to travel to the construction site.
 - h. Transportation Demand Management (TDM), including agreements, employee information, reporting, and traffic count monitoring.
 - i. Prepare and implement detailed plans to safely accommodate the movement of oversized vehicles along the proposed haul routes, with particular emphasis on constrained locations such as intersections where the oversized vehicles will be turning and curves on San Miguelito Road where the turning radius cannot adequately accommodate the passage of the oversized vehicles. The plans would include, but not be limited to, detour signage, use of traffic control officers, time of day and/or day of week restrictions, and required coordination with police, fire, and other emergency service providers. The oversized vehicles would also be required to have police escorts along the entire travel route. These provisions are subject to review and approval by the affected public agencies.

Plan Requirements. All requirements shall be shown on grading and building plans prior to issuance of the Zoning Clearance.

Timing. The TMP shall be approved by all involved agencies prior to Zoning Clearance.

Monitoring. P&D compliance monitoring staff shall ensure that the measures that are included in the TMP will be implemented throughout the construction phase and will monitor the locations to ensure compliance.

83. MM TC-3

Roadway Repairs. The Applicant shall enter into an agreement with affected jurisdictions to ensure that any damage to roadways attributable to Project traffic is mitigated through repair or reconstruction to original conditions. Roads will be photographed or videotaped prior to construction to ensure that final repairs are sufficient to return the road to pre-construction conditions and all repairs shall be made to the current standards or policies of the affected jurisdiction. The Applicant shall also comply with the requirements of the hauling permits from affected jurisdictions prior to the construction of the Project.

Plan Requirements. All requirements shall be included in the TMP. The applicant shall pay for any repairs needed during the construction phase to maintain the roads in acceptable condition, as determined by the TMP. At the conclusion of each major construction phase, all affected roads shall be restored to pre-construction conditions in consultation with the affected jurisdictions. In addition, prior to the start of the rainy season, the roadways impacted by construction activities and heavy load delivery shall be surveyed to ensure that any roadway damage will not be subject to further damage from erosion caused by precipitation. If roadways are determined to need repair, interim repairs shall be proposed for review and approval by the affected

jurisdictions and implemented in an approved timeframe to avoid further roadway damage.

Timing. The TMP shall be approved prior to issuance of the Zoning Clearance. Any bonds associated with post road repairs shall be secured prior to issuance of the Zoning Clearance. Bonds shall not be released until all roadway repairs meet agencies satisfaction.

Monitoring. P&D compliance monitoring staff shall ensure that road damage is adequately documented and required repairs are completed.

84. MM USS-1

Source Reduction and Solid Waste Management Plan (SWMP). The Applicant shall develop and implement a solid waste management plan to be reviewed and approved by Public Works Department Resource Recovery and Waste Management Division and the Planning and Development Department, which shall outline how all waste generated from the Project will be either recycled or disposed. The Plan shall identify all opportunities for recycling of construction and operations wastes and shall reduce the waste stream from the Project by at least 65 percent (or below 350 tons; whichever is more stringent). The Plan shall include the following measures:

- a. Require a minimum of 65 percent of construction waste generated from the Project be recycled.
- b. Disposal of vegetative waste by either chipping or mulching the waste and spreading in on site or recycling it at an off-site location. No vegetative waste shall enter local landfills.
- c. Provision of space and/or bins for storage of recyclable materials within the site.
- d. Establishment of a recyclable material pickup area.
- e. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County sponsored programs).
- f. Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35 - 50 percent minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.
- g. Development of Source Reduction Measures, indicating method and amount of expected reduction.
- h. Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint etc.). This could include requesting suppliers to show recycled material content.

If feasible, the Applicant shall use concrete waste or excess rock as fill within the annulus of the WTG foundations, assuming Patrick and Henderson Inc. (P&H) foundations are used.

Permit Requirements. The Applicant shall submit the SWMP to the Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division, and the Santa Barbara County Planning and Development Department for review and approval.

Timing. The SWMP shall be reviewed and approved by P&D prior to issuance of the Zoning Clearance. Implementation of the Plan shall begin prior to the start of

construction and continue throughout the Project life. The Applicant shall provide all information P&D deems necessary to monitor compliance, including disposal manifests and chain of custody forms.

Monitoring. P&D compliance monitoring staff shall ensure compliance with the SWMP throughout all phases of construction and operation.

COUNTY RULES

85. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
86. **Rules-05. Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
87. **Rules-08. Sale of Site.** The Project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
88. **Rules-20. Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved plans (such as habitat protection, tree protection, erosion and sediment control / storm water protection) plans. Substantial conformity shall be determined by the Director of P&D.
89. **Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
90. **Rules-21 CUP Revisions-Change of Use.** Any change of use in the proposed structures shall be subject to appropriate environmental analysis and review by P&D, including Building Code compliance.
91. **Rules-23. Processing Fees Required.** Prior to issuance of the Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
92. **Rules-26. Site Restoration and Revegetation Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of habitat restoration. The restoration installation security shall be waived if installation is completed in conformance with applicable requirements prior to final building approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for five years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed all approved restoration measures per the approved plan. Maintenance securities shall be released after the specified maintenance time period and when all approved habitat restoration measures have been satisfactorily maintained. If they have not been

maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved habitat restoration measures, use the security to complete the work.

- 93. Rules-27. EQAP Condition.** Prior to issuance of the Zoning Clearance, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by P&D, paid for by the Owner/Applicant and submitted for review and approval by P&D. The EQAP shall include the following:
- a. All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
 - b. A plan for coordination and implementation of all measures and any additional plans and programs required therein.
 - c. A description of all measures the Owner/Applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D.
 - d. Contractor feedback responsibilities should include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
 - e. A contractor to carry out the EQAP shall be selected by P&D in consultation with the Owner/Applicant. The contractor(s) will be under contract and responsible to P&D, with all costs to be funded by the Owner/Applicant. The EQAP contractor shall appoint at least one On-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the OEC has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.
- 94. Rules-29. Other Dept Conditions.** Compliance with the following Departmental/Division letters (provided in Attachment B-3) is required:
- a. Fire Department dated February 9, 2018.
 - b. Environmental Health Services dated October 23, 2019.
 - c. Air Pollution Control District dated October 25, 2019.
 - d. Public Works Department dated November 19, 2019.
 - e. County of San Luis Obispo, Department of Public Works dated November 12, 2019.
- 95. Rules-30. Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 96. Rules-31. Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;

-
- b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of the Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans “This project is subject to Condition and Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Environmental Impact Report #18EIR-00000-00001; SCH #2018071002;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 97. Rules-33. Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 98. Rules-37. Time Extensions-All Projects.** The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

CONDITIONS UNIQUE TO CONDITIONAL USE PERMITS

- 99. Rules-01 Effective Date.** The Conditional Use Permit and Variance shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permits shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.
- 100. Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within five years following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 (Time Extensions) of the County Land Use And Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then this Conditional Use Permit shall be considered void and of no further effect.

-
- 101. Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 (Time Extensions) of the County Land Use And Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. (LUDC Section 35.82.060 and Chapter 35.84.)

CONDITIONS UNIQUE TO VARIANCES

- 102. Description of Variances.** The County’s Land Use and Development Code (LUDC) Section 35.57.050 requires that the base of WTGs be set back from all property lines a minimum distance equal to the height of the system (150 meters or 492 feet for the SWEP). The following variances to this setback requirement shall apply to the SWEP:

Variance 1: The base of the towers of SWEP WTGs approved under 16CUP-00000-00031 shall be located not less than 70.05 meters (230 feet) away from exterior property lines located on the south and west sides of the Project site that are shared with Vandenberg AFB. No portion of the WTG shall cross over the property line shared with Vandenberg AFB. The Owner/Operator has executed an agreement with Vandenberg AFB that allows for placement of turbines within the limits specified above.

Variance 2: All setback requirements from internal contiguous participating properties within the Project boundary are reduced to zero for SWEP WTGs approved under 16CUP-00000-00031. If allowed by the Owner/Operator’s leases with Project landowners, turbine blades may overhang adjacent participating properties. WTGs shall be setback a distance of at least two times the total tower height (300 meters or 984 feet) from any occupied structure. A setback equivalent to the total WTG height (150 meters / 492 feet) from all external property boundaries shall be maintained per LUDC Section 35.57.050).

CONDITIONS UNIQUE TO BOARD OF SUPERVISORS HEARING

- 103. Micro-siting Stipulation.** During the micro-siting process for the wind turbines, the final location of WTGs N-5 and N-7 shall not be any closer to the current location of the primary single family home located at 4026 San Miguelito Road than as depicted on the site plan approved by the Board of Supervisors on January 28, 2020.

ATTACHMENT B-1

SEIR Table 4.5-3 Impacts to Vegetation and Landforms (Condition 11.m)

Vegetation/ Landform	Project Component Permanent Impacts (acres) / Temporary Impacts (acres)											TOTAL Perm. / Temp.	GRAND TOTAL
	Cut/Fill	WTG Pads	WTG Access	Laydown Yard	O&M Facility	Sub- station	Switching Station	Road Modifi- cations	Trans- mission Line	Water Well	Fuel Manage- ment Zones ¹		
Common Vegetation													
Non-Native Grassland	0.64 / -	-	-	0.58 / -	-	-	-	-	0.87 / 0.53	0.01 / -	0.48 / -	2.59 / 0.53	3.12
Non-Native Forb-Dominated	0.56 / -	-	-	-	-	-	0.13 / -	-	0.39 / 0.28	-	0.50 / -	1.58 / 0.28	1.86
Non-Native Woodland	0.23 / -	-	-	-	-	-	-	-	0.32 / 0.02	-	0.04 / -	0.59 / 0.02	0.61
Subtotal	1.43 / -	-	-	0.58 / -	-	-	0.13 / -	-	1.58 / 0.83	0.01 / -	1.02 / -	4.76 / 0.83	5.59
Sensitive Vegetation													
Native Grassland	6.44 / -	6.67 / -	2.09 / -	0.11 / -	-	0.01 / -	-	-	0.04 / -	-	0.95 / -	16.31 / -	16.31
Coastal Scrub	61.65 / -	26.10 / -	22.67 / -	12.60 / -	0.71 / -	0.71 / -	0.27 / -	0.46 / -	5.53 / 2.97	0.01 / -	10.25 / -	140.96 / 2.97	143.93
Riparian Scrub	1.98 / -	0.02 / -	0.58 / -	0.08 / -	-	-	-	0.30 / -	-	-	0.06 / -	3.02 / -	3.02
Fremont Cottonwood Forest	-	-	-	-	-	-	-	-	-	-	-	-	-
Tanoak Forest	2.12 / -	1.31 / -	0.85 / -	-	-	-	-	-	-	-	0.64 / -	4.92 / -	4.92
Coast Live Oak Woodland	0.73 / -	-	-	-	-	-	-	1.24 / -	0.26 / 0.10	-	0.16 / -	2.39 / 0.10	2.49
Subtotal	72.92 / -	34.10 / -	26.19 / -	12.79 / -	0.71 / -	0.72 / -	0.27 / -	2.00 / -	5.83 / 3.07	0.01 / -	12.06 / -	167.60 / 3.07	170.67
Other Landforms													
Agricultural Fields	0.82 / -	1.43 / -	2.75 / -	-	-	-	-	-	-	-	1.19 / -	6.19 / -	6.19
Disturbed	0.24 / -	-	-	-	-	-	0.05 / -	-	0.43 / 0.14	-	0.09 / -	0.81 / 0.14	0.95
Developed	0.17 / -	-	0.53 / -	0.13 / -	-	-	-	0.16 / -	0.03 / -	0.09 / -	0.42 / -	1.53 / -	1.53
Subtotal	1.23 / -	1.43 / -	3.28 / -	0.13 / -	-	-	0.05 / -	0.16 / -	0.46 / 0.14	0.09 / -	1.70 / -	8.53 / 0.14	8.67
Total Impacts	75.58 / -	35.53 / -	29.47 / -	13.50 / -	0.71 / -	0.72 / -	0.45 / -	2.16 / -	7.87 / 4.09	0.11 / -	14.78 / -	180.88 / 4.04	184.92

1 – Fuel management zones estimated per Development Standard 6, County Fire Dept.’s Defensible Space Standards, which requires 100-foot reduced fuel zone around structures. This requirement applies to the Project’s main structures (WTGs, O&M building, substation, and switchyard). The reduced fuel zone would consist of a 30-foot zone clear of flammable vegetation adjacent to each structure and a managed vegetation zone from 30 to 100 feet from each structure. Private roads on the Project site will maintain 10 feet of mowed area on each site of the roadways and a 15-foot reduced fuel area around each transmission structure; these distances may be reduced by County Fire Dept.

ATTACHMENT B-2

Condition 13.k

<http://sactree.com/pages/346>

Storing Acorns

After collecting and assessing the viability of the acorns, either plant them in growing containers or in their natural habitat. You may delay planting and keep the seeds in cold storage for several months. Acorns may be stored for up to four months as long as there is stable moisture and cool temperatures. A Ziploc plastic bag makes a great storage container. Store only healthy acorns.

Follow these steps:

1. Separate different species into separate storage bags.
2. Label each bag with the date, specific collection location, and type of oak.
3. Fill the bag no more than halfway with acorns and add 2-3 cups of vermiculite. Potting soil may be used if vermiculite is not available, but should have 2-5 tablespoons of water added prior to storage.
4. Check your acorns every few weeks. If it is wet inside the bags and mold begins to form, wash your acorns with water and repackage in fresh, dry vermiculite.

ATTACHMENT B-3

Condition 94

Departmental Condition Letters

MEMORANDUM

DATE: February 9, 2018

TO: Errin Briggs
Planning and Development
Santa Maria

FROM: Glenn Fidler, Captain 
Fire Department

SUBJECT: APN: 083-080-004 ... Permit: 16CUP-00031
Site: 5555 San Miguelito Road ..., Lompoc
Project: Conditional Use Permit – Wind Energy Project



*This Condition Memorandum Supersedes the Previous Condition Memorandum
Dated February 1, 2018*

Conditional Use Permit Timing

All Conditions Remain the Same

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

I have reviewed your project and find that it will require corrections before it can be approved by the Santa Barbara County Fire Department.

PRIOR TO CONDITIONAL USE PERMIT ISSUANCE

1. Revised plans shall provide a complete access plan to each turbine site showing all aspects of the roadway. Plans shall be approved by the fire department. The following information drawn to scale must be included with your revised plans.
 - Width of access.
Private roadway shall have a minimum width of 16 feet.
 - Percent of slope (including a profile section view).
 - Type of paving or surface material to be used.
 - Turnouts.
 - Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
 - Structural section view showing how the access shall be constructed.
 - Access plans shall require civil engineering design and certification.

2. If cattle guards are required for this project, the cattle guards shall conform to the following standards.
 - Plans shall be certified and stamped by a civil engineer as meeting all applicable standards for load bearing capacity and construction.
 - Cattle guard shall have a minimum H-20 rated load-bearing capacity.
 - Cattle guard width shall be equal to approved road width.
3. Provide a complete Stored Water Fire Protection System Plan. Plan shall be approved by the fire department. Plan shall include tank capacity, water supply, fire hydrant(s), water flow rate and fire sprinklers.
4. Provide a complete Safety Plan. Training regarding the possible use of special equipment to remove a victim from inside the turbine and lower to the pad area shall be included in the required safety plan.

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb



Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110
805/681-4900 • FAX 805/681-4901

Van Do-Reynoso, MPH, PhD Director
Suzanne Jacobson, CPA Chief Financial Officer
Paige Batson, MA, PHN, RN Interim Deputy Director
Douglas Metz, DPM, MPH Deputy Director
Polly Baldwin, MD, MPH Medical Director
Polly Baldwin, MD, MPH Interim Health Officer

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Lawrence Fay Director of Environmental Health

TO: Kathy Pfeifer, Planner
Planning & Development Department
Energy, Minerals & Compliance Division

FROM: Deanna Talerico
Environmental Health Services

DATE: October 23, 2019

SUBJECT: Case No. 16CUP-00000-00031

Applicant: Strauss Wind, LLC

Owner: Strauss Wind, LLC

Assessor's Parcel No: 11 + Parcels involved. See narrative below.

Located at: Southwest of the City of Lompoc, near the intersection of San Miguelito Road and Sudden Road.

16CUP-00000-00031 represents a request for a Conditional Use Permit for a wind generating facility, including 30 wind turbines up to 492' tall, a maintenance/operation building, an onsite electrical substation, onsite electrical switchyard, onsite electrical collection powerlines, a 7.3-mile transmission line from the onsite substation to the onsite switchyard, and reconductor (replacing wires and poles) for 0.8 miles along PG&E's existing Manville 115-kV power line from the proposed switchyard to PG&E's Cabrillo substation, and equipment upgrades to PG&E substation in the City of Lompoc. Approximately 5 to 7 employees will manage onsite operations.

The project site encompasses 5,887 acres, shown as the following Assessor's Parcel Numbers (APNs); Wind Site: 083-100-008, 083-250-011, 083-250-016, 083-250-019, 083-090-001, 083-090-002, 083-090-003, 083-080-004, 083-100-007, 083-100-004, and 083-090-004; and transmission line route: 093-140-016, 083-060-013, 083-030-031, 083-030-005, 083-030-006, 083-110-012, 083-110-007, 083-110-008, 083-060-017, 083-110-002, and 099-141-034. The site is located southwest of the City of Lompoc near the intersection of San Miguelito Road and Sudden Road in the unincorporated territory of Santa Barbara County in the Third and Fourth Supervisorial Districts.

Domestic Water is proposed to be provided by a private water system and private onsite well. Environmental Health Services (EHS) has received and reviewed a satisfactory well completion report, well yield pump test, and water quality analysis for a well that was constructed on site in January-

February 2019. EHS has determined this well to be a feasible source of water to support the domestic water supply demand for the proposed project.

Waste water is proposed to be provided by a private onsite wastewater treatment system utilizing leach lines. Environmental Health Services has received and reviewed a satisfactory soils report and percolation testing from Terracon Consultants, dated February 14, 2019. The use of an onsite wastewater treatment system to serve this project has been deemed feasible based on the information provided.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Issuance of Zoning Clearance, an application for a **Domestic Water Supply Permit** shall be submitted to Environmental Health Services.
2. Prior to Issuance of Zoning Clearance, an application for an **Onsite Wastewater Treatment System** permit shall be submitted to Environmental Health Services. The plans shall include a layout for the installation of a 200% primary installation (dual disposal field) and 100% future expansion area.
3. Prior to Issuance of a Building Permit, the application for the domestic water system permit shall be approved by Environmental Health Services.
4. Prior to Issuance of a Building Permit, the applications for the onsite wastewater treatment system permit shall be approved by Environmental Health Services.
5. Prior to Occupancy, the approved domestic water supply system shall be installed, constructed and fully operational, to be verified by Environmental Health Services.
6. Prior to Occupancy, the approved onsite wastewater treatment system shall be installed, constructed and fully operational, to be verified by Environmental Health Services.

Deanna Talerico

Deanna Talerico, REHS
Senior Environmental Health Specialist



October 25, 2019

Kathy Pfeifer
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

**Re: Air Pollution Control District Suggested Conditions on the Strauss Wind Energy Project,
16CUP-00000-00031, 18CDP-00000-00001, 18VAR-00000-00002**

Dear Ms. Pfeifer:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of the development, construction, and operation of a utility-scale wind energy project that would produce up to 98 megawatts of electric power. The project's main components are as follows: construction and operation of up to 29 wind turbine generators (WTGs), 7.05 miles of new turbine access roads and widening of 1.76 miles of existing non-County roads at the wind farm site, 0.91 miles of new transmission line access roads and modifications to 9.03 miles of existing roads, modifications to San Miguelito Road, communications system and meteorological towers, onsite electrical collection lines and onsite project substation, operations and maintenance building, 7.3 mile, 115-kilvolt transmission line from onsite substation to PG&E Cabrillo Substation in Lompoc, and upgrades to the PG&E substation for interconnection. The project would be constructed in one phase and is anticipated to take approximately 10 months. Cut volumes for the entire project are estimated to be 950,237 cubic yards (cy), and fill volumes are estimated at 961,778 cy, leaving a net differential value of 11,541 cy for all the required project earthwork. As a result of shrinkage and settling, the applicant expects earthwork to be balanced on site. The project will be located on approximately 5,887 acres of rural, agriculturally zoned land, southwest of the City of Lompoc.

Please note that the fugitive dust control measures and diesel particulate and NOx reduction measures suggested below are standard measures recommended for all projects with operations/equipment that have the potential to emit dust and exhaust. The lead agency has the discretion to require more stringent standards. Mitigation measures listed in the Final Supplemental Environmental Impact Report to reduce air quality and greenhouse gas impacts should be enforced as conditions of approval for the project.

Air Pollution Control District staff offers the following suggested conditions:

1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
2. District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities* establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. Please see www.ourair.org/wp-content/uploads/rule345.pdf.

Aeron Arlin Genet, Air Pollution Control Officer

*District Suggested Conditions on the Strauss Wind Energy Project, 16CUP-031, 18CDP-001, 18VAR-002
October 25, 2019
Page 2*

3. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible.
4. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months. If the portable concrete batch plant (and associated engines, if any) will be present at the project site for more than 12 months, a District Authority to Construct (ATC) permit will be required. If a District permit is required, proof of receipt of the District permits shall be submitted by the applicant to planning staff.
5. If the project area to be disturbed: a) is located in a geographic ultramafic rock unit; b) has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator; or c) is discovered by the owner/operator, a registered geologist, or the Air Pollution Control Officer to have naturally-occurring asbestos, serpentine, or ultramafic rock after the start of any construction or grading; then appropriate abatement measures must be undertaken pursuant to the requirements of the Air Resources Board Air Toxic Control Measure (ATCM) for Construction, Grading, Quarrying and Surface Mining Operations (see www.arb.ca.gov/toxics/asbestos/asbestos.htm).
6. If contaminated soils are found at the project site, the District must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required. District permits are required for all soil vapor extraction activities. District permits are also required for the excavation ("dig-and-haul") of more than 1,000 cubic yards of contaminated soil.
7. At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
 - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
 - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
 - See www.arb.ca.gov/noidle for more information.
8. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
9. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via e-mail at BarhamC@sbcapcd.org if you have questions.

*District Suggested Conditions on the Strauss Wind Energy Project, 16CUP-031, 18CDP-001, 18VAR-002
October 25, 2019
Page 3*

Sincerely,



Carly Barham
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: Chron File



ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3232 FAX 805/568-3222



November 19, 2019

TO: Cathy Pfeifer, Planner
Development Review

FROM: William Robertson, Transportation Planner
Public Works, Transportation Division

SUBJECT: **Conditions of Approval (3 pages)**
Strauss Wind Energy Project
16CUP-00000-00031, 18CDP-00000-00001, 18VAR-00000-00002
APN: 083-080-004

Traffic Mitigation Fees

1. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Unincorporated Planning Areas of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is **\$4,424 (7 new PHT's x \$632 Traffic Fee)**. **Fees are due prior to land use clearance and shall be based on the fee schedule in effect when paid.** This office will not accept payment or process a check received prior to project approval.

Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 2nd Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Encroachment/Excavation/Haul Permit

2. Prior to Zoning Clearance, an excavation and/or encroachment permit shall be obtained for any work performed in the County right of way, including, but not limited to, road construction, driveways, utilities, connections and hauling more than 1000 cubic yards of earthwork.

The developer shall comply will all applicable Public Works Standard Permit Conditions of Approval and Engineering Design Standards, as determined by the Public Works Traffic and/or Permit Sections, prior to issuance of an Encroachment Permit.

Encroachment Permits and/or Santa Barbara Engineering Design Standards and Pubic Works Standard Conditions of Approval can be obtained at the following locations:

North County Permits Section
620 West Foster Road
Santa Maria, CA 93455
805-739-8788

South County Permits Section
4417 Cathedral Oaks Road
Santa Barbara, CA 93110
805-681-4967

3. Prior to Zoning Clearance, the applicant shall enter into an agreement with the County of Santa Barbara to ensure any damage to roadways attributable to the project is mitigated through repair or reconstruction to the road's original condition. Roads shall be photographed or video recorded prior to issuance of an encroachment permit to ensure that all repairs will be sufficient to return the road back to pre-construction conditions. All repairs shall comply with the current engineering design standards and policies of the County of Santa Barbara.
4. Prior to Zoning Clearance, the applicant shall prepare a TMP (Traffic Management Plan) for submittal to the County of Santa Barbara. The purpose of the TMP is to address potential hazards associated with Project truck traffic and to address level of service impacts. The plan will require measures such as informational signs, flagmen when equipment may result in blockages of throughways, and traffic control to implement any necessary changes in temporary lane configuration.

Specific provisions would include, but not be limited to:

- Location and use of flag persons and pilot cars during the delivery of large/heavy loads.
- Requirements to limit the hours for transporting large/heavy loads to minimize traffic impacts.
- Limit the number of large/heavy loads per day, or to specific days.
- Provide for advance notification of residents, businesses, emergency providers, and hospitals when roads or intersections may be partially or completely closed.
- Develop protocols for passage of emergency vehicles and regular traffic when large/heavy vehicles are traveling at slow speeds.
- Ensure adequate parking for workers, construction vehicles, and trucks.
- Encourage measures for using carpooling, shuttle buses, cycling, or motorcycling to travel to the construction site.
- Transportation Demand Management (TDM), including agreements, employee information, reporting, and traffic count monitoring.

- Prepare and implement detailed plans to safely accommodate the movement of oversized vehicles along the proposed haul routes, with particular emphasis on constrained locations such as intersections where the oversized vehicles will be turning and curves on San Miguelito Road where the turning radius cannot adequately accommodate the passage of the oversized vehicles. The plans would include, but not be limited to, detour signage, use of traffic control officers, time of day and/or day of week restrictions, and required coordination with police, fire, and other emergency service providers. The oversized vehicles would also be required to have police escorts along the entire travel route. These provisions are subject to review and approval by the affected public agencies.

If you have any questions, please contact me at 739-8785.

Sincerely,



11-19-2019

William T. Robertson

cc: 083-080-004

16CUP-00000-00031, 18CDP-00000-00001, 18VAR-00000-00002

Gary Smart, Traffic Section Manager, County of Santa Barbara, Public Works Department

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COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Interim Director*

RECOMMENDED CONDITIONS

Date: November 12, 2019
To: Kathy Pfeifer, Energy, Minerals and Compliance Division, County of Santa Barbara
CC: Ingrid McRoberts, Transportation Planner, Caltrans District 5
Jenna Schudson, Transportation Planner, Caltrans District 5
From: David E. Grim, Development Services Manager, County of San Luis Obispo
Subject: Strauss Wind Energy Project, 16CUP-00000-00031, 18CDP-00000-00001 18VAR-00000-00002

Thank you for the opportunity to provide information on the proposed subject project. Below is our comments and recommended conditions for the project.

Public Works Comments:

- A. The proposed project is to construct a wind energy facility south of the City of Lompoc. In order to construct the project, 30 wind turbine generators (WTG) will need to be transported through San Luis Obispo County, using both County roads and Highway 101.
- B. In order to ensure the WTG truck trips are routed and conducted in a safe manner, the applicant will need to secure a transportation encroachment permit through our office. The applicant is encouraged to coordinate with our office early in the process to minimize the impacts of any required changes to the route.

Recommended Project Conditions of Approval:

Access

1. **Prior to commencing permitted activities**, the applicant shall obtain approval of a transportation encroachment permit from the County of San Luis Obispo Department of Public Works. The permit application shall describe the number, frequency, timeframes, and route(s) for any oversized loads that extend into the County of San Luis Obispo's public road jurisdiction.

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ATTACHMENT C

LINK TO SWEP EIR No. 18EIR-00000-00001

<https://cosantabarbara.box.com/s/axwf958u87d73eupezrfxj979t62dn8w>