ADDENDUM NO. 1 TO THE

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

FOR THE

MODIFICATION NO. 1 TO THE CUP FOR THE

CHERRY SOLAR PROJECT AND GEN-TIE LINE

KINGS COUNTY CUP 22-05

STATE CLEARINGHOUSE NO. 2022090283

KINGS COUNTY, CALIFORNIA

JUNE 2024

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1. INTRODUCTION AND BACKGROUND

On November 7, 2022, the Kings County Planning Commission adopted the Initial Study/Mitigated Negative Declaration (IS/MND) on the Cherry Solar Project (State Clearinghouse No. 2022090283) under the California Environmental Quality Act (CEQA)(hereinafter referred to as "2022 MND"). The 2022 MND provided CEQA review and clearance for the Planning Commission's approval of Conditional Use Permit (CUP) No. 22-05 for the Cherry Solar Project.

The CUP allows the Applicant (and any successor in interest for the life of the Project) to construct and operate a 250-megawatt (MW) photovoltaic (PV) solar generating facility, and including an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility located on approximately 2,079 acres on the north side of Nevada Avenue approximately 2.5 miles west of State Route 41, specifically at 26620 Nevada Avenue, Kettleman City (see Figures PD-1 and PD-2).

1.1. ACTION TRIGGERING THE ADDENDUM UNDER CEQA

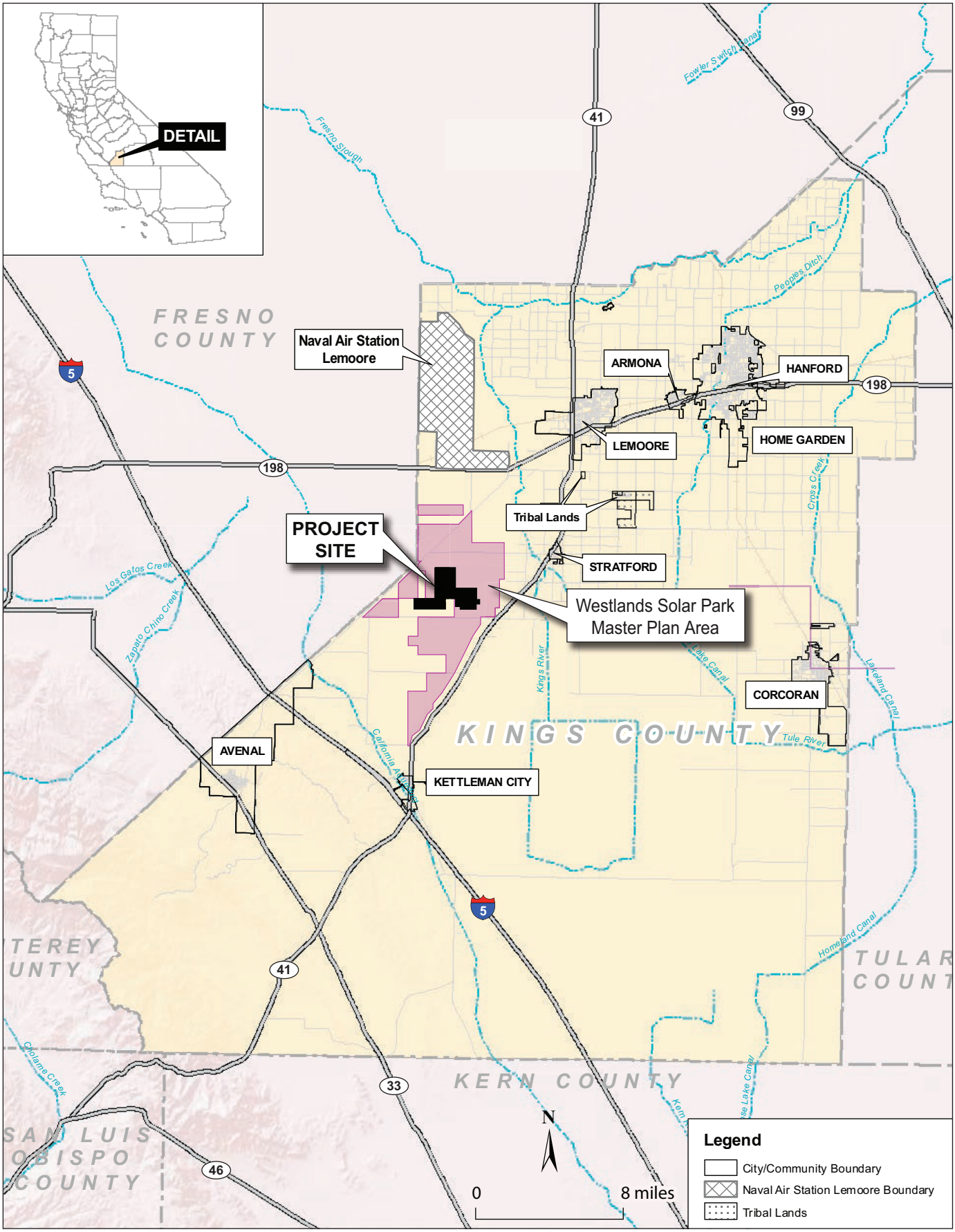
The approved CUP for the Cherry Solar Project is proposed to be modified to reflect three substantive changes. These changes are listed below and described in detail subsequently in this section.

1) Revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of 640 acres with approved Grape Solar Project adjacent to the east (see Figures PD-3 and PD-4);
2) Relocate the project operations center to a site located approximately 1.1 mile east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment;
3) Include in the modified CUP an approximately 9,600 square-foot steel building for the storage of spare parts.

This MND Addendum evaluates these planned modifications to the approved Cherry Solar Project CUP. The Kings County Community Development Agency (CDA) has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the planned changes to the Cherry Solar Project from the project addressed in the 2022 MND warrants the preparation of an Addendum to update the analysis provided in the 2022 MND. The basis for this determination is discussed in detail below.

1.2. CEQA AUTHORITY FOR MND ADDENDUM

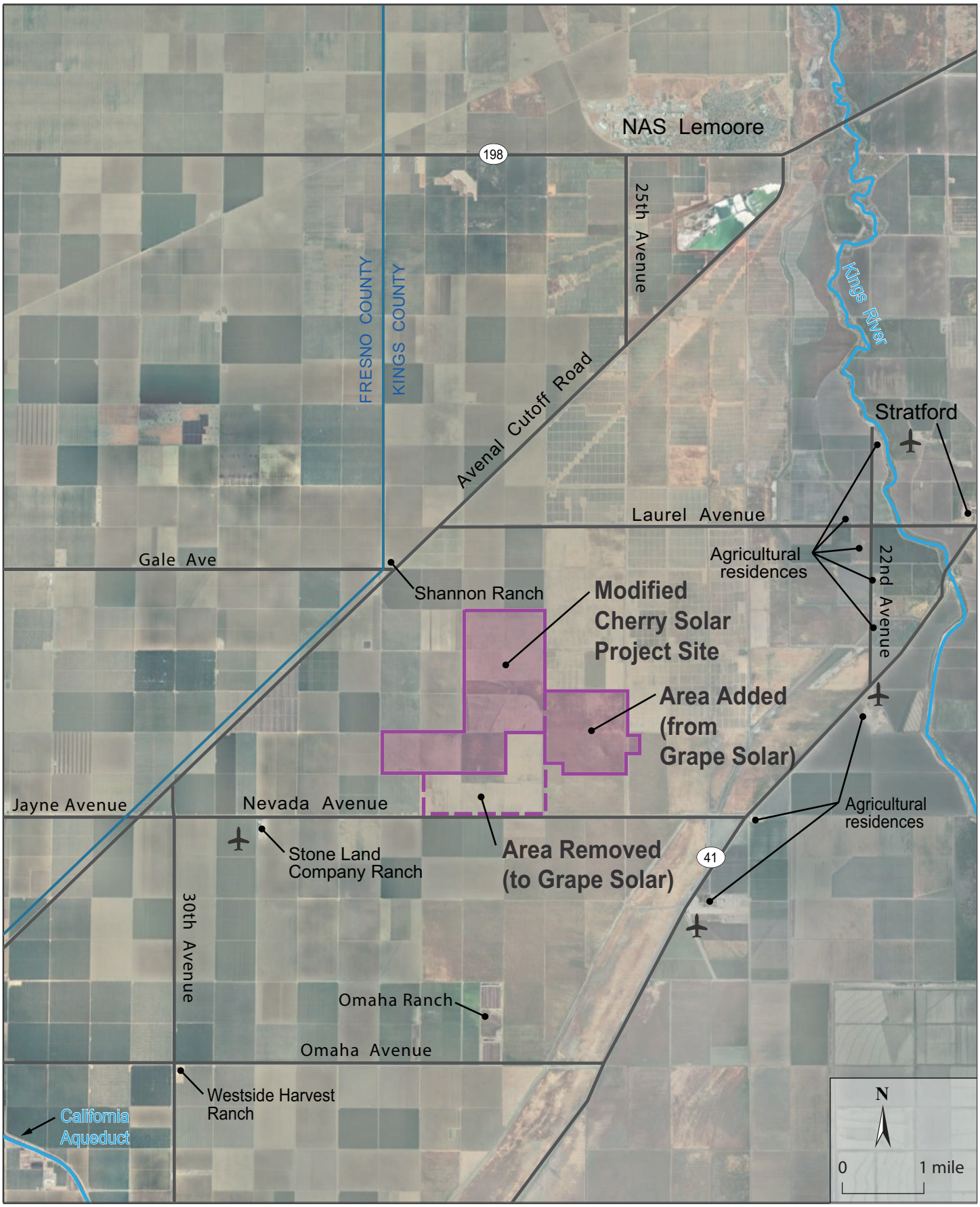
An Addendum is appropriate under Section 15164 of the State CEQA Guidelines where an EIR has been previously certified or a Negative Declaration has been previously adopted, and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, or new information of substantial importance becomes available, but none of the changes or revisions or new information would result in the identification of significant new or substantially more severe environmental impacts than identified in the previous EIR or Negative Declaration. The Kings County CDA has determined that the an MND Addendum is the appropriate form of CEQA documentation because the proposed project modifications and changes in project circumstances would not result in any new significant or substantially more severe impacts than were identified in the 2022 MND.



Source: Kings County Community Development Agency

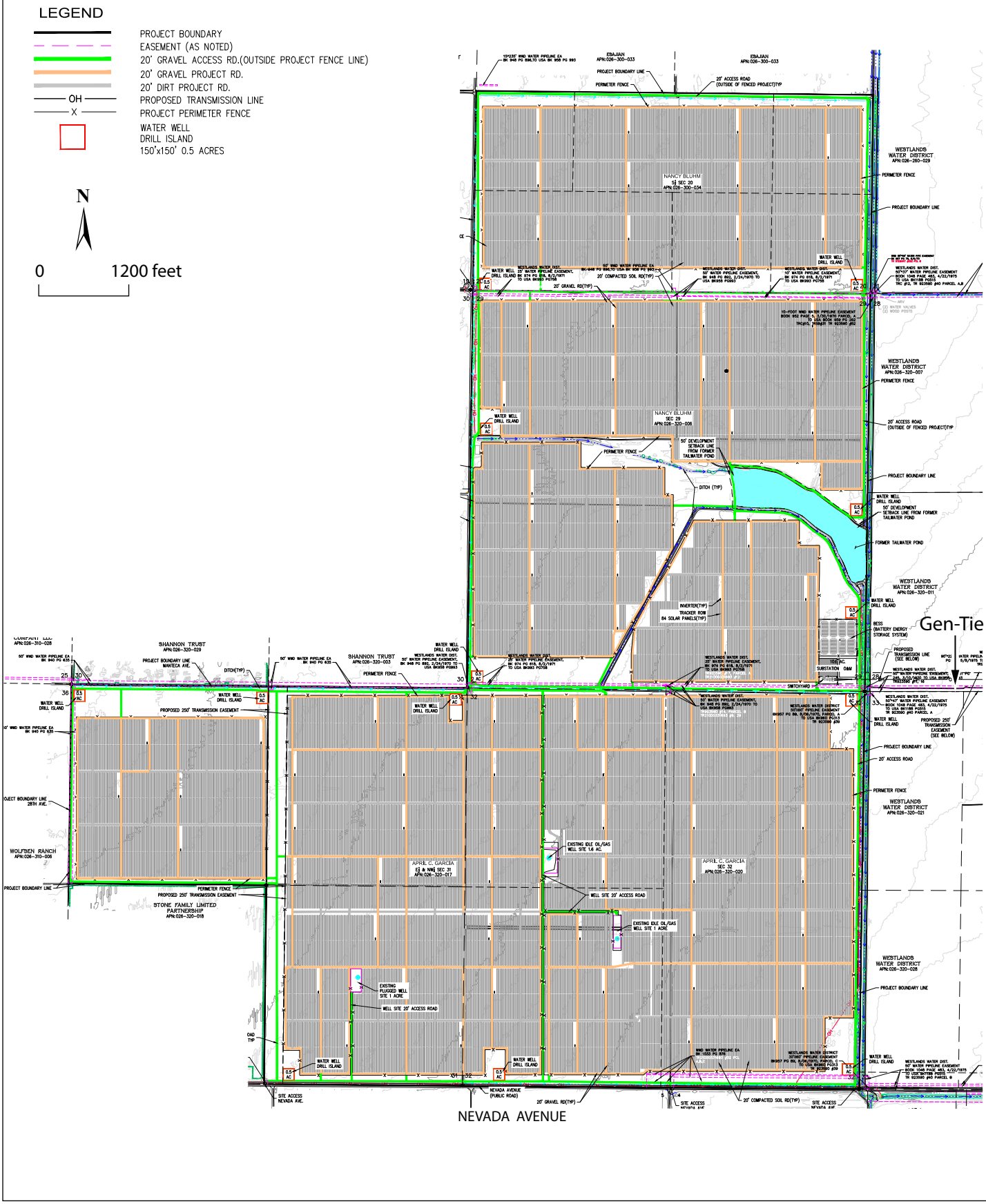
Regional Location

Figure PD-1



Source: Google Earth, 2024

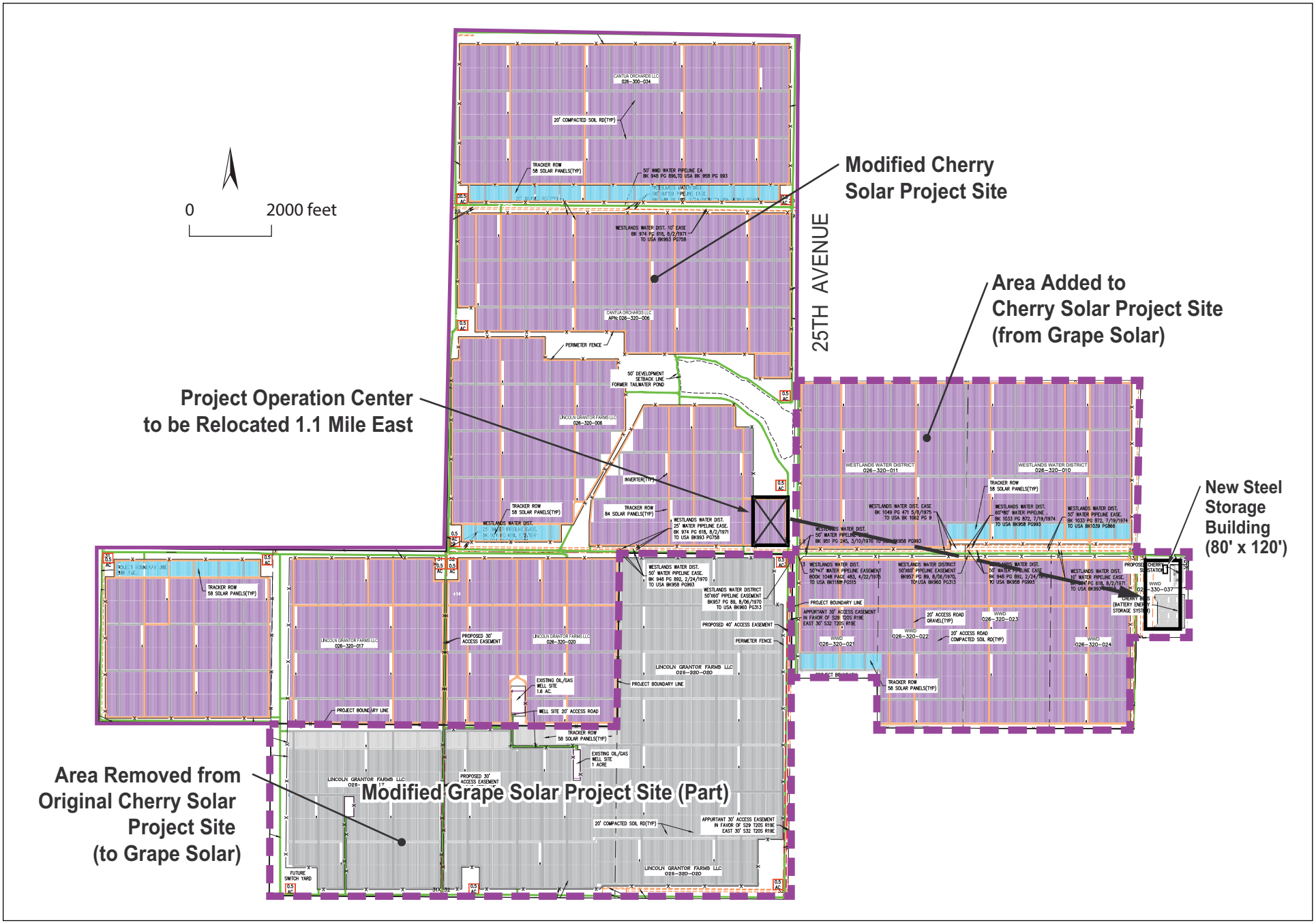
Project Vicinity
Figure PD-2



Source: DK Engineering

Approved Site Plan

Figure PD-3



Source: DK Engineering

Modified Site Plan
Figure PD-4

1.3. APPROACH TO CEQA REVIEW

This Addendum is intended to provide CEQA review for the modified Cherry Solar Project, which includes changes to the previously approved CUP. This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2022 MND.

1.4. PREVIOUS ENVIRONMENTAL DOCUMENTS

The following CEQA documents are directly applicable to the consideration of the modified Westside Solar Project CUP:

- *Initial Study/Mitigated Negative Declaration, Cherry Solar Project and Gen-Tie Line*, September 2022. SCH No. 2022090283. Adopted by Kings County Planning Commission, November 7, 2022.

- *Program EIR for the Westlands Solar Park Master Plan and Gen-Tie Corridors Plan*, Volumes I-II, October 2017. SCH No. 2013031043. Certified by Westlands Water District Board of Directors, January 16, 2018.

The Cherry Solar Project is located within the Westlands Solar Park (WSP), a master planned solar complex covering approximately 20,938 acres in west-central Kings County. The WSP Master Plan and Gen-Tie Corridors Plan was prepared by the Westlands Water District (WWD) to provide policy guidance for the reuse of retired farmlands owned by WWD, which comprise approximately half of the Master Plan area. In compliance with State CEQA Guidelines Section 15168, the WWD prepared a Program EIR (PEIR) which addressed the potential environmental impacts associated with future solar development under the WSP Master Plan and Gen-Tie Corridors Plan. On January 16, 2018, the WWD Board of Directors certified the PEIR under CEQA and approved the WSP Master Plan and Gen-Tie Corridors Plan as a WWD policy document.

The PEIR on the WSP Master Plan and Gen-Tie Corridors Plan (hereafter "WSP Master Plan PEIR") was prepared in close coordination with the staff of the Kings County Community Development Agency (CDA), in recognition of the County's role as a responsible agency for the approval of Conditional Use Permits (CUPs) for individual solar generating facilities (SGFs) to be developed within the WSP Master Plan area. This approach was intended by both WWD and Kings County CDA to provide for the tiering of subsequent MNDs from the PEIR, as provided under CEQA Guidelines Section 15168 (see "Tiering under CEQA" below for further discussion). The Draft PEIR incorporated all revisions requested by the Kings County CDA with the express purpose of making the PEIR consistent with County policies and practices, and thus facilitating the ability of the Kings County Planning Commission to adopt subsequent MNDs that would be tiered from the certified PEIR. This would also enable the certified PEIR to be incorporated by reference into the subsequent MNDs prepared by Kings County (per CEQA Guidelines Section 15150), and would enable the Planning Commission's consideration of the contents of the certified PEIR when adopting the subsequent MNDs for solar projects proposed within the WSP Master Plan area. Since 2018, the tiering of subsequent MNDs from the PEIR has been employed in connection with several CUP approvals for WSP solar projects including Aquamarine Solar, Solar Blue, Chestnut Solar, Grape Solar, and the subject Cherry Solar Project. Similarly, this MND Addendum incorporates by reference certain information and evaluation contained in the PEIR that is applicable to the Cherry Solar Project and the proposed modifications to the project CUP, pursuant to CEQA Guidelines Section 15150.

2. PROJECT DESCRIPTION

2.1. OVERVIEW OF APPROVED PROJECT CUP

The approved CUP for the Cherry Solar Project included a 250-MW solar PV generating facility, and an electrical substation, a 250-MW battery storage facility, and an Operations and Maintenance (O&M) facility on a 2,079-acre site generally located on the north side of Nevada Avenue approximately 2.5 miles west of State Route 41 (see Figures PD-1 and PD-2).

The solar generation from the Cherry Solar Project is planned to be conveyed to the State's electrical grid via an approximately 15-mile long gen-tie line extending west to the Gates Substation on Jayne Avenue in Fresno County. The 8.7-mile long Kings County segment of the gen-tie line was previously approved by the Kings County Planning Commission as part of the Aquamarine Solar Project and Gen-Tie Line (CUP 17-04). This gen-tie line is intended to serve the Cherry Solar Project as well as other solar projects within the Westlands Solar Park Master Plan area.

The 2022 MND on the Cherry Solar Project included a comprehensive description of the planned solar facility including a detailed description of construction methods and inputs as well as a description of operational characteristics.

2.2. PLANNED MODIFICATIONS TO THE CHERRY SOLAR PROJECT CUP

The planned modifications to the Cherry Solar Project CUP are described in detail below.

1. Exchange of Lands with Grape Solar Project

Approved Project

The approved Cherry Solar Project is located on a 2,079.1-acre site located on the north side of Nevada Avenue between 25th and 28th Avenues. The approved Cherry Solar Project includes the Assessor's Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

The approved project CUP is planned to be modified to revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of acreage with approved Grape Solar Project adjacent to the east. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Cherry Solar Project would remain exactly the same as the approved CUP acreage, at 2,079.1 acres.

Table 1

Cherry Solar – CUP Modification – Revised APNs and Acreage Breakdown

[CUP No. 22-05 – Approved November 7, 2022]

APN	Approved Cherry CUP Acreage	Acres Exchanged with Grape Solar		Modified Cherry CUP Acreage
		To Grape	From Grape	
026-300-034	320	--	--	320
026-320-006	640	--	--	640
-010	0	--	+160	160
-011	0	--	+160	160
-017	479.1	-160	--	319.1
-020	640	-480	--	160
-021	0	--	+57	57
-022	0	--	+80	80
-023	0	--	+80	80
-024	0	--	+80	80
026-330-037	0	--	+23	23
Totals	**2,079.1**	**-640**	**+640**	**2,079.1**

2. Planned Change in Location of the Project Operations Center

Approved Project

On the approved CUP site plan for the Cherry Solar Project, the project operations center (consisting of the project substation, O&M facility, and a 250-MW battery storage facility) is planned to be located on an approximately 10-acre site adjacent to the eastern site boundary, approximately 1.0 mile north of Nevada Avenue (see Figure PD-3).

Planned Project Modification

The approved project is planned to be modified to relocate the project operations center to a site located approximately 1.1 mile east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4). No changes to the size or composition of the operations center are proposed. Under the modified plan, the previously approved site of the operations center would be utilized for solar arrays which would be equal to the area of solar arrays previously planned for the new planned location of the operations center. As such, there would be no change in the size of the solar collection fields or in any of the construction details related to the solar collection fields.

3. Planned Addition of Steel Storage Building

Approved Project

On the approved CUP site plan for the Cherry Solar Project, the O&M facility does not include any storage buildings.

Planned Project Modification

The approved project is planned to be modified to include a steel building for the storage of spare parts. The steel storage building would be located in an open area of the O&M yard and would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

All other aspects of the modified project, such as construction and operational details, have not changed from the descriptions contained in the 2022 IS/MND. (See IS/MND Section *1.2. Project Description* for a detailed description of project construction, operation, and decommissioning).

2.3. CHANGES IN PROJECT CIRCUMSTANCES

1. Changes to Project Setting

Project Setting in 2022

The approved project site consists of 2,079 acres of agricultural fields with no buildings or structures. Within the eastern site boundary there is 30-acre area occupied by a former tailwater basin which historically received irrigation return flows but has been dry for the past several years with the advent of drip irrigation which eliminated such return flows. Several former agricultural irrigation canals and ditches run alongside and within the project site, but these are no longer used and are also dry. Historically, the project site has been used for the cultivation of crops such as tomatoes, cotton, and wheat; and in recent years has been cultivated for winter wheat and left fallow during the dry season. The project site includes several wells and irrigation pump stations, filter stations, tanks, and standpipes in various locations; three WWD water transmission pipelines, and three former oil/gas wells; a 12-kV electric distribution line along the Nevada Avenue frontage; and a 12-kV power line running along the east site boundary from Nevada Avenue north to the former pump station at the former tailwater basin. There are no other structures on the site.

In 2022, all of the lands surrounding the project site (including the 640-acre area proposed to be added to the east side of the project site) consisted of agricultural lands planted in row crops or tree crops, with some fields fallowed seasonally. The structures in the vicinity included the Shannon Ranch complex (including 20 dwellings) located on Avenal Cutoff Road 1.0 mile northwest, and the Stone Land Company Ranch located 1.9 miles west on Nevada Avenue. The 250-MW Aquamarine Solar Project, located just over 1.0 mile north was completed in late 2021. A 230-kV gen-tie line running along the south side of Nevada Avenue opposite the Cherry project site was also completed in 2021,

Project Setting in 2024

No physical changes have taken place on the Cherry Solar Project site, apart from seasonal planting and harvesting of winter wheat, since 2022. Notable changes on adjacent lands include the completion of the 250-MW Solar Blue Project to the north and the 150-MW Castanea (formerly Chestnut) Solar Project to the northeast in 2023. No other substantial changes to surrounding lands have occurred since 2022.

2. New Information of Substantial Importance

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, the Addendum should address the project modifications in the context of new information which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete. In the relatively brief period since the MND was adopted in November 2022, no information of substantial importance related to the project's physical or regulatory context has emerged or been discovered,

apart from the changes in the project setting described above. It is noted that since 2022 several new solar projects have been proposed in Kings County, which expands the list of pending, approved, and completed projects to be considered in the cumulative analysis. Accordingly, the updated cumulative analysis contained in Section 3.2., item *17. Mandatory Findings of Significance* addresses the effect of these additional cumulative projects.

3. CEQA ANALYSIS

3.1. INTRODUCTION

This Addendum is organized with reference to the environmental topic areas in CEQA Guidelines Appendix G, which are evaluated to determine if any changed conditions associated with the proposed CUP modifications may result in a different environmental impact significance conclusion from the 2022 MND. In particular, the analysis is focused on making determinations as to whether any new or more severe significant environmental impacts may result from the proposed project modifications.

As described in Section 2.2., the proposed project modifications consist of the following elements:

Approved Project

The approved Cherry Solar Project is located on a 2,079.1-acre site located on the north side of Nevada Avenue between 25th and 28th Avenues. The approved Cherry Solar Project includes the Assessor's Parcels listed in Table 1 on the next page (see also Figure PD-3).

Planned Project Modification

1) Exchange of Lands with Grape Solar Project: The approved project CUP is planned to be modified to revise the external boundaries of the Cherry Solar Project site by way of an equal exchange of acreage with approved Grape Solar Project adjacent to the east. This would involve the transfer of 640 acres from the Grape Solar Project to the Cherry Solar Project, and the transfer of 640 acres from the Cherry Solar Project to the Grape Solar Project (see Figure PD-4). The total gross area of the Cherry Solar Project would remain exactly the same as the approved CUP acreage, at 2,079.1 acres.

2) Change in Planned Change Location of the Project Operations Center (consisting of substation, O&M facility, and battery storage area) to a site located approximately 1.1 miles east at the southeast corner of the unimproved 25th Avenue alignment and the unimproved Manteca Avenue alignment (see Figure PD-4).

3) Planned Addition of a Steel Storage Building: The building would be used for storage of spare parts and would be located in an open area of the O&M yard. The steel building and would have a floor area of approximately 9,600 square feet, with dimensions of approximately 120 feet by 80 feet.

3.2. ENVIRONMENTAL EVALUATION

1) Aesthetics

The 2022 MND concluded that the project would not have a significant adverse visual or aesthetic effect and would not create a new source of substantial light or glare. In the modified project, the addition of the 640-acre parcel on the east, the relocated project operations center, and the new steel storage building would be located at least 0.5 mile from the nearest public road (Nevada Avenue) and at least 1.0 mile from the nearest residences (at Shannon Ranch), where the visual, light, and glare effects upon the nearest receptors would be negligible. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* visual and aesthetic impact remains valid and applicable to the modified Cherry Solar Project.

2) Agriculture and Forestry Resources

The 2022 MND concluded that the project's potential impacts to agricultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures AG-1, AG-2, and AG-3 which would ensure concomitant agricultural production on the site for the life of the solar facility. In the modified project, the addition of the 640 acres of agricultural land on the east would be subject to the same Mitigation Measures (those measures were also mitigations for the Grape Solar Project CUP which included the subject 640 acres). The relocation of the project operations center within the approved project footprint of the Grape Solar Project would not increase the potential impact to agricultural resources, which would be fully mitigated in the modified project as required. Neither the approved project nor the modified project would have any impact on forestry resources. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon agriculture and forestry resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

3) Air Quality

The 2022 MND concluded that the project's potential air quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measures AQ-1 which require the use of clean fleet construction equipment in order to reduce emissions of nitrogen oxides and particulate matter. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in air emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in emissions, and the addition of the steel storage building would result in a negligible increase in emissions, relative to the approved project. Therefore, the proposed project modifications would not cause the project emissions to exceed any of the applicable air quality thresholds. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* air quality impact with the incorporation of specified mitigation remains valid and applicable to the modified Cherry Solar Project.

4) Biological Resources

The 2022 MND concluded that the project's potential impacts to biological resources would be reduced to less than significant levels with the incorporation of Mitigation Measures BIO-1 through BIO-5 which would ensure that no special status species or other protected biological resources would be adversely affected by the project. The 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for biological resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon biological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

5) Cultural Resources

The 2022 MND concluded that the project's potential impacts to cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. The 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site is subject to the same site conditions and would be required to implement the same mitigation measures for cultural resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the

conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

6) Energy

The 2022 MND concluded that the project would not result in wasteful, inefficient, or unnecessary consumption of energy, and that the project would not conflict with or obstruct any plans for renewable energy or energy efficiency, and therefore would have a less-than-significant impact upon energy resources. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in energy consumption relative to the approved project. The relocation of the project operations center within the project site would result in no increase in energy consumption, and the addition of the steel storage building would result in a negligible increase in energy consumption, relative to the approved project. Therefore, the energy consumed by the modified project would not constitute a wasteful, inefficient, or unnecessary use of energy. In addition, since the project is a solar PV generating facility, it would produce electricity far more efficiently than a fossil-fueled power plant with the same generating capacity. As such, the project would help implement state and local plans for renewable energy. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* energy impact remains valid and applicable to the modified Cherry Solar Project.

7) Geology and Soils

Geologic and Soils Hazards

The 2022 MND concluded that the project's potential geology and soils impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure GEO-1 which would ensure that the expansive soils present within the project site would be subject to corrective measures to mitigate potential damage to project structures. The 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for geologic and soil hazards, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with respect to geologic and soils hazards with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

Paleontological Resources

The 2022 MND concluded that the project's potential impacts to paleontological resources would be reduced to less than significant levels with the incorporation of Mitigation Measure CR-2 which would ensure that any previously undiscovered fossiliferous materials would not be adversely affected by the project. The 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would be required to implement the same mitigation measures for paleontological resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with respect to paleontological resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

8) Greenhouse Gas Emissions

The 2022 MND concluded that the greenhouse gas emissions generated by the project would have a less-than-significant effect on the environment. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no appreciable change in GHG emissions relative to the approved project. The relocation of the project operations center within the project site would result in no increase in GHG emissions, and the addition of the steel storage building would result in a negligible increase in GHG emissions, relative to the approved project. In addition, since the project is a solar PV generating facility, it would result in far less GHG emissions than a fossil-fuel powered plant with the same generating capacity. As such, the project would help implement plans and policies aimed at reducing greenhouse gas emissions. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact in terms of greenhouse gas emissions remains valid and applicable to the modified Cherry Solar Project.

9) Hazards and Hazardous Materials

The 2022 MND concluded that the project's potential hazards and hazardous materials impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-1 which would ensure the implementation of a Hazardous Materials Business Plan (HMBP) which would provide for the safe storage, handling, and disposal of hazardous materials within the project. The 2022 MND concluded that the project's potential exposure to valley fever would be reduced to less than significant levels with the incorporation of Mitigation Measure HAZ-2 which would ensure the implementation of a Dust Control Plan, and the distribution of respiratory protection to workers, which would reduce the potential for exposure to valley fever spores at the project site. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hazards and hazardous materials impacts or the potential exposure to valley fever, both of which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* hazards and hazardous materials impact and a *less-than-significant* in terms of exposure to valley fever with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

10) Hydrology and Water Quality

The 2022 MND concluded that the project's potential hydrology and water quality impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure HYD-1 which would ensure that the implementation of a Storm Water Pollution Prevention Plan (SWPPP) which would require the application of specified Best Management Practices to prevent erosion and sedimentation during grading and construction for the project. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not increase the potential hydrology and water quality impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* hydrology and water quality impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

11) Land Use and Planning

The 2022 MND concluded that the project would have no impact in terms of land use and planning. In the modified project, the 640-acre area to be added to the Cherry Solar Project site from the approved Grape Solar Project site is subject to the same site conditions and would not fundamentally alter the land uses or the overall land use configuration planned for the project, and thus no new land use and planning impact would result. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of land use and planning remains valid and applicable to the modified Cherry Solar Project.

12) Mineral Resources

The 2022 MND concluded that the project would have no impact in terms of potential loss of important mineral resources. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site conditions and would not raise the potential for new impacts to mineral resources on lands which were not previously evaluated. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of potential loss of important mineral resources remains valid and applicable to the modified Cherry Solar Project.

13) Noise

Construction Noise

The 2022 MND concluded that the construction activity on the project site would not have a significant noise impact at the nearest residential locations. In the modified project, the reconfigured site would be located at least 0.5 mile from the nearest public road (Nevada Avenue) and at least 1.0 mile from the nearest residences (at Shannon Ranch), where the construction noise would be barely audible above ambient noise levels. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to construction noise remains valid and applicable to the modified Solar Blue Project.

Construction Traffic Noise

The 2022 MND concluded that the noise generated by project traffic during the peak construction period would have a less-than-significant noise impact at the most affected residential receptors along the travel routes to the project site. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to construction traffic noise remains valid and applicable to the modified Cherry Solar Project.

Operational Noise

The 2022 MND concluded that the noise generated during project operation would have a less-than-significant noise impact at the most affected residential receptors. The source of the highest noise levels would be the HVAC systems associated with the battery energy storage system (BESS) located In the project operations center. In the approved Cherry Solar Project, the BESS is located 2.5 miles from the nearest residences at the Shannon Ranch, where the noise level from the BESS would be 47 dBA L_{max}/L_{eq} which would be well below the County's 75 dBA L_{max} and 55 dBA L_{eq} noise limits for residential uses. In the modified project, the relocated project operations center and BESS would be located at

least 1.7 miles from the nearest residential receptor to the southeast at the southeast corner of Nevada Avenue and SR-41. The noise level at the nearest residence would be 49 dBA L_{max}/L_{eq} which would also be well below the County's noise limits for residential uses. All other noise sources from project operation would result in lower than 49 dBA at the nearest residences. Therefore, the planned change in location of the operations center within the project site would result in a negligible difference in noise levels at the nearest receptors compared with approved Cherry Solar Project. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact due to operational noise remains valid and applicable to the modified Cherry Solar Project.

14) <u>Population and Housing</u>

Population Inducement

The 2022 MND concluded that the project would have no impact in terms of inducement of unplanned population. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project and the planned change in location of the operations center would require no additional construction workers beyond those reported in the 2022 MND, and the addition of the steel storage building would result in negligible additional construction workers, if any. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of population inducement remains valid and applicable to the modified Cherry Solar Project.

Housing Displacement

The 2022 MND concluded that the project would have no impact with regard to displacement of existing people or housing. In the modified project, the 640-acre area to be added to the site on the east contains no dwellings. Since there are no dwellings within 1.0 mile of the modified project site, the project would not result in displacement of people or housing. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* with regard to displacement of existing people or housing remains valid and applicable to the modified Cherry Solar Project.

15) <u>Public Services</u>

The 2022 MND concluded that the project would have no impact in terms of necessitating new or expanded facilities for public services such as police and fire protection, schools, and other services. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for public services relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for public services. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* in terms of necessitating new or expanded facilities for public services remains valid and applicable to the modified Cherry Solar Project.

16) <u>Recreation</u>

The 2022 MND concluded that the project would have no impact due to increased use and deterioration of existing recreational facilities, or due to the construction of new recreational facilities. The modified project would not require additional construction workers or operational staff and thus would not increase demand for recreation in the area. In addition, the modified project would not include or require the construction of any recreational facilities. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have *no impact* with respect to recreational facilities remains valid and applicable to the modified Cherry Solar Project.

17) Transportation

Level of Service Policies

With respect to the applicable Level of Service policies, the 2022 MND concluded that project construction traffic would have a less-than-significant impact in terms of exceeding roadway capacity on the affected travel routes, and thus would not result in unacceptable service levels during the construction period. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the conclusion of the 2022 MND that the traffic generated during project construction would result in a *less-than-significant impact* in terms of conflicts with Level of Service policies is still valid and applicable to the modified Cherry Solar Project.

Vehicle Miles Traveled

The 2022 MND concluded that the Cherry Solar Project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b), which relates to Vehicle Miles Traveled (VMT), and therefore the project impact under this criterion would be less than significant. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in traffic generated during project construction and decommissioning. The relocation of the project operations center within the project site would result in no increase in traffic generation, and the addition of the steel storage building would result in a negligible increase in construction traffic, relative to the approved project. The very small temporary increment in Kings County VMT resulting from the addition of the steel storage building would not be substantial, and would not alter the conclusion that the VMT impacts from the project as a whole would be less than significant. Therefore, the conclusion of the 2022 MND that the project construction VMT would result in a *less-than-significant impact*, and therefore the project would not conflict with CEQA Guidelines Section 15064.3(b), is still valid and applicable to the modified Cherry Solar project.

Traffic Safety

The 2022 MND concluded that the project's potential traffic safety impacts would be reduced to less than significant levels with the incorporation of Mitigation Measure TR-1 which would ensure the preparation and implementation of traffic control plans to provide for traffic safety on public roadways affected by project construction. As discussed above, the modified project would result in a negligible increase in construction traffic, relative to the approved project. Therefore, the modified project would not increase the potential traffic safety impacts, which would be fully mitigated in the modified project as required. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* traffic safety impact with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

18) Tribal Cultural Resources

The 2022 MND concluded that the project's potential impacts to tribal cultural resources would be reduced to less than significant levels with the incorporation of Mitigation Measures CR-1 and CR-2 which would ensure that any previously undiscovered cultural resources or buried human remains would not be adversely affected by the project. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same site

conditions and would be required to implement the same mitigation measures for tribal cultural resources, and would remain subject to those mitigation measures upon joining the Cherry Solar Project site. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon tribal cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

19) Utilities and Service Systems

The 2022 MND concluded that the project would have less-than-significant impacts with respect to public utilities and service systems such as water supply, wastewater treatment, solid waste disposal, and other utilities. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project would result in no net increase in project size and no changes in characteristics or magnitude of construction, operation, and decommissioning, and thus would result in no change in demand for utilities and service systems relative to the approved project. The relocation of the project operations center within the project site and the addition of the steel storage building would likewise result in no change in demand for utilities and service systems. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact on utilities and service systems remains valid and applicable to the modified Cherry Solar Project.

20) Wildfire

The 2022 MND concluded that since the project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity hazard, the project impact with regard to wildfire would be less than significant. In the modified project, the 640 acres to be added to the Cherry Solar Project site from the approved Grape Solar Project site are subject to the same low potential for wildfire conditions, and the modified project would not introduce new project elements that could increase the potential wildfire risk. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact with regard to wildfire remains valid and applicable to the modified Cherry Solar Project. .

21) Mandatory Findings of Significance

Potential to Substantially Reduce Wildlife Species or Habitat, or Eliminate Important Cultural Resources

The 2022 MND concluded that the project's potential impacts to biological and cultural resources would be reduced to less-than-significant levels with the implementation of mitigation measures identified in the MND. In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise the potential for new impacts related to biological and cultural resources which were not previously evaluated, and any impacts to those resources would be fully mitigated by measures identified in the MND. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would have a *less-than-significant* impact upon biological and cultural resources with the incorporation of specified mitigation measures remains valid and applicable to the modified Cherry Solar Project.

Cumulative Impacts

The 2022 MND evaluated the potential cumulative effects of all pending, approved, and completed projects in terms of all environmental topics in the CEQA Guidelines Appendix G Checklist. For each topic, the MND concluded that the cumulative impact was not significant or the project contribution to a cumulative impact was not cumulatively considerable, either without mitigation or with mitigation incorporated into the project. The 2022 MND considered the cumulative effects of the projects that were known in July 2022. Since then, the County's list of cumulative projects has grown

to include four new solar and battery projects representing an additional 408 MW of generation/storage (a 19 percent increase over 2022), on 2,167 additional acres (a 12 percent increase). In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not result in an appreciable increase the level of project-specific impacts in any environmental category, as discussed in detail in the foregoing analysis. Further, the negligible increase in potential impacts resulting from the project modifications would not rise to the level of being cumulatively considerable. (It is noted that in order for a project's impacts to be found to be cumulatively significant under CEQA, the project contribution to a cumulative impact must be found to be cumulatively considerable.) As such, the modified project would not result in a new significant cumulative impact or substantially increase the severity of a cumulative impact beyond that reported in the 2022 MND. Therefore, the conclusion of the 2022 MND that the cumulative impacts associated with the Cherry Solar Project would be *less-than-significant* impact remains valid and applicable to the modified Cherry Solar Project.

Substantial Adverse Effects on Human Beings

The 2022 MND concluded that the project's potential adverse effects on human beings would be reduced to less than significant levels with the incorporation of a several mitigation measures identified in the MND, or as otherwise required by existing laws and regulations, which would protect the health and safety of individuals. In the modified project, In the modified project, the exchange of 640 acres with the adjacent Grape Solar Project, the relocation of the project operations center, and the addition of a relatively small steel storage building would not raise new health and safety concerns, which in any case would be adequately addressed through implementation of previously identified mitigations and regulatory requirements. Therefore, the conclusion of the 2022 MND that the Cherry Solar Project would not have the potential to result in significant effects which would cause substantial adverse effects on human beings, either directly or indirectly, remains valid and applicable to the modified Cherry Solar Project.

APPENDIX A

Mitigation Monitoring and Reporting Program (MMRP)

July 2022 (Revised October 2022)

(Unchanged for June 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

CHERRY SOLAR PROJECT

CUP 22-05

COUNTY OF KINGS, CALIFORNIA

JULY 2022 (REVISED OCTOBER 2022)
(UNCHANGED FOR JUNE 2024)

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
Mitigation Measure AG-1: Agricultural Management Plan. Prior to the issuance of a building permit, the applicant shall submit to Kings County an Agricultural Management Plan (AMP) that provides for the ongoing agricultural productivity of the entire project site for the life of the project. The AMP shall specify that at least 90 percent of this area of the site shall be vegetated with grasses and forbs and shall be managed for dry farm seasonal sheep grazing. The AMP shall include specific provisions for soil preparation and revegetation including specifications for a seed mix which is appropriate to the soil and climatic conditions in the absence of irrigation, methods of avoiding invasive species, and a list of acceptable vegetation that meets the dietary needs of sheep. The AMP shall include detailed provisions to ensure the successful establishment of the planned vegetative cover, and shall identify appropriate maintenance activities, including conditions under which herbicides may be used, and particularly the identification and selection of herbicides that are non-toxic to livestock and wildlife. The AMP shall also prescribe the management practices for sheep grazing. The AMP shall include provisions for ongoing monitoring and annual reporting of agricultural activity on the site to the Kings County Community Development Agency. The AMP shall also comply with the requirements of the Kings County Development Code related to weed abatement and pest control.	Responsible Party: Applicant/Operator *Actions:* Prior to Building Permit Issuance: Prepare and submit AMP to Kings County CDA. During Project Operation: Implement AMP as approved by Kings County CDA.	Monitoring Agency: Kings County Community Development Agency (CDA). *Actions:* Prior to Building Permit Issuance: Verify that AMP is complete and in compliance with County requirements. During Project Operation: Conduct field inspections to verify implementation of AMP as approved.	
Mitigation Measure AG-2: Soil Reclamation Plan. Prior to the issuance of a building permit, the applicant shall submit, for review and approval by the Kings County Community Development Agency, a Soil Reclamation Plan (Plan) for the restoration of the entire project site at the end of the project's useful life. The Plan shall contain an analysis of general pre-construction conditions of the project site, and the site shall be photographically documented by the applicant prior to the start of construction. The Plan shall contain specific measures to restore the soil to approximate its pre-project condition, including: (1) removal of all above-ground and below-ground project fixtures, equipment, and non-agricultural driveways; (2) tilling to restore the sub-grade material to a density and depth consistent with its pre-project condition; (3) revegetation using a Kings County-approved grasses and forbs seed mixture designed to maximize revegetation with noninvasive species shall be broadcast or drilled across the project site; and (4) application of weed-free mulch spread, as needed, to stabilize the soil until germination occurs and young plants are established to facilitate moisture retention in the soil. Whether the project area has been restored to pre-construction conditions would be assessed by Kings County staff. Additional seedlings and applications of weed-free mulch shall be applied to areas of the project site that have been determined to be unsuccessfully reclaimed (i.e., restored to pre-project conditions) until the entire project area has been restored to conditions equivalent to pre-construction conditions.	Responsible Party: Applicant/Operator *Actions:* Prior to Building Permit Issuance: Prepare and submit Soil Reclamation Plan to Kings County CDA. During Project Decommissioning: Implement Soil Reclamation Plan as approved by Kings County CDA.	Monitoring Agency: Kings County CDA. *Actions:* Prior to Building Permit Issuance: Verify that Soil Reclamation Plan is complete and in compliance with County requirements. During Project Decommissioning: Conduct field inspections to verify implementation Soil Reclamation Plan as approved.	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.2. AGRICULTURE AND FORESTRY RESOURCES			
(*Continued*) All waste shall be recycled and disposed of in compliance with applicable law. The applicant shall verify the completion of reclamation within 18 months after expiration of the project use permit with Planning Division staff.			
Mitigation Measure AG-3: Financial Assurance. Prior to the issuance of a building permit, the applicant shall either post a performance or cash bond, submit a Certificate of Deposit, submit a letter of credit, or provide such other financial assurances acceptable to the County, in an amount provided in an Engineer's Cost Estimate, approved by the Kings County Community Development Agency, to ensure completion of the activities under the Soil Reclamation Plan. Every 5 years from the date of completion of construction of the project, the applicant shall submit an updated Engineer's Cost Estimate for financial assurances for the Plan, which will be reviewed every 5 years by the Kings County Community Development Agency to determine if amount of the assurances is sufficient to implement the Plan. The amount of the assurances must be adjusted if, during the five-year review, the amount is determined to be insufficient to implement the Plan.	Responsible Party: Applicant/Operator *Actions:* Prior to Building Permit Issuance: Submit financial assurance to Kings County CDA. Every Five Years: Prepare and submit revised Engineer's Cost Estimate, and submit adjusted financial assurance to Kings County CDA.	Monitoring Agency: Kings County CDA. *Actions:* Prior to Building Permit Issuance: Verify that acceptable financial assurance has been provided. Every Five Years: Verify completion of revised Engineer's Cost Estimate and confirm adjustment of the amount of assurance.	
4.3. AIR QUALITY			
Mitigation Measure AQ-1: Control of Construction Emissions. During project grading and construction, utilize mobile off-road diesel construction equipment that meets US EPA Tier 4 interim or Tier 4 final engine standards for emissions of NOx to the extent feasible.	Responsible Party: Applicant/Contractor *Actions:* During Project Construction: Utilize Tier 3 or Tier 4 equipment to the extent practicable. Maintain daily records of equipment use, including daily hours of Tier 3 and Tier 4 equipment use, by equipment type.	Monitoring Agency: Kings County Public Works Department. *Actions:* During Project Construction: Conduct field inspections to verify utilization of Tier 3 or Tier 4 equipment.	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES			
Mitigation Measure BIO-1: San Joaquin Kit Fox Protection. In order to minimize the potential for impacts to San Joaquin kit fox, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project: a. Pre-construction Surveys. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys shall be conducted in accordance with the "U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance" (USFWS 2011). The survey areas are to include the project site plus an additional 500-foot buffer on adjacent off-site lands as access allows. The primary objective is to identify kit fox habitat features (e.g., potential dens and refugia) on the project site and evaluate their use by San Joaquin kit fox. If an active San Joaquin kit fox den is detected within or immediately adjacent to the area of work, the USFWS shall be contacted immediately to determine the best course of action. b. Kit Fox Avoidance Measures. Should San Joaquin kit fox or a potential den be found using the Cherry Solar Project site during preconstruction surveys, the construction activity shall avoid the habitat occupied by kit fox and the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW shall be notified. If USFWS cannot be contacted, the following minimum distances must be adhered to: Potential den: 50 Feet Atypical den: 50 feet Known den: 100 feet Natal/pupping den (occupied and unoccupied): Service must be contacted Additionally, placement of 4-5 flagged stakes 50 feet from the entrance of potential and atypical dens shall be placed to identify the den location and the exclusion zone must be observed. c. Employee Education Program. Prior to the start of construction, the applicant shall retain a qualified biologist to conduct an on-site training session to educate all construction staff on the San Joaquin kit fox. This training shall include a description of the San Joaquin kit fox, a brief summary of their biology; and a list of minimization measures and instructions on what to do if a San Joaquin kit fox is observed within the Cherry Solar Project site. (*Continued on next page.*)	Responsible Party: Applicant/Contractor/ Operator *Actions:* Prior to Construction: 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If kit fox found on or near site, undertake avoidance measures and notify USFWS and CDFW; 3) Direct qualified biologist to conduct employee education program. (*Continued*)	Monitoring Agency: Kings County CDA. *Actions:* Prior to Construction: 1) Verify completion of pre-construction surveys; 2) Verify that avoidance measures have been implemented if kit fox found on site; 3) Verify completion of employee education prior to ground disturbing activities. (*Continued*)	

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
(*Continued from preceding page*.) d. Minimization of Potential Disturbance to Kit Fox. Whether or not kit foxes are found to be present, all permanent and temporary construction activities and other types of project-related activities shall be carried out in a manner that minimizes disturbance to San Joaquin kit fox. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of San Joaquin kit fox; restriction of rodenticide and herbicide use; and proper disposal of food items and trash. The full list of protection measures required by the USFWS during construction and operation contained in USFWS Standardized Recommendations (USFWS 2011), and is presented in Table BIO-1, shall be implemented for the Project. The protection measures set forth in Table BIO-1 are fully incorporated into this mitigation measure by reference.	During Construction: 1) Install wildlife-friendly fencing; 2) Implement disturbance minimization measures, as specified; 3) Report any kit fox mortalities as specified.	During Construction: 1) Conduct field inspections to verify installation of wildlife friendly fencing; 2) Conduct field inspections to confirm disturbance minimization measures have been implemented; 3) Verify that any kit fox mortalities have been reported as required.	
e. Mortality Reporting. The Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of the accidental death of or injury to a San Joaquin kit fox during project-related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	During Project Operation: 1) Report any kit fox mortalities as specified.	During Project Operation: 1) Verify that any kit fox mortalities have been reported as required.	
f. Wildlife-friendly Fencing. The perimeter fencing surrounding each phase of the Cherry Solar Project shall consist of wildlife-friendly or permeable fencing that allows San Joaquin kit fox and other wildlife to move through the site unimpeded. The bottom of the perimeter fencing shall be 5 to 7 inches above the ground, as measured from the top of the ground to the lowest point of the fence. The bottom of the fence edges shall be knuckled (wrapped back to form a smooth edge) to allow wildlife to pass through safely. The fencing shall not be electrified.			

Table BIO-1

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS
FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

1. Project-related vehicles should observe a daytime speed limit of 20-mph throughout the site in all project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction should be minimized to the extent possible. However if it does occur, then the speed limit should be reduced to 10-mph. Off-road traffic outside of designated project areas should be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2-feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Wildlife (CDFW) shall be contacted as noted under measure 13 referenced below.
3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
5. No firearms shall be allowed on the project site.
6. No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
7. Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS.
8. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name and telephone number shall be provided to the USFWS

(*Continued on next page.*)

Table BIO-1 (Cont'd)

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

CONSTRUCTION AND ON-GOING OPERATIONAL REQUIREMENTS

9. An employee education program should be conducted for any project that has anticipated impacts to kit fox or other endangered species. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the project site.
10. Upon completion of the project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, pipeline corridors, etc., should be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but after project completion will not be subject to further disturbance and has the potential to be revegetated. Appropriate methods and plant species used to revegetate such areas should be determined on a site-specific basis in consultation with the USFWS, California Department of Fish and Wildlife (CDFW), and revegetation experts.
11. In the case of trapped animals, escape ramps or structures should be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for guidance.
12. Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or Mr. Paul Hoffman, the wildlife biologist, at (530) 934-9309. The USFWS should be contacted at the numbers below.
13. The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers below. The CDFW contact is Mr. Paul Hoffman at 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, (530) 934-9309.
14. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the Service at the address below.

Any project-related information required by the Service or questions concerning the above conditions or their implementation may be directed in writing to the U.S. Fish and Wildlife Service at:

Endangered Species Division
2800 Cottage Way, Suite W2605
Sacramento, California 95825-1846
(916) 414-6620 or (916) 414-6600

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
Mitigation Measure BIO-2: Protection for Nesting Raptors and Migratory Birds. In order to minimize construction disturbance to active raptor and other migratory bird nests, the following measures shall be implemented in conjunction with the construction of the Cherry Solar Project: a. Pre-construction Surveys. If tree removal, site preparation, grading, or construction is planned to occur within the breeding season (February 1 - August 31), a qualified biologist shall conduct pre-construction surveys for active migratory bird nests within 10 days of the onset of these activities. If construction activity is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors. b. Monitoring Active Nests. Should any active nests be discovered in or near planned construction zones, a qualified biologist shall continuously monitor identified nests for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitor all nests to detect any behavioral changes as a result of the project. If behavioral changes are observed, stop the work causing that change and consult with the California Department of Fish and Wildlife for additional avoidance and minimization measures. c. Exclusion Zones for Active Nests. Alternatively, should any active nests be discovered in or near the planned construction zones, the biologist shall establish a 250-foot construction-free buffer around the nest for non-listed birds, 500-foot buffer for unlisted raptors, and a half-mile for listed bird species. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. Variance from these setback distances may be allowed if a qualified biologist provides compelling biological or ecological reason to do so and if CDFW is notified in advance of implementation of a no disturbance buffer variance. d. Tailgate Training for Workers. All construction and operations workers on the Cherry Solar Project shall be trained by a qualified biologist. The tailgate training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck. (*Continued on next page.*)	Responsible Party: Applicant/Contractor *Actions:* Prior to Construction: 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to monitor nest(s) and notify CDFW, as needed; OR 3) Authorize biologist to establish exclusion zone around nest(s), as needed; 4) Direct qualified biologist to conduct employee education program. (*Continued*)	Monitoring Agency: Kings County CDA. *Actions:* Prior to Construction: 1) Verify completion of pre-construction surveys; 2) Verify that nest protection measures have been implemented if nest(s) found on site; 3) Verify completion of employee education prior to ground disturbing activities. (*Continued*)	

MITIGATION MONITORING AND REPORTING PROGRAM

Cherry Solar Project CUP 22-05

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
(*Continued from preceding page*.) e. Capping of Hollow Poles and Posts. Should any vertical tubes, such as solar mount poles, chain link fencing poles, or any other hollow tubes or poles be utilized on the Cherry Solar Project site, the poles shall be capped immediately after installation to prevent entrapment of birds.	During Construction: 1) Ensure that all hollow poles and posts are capped.	During Construction: 1) Conduct field inspection to confirm capping of poles and posts.	
Mitigation Measure BIO-3: Burrowing Owl Protection. In order to minimize the potential for impacts to burrowing owls, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project: a. Pre-Construction Surveys. Pre-construction surveys shall be conducted by a qualified biologist no more than 14 days prior to the onset of ground-disturbing activity. Pre-construction surveys shall be repeated if construction halts for more than 14 days. These surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) or the most recent CDFW guidelines. The surveys shall cover all areas of suitable habitat within the planned construction zones. b. Avoidance of Active Nests during Breeding Season. If pre-construction surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer *of 150 to 250 feet* shall be established around all active owl nests. The specific dimensions of the exclusion zone in each case shall be established by a qualified biologist based on site conditions and the level of intensity of the disturbance activity. The buffer zones shall be enclosed with temporary fencing, and construction equipment and workers shall not be allowed to enter the enclosed setback areas. These buffer zones shall remain in place for the duration of the breeding season. After the breeding season (i.e., once all the young have left the nest), passive relocation of any remaining owls may take place, but only under the conditions described below. (*Continued on next page*.)	Responsible Party: Applicant/Contractor *Actions:* Prior to Construction: 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s); (*Continued*)	Monitoring Agency: Kings County CDA. *Actions:* Prior to Construction: 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s); (*Continued*)	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
(*Continued from preceding page*.) c. Avoidance of Occupied Burrows during Non-Breeding Season, and Passive Relocation of Resident Owls. During the non-breeding season (September through January), any burrows occupied by resident owls in areas planned for construction shall be protected by a construction-free buffer with a radius of 150 feet around each active burrow. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist. d. Tailgate Training for Workers. All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a burrowing owl is observed within or near a construction zone.	3) Direct qualified biologist to conduct employee education program; 4) Implement mitigation, as needed, per recommendation of qualified biologist.	3) Verify completion of employee education prior to ground disturbing activities; 4) Verify implementation of any required mitigation.	
Mitigation Measure BIO-4: Swainson's Hawk Protection. In order to minimize the potential for impacts to Swainson's hawks, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project: a. Pre-Construction Surveys. During the nesting season prior to the construction on the Cherry Solar Project site, preconstruction surveys shall be conducted within a half-mile of a potential nest tree located on and within a half-mile of the project site to identify any nesting pairs of Swainson's hawks. These surveys will conform to the guidelines of CDFW as presented in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley,* Swainson's Hawk Technical Advisory Committee, May 31, 2000. No preconstruction surveys are required for construction activity located farther than a half-mile from a potential nest tree. (Continued on next page.)	Responsible Party: Applicant/Contractor Actions: Prior to Construction: 1) Authorize qualified biologist to conduct preconstruction surveys; (*Continued*)	Monitoring Agency: Kings County CDA. Actions: Prior to Construction: 1) Verify completion of pre-construction surveys; (*Continued*)	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
(*Continued from preceding page.*) b. Establish Buffers. Should any active nests be discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the nest. The biologist would have the authority to extend the buffer zone to ½ mile around the nest, if appropriate depending on site conditions. This buffer shall be identified on the ground with flagging or fencing, and shall be maintained until the biologist has determined that the young have fledged. c. Tailgate Training. All workers on the construction of the project shall attend tailgate training that includes a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if a Swainson's hawk is observed on or near the construction zone.	2) If active nest(s) found on or near site, authorize biologist to establish exclusion zone(s) around nest(s); 3) Direct qualified biologist to conduct employee education program.	2) Conduct field inspection to verify establishment of any exclusion zone(s); 3) Verify completion of employee education prior to ground disturbing activities.	
Mitigation Measure BIO-5: American Badger Mitigation. The following measures shall be implemented to minimize impacts to the American badger, as necessary, in conjunction with the construction of the Cherry Solar Project: a. Preconstruction Surveys for American Badger. During the course of pre-construction surveys prescribed for other species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of construction. If badgers are found to be absent, a report shall be written to the applicant so stating and no other mitigations for the protection of badgers would be warranted. b. Avoidance of Active Badger Dens and Monitoring. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger(s) have vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers. (*Continued on next page*.)	Responsible Party: Applicant/Contractor *Actions:* Prior to Construction: 1) Authorize qualified biologist to conduct preconstruction surveys; 2) If active den(s) found on or near site, authorize biologist to establish exclusion zone(s) around den(s), and to monitor den(s) until end of breeding period; (*Continued*)	Monitoring Agency: Kings County CDA. *Actions:* Prior to Construction: 1) Verify completion of pre-construction surveys; 2) Conduct field inspection to verify establishment of any exclusion zone(s); (*Continued*)	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.4 BIOLOGICAL RESOURCES (CONT'D)			
(*Continued from preceding page*.) c. Tailgate Training for Workers. All construction workers shall attend a tailgate training session conducted by a qualified biologist. The training is to include a description of the species, a brief summary of its biology, and minimization measures and instructions on what to do if an American Badger is observed.	3) Direct qualified biologist to conduct employee education program.	3) Verify completion of employee education prior to ground disturbing activities.	
4.5 CULTURAL RESOURCES			
Mitigation Measure CR-1: Protection of Cultural Resources. In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project: a. Cultural Resources Alert on Project Plans: The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources. b. Pre-Construction Briefing: The project proponent shall retain Santa Rosa Rancheria Cultural Staff to provide a pre-construction Cultural Sensitivity Training to construction staff regarding the discovery of cultural resources and the potential for discovery during ground disturbing activities, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. c. Stop Work Near any Discovered Cultural Resources: The project proponent shall retain a professional archaeologist on an "on-call" basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during construction of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA. (*Continued on next page*.)	Responsible Party: Applicant/Contractor *Actions:* Prior to Issuance of Building Permit: 1) Place Cultural Resources Alert on project plans. Prior to Construction: 1) Arrange for Tribe to conduct pre-construction briefing. During Construction: 1) If cultural resources discovered, establish 100-foot setback zone and contact archaeologist and Kings County CDA; (*Continued*)	Monitoring Agency: Kings County CDA. *Actions:* Prior to Issuance of Building Permit: 1) Confirm Cultural Resources Alert has been placed on project plans. Prior to Construction: 1) Verify Tribe has completed briefing prior to construction. During Construction: 1) Coordinate with applicant/contractor and archaeologist to ensure protection of cultural resources; (*Continued*)	

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
(*Continued from preceding page*.) d. Mitigation for Discovered Cultural Resources: If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria's Cultural and Historical Preservation Department. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. e. Native American Monitoring: Prior to any ground disturbance, the project proponent shall offer the Santa Rosa Rancheria Tachi Yokut Tribe the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe. f. Disposition of Cultural Resources: Upon coordination with the Kings County Community Development Agency, any prehistoric archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.	2) Coordinate with Kings County CDA, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation; 3) Coordinate with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction; 4) Coordinate with Kings County CDA and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.	2) Coordinate with applicant, archaeologist, and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate mitigation; 3) Verify applicant has coordinated with Santa Rosa Rancheria Tachi Yokut Tribe regarding monitoring during construction; 4) Coordinate with applicant and Santa Rosa Rancheria Tachi Yokut Tribe regarding appropriate disposition of any cultural resources recovered from the site.	

Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.5 CULTURAL RESOURCES (CONT'D)			
Mitigation Measure CR-2: Protection of Buried Human Remains. In order to avoid the potential for impacts to buried human remains, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Cherry Solar Project: a. Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop within 25 feet of the discovery and the Kings County Coroner shall be notified immediately and the resource shall be protected in compliance with applicable state and federal laws. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD) pursuant to Public Resources Code Section 5097.98. The project proponent and MLD, with the assistance of the archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours to for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance." b. Any findings shall be submitted by the archaeologist in a professional report submitted to the project applicant, the MLD, the Kings County Community Development Agency, and the California Historical Resources Information System, Southern San Joaquin Valley Information Center	Responsible Party: Applicant/Contractor *Actions:* During Construction: 1) If human remains are discovered, engage project archaeologist and coordinate with Kings County CDA in implementing the legally required actions as specified in the mitigation measure.	Monitoring Agency: Kings County CDA. *Actions:* During Construction: 1) If human remains are discovered, coordinate with applicant and archaeologist to ensure that all legally required actions are implemented.	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.7 GEOLOGY AND SOILS			
Mitigation Measure GEO-1: Expansive Soils within Cherry Solar Project Site. Prior to the issuance of the first building permit for the Cherry Solar Project, the applicant shall retain a qualified registered civil engineer to prepare a preliminary soils report, based on soil borings or excavations, to determine the potential for soils expansion and to prepare recommendations for corrective actions to mitigate potential damage to project structures due to potential soils expansion. The preliminary soils report shall be submitted to Kings County Community Development Agency Building Division for review and approval. The potential damage from soils expansion can be reduced by one or more of several alternative engineering measures, as recommended by the registered civil engineer. These measures could include: overexcavation and replacement with non-expansive soils; extending foundations below the zone of shrink and swell; chemically treating the soils with quicklime or cement; or foundation design measures. The corrective measures specified would become conditions of Building Permit approval and would be subject to inspection and approval by the Kings County Building Official.	Responsible Party: Applicant/Contractor *Actions:* Prior to Issuance of Building Permit: 1) Authorize engineer to prepare soils report; 2) Submit soils report to Kings County CDA for review and approval. During Construction: 1) Implement soils engineering measures recommended in soils report.	Monitoring Agency: Kings County CDA. *Actions:* Prior to Issuance of Building Permit: 1) Review and approve soils report as appropriate. During Construction: 1) Conduct field inspections to verify implementation of soils engineering measures.	
Mitigation Measure GEO-2: Protection of Paleontological Resources. In order to avoid the potential for impacts to paleontological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of the Cherry Solar Project: **a.** If paleontological resources are discovered during excavation activities at the project site, work within 100 feet of the find shall cease, and a qualified professional paleontologist shall be retained to evaluate the significance of the resources and make recommendations regarding the treatment, recovery, curation of the resources, as appropriate. Treatment of any significant paleontological resources shall be undertaken with the approval of the Kings County CDA.	Responsible Party: Applicant/Contractor *Actions:* During Construction: 1) If paleontological resources discovered, establish 100-foot setback zone, retain paleontologist to make recommendations regarding treatment, and notify Kings County CDA; 2) Submit treatment recommendations to Kings County CDA for approval as appropriate; 3) Implement approved treatment measures.	Monitoring Agency: Kings County CDA. *Actions:* During Construction: 1) If paleontological resources discovered, verify establishment of 100-foot setback zone pending approval of treatment plan; 2) Review and approve treatment recommendations as appropriate; 3) Verify implementation of treatment measures as approved.	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS			
Mitigation Measure HAZ-1: Protection from Hazardous Materials. In order to protect the public from potential release of hazardous materials, the following measures shall be implemented during project construction, operation, and decommissioning: a. The project applicant shall prepare and implement a Hazardous Materials Business Plan (HMBP) in accordance with the requirements of, and to the satisfaction of, the Kings County Public Health Department Environmental Services Division; b. The project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Water Resources Control Board, and to the satisfaction of the Central Valley Regional Water Quality Control Board. The potential for minor spills would be largely avoided through implementation of the Hazardous Materials Business Plan (HMBP), as required under the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the Kings County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency (CUPA) for Kings County. The HMBP would include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of unanticipated hazardous materials encountered during construction. The HMBP would include an inventory of the hazardous waste generated on site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials would be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the CUPA for Kings County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. Implementation of the HMBPs for each phase of the Cherry Solar Project would ensure that minor spills or releases of hazardous materials would not pose a significant risk to the public or the environment.	Responsible Party: Applicant/Contractor/Operator *Actions:* Prior to Issuance of Building Permit: 1) Authorize qualified engineer to prepare SWPPP; and submit to Kings County CDA. 2) File a Notice of Intent (NOI) to State Water Resources Control Board. During Construction: 1) Implement SWPPP. Prior to Project Operation: 1) Prepare HMBP and submit to Kings County Public Health Department. During Project Operation: 1) Implement HMBP.	Monitoring Agencies: Kings County CDA and Kings County Public Health Department. *Actions:* Prior to Issuance of Building Permit: 1) Verify receipt of SWPPP (CDA). During Construction: 1) Verify implementation of SWPPP (CDA). Prior to Project Operation: 1) Verify receipt of HMBP (Public Health). During Project Operation: 1) Verify implementation of HMBP.	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.9 HAZARDS AND HAZARDOUS MATERIALS (CONT'D)			
Mitigation Measure HAZ-2: Preventing Valley Fever Exposure. In order to protect the public and workers from Valley Fever, the following measures shall be implemented during project construction and decommissioning: a. Implement the Dust Control Plan required to be approved for the project by the San Joaquin Valley Air Pollution District under District Rule 8021 prior to ground disturbing activity. b. Provide workers with NIOSH-approved respiratory protection with particulate filters rated as N95, N99, N100, P100, or HEPA, as recommended in the California Department of Public Health publication "Preventing Work-Related Coccidioidomycosis (Valley Fever)," available at http://www.cdph.ca.gov/programs/hesis/Documents/CocciFact.pdf	Responsible Party: Applicant/Contractor *Actions:* Prior to Construction: 1) Prepare Dust Control Plan and submit to SJVAPCD and Kings County CDA for approval. During Construction: 1) Implement Dust Control Plan; 2) Provide workers with respirators as recommended.	Monitoring Agency: Kings County CDA. *Actions:* Prior to Construction: 1) Review and approve Dust Control Plan. During Construction: 1) Verify implementation of Dust Control Plan and distribution of respirators.	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.10 HYDROLOGY AND WATER QUALITY			
Mitigation Measure HYD-1: Stormwater Quality Protection. Prior to construction grading and prior to the decommissioning, the applicant shall be required to file a "Notice of Intent" (NOI) with the SWRCB to comply with the General Construction Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP for each project phase shall be prepared by a licensed engineer and shall detail the treatment measures and best management practices (BMPs) to control pollutants that shall be implemented and complied with during the construction and post-construction phases of solar development. The SWPPP(s) required for decommissioning shall specify BMPs to be implemented during that final project phase. The construction contracts for each project phase, and for the decommissioning phase, shall include the requirement to implement the BMPs in accordance with the SWPPPs. The SWPPPs will specify such practices as: designation of restricted-entry zones, sediment tracking control measures (e.g., crushed stone or riffle metal plate at construction entrance), truck washdown areas, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, application of mulch for soil stabilization during construction, and provision for revegetation upon completion of construction within a given area. The SWPPPs will also prescribe treatment measures to trap sediment once it has been mobilized, such as straw bale barriers, straw mulching, fiber rolls and wattles, silt fencing, and siltation or sediment ponds. Upon completion of each solar phase, the finished grades beneath and around the finished rows of solar panels will be revegetated with a seed mix which has been approved by the Kings County Community Development Agency. The reestablished vegetated cover would stabilize the soils and minimize the potential for post-construction erosion. The construction contracts for each project phase, and for the decommissioning phase, will include the requirement to implement the BMPs in accordance with the SWPPPs, and proper implementation of the specified BMPs is subject to inspection by the Regional Board staff.	Responsible Party: Applicant/Contractor/Operator *Actions:* Prior to Construction: 1) File NOI with SWRCB; 2) Authorize qualified engineer to prepare SWPPP. During Construction: 1) Implement SWPPP. During Operation: 1) Implement post-construction elements of SWPPP. During Decommissioning: 1) Implement SWPPP.	Monitoring Agencies: Kings County CDA and Public Works Department. *Actions:* Prior to Construction: 1) Verify filing of NOI. 2) Verify preparation of SWPPP. During Construction: 1) Verify implementation of SWPPP. During Operation: 1) Verify implementation of post-construction elements of SWPPP. During Decommissioning: 1) Verify implementation of SWPPP.	

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Mitigation Measure	Responsible Party/ Timing/Action	Monitoring Agency/ Timing/Action	Verification Log
4.17 TRANSPORTATION			
Mitigation Measure TR-1: Traffic Safety Measures for Solar Project Construction. As a condition of project approval, and prior to the issuance of encroachment permits, the applicant shall consult with the Kings County Public Works Department regarding construction activities that may affect area traffic (such as equipment and supply delivery necessitating lane closures, trenching, etc.). Additionally, the project plans will be reviewed by the appropriate County departments for conformance with all applicable fire safety code and ordinance requirements for emergency access. The contractor shall implement appropriate traffic controls in accordance with the California Vehicle Code and other state and local requirements to avoid or minimize impacts on traffic. Traffic measures that shall be implemented during construction and decommissioning activities include the following: a. Construction traffic shall not block emergency equipment routes. b. Construction activities shall be designed to minimize work in public rights-of-way and use of local streets. As examples, this might include the following: i. Identify designated off-street parking areas for construction-related vehicles throughout the construction and decommissioning periods. ii. Identify approved truck routes for the transport of all construction- and decommissioning-related equipment and materials. iii. Limit the employee arrivals and departures, and the delivery of equipment and materials, to non-peak traffic periods (e.g., avoid unnecessary travel from 7 to 9 AM and 4 to 6 PM). iv. Provide for farm worker vehicle access and safe pedestrian and vehicle access. v. Provide advance warning and appropriate signage whenever road closures or detours are necessary. c. Construction shall comply with San Joaquin Valley Air Pollution Control District standards for unpaved roads, which include a requirement to keep vehicle speeds below 15 miles per hour.	Responsible Party: Applicant/Contractor *Actions:* Prior to Issuance of Encroachment Permits: 1) Consult with Kings County Public Works Department regarding appropriate traffic safety measures. During Construction: 1) Implement traffic safety measures as approved by Public Works Department. During Decommissioning: 1) Implement traffic safety measures as approved by Public Works Department.	Monitoring Agencies: Kings County CDA, Public Works Department, and Fire Department. *Actions:* Prior to Issuance of Encroachment Permits: 1) Coordinate with Applicant/Civil/Contractor regarding appropriate traffic safety measures. During Construction: 1) Verify implementation of traffic safety measures. During Decommissioning: 1) Verify implementation of traffic safety measures.	