

September 30, 2008

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

County Land Use & Development Code Section 35-1 of Chapter 35 of the County Code

CASE NO. 06CUP-00000-00009

I. A Conditional Use Permit is Hereby Granted:

TO: Pacific Renewable Energy Generation, LLC, a subsidiary of Acciona Wind Energy, USA LLC

APN #s: 083-080-004, 083-090-001, 083-090-002, 083-090-003, 083-100-004, 083-100-008, 083-250-011, 083-250-019, 083-090-004, and 083-100-007.

PROJECT ADDRESS: 3525, 4700, 4705, 5500, and 5555 San Miguelito Road and 5 adjacent parcels without street addresses

ZONE DISTRICT: AG-II-100

AREA/SUPERVISORIAL DISTRICT: Lompoc / Third

FOR: Lompoc Wind Energy Project

II. This permit is subject to compliance with the following conditions:

1. This Conditional Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Planning Commission for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project is a commercial wind farm consisting of wind turbine generators (WTGs) plus the infrastructure and support facilities necessary for operation. The following is a brief summary of the project description. The complete project description is contained in the final EIR for this project dated August 2008, which is incorporated by reference.

The WTGs will be sited along ridges entirely within the County's Inland Zone. The property comprises 10 privately owned parcels. The project owner/operator is constructing the project under lease agreements with the landowners. Project access is via

San Miguelito Road. Project development may be in up to 3 phases, with the final phase beginning no later than 7 years following issuance of this CUP. Construction of the first phase will require 6-10 months; subsequent phase(s) would be shorter. Construction will require grading of 490,000 c.y., temporary ground disturbance of 196 acres, and permanent disturbance of 40 acres. A maximum of 10 people would be employed onsite during the operational phase. The anticipated project life is 30 years. At the end of its useful life, several options are available, including “repowering” (i.e., replacement of WTGs) or decommissioning. Additional permitting will be required at that time.

The project includes the following components:

- **Wind Turbine Generators (WTGs).** Up to 65 WTGs, to be located in specified construction corridors. The WTGs shall not exceed 397 feet in overall height, including tower (up to 262 feet) and blades (up to 135 feet).
- **Access Roads.** Approximately 5.5 miles of new, gravel access roads and widening/improvement of 5.5 miles of existing roads. Bridge spanning Honda Creek.
- **Operations and Maintenance Facility (O&M).** A 5,000 square foot building located on approximately 2 acres at the intersection of San Miguelito Road and Sudden Road. Includes office, maintenance facility, parts storage, and two 5,000 gallon water tanks, one reserved exclusively for fire water. Water supply from an onsite well and/or trucked in; sewage disposal by leach line system.
- **Project Substation.** Substation to transform the generated electricity from 34.5 kV to 115 kV; connects to a new 115 kV PG&E power line. (The PG&E power line is not part of the project permitted under this CUP.)
- **Electrical Collection Lines and Communication System.** 34.5-kV collection lines and communication cables running underground, or in some cases aboveground where undergrounding is infeasible.
- **Meteorological Tower(s).** Up to 10, unguyed lattice towers up to 262 feet in height. Two temporary, guyed towers that will be removed before start of operations.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Within 18 months after granting this permit, construction and/or the use shall commence. (18 months is measured from expiration of a 10 day appeal period, or the date after the matter is heard and approved on appeal to the Board of Supervisors.)

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
4. A Substantial Conformity Determination (SCD) shall be required following approval of final project plans for each project development phase, including the final layout of wind turbine generators and other project components and mitigation plans, prior to issuance of a Land Use Permit (LUP) for that development phase. A separate SCD and follow-up LUP may be issued for temporary meteorological towers prior to submittal of final plans for the entire, first development phase.
5. This Conditional Use Permit is not valid until the SCD and LUP for the development and/or use has been obtained. Failure to obtain said SCD and LUP shall render this Conditional Use Permit null and void. Prior to the issuance of the SCD and LUP, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to issuance of the LUP must be satisfied. Upon issuance of the LUP, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
6. If the Planning Commission determines at a Noticed Public Hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of Subsection 35.84.060.B of the County Land Use & Development Code, the Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.

7. Any use authorized by this CUP shall immediately cease upon expiration or revocation of this CUP. Any LUP issued pursuant to this CUP shall expire upon expiration or revocation of the CUP. CUP renewals must be applied for prior to expiration of the CUP.
8. The Applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
9. Within 24 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until an LUP has been issued.
10. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of the LUP.

III. Additional Required Conditions from EIR Mitigation Measures:

AESTHETICS/VISUAL RESOURCES

Aest-1 Materials Storage. All construction materials and excavated materials shall be stored away from San Miguelito Road to reduce impacts on mountain views. Materials storage shall be confined to within the Wind Turbine Generator (WTG) corridors, staging areas, and Project substation and Operations and Maintenance (O&M) facility areas. **Plan Requirement:** P&D will confirm that a notation regarding materials storage is denoted on building plans. **Timing:** P&D will review and approve the plan notation prior to approval of the Land Use Permit for each phase of Project construction.

MONITORING: P&D staff will conduct inspections as needed during construction activities along San Miguelito Road to confirm and enforce compliance. (*Mitigation Measure Vis-1*)

Aest -2 Location of Construction Activities. Construction activities shall be confined to within the WTG corridors, staging areas, and the Project Substation and O&M facility areas. **Plan Requirement:** P&D staff will confirm that a notation regarding construction activities and materials storage is denoted on building plans. **Timing:** P&D staff will review and approve the plan notation prior to approval of the Land Use Permit for the first phase of Project construction and

prior to approval of the Land Use Permit for construction of subsequent project phases.

MONITORING: P&D staff will conduct inspections as needed during construction activities to confirm and enforce compliance (*Mitigation Measure Vis-2*)

Aest -3 **Contribution to County Parks Fund.** The Project owner/operator shall make a one-time \$100,000 payment to the County Parks Department. The County Parks Department shall use these funds exclusively to preserve and enhance the natural beauty of Miguelito County Park and Jalama Beach County Park. **Plan Requirement and Timing:** The Project owner/operator shall provide the payment to County Parks Department prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: P&D staff will confirm receipt of payment prior to approval of the Land Use Permit for the first phase of construction. (*Mitigation Measure Vis-3*)

Aest -4 **Landscape and Lighting Plan.** The Project owner/operator shall submit a Landscaping and Lighting Plan to P&D for review and approval. All exterior facility night lighting shall be included in the Plan, with the exception of FAA-required obstruction lighting on WTGs (see Condition *Lu-1*). Lighting shall be of low glare design and shall be hooded to direct light downward. Measures to minimize the attraction of birds to facility lighting shall be developed and presented in the Plan. **Plan Requirement and Timing:** The Landscape and Lighting Plan shall be reviewed and approved by P&D prior to approval of the Land Use Permit for the first phase of construction and subsequent phases of construction.

MONITORING: P&D staff shall conduct inspections as needed during construction and operations to confirm and enforce compliance. (*Mitigation Measure Vis-4*)

Aest -5 **Construction Debris.** The Project owner/operator shall ensure that all excess construction debris is cleared from the site. **Plan Requirement and Timing:** This requirement shall be noted on final construction plans. Debris clearance shall be completed prior to initial operation of each phase.

MONITORING: P&D shall site inspect after construction and prior to initial operations. (*Standard Condition Aest-9*)

AIR QUALITY

AQ-1 Construction Equipment Emission Reduction Plan. A Construction Equipment Emission Reduction Plan shall be prepared by the Project owner/operator and shall contain the following elements. These measures are based on the construction impact mitigation measures for equipment exhaust summarized in the SBCAPCD guide (SBCAPCD, 2007).

- a. **Catalytic Converters** – Ensure that catalytic converters are installed on all gasoline-powered equipment, if feasible. Install diesel catalytic converters, diesel oxidation catalysts, and diesel particulate filters as certified and/or verified by EPA or California on diesel equipment, if available.
- b. **High Pressure Fuel Injectors** – Use high-pressure fuel injectors on Caterpillar engine types 3306 and 3406 DITA to reduce NO_x emissions.
- c. **Engine Maintenance** – Maintain engines and emission systems in proper operating condition.
- d. **Engine Model Year** – Utilize heavy-duty diesel-powered construction equipment manufactured after 1996, whenever feasible.
- e. **Engine Size** – The engine size of construction equipment will be the minimum practical size.
- f. **Number of Equipment** – The number of construction equipment operating simultaneously will be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- g. **Engine Timing** – Construction equipment operating onsite will be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- h. **Equipment Replacement** – Diesel-powered equipment will be replaced by electric equipment whenever feasible.
- i. **Truck Idle Time** – Idling of heavy-duty diesel trucks during loading and unloading will be limited to 5 minutes; auxiliary power units will be used whenever possible.
- j. **Worker Trips** – Construction worker trips will be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: P&D staff shall confirm that these requirements are shown on the grading and building plans. **Timing:** P&D staff shall ensure measures are included in the Construction Equipment Emission Reduction Plan and noted on building plans prior to approval of the Land Use Permit for each phase of

construction. The requirements shall be enforced throughout all construction periods.

MONITORING: County staff shall perform periodic site inspections of construction contractor maintenance activities. (*Mitigation Measure AQ-1*)

AQ-2

Dust Control Plan. A Dust Control Plan shall be prepared by the Project owner/operator that contains the following directives:

- a. ***Water Application*** – Apply water sprays to all disturbed, active construction areas a minimum of two times per day, except when soil water content would exceed the level recommended by the soils engineer for compaction, or when weather conditions warrant a reduction in water application. Use adequate dust control to keep fugitive dust from being transmitted outside of the construction right-of-way. Perform increased dust control watering when wind speeds exceed 15 miles per hour, or as directed by the EQAP OEC. The amount of additional watering will depend upon soil moisture content.
- b. ***Soil Stabilization*** – Stabilize any disturbed area that would not be covered with base or paving within 14 days after completion of disturbing activities by use of soil coating mulch, dust palliatives, compaction, reseeding, or other approved methods. Soil stockpiled for more than 2 days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting soil shall be covered while in transit.
- c. ***Construction Monitoring*** – The contractor or builder shall designate a person or persons to monitor the Dust Control Program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holiday and weekend periods when work may not be in progress.
- d. ***Limit Traffic Speed*** – Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

Plan Requirements: All requirements shall be shown on grading and building plans prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent Project phases.

Timing: The requirements of the Dust Control Plan shall be enforced throughout all construction periods.

MONITORING: P&D staff will ensure measures are included in the Dust Control Plan and shall perform periodic site inspections to ensure compliance. SBCAPCD shall respond to nuisance complaints. (*Mitigation Measure AQ-2*)

BIOLOGICAL RESOURCES

- Bio-1 Worker Education and Awareness Plan.** The Project owner/operator shall fund a County-approved biologist to develop and implement a worker education and awareness program (WEAP) specific to the Project. The program shall be presented to contractors, project personnel, and others for which it is applicable due to their activities around the project site during project construction or operational phases. The program shall include information focused on sensitive habitats and species and shall include, but not be limited to, the following:
- a. The natural history, including sensitive species and habitats, shall be described as well as the current status, reasons for decline, and protection measures relevant to the species and habitats.
 - b. Contact points shall be provided for WEAP attendees to report sightings of sensitive biological resources such as Gaviota tarplant, active bird nests, badger dens, and roosting bats and raptors in the vicinity of Project facilities.
 - c. Attendees shall be provided with photographs of sensitive biological resources including sensitive wildlife and plant species, den and burrow entrances, and nest structures. Qualified biologists, familiar with El Segundo blue butterfly (ESBB) and Gaviota tarplant, will provide a brief educational program for all personnel prior to initiation of any construction activities within the project site. The program will include identification of ESBB, its host plant, coast buckwheat, and Gaviota tarplant; the general provisions and protections afforded to ESBB and Gaviota tarplant by the Endangered Species Act; and measures to be implemented during the Project to avoid and minimize adverse effects to ESBB and Gaviota tarplant.
 - d. Attendees shall be informed verbally and in writing of the various Project tasks that require biological surveys and monitoring for resource protection.
 - e. Attendees shall be provided with a photograph or description of the markers for active bird nests, trees, salvaged topsoil piles and windrows, or other mitigation areas, so that they shall know these are not to be disturbed without a biological monitor present.
 - f. Attendees shall be provided with photographs of invasive weeds and instructed to report to the biologist any new populations observed near Project facilities.
 - g. Attendees shall be informed not to litter. All trash and litter shall be picked up and removed from the construction sites at the end of each day.
 - h. Attendees shall be informed to obey a speed limit of 15 miles per hour while traveling on the Project site to avoid collisions with wildlife and to avoid driving over or otherwise disturbing areas outside the designated construction areas.

Plan Requirements: The Project owner/operator shall submit the WEAP to P&D for review and approval 30 days prior to implementation. All contractors, project personnel, and others for which the program is applicable due to their activities around the project site during project construction or operational phases shall attend the WEAP prior to entering the Project site unescorted. The Project owner/operator shall provide copies of the training attendance sheets to P&D staff as a record of compliance with this measure on a monthly basis. Trained crew members shall receive a sticker for their hardhat from the County EQAP OEC demonstrating WEAP training. **Timing:** The WEAP shall be reviewed and approved by the County prior to approval of the first Land Use Permit. Implementation of WEAP training shall occur prior to the start of construction and as new crew members are added to the project.

MONITORING: P&D staff shall ensure compliance with the WEAP throughout all phases of construction and operation by review of attendance sheets and hardhats, inspection of the site, and interviewing workers, as appropriate. (*Mitigation Measure Bio-1*)

Bio-2

Ground Disturbance. The Project owner/operator shall minimize the amount of disturbance to the extent feasible including in areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil shall be used to control erosion; and areas for associated facilities. Construction activities shall avoid sensitive areas, such as riparian zones, forests, etc., where feasible. Construction shall avoid all wetlands regulated by Santa Barbara County, California Department of Fish and Game, and the U.S. Army Corps of Engineers to the extent feasible (see Condition *Bio-9*).

Where feasible, parking, lay down, storage areas, and other sites of surface disturbance shall be located in previously disturbed areas or in annual grassland (except in Gaviota tarplant habitat) and will be mowed rather than graded to keep root structures in place and thereby facilitating future revegetation. Permanent access roads shall follow routes used for construction access to reduce the amount of new road construction. Vehicles and equipment access shall follow marked routes and indiscriminate cross-country vehicle travel shall not be allowed.

Plan Requirements: Limits of ground disturbance, grading, access, and areas for installation of facilities shall be clearly shown on Project building plans. **Timing:** Building plans shall be submitted by the Project owner/operator and reviewed

and approved by P&D staff prior to approval of the Land Use Permit for each construction phase.

MONITORING: P&D staff will review Project building plans and inspect the Project site as needed during construction. P&D staff shall ensure the approved Project plans are consistent with the Site Restoration and Revegetation Plan (See Condition *Bio-3*). P&D staff shall monitor construction and revegetation activities to verify compliance and ensure requirements are fully implemented. (*Mitigation Measure Bio-2*)

Bio-3

Site Restoration and Revegetation Plan. The Project owner/operator shall retain a County-approved botanist to prepare and implement a Site Restoration and Revegetation Plan. The Plan shall include the following requirements and other provisions as appropriate:

- a. Top soil, and the seed bank it contains, shall be conserved on areas where soil is excavated such as WTG sites, access roads, and transmission pole locations. Salvage shall be accomplished by:
 1. Woody material shall be removed from the soil surface and piled in an area that will be out of the way during construction.
 2. The upper 6 to 8 inches of soil shall be scraped from the disturbance footprint and piled into a windrow in an area that will not be disturbed during construction.
 3. Topsoil stockpiles shall be clearly marked for avoidance.
 4. Windrows shall be immediately protected from wind erosion by covering them or hydromulching them to protect the pile from wind erosion. Wind erosion protection shall be renewed as needed.
 5. Salvaged topsoil shall be re-spread on areas that will be revegetated following construction. Salvaged topsoil rather than subsoil shall be used for this purpose unless the location is very weedy.
- b. At final grade, the last few inches shall not be compacted to more than 75 percent to facilitate penetration by plant roots. Salvaged topsoil shall be spread over the finish grade. The grade shall not be completely smoothed. Small ridges shall be provided for seedling wind protection and to collect moisture from rain and fog. Hydroseed with soil stabilization seed mixture shall be applied between September 30 and mid-November. (Other methods of applying native seed (e.g., drill seeding, broadcast seeding followed by incorporation) may be implemented at other times, however it is preferable to apply the seed to coincide with the onset

of the fall-winter rainy season.) The hydroseed mix shall contain a mulch and binder to retard wind erosion by providing a crust over the soil surface. Native plant seeds shall be added to the hydroseed mixture or hand-broadcasted onto the site just prior to hydroseeding. Care shall be taken to avoid premature germination of native species caused by prolonged immersion in the hydroseeder. On slopes, the Project owner/operator shall augment the erosion control seed mixture with seed of native coastal scrub species native to the site and collected from the Project region. Appropriate seed mixtures for use on grassland and coastal scrub areas shall be developed in consultation with and approved by CDFG and County staff using seed of native species originating from the area between the Santa Ynez River and Hollister Ranch, and inland as far as California State Highway 1. Recommendations from the U.S. Department of Agriculture Natural Resources Conservation Service for reseeding of agricultural grazing areas shall be sought and incorporated as approved by the above agencies. The use of non-native species considered detrimental to agricultural grazing shall be avoided.

- c. For localized areas dominated by weedy species not palatable to livestock, the Plan shall consider a “grow-kill” approach that includes cycles of irrigation followed, after a suitable delay, by physical or chemical weed control methods to reduce the seedbank of weedy species by germinating them and killing the resulting seedlings prior to final seeding of the treated area.
- d. Where Central Coast scrub or Central Coast scrub/grassland mosaic has been removed by construction, revegetation will include coast buckwheat in the seed mix.
- e. The restoration areas shall be monitored for a minimum of three (3) years by a qualified botanist. Weed control shall be started within three (3) months of planting, or earlier if weeds have begun to flower. Weeding shall proceed as frequently as necessary to prevent weeds from spreading off the Project site into the adjacent area and to prevent seed set. An effort shall be made to cut weeds before they develop seeds to minimize the spread of invasive weeds. Cut mustard shall be hauled off the site and disposed of where the toxins in the stems will not affect other plants. Any new weed species not present in the Project area prior to construction shall be eradicated. At the end of the three-year monitoring period, the qualified biologist shall prepare a monitoring report detailing the success of the restoration efforts and shall provide recommendations, if needed. This monitoring report shall be submitted to the County for review and approval.
- f. Performance criteria for restoration shall be identified in the Site Restoration and Revegetation Plan to determine whether site restoration is proceeding as planned and for performance security release.

- g. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining the specific measures identified in the Site Restoration and Revegetation Plan.

Plan Requirements: The Project owner/operator shall prepare the Site Restoration and Revegetation Plan and submit it to P&D staff for review and approval prior to approval of the Land Use Permit for the first construction phase. The detailed grading plan showing the limits of the grading shall be reviewed and approved by P&D staff prior to approval of the Land Use Permit for the first construction phase. The Project owner/operator shall post the site restoration performance security prior to approval of the Land Use Permit for the first construction phase and shall maintain the security until it is released by the County. **Timing:** The Plan shall be approved by the County prior to approval of the Land Use Permit for the first and all subsequent construction phases. The Plan shall be implemented during and after construction of the first and all subsequent Project phases. The Monitoring Report shall be submitted to the County at the end of the three-year monitoring period.

MONITORING: P&D staff shall review and approve the Project building plans and the Site Restoration and Revegetation Plan, and the final monitoring report for compliance with this measure. P&D staff shall monitor construction and revegetation activities to ensure the Plan is fully implemented. (*Mitigation Measure Bio-3*)

Bio-4

Tree Protection and Replacement Plan. The Project owner/operator shall retain a County-approved botanist or arborist to design and implement a Tree Protection and Replacement Plan in order to protect existing native trees and minimize adverse effects of grading and construction. No ground disturbance, including grading for buildings, access ways, easements, and subsurface grading, shall occur within the critical root zone of any native tree unless specifically authorized by the approved Tree Protection and Replacement Plan. The Tree Protection and Replacement Plan shall include the following measures:

- a. The Plan shall show the location, diameter at breast height (DBH), and critical root zone of all native and specimen trees that are potentially subject to disturbance due to Project construction and operational activities, including transport of large loads on San Miguelito Road or onsite access roads.
- b. The Plan shall clearly identify any areas where grading, trenching, or other construction related activities would encroach within the critical root zone of any native or specimen tree and within 6 feet of the drip line for blue oaks and valley oaks. All encroachment is subject to review and approval by the County.

- c. Temporary fencing of all native and specimen trees shall be installed to protect the critical root zone. All onsite oaks shall be fenced outside of the critical root zone and all blue oaks and valley oaks shall be fenced at least 6 feet beyond the drip line. Fencing of chain link or other material acceptable to P&D shall be at least 3 feet in height and shall be staked every 6 feet. The Project owner/operator shall place signs stating “Tree Protection Area” at 15-foot intervals on the fence. Fencing and signs shall be included in Project building plans as a Tree Protection Plan Exhibit, shall be installed prior to issuance of the Land Use Permit for construction, and shall remain in place throughout all grading and construction activities.
- d. Any encroachment within the critical root zone of native trees and within 6 feet of the drip line for blue oaks and valley oaks shall adhere to the following standards:
 1. Any paving shall be of pervious material (gravel, brick without mortar, or turf block).
 2. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 3. Any roots 1 inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- e. Construction equipment staging and storage areas shall be located in designated staging and lay-down areas depicted on Project plans submitted for Land Use Permit. No construction equipment shall be parked, stored, or operated within the protected areas. No fill soil, rocks, or construction materials shall be stored or placed within the protected area.
- f. All utility corridors and irrigation lines shall be shown on the Tree Protection Plan Exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- g. Any tree wells or retaining walls shall be shown on the Tree Protection Plan Exhibit as well as on grading and construction plans and shall be located outside of the critical root zone of all native trees and 6 feet beyond the drip line for blue oaks and valley oaks unless specifically authorized by the County.
- h. Access routes for equipment shall be checked for clearance prior to bringing any equipment onto the site. All trees and shrubs that require limbing or pruning shall be prepared at least 2 days prior to the arrival of the equipment and adhere to the following standards:
 1. All limbing shall be done under the supervision of a licensed arborist or qualified biologist.

2. Any inadvertently broken limbs shall be cleanly cut under the direction of a licensed arborist or qualified biologist.
3. In the event that damage to a native tree is so severe that its survival is compromised, the tree shall be replaced in kind as mentioned below for native trees.
 - i. Only trees designated for removal on the approved Tree Protection Plan Exhibit may be removed. Any native trees which are removed, relocated, or damaged (more than 20 percent encroachment into the critical root zone or drip line for blue oaks and valley oaks) shall be replaced on a 10:1 (15:1 for blue oak and valley oak trees) basis with 1 gallon size saplings of the same species grown from seed obtained from the same watershed as the Project site. Where it is necessary to remove a tree and feasible to replant it, trees shall be boxed and replanted and a drip irrigation system with a timer shall be installed. No permanent irrigation shall occur within the critical root zone of any native or specimen tree or within 6 feet of the drip line of blue oak and valley oak trees. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding. Trees shall be planted, irrigated, and maintained until established (up to 5 years). The plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing, and gopher fencing during the maintenance period.
 - j. Any unanticipated damage that occurs to trees as a result of construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include, but is not limited to, posting of a performance security, replacing native trees on a 10:1 (15:1 for blue oak and valley oak trees) ratio, and hiring a County-qualified arborist/biologist to evaluate all proposed native tree and shrub removals within 25 feet of potential ground disturbances. The arborist/biologist's report shall present biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with an emphasis on preservation. All development and potential ground disturbances shall be designed to avoid the maximum number of native trees feasible. The required mitigation shall be undertaken immediately as directed by P&D, and a specific and detailed plan for replacement of all affected trees, including location and timing, shall be approved by P&D prior to any further work occurring on site.
 - k. To guarantee tree replacement, the Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining the specific measures identified in the Tree Protection and Replacement Plan. Performance securities required for installation of replacement trees shall be released by the County after its inspection and

approval of such installation. Performance securities required for maintenance of replacement trees shall be released by the County after successful achievement of release criteria, as determined by the County.

Plan Requirements: The Tree Protection and Replacement Plan shall be submitted by the Project owner/operator to P&D for review and approval. All aspects of the Tree Protection and Replacement Plan shall be implemented by the Project owner/operator as approved. **Timing:** The Tree Protection and Replacement Plan shall be approved by P&D, and evidence of having obtained the performance security shall be provided to P&D prior to approval of the Land Use Permit for the first and all subsequent Project phases. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading, construction, and operational activities.

MONITORING: P&D staff shall review building plans and the Tree Protection and Replacement Plan as necessary, and shall inspect the Project site, throughout all phases of development to ensure compliance with all tree protection and replacement measures. (*Mitigation Measure Bio-4*)

Bio-5

Pre-construction Plant Surveys. The owner/operator shall retain a County approved botanist to conduct appropriately timed pre-construction surveys for sensitive native plant species, including lichens, in all areas to be disturbed, including power line pole locations and access roads. In the event that a federally listed plant species is found on or near an area to be disturbed by the project, the FWS will be notified, the project will be adjusted to avoid impact, and other species protection measures recommended by the Service will be implemented. If a substantial portion of a “stand” of CNPS-listed or locally rare species needs to be removed for the Project and adjustment of the disturbance area boundaries to avoid the impact is not feasible, the loss will be mitigated by collection of seeds or other propagules from the plants during the appropriate time of the year. The seed or propagules shall be used for restoration in the immediate area (if suitable habitat continues to be present) or on a nearby, suitable location. In the case of lichens having regional significance, the lichenologist shall make recommendations of feasible methods to relocate and re-establish the lichens at a suitable nearby site, if avoidance is not feasible. Methods may include collecting, moving, and emplacing a sample of substrate supporting the lichen at a suitable site nearby. The upper 3 to 6 inches of soil (topsoil and seedbank) shall be salvaged in all areas where the terrain allows it. Topsoil shall be windrowed and marked to keep it separated from other spoil. Topsoil piles shall be stabilized by covering the windrows or by spraying with hydromulch and binder to protect the soil from wind erosion. Salvaged topsoil shall be spread over all restored areas.

Plan Requirements: The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by County staff prior to approval of the tentative Project map. If surveys indicate that replacement of sensitive native plants is necessary, the owner/operator shall prepare a detailed mitigation plan and submit it to the County for approval. The owner/operator shall file a performance security with the County to complete restoration. **Timing:** The mitigation plan shall be approved by the County prior to approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: County staff will inspect the Project plans and site as well as review the mitigation plan to ensure compliance with this measure as appropriate. County staff will monitor construction and revegetation activities to ensure the plan is fully implemented. (*Mitigation Measure Bio-5*)

Bio-6

Gaviota Tarplant Disturbance. The Project owner/operator shall retain a qualified botanist approved by the California Department of Fish and Game (CDFG) and P&D to prepare a Gaviota Tarplant Mitigation Plan to address impacts to Gaviota tarplant and to oversee flagging of the perimeter of all approved work areas in Gaviota tarplant habitat. This Plan shall incorporate the requirements presented herein and submit it to P&D for review and approval. Gaviota tarplant habitat includes all areas of previously identified habitat plus any additional areas that are discovered during pre-construction surveys prior to ground disturbance. Gaviota tarplant is assumed to be present within all areas where it has been previously mapped even if it is not evident during pre-construction surveys because seedbank may be present that could germinate and establish under different environmental conditions. The Project design shall continue to be refined to minimize Gaviota tarplant habitat disturbance, the size of temporary excavation areas, and the size of areas where permanent loss shall occur. A determination shall be made of the total areas of (1) permanent habitat loss, (2) temporary excavations, and (3) surface disturbance for the construction phase of the Project. Site-specific mitigation measures shall be developed, in consultation with CDFG botanists, to minimize the extent of habitat disturbance and to minimize potential “take” of individuals of this species which is protected under the California Endangered Species Act (CESA). Measures and procedures shall be developed that address potential future impacts during the operations phase of the Project. Areas of temporary disturbance shall be mitigated at a 1:1 ratio using the measures described below. The Project owner/operator shall obtain a CESA permit from CDFG and shall prepare a mitigation monitoring and reporting plan meeting the requirements of CESA, as required by CDFG.

Where construction activities may impact occupied Gaviota tarplant habitat during the growing season (between the first rain and the middle of September), standing drying plants that still have ripening seed during the late fall of the year shall be collected prior to construction. Plants shall be collected by hand or in a basket mounted behind a mower. The collected material shall be dried immediately and stored dry to preserve the seeds. The salvaged plant material shall be spread on restored habitat prior to final soil stabilization. The “triple-lift topsoil salvage” procedures described below shall be employed to conserve the soil profile and soil seed bank. All topsoil handling in Gaviota tarplant habitat shall be monitored by a qualified botanist approved by CDFG and the County to work with Gaviota tarplant. Seedbank material shall be developed using the following procedures:

- a. All woody vegetation shall be cleared and stockpiled separately in a location where it shall be out of the way during construction.
- b. A 3- to 6-inch lift of soil shall be scraped from the area of Gaviota tarplant habitat where soil shall be excavated. The seedbank shall be stored in a location where it shall be out of the way during construction. The seedbank stockpile shall be clearly marked for identification and avoidance.
- c. A second 6- to 8-inch lift of the sandy soil horizon (shallower if bedrock or other soil type is encountered, such as clay) shall be scraped from the area. The topsoil lift shall be stockpiled in a location where it shall not be disturbed during construction and shall be clearly marked for identification and avoidance. The stockpiles shall be shaped to maximize water runoff.
- d. The stockpiled seedbank shall be kept dry and protected from wind erosion and disturbance per the measures for topsoil conservation throughout construction and until it is replaced on the restored sites. The stockpiles will be covered or treated with hydromulch and binder to form a crust over the soil and reduce loss to wind erosion, but the spray shall not be heavy enough to soak into the pile (to avoid soaking seeds and triggering seed germination).
- e. If the salvaged seedbank is being eroded by the wind, it shall be stabilized by spraying it with an organic soil binder used for hydroseeding.

Following excavations and other types of temporary ground disturbance in Gaviota tarplant habitat, the soil profile shall be rebuilt using salvaged and stockpiled materials by replacing them in reverse order as described below. The salvaged and dried Gaviota tarplants shall be spread on top. Procedures to be followed are:

- a. The layers beneath the final seedbank layer shall be well compacted.

- b. The seedbank layer shall be more loosely compacted by spreading it dry or with minimal water. Tracking, rather than spraying, shall be used to pack the seedbank layer into place.
- c. Soil stabilization shall follow immediately.
- d. The replacement of seedbank and topsoil stockpiles shall be monitored by a botanist acceptable to CDFG and the County for work with Gaviota tarplant.
- e. Restored Gaviota tarplant sites shall be stabilized with a hydraulically applied mixture of biodegradable soil binder and wood fiber. The mulch shall be minimized so that light shall not be blocked from the tarplant seeds in the salvaged and replaced seed bank. No seed is required since the top layer on the restored site shall be composed of salvaged seed bank.

Permanent Gaviota tarplant habitat loss shall be mitigated by continuing to contribute toward the understanding of the taxonomy and ecology of this species by:

- a. Contributing to the accumulation of additional data on the range and size of subpopulations.
- b. Contributing to taxonomic research to clarify limits and relationships of Gaviota tarplant populations versus close relatives.
- c. Requesting that CDFG review the status of this species in light of recent discoveries of extensive populations.
- d. Contributing to baseline ecological research, such as germination or pollinator studies, that shall be useful for future management decisions.
- e. Participating in the regional Gaviota tarplant preserve on the Gaviota Coast.

The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect Gaviota tarplant habitat. Performance securities may be released by the County after successful achievement of approved release criteria.

Plan Requirements: The Project owner/operator shall submit the Gaviota Tarplant Mitigation Plan that includes the above requirements to P&D for review and approval. The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by P&D staff prior to approval of the Land Use Permit for construction. The Project owner/operator shall file a performance security with the County to complete restoration. **Timing:** The Gaviota Tarplant Mitigation Plan shall be submitted by the Project owner/operator and reviewed

and approved by P&D prior to approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: P&D shall monitor construction, restoration, and revegetation activities to ensure Gaviota tarplant protections are fully implemented. P&D staff shall verify that the perimeter of all approved work areas in Gaviota tarplant habitat are properly flagged prior to any ground disturbance in the area and shall monitor construction and revegetation activities to ensure the plan is fully implemented. (*Mitigation Measure Bio-6*)

Bio-7

Kellogg's and Mesa Horkelia. For Kellogg's and Mesa Horkelia habitats identified during pre-construction surveys (see Condition *Bio-5*), the Project owner/operator shall track over Kellogg's and Mesa Horkelia habitat, where the terrain shall safely allow it, rather than widening roads beyond the permanent road width, to minimize plant removal. The seedbank shall be salvaged and stockpiled separately from other spoil along roads and adjacent to other facilities constructed in Kellogg's and Mesa Horkelia habitat as described in Condition *Bio-3, Site Restoration and Revegetation Plan*, and Condition *Bio-6, Gaviota Tarplant Mitigation Plan*. Salvaged stockpiles shall be covered or sprayed with hydromulch and binder to crust the surface to minimize soil loss to wind erosion. Salvaged seedbank shall be spread over restored areas as described for Gaviota tarplant, except that a normal mixture of mulch and binder shall be used. If the area is within Gaviota tarplant habitat, methods for the latter shall be used. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect Kellogg's and Mesa Horkelia habitat. The performance security may be released by the County after successful achievement of approved release criteria.

Plan Requirements: The detailed grading plan, showing the limits of the grading, shall be reviewed and approved by P&D staff prior to approval of the final plans. If surveys indicate that replacement of Horkelia is necessary, the Project owner/operator shall prepare a detailed mitigation plan and submit it to the County for approval. The Project owner/operator shall file a performance security with the County to complete restoration. **Timing:** The Mitigation Plan and performance security shall be submitted by the Project owner/operator and reviewed and approved by P&D prior to approval of the Land Use Permit for the first and all subsequent construction phases.

MONITORING: P&D shall monitor construction, restoration, and revegetation activities to ensure Kellogg's and Mesa Horkelia habitat protections are fully implemented. (*Mitigation Measure Bio-7*)

Bio-8

Native Grasslands. The Project owner/operator shall retain a County-approved botanist to resurvey the potentially affected area during the appropriate season and determine the total area with at least 10 percent coverage of native grassland species on the site (10% coverage defines "native grassland" habitat). If the total area of native grassland habitat that would be permanently removed is less than 10 percent of the total area of native grassland habitat within the Project area, loss of native grasses shall be mitigated by seedbank salvage and replacement as described for Horkelia (Condition *Bio-7*).

If the total area of native grassland habitat that would be permanently removed for the Project exceeds 10 percent of the total area of native grassland habitat within the Project area, seed shall be collected from the populations of native grasses and native grassland species on the Project sites prior to the start of construction. The seed shall be stored dry and included in the seed mixture applied to the restored areas. Drill seeding shall be performed for mixtures that include native grass seed.

The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining specific measures identified to protect native grasslands. Performance securities may be released by the County after successful achievement of approved release criteria.

Plan Requirements: P&D staff shall review and approve the detailed grading plan, showing the limits of the grading. If pre-construction surveys indicate that replacement of native perennial bunchgrass is necessary, the Project owner/operator shall prepare a detailed mitigation plan a performance security and submit both to P&D for review and approval. **Timing:** Detailed native grassland mitigation plans and performance securities shall be submitted to P&D for review and approval, and shall be approved, prior to approval of the Land Use Permit for each construction phase, as applicable.

MONITORING: P&D staff shall monitor construction and revegetation activities to ensure required protections of native grasslands are fully implemented. (*Mitigation Measure Bio-8*)

Bio-9

Wetland and Creeks Avoidance and Restoration. The Project owner/operator shall make every effort to minimize the area and degree of impact to State and

Federal wetlands and other Waters of the U.S. associated with placement of bridges, siting of the Operations and Maintenance (O&M) facility, and other construction-related tasks. All potential jurisdictional areas that may be disturbed by construction shall be delineated following all applicable standards associated with features regulated by the State of California, Santa Barbara County, and U.S. Army Corps of Engineers (USACE) for regulated wetlands, including documentation of specific surveys for presence of listed plant, invertebrate, or wildlife species that may occur there. The delineations shall apply the Arid West Supplement to the USACE Wetland Delineation Manual guidelines and shall map all features using a sub-meter differential global positioning system (DGPS). Based on the delineation, the Project owner/operator shall consult with a wetland hydrologist and botanist to design construction so that direct loss of wetland communities shall be minimized and hydrological conditions supporting the wetland shall be conserved to the maximum extent feasible, consistent with Project objectives. All final construction design plans and mapped wetland features shall be clearly presented in a Wetland and Creeks Avoidance and Restoration Plan submitted to P&D for review and approval. The Wetland and Creeks Avoidance and Restoration Plan shall include the WTG corridors as well as other project components and shall specify methods, including those referenced herein, for the restoration of lost and/or disturbed features associated with bridge crossings and siting of the O&M facility, including calculations, proposed restoration locations, cattle or other disturbance barriers, plant mixes, quantitative restoration goals (maximum criteria for weedy species and minimum criteria for native hydrophytic plants), and temporal and native plant composition success criteria.

At a minimum, any temporarily disturbed wetlands associated with bridge crossings or siting of the O&M facility shall be restored to pre-construction conditions at an areal ratio of 1:1, with a clearly defined temporal goal and success criteria. If any jurisdictional feature is permanently lost, it shall be mitigated by the creation of the same type of wetland in the Project area at an areal ratio of 2:1. All wetland areas within 50 feet of Project-related ground disturbance shall be protected from siltation by placement of silt fence, straw bales (composed of certified weed-free straw), or other barriers. Barriers shall be in place prior to ground disturbance.

No fueling of vehicles or equipment shall occur within 100 feet of the top of any creek bank or within 100 feet of any seep or spring. Spill containment measures shall be implemented at all refueling sites. In the event that petroleum products escape into a creek, seep, or spring, every effort shall be made to immediately

remove the material using plastic sheets, absorbent blankets, or other materials, as necessary.

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

Performance criteria for restoration shall be identified in the Wetland and Creeks Avoidance and Restoration Plan. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing and maintaining the specific restoration measures identified in the Wetlands and Creeks Avoidance and Restoration Plan.

Plan Requirements: The Wetland and Creeks Avoidance and Restoration Plan and the Project grading plan showing the limits of the grading shall be reviewed and approved by P&D prior to approval of the Land Use Permit for construction. The Project owner/operator shall file the performance security with the County prior to P&D approval of the Land Use Permit for construction. **Timing:** The Wetland Delineation and Avoidance and Restoration Plan shall be submitted to the County for approval prior to approval of the Land Use Permit for any project construction that may affect wetlands. Any proposed removal or temporary disturbance to jurisdictional features shall be approved by the County, CDFG, and the USACE prior to any construction that may affect wetland features. Site-specific wetland creation/restoration plans shall be developed and approved by the County, in consultation with CDFG and USACE, as appropriate, prior to approval of the Land Use Permit for construction. The Project owner/operator shall independently consult with CDFG and USACE as necessary. The Plan shall be implemented within one year of the disturbance and in consultation with CDFG and P&D staff. The Plan shall be implemented as required throughout all Project phases.

MONITORING: A County-approved biological/wetland monitor shall be present for all activities that have the potential to directly or indirectly affect regulated wetland features. P&D staff shall monitor construction and restoration activities to ensure the plan is fully implemented. (*Mitigation Measure Bio-9*)

Bio-10

Riparian Habitat Restoration. The Project owner/operator shall consult with the U.S. Army Corps of Engineers (USACE), the California Department of Fish

and Game (CDFG) and the County regarding impacts to Honda Creek, and other crossings if applicable. During this consultation, a determination shall be made as to whether a Riparian Habitat Restoration Plan will be required. If so, the Project owner/operator shall retain a qualified ecologist to prepare and implement a site-specific Riparian Habitat Restoration Plan for those creeks that may be disturbed by Project construction or operations. This Plan shall include, but is not limited to, the following elements:

- a. Restoration shall include native riparian species from locally obtained plants and seed stock.
- b. The new plantings shall be monitored for a period of 2 to 3 years to ensure successful establishment. Dead plants shall be replaced in kind.
- c. The new plantings shall be irrigated with drip irrigation on a timer and shall be weaned off of irrigation when root zones are established.
- d. Removal of native species in the creek shall be prohibited.
- e. Non-native species located in the work area shall be removed from the creek.

Plan Requirements: If such plan is required, the Project owner/operator shall submit a Riparian Habitat Restoration Plan to P&D for review and approval, in consultation with the USACE and CDFG. The Project owner/operator shall provide a performance security acceptable to P&D and equal to the cost/value of implementing the Plan to ensure restoration. **Timing:** If required, the Plan shall be approved by P&D, USACE, and CDFG prior to approval of the Land Use Permit for each Project phases, as appropriate.

MONITORING: P&D staff shall review Project plans and conduct site inspections as necessary inspect the Project plans and site as well as review the restoration plan for compliance with this measure as appropriate. The County staff will monitor plan implementation to ensure compliance. Permit compliance signature is required for performance security release. (*Mitigation Measure Bio-10*)

WILDLIFE PROTECTION

Bio-11.a Pre-Construction Wildlife Surveys. The Project owner/operator shall retain a County-approved biologist to perform a wildlife survey prior to disturbance of WTG sites. The biologist shall survey the surrounding area out to a 300-foot radius from the WTG site, the WTG footings, access roads, and staging, parking, and lay down areas prior to grading or the use of any explosives. Surveys shall be completed within 3 days before the start of initial vegetation clearance or

ground disturbance in any affected area. Results of the surveys shall be provided to P&D prior to ground disturbance. If any wildlife species are found, they shall be relocated by a qualified individual to similar habitat at least 300 feet away from construction activity.

Plan Requirements: Project owner/operator shall provide at least 48-hour prior notification to P&D staff and the County’s EQAP OEC of each pre-construction survey. The EQAP OEC may attend all or part of each survey and shall report to P&D at least monthly on survey and wildlife relocation activities. This condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report compliance with this measure in writing to County staff on survey and relocation activities. **Timing:** This measure shall be implemented prior to ground disturbances during all construction phases.

MONITORING: P&D staff shall review reports and site inspect as necessary during construction. County staff will inspect the Project plans and site, as well as review the monthly reports to ensure compliance with this measure, as appropriate. (*Mitigation Measure Bio-11a*)

Bio-11.b Fencing Plan. To minimize the amount of disturbance to wildlife habitat, construction boundaries shall be clearly marked with fencing or staking that shall be replaced as needed during construction. Fencing shall clearly delineate the project construction areas, including areas devoted to WTGs; power line poles; temporary and permanent access roads; stockpiles; staging, parking and lay down areas; areas where spoil shall be used to control erosion; and areas for associated facilities.

Plan Requirements: A detailed Fencing Plan, showing the location of required fencing shall be reviewed and approved by P&D staff. A specific reference to the Fencing Plan and the requirement to comply with it shall be printed on all Project grading and building plans. **Timing:** The detailed fencing plan shall be submitted to P&D for review and approval, and shall receive such approval, prior to P&D approval of the Land Use Permit for construction.

MONITORING: P&D staff and the EQAP OEC shall site inspect as needed. P&D shall review construction monitoring reports to ensure the Plan is fully implemented. (*Mitigation Measure Bio-11b*)

Bio-11.c Biological Monitoring. The Project owner/operator shall retain a County-approved environmental monitor (“LWEP Monitor”) during project construction

to monitor construction activities and to ensure compliance with all mitigation measures.

The LWEP Monitor shall be present onsite during all vegetation removal and during all of the initial ground disturbance activities for all aspects of the project, and shall regularly inspect the project site as needed after the initial ground disturbances to ensure that all mitigation measures are being implemented. The LWEP Monitor shall ensure that wildlife do not become entrapped in the excavations during installation of the WTGs and associated underground collection system from the WTGs to the substation (i.e., open trenches). Safeguards shall be implemented during daytime periods of non-activity and overnight, such as a placing a platform over the entire excavation site, flush with the ground surface, or exclusionary fencing. A form of egress (such as a ramp) shall be placed within the excavated area to provide an exit to accidentally trapped wildlife. The LWEP Monitor shall be responsible for ensuring these safeguards are in place on a daily basis.

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

Timing: The LWEP Monitor shall be designated prior to the start of construction and shall be retained throughout all construction phases.

MONITORING: County staff will confirm that the LWEP Monitor is employed prior to start of construction and continues throughout all construction phases. (*Mitigation Measure Bio-11c*)

Bio-11.d **Monitoring Report.** The LWEP Monitor shall provide the County with Construction Monitoring and Biological Resources Mitigation Reports on a bi-weekly basis. The reports shall include a description of the activities that have occurred onsite, wildlife species encountered, relocation efforts, wildlife mortalities and injuries, violations or issues with construction activities, and any project-related resolutions.

Plan Requirements: The owner/operator shall consult and obtain any necessary permits from the appropriate regulatory agencies and provide copies to County staff. The LWEP Monitor shall report compliance with this measure in writing to County staff on survey and monitoring activities on a bi-weekly basis. Reports may be submitted electronically. **Timing:** The reports shall be submitted in the first and third week of each month to detail the previous two weeks' activities, during the first and subsequent construction phases.

MONITORING: P&D will review the biweekly reports and inspect the Project site as appropriate to ensure compliance with this measure. (*Mitigation Measure Bio-11d*)

BIO-12 NESTING BIRDS AND ROOSTING BATS

Bio-12.a Schedule Ground Disturbance to Avoid Nesting Season. All construction-related activities that include vegetation removal and initial ground disturbances in habitats where a biological monitor does not have a clear view of the ground shall be scheduled, as feasible, to avoid the bird nesting season (February 1 through August 31) to reduce impacts to nesting birds in the Project vicinity. If construction activities are scheduled to begin during the nesting season, the owner/operator shall still attempt to remove or mow vegetation before the onset of nesting season to reduce the threat of violating the Migratory Bird Treaty Act.

Plan Requirements: This Condition shall be printed on all Project plans. The LWEP Monitor shall be designated to monitor the implementation of this Condition and shall be retained throughout all construction phases. **Timing:** Construction-related activities subject to this Condition shall be scheduled, as feasible, from August 31 through February 1.

MONITORING: P&D staff shall review and approve Project plans prior to approval of the Land Use Permit for construction. P&D staff shall review the monthly compliance reports to ensure implementation of the requirements of this Condition. (*Mitigation Measure Bio-12a*)

Bio-12.b Buffer Zones. If ground disturbance or vegetation removal is scheduled to occur during the avian nesting or bat roosting season (from February 1 through August 31), the Project owner/operator shall fund a County-approved biologist to survey for active avian nests and roosting bats immediately prior to the start of construction in a given area (including removal or trimming of trees and shrubs). The survey shall occur at the sites of construction activity, as well as up to 500 feet away. If an active raptor nest is found, no construction activity shall occur within 500 feet of the nest or as directed by the County-approved biologist unless otherwise directed by CDFG. The County-approved biologist shall conduct a study to collect more detailed information on nesting raptors in the Project area. Areas of dense vegetation, including the riparian corridors along Miguelito Creek, the eucalyptus groves onsite, and mixed evergreen forest within 500 feet of Project facilities shall be surveyed at weekly intervals to collect data on nesting activities.

If any other active avian species nest or roosting bats are found, construction activity shall not occur within 150 feet of the area or as directed by the County-approved biologist unless otherwise directed by CDFG. The CDFG shall be consulted prior to any disturbance of bat maternity roosts. During the breeding season (February 1 through August 31,) efforts shall be made as directed by the biological monitor to dissuade birds from using facilities and construction equipment. Active nests and roosts shall be temporarily marked with flagging to warn workers and monitored by a biologist to ensure that construction activities do not impact these sites. The Project owner/operator shall provide all workers on the site an updated map of active nests so that construction activities within the buffers can be avoided. Construction activities and timing shall be modified to avoid impacts to nesting avian species, and bat maternity roosts. Buffer areas shall be maintained until fledglings have left the nest and the biological monitor has cleared the area.

Plan Requirements: The Project owner/operator shall consult with and obtain any necessary permits from the appropriate regulatory agencies and provide copies to P&D of all permits. On a bi-weekly basis, the Project owner/operator shall report on survey and monitoring activities conducted in compliance with this measure in writing to P&D staff (electronic submittal is acceptable). **Timing:** The Project owner/operator shall submit the Monitoring Report in the first and third week of each month to detail the previous two weeks, activities. This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D shall review the bi-weekly reports and inspect the Project site as necessary to ensure compliance with this measure. (*Mitigation Measure Bio-12b*)

Bio-13

El Segundo Blue Butterfly Habitat. The Project owner/operator shall retain a qualified, County-approved entomologist to conduct directed surveys for the El Segundo Blue Butterfly (ESBB) during the flight season (approximately mid-June to August) within all areas of coast buckwheat known to occur on the Project site, including areas that could be affected by construction, operation, or maintenance of the project. The surveys shall be documented and shall include a description of survey methodology, description and maps of the surveyed areas, and identification of locations of any ESBB observed within the Project area (including maps and GPS coordinates). Conditions at the sites where ESBB are located shall be described by the entomologist, including vegetation, soils, exposure, and other factors that may influence the occurrence of ESBB at that site.

A Plan to restore and/or enhance ESBB habitat shall be prepared by a County-approved botanist with input from a County-approved entomologist. The goal of the Plan shall be to establish coast buckwheat with other Central coast scrub species on areas having sandy soils and judged suitable for this type of restoration or enhancement by the Project biologist and County-approved entomologist. The restoration or enhancement shall, to the extent feasible, occur in or adjacent to an area of existing habitat supporting coast buckwheat on sandy soils or in a suitable area disturbed by the project. The Plan shall identify sites to be restored or enhanced and describe the approach to restoration and enhancement, including proposed density of coast buckwheat plants, which shall be generally consistent with the density of coast buckwheat in occupied ESBB habitat in the Project region, and performance criteria reflecting that density. Restoration or enhancement shall be conducted on an acre-for-acre basis. If ESBB has been found on the site, the Plan shall be submitted to the U.S. Fish and Wildlife Service approval prior to implementation.

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

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report on surveying and monitoring activities conducted in compliance with this measure in writing to County staff. **Timing:** This measure shall be implemented during all Project phases.

MONITORING: P&D shall review the Project plans and the monthly reports for compliance with this measure, and conduct site inspections as appropriate. (*Mitigation Measure Bio-13*)

SENSITIVE WILDLIFE SPECIES

Bio-14.a California Horned Lizard. The Project owner/operator shall fund a County-approved biologist to survey construction areas including the sites of footings for the WTGs and power poles, access roads, and staging, parking, and lay down areas, for California horned lizards. Surveys shall be completed within 3 days before the start of initial vegetation clearance or ground disturbance in any affected area. The survey may be done in conjunction with surveys for ground-nesting birds. However, the survey for horned lizards shall be performed regardless of season of the year. If horned lizards are found, they shall be

relocated by a qualified individual to similar habitat at least 300 feet away from construction activity.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report on survey and relocation activities conducted in compliance with this measure in writing to County staff.

Timing: This measure shall be implemented throughout all construction phases.

MONITORING: P&D staff shall review the Project plans and the monthly reports for compliance with this measure, and conduct site inspections as necessary. (*Mitigation Measure Bio-14a*)

Bio-14.b Silvery Legless Lizard. The Project owner/operator shall retain a County-approved biologist to survey for silvery legless lizards that could potentially occur in areas with Central Coast scrub and annual grassland with a shrub component. The biologist shall work with the equipment operator during initial vegetation clearance to identify those areas that would require legless lizard mitigation, and then to salvage and relocate exposed animals. The following technique shall be employed to avoid impacts to the silvery legless lizard:

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

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the monitoring and relocation activities required by this Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14b*)

Bio-14.c San Diego Desert Woodrat. The Project owner/operator shall retain a County-approved biologist to survey the locations of the WTGs and access routes

prior to construction, as well as for a distance of 50 feet away for signs of the San Diego desert woodrat. The following techniques shall be employed to avoid impacts to the San Diego desert woodrat:

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

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the monitoring and relocation activities required by this Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14c*)

Bio-14.d

American Badger. The Project owner/operator shall retain a County-approved biologist to survey, prior to construction, for badger dens in the Project area, including areas within 250 feet of all Project facilities, Wind Turbine Generator (WTG) sites, and access roads. The survey shall be performed regardless of season of the year. If badger dens are found, each den shall be classified as inactive, potentially active, or definitely active. Inactive dens shall be excavated by hand and backfilled to prevent reuse by badgers. Potentially and definitely active dens shall be monitored for 3 consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) at the entrance. If no tracks are observed in the tracking medium after 3 nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next 3 to 5 nights to discourage the badger from continued use. The den shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den.

Plan Requirements: This Condition shall be printed on all Project plans. On a monthly basis, the Project owner/operator shall report in writing to P&D staff on compliance with the survey and burrow excavation requirements of this

Condition. **Timing:** This measure shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D staff shall review Project plans, site inspect as appropriate, and review the monthly reports to ensure compliance with this measure. (*Mitigation Measure Bio-14d*)

Bio-14.e

Sensitive Avian Species. A County-approved biologist shall conduct a study in the spring season prior to the onset of construction activities to assess the density of special status passerines and other ground-nesting birds in areas of the Project site potentially subject to disturbance. Plots shall be established in various habitats and checked at weekly intervals to monitor for new nests of ground-nesting birds that are sensitive species, including California horned lark, California rufous-crowned sparrow, grasshopper sparrow, and burrowing owls. The surveys shall be conducted as long as birds are nesting in the Project area between February 1 and August 31. The surveys shall be discontinued when it is apparent that nesting has ceased for the season. Surveys for burrowing owls shall be conducted prior to construction in the Project area, including areas within 300 feet of all Project facilities, WTG sites, and access roads. The survey shall be performed regardless of season of the year due to this species' being present in the winter.

If construction is to occur between February 1 and August 31, all sites to be disturbed shall be surveyed for ground-nesting and shrub-nesting birds immediately prior to construction in a given area. The emphasis shall be on California horned lark, western burrowing owl, California rufous-crowned sparrow, and grasshopper sparrow. The survey shall occur at the sites of construction activity, as well as up to 300 feet away. If an active nest is found, no construction activity shall occur within 300 feet of the nest or as determined by the biological monitor and updated maps showing active nesting locations shall be distributed to the biological monitors, EQAP OEC, and crew foreman on a weekly basis. The nest shall be monitored to record any potential construction-related effects. Construction activities and timing may be modified as directed by the County to avoid impacts to nesting passerines or other ground-nesting birds.

Frequent disturbance (every few days) may be initiated in some Project areas just prior to the nesting season to discourage nesting in the construction corridor.

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

Plan Requirements: This Condition shall be printed on all Project plans. On a bi-weekly basis, the Project owner/operator shall report on survey results and buffer area design in writing to P&D. The reports may be submitted electronically. **Timing:** The requirements of this Condition shall be implemented throughout the first nesting season from February 1 through August 31 for nesting species, and year-round for western burrowing owls and all subsequent nesting seasons during the Project construction phases. The reports shall be submitted in the first and third week of each month to detail the previous two weeks' activities.

MONITORING: P&D staff shall review Project plans, site inspect as necessary, and review the bi-weekly reports to ensure compliance with this Condition. (*Mitigation Measure Bio-14e*)

BIO-15 AVIAN AND BAT OPERATIONAL IMPACTS MITIGATION

Bio-15.a Turbine Siting. The turbines shall be sited so that each tower is located at least 500 feet away from critical biological resources identified in preconstruction surveys, specifically: active raptor nest sites, active state or federally listed species' nests, open water which would attract birds or bats (including stock-ponds), thicker riparian habitat in Canada Honda and Miguelito creeks, eucalyptus tree groves, or vernal pools, if present. The turbines shall be sited so that each tower is located at least 250 feet from the un-named intermittent tributaries containing Central Coast Riparian Scrub habitat located up-gradient of major streams. Preconstruction surveys (see Condition *Bio-11.a*) shall identify existing raptor nests and other sensitive resources. The Project owner/operator shall, in consultation with the California Department of Fish and Game, attempt to dissuade raptors from building new nests within 500 feet of any turbine.

Plan Requirements: This measure shall be printed on all Project plans. **Timing:** During the preconstruction and construction phases, the Project owner/operator shall submit weekly written survey results and buffer area design to P&D. These reports may be provided electronically. The requirements of this Condition shall be implemented throughout the first and all subsequent construction phases.

MONITORING: County staff will inspect the Project plans and site and review the weekly reports to ensure compliance with this measure. (*Mitigation Measure Bio-15a*)

Bio-15.b WTG and Project-Element Design. To minimize the likelihood of collisions of birds with Wind Turbine Generators (WTGs), onsite power collection lines, the design features of all WTGs and project facilities shall include the following:

- a. Collection lines shall be placed underground (rather than overhead) to minimize perching locations and electrocution hazards to birds, except where undergrounding would create potential for serious erosion (e.g., crossing steep canyons) or other serious impacts that could be avoided with overhead lines.
- b. All overhead collection line conductors shall be spaced to minimize the potential for raptor electrocution using the latest APLIC (2006) guidelines for line spacing. Further, construction and work procedures shall be consistent with the Avian Power Line Interaction Committee (APLIC) guidelines entitled “*Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.*”
- c. WTGs with low rotational speed (approximately 10 to 23 revolutions per minute [RPM]) and tubular towers shall be used. WTG blades shall not rotate when the WTG is not in operation.
- d. All permanent meteorological towers shall be unguyed.

Plan Requirements: These requirements shall be printed on Project plans. The Project owner/operator shall provide final plans, including design element plans to P&D for review and approval. **Timing:** P&D shall review and approve Project plans prior to approval of the Land Use Permit for each construction phase. The requirements of this Condition shall be implemented throughout the first and all subsequent construction phases.

MONITORING: P&D shall inspect in the field as necessary to ensure compliance with this Condition. (*Mitigation Measure Bio-15b*)

BIO-16 BIRD AND BAT MONITORING AND ADAPTIVE MANAGEMENT PLAN

A Monitoring and Adaptive Management Plan is required, due to the uncertainty of the project’s operational impacts to birds and bats. The Plan shall be developed and implemented in an effort to provide maximum feasible mitigation for those impacts. Monitoring studies of bird activity and fatalities at the site shall be required to collect information on bird activity and fatalities caused by wind farm operations. In addition, an Adaptive Management Plan (AMP) shall be implemented if the bird or bat mortalities trigger specified thresholds.

The County will enforce the following measures unless CDFG adopts them as part of a Sec. 2081 incidental take permit or Sec. 1602 streambed alteration agreement.^{1,2} In reviewing and approving the final plan and applying the required measures, the County will consult with CDFG and USFWS, as appropriate.

The Plan shall be prepared by a County-approved biologist and be subject to County approval. The Plan shall include the four elements outlined in subsections 16.a to 16.d below.

BIO-16.a Before-After/Control-impact (BACI) Study.

Conduct BACI surveys under direction of a County-approved biologist. The purpose of the BACI surveys is to compare pre- and post-construction bird use on the site; to assess the effects of the project on avian species; to assist in determining whether additional mitigation elements are necessary; and to collect research data to better understand wind power industry impacts and provide regulatory agencies with data for future projects. Study reports shall include estimates of average bird usage on the site and information on the location of species within the site, flight elevations and patterns of activity, and WTG avoidance behavior. The study data and reports shall be provided to the County for review. The surveys shall be conducted from the time of project approval through each project construction phase and for two years following first delivery of power for that phase.

The methodology shall include methods for interpreting and summarizing the data, and the contents, format and schedule for reports. The methodology should follow the recommendations of the CEC Guidelines (2007)³, insofar as feasible without causing delays to the project construction schedule or start of operations. The methodology may incorporate the Applicant's current BACI methods as appropriate and explain any substantive changes between the studies currently being conducted by the Applicant and the methodology proposed for approval. The methodology could be modified during the course of the BACI study, with concurrence of the County and project operator.

¹ Section references are to sections of the California Fish and Game Code.

² If CDFG, as a Responsible Agency, enforces Mitigation Measure Bio-Wildlife-16, the County would not be involved in oversight or monitoring. The measure is written assuming it is under County jurisdiction, but if CDFG assumes responsibility references to the County would be replaced with CDFG.

³ California Guidelines for Reducing Impacts To Birds And Bats From Wind Energy Development (2007)

BIO-16.b Bird/Bat Mortality Study.

Conduct a bird and bat mortality study under direction of a County-approved biologist. The purpose of mortality surveys is to estimate mortality rates for different species on the site attributable to collisions with WTGs and to identify individual WTGs or groups/strings of WTGs that cause unanticipated levels of mortality. The information will be used to determine whether the mortality thresholds of the Adaptive Management Plan (see AMP, below) have been reached. In addition, the collected data will add to the body of knowledge to provide regulatory agencies with data for future projects. Brief quarterly reports including tabulated search data and annual reports including analysis of the year's data shall be prepared. The study data and reports shall be provided to the County for review. Monitoring shall be conducted for the first full 2 years after all WTGs are in operation for each project construction phase. Additional years of monitoring could be required if the mortality of special status bird and bat species exceeded thresholds (see AMP, below).

The general design of the study should follow recommendations of the CEC Guidelines (2007), or improved methodologies if appropriate, including methods for carcass search surveys, scavenger studies, evaluation of researcher efficiency, data analysis and reporting methodology. Specifically, carcass searches shall occur once every two weeks at 30% of the WTGs, as recommended in the CEC Guidelines. Reports shall include mean estimated fatalities and 90% confidence intervals for species or appropriate bird and bat groups. The plan shall include training of project operations staff in handling and reporting avian fatalities encountered in the course of their regular activities. The selection of which WTGs to monitor may be adjusted from year to year (or as appropriate). Sampling methodology and sample locations to be approved by the County. If the AMP were triggered by excess fatalities, the frequency or design of carcass searches could be modified, as provided in the AMP.

BIO-16.c Reduce Prey Base Near Turbines.

Conduct a program under direction of a County-approved biologist to reduce the densities of California ground squirrels, rabbits, and other small mammals in the Project area. Limiting the number of burrowing mammals is intended to reduce the attraction of raptors to the Project area, and thus lower the potential for mortality resulting from collisions with WTGs and power lines on the project site. The program plan should emphasize, but not be limited to existing, mapped small mammal colonies. The plan shall be subject to County approval. Brief quarterly reports including the study data shall be provided to the County for review. The reports may be provided electronically. The program shall begin during the construction phase and continue for 2 years of Project operation. The County

could modify or discontinue the program if new information indicates it is ineffective or harmful.

Minimum program elements:

- a. Monitoring within the permanent disturbance area around WTGs and collection line pad locations for small mammal (including California ground squirrel) activity. If burrows are found at the pads, those holes shall be filled. Pad overhangs shall be filled with soil. Gravel shall be placed in a perimeter at least 5 feet out from the edges of the pad to discourage small mammals from burrowing.
- b. Removal of accumulated material under and near WTGs and collection line power poles, such as piles of rocks from construction and extra equipment or parts. Such accumulated material may attract prey for raptors such as California ground squirrels and brush rabbits.
- c. Implementation of other feasible measures to control small mammal populations could be required, based on recommendations of the biologist and results of the Bird/Bat Mortality Study, described below.

BIO-16.d Adaptive Management Plan (AMP).

Develop an Adaptive Management Plan (AMP) to be activated in the event that bird or bat mortality exceeds specified threshold levels. The AMP provides a structured framework to guide response, in case project operations result in excessive mortality that was unforeseeable at the time of EIR certification and project approval. The AMP defines two impact categories and corresponding response options, as described below. The *Adaptive Management Threshold Criteria* table below summarizes the thresholds that will trigger Level 1 and Level 2 actions by the County.

Level 1 – First Alert and Enhanced Survey.

If recorded bird or bat fatalities reach the threshold criteria for Level 1 (*Adaptive Management Threshold Criteria*), the project operator shall notify the County within 24 hours and make any required notifications to CDFG and USFWS.

The carcass search frequency shall be increased in the vicinity of the specific WTG(s) suspected of being responsible, to determine whether WTG(s) are at cause and to better understand the causal factors and circumstances contributing to the fatalities. Carcass search patterns and extent may be modified, survey frequency may be increased up to twice per week, and supplementary field observations may be required for up to six months, if necessary to assess the pattern or frequency of fatalities. The additional information would facilitate a

more informed response in the event that mortality levels reach Level 2. The project operator shall provide wind velocity data for the area of the fatalities if the County determines that the data are important for assessing the cause of fatalities or for designing enhanced search patterns.⁴ Details of the enhanced monitoring program will be subject to County approval.

Mortality monitoring shall conclude if fatalities remain below Level 2 thresholds for 2 consecutive years. If Level 2 thresholds are reached or exceeded, the County may require additional year(s) of monitoring until fatalities fall below Level 2 thresholds.

Level 2 – Response Options.

If recorded bird or bat fatalities reach the threshold criteria for Level 2 (*Adaptive Management Threshold Criteria*), the project operator shall notify the County within 24 hours and make any required notifications to CDFG and USFWS.

The cause of bird and bat fatalities at wind farms is often indeterminate, due to the condition of the carcasses, activity of scavengers, and wide radius of land-fall. The County shall require Level 2 response options only if it determines with reasonable certainty that the fatalities are caused by wind farm operations and which WTGs are at cause. The determination must be based on substantial evidence. Changes in bird use of the site observed in the BACI studies should be taken into account in the evaluation of impacts and response options.⁵ Measures required must be reasonable, feasible, and specifically targeted to reduce fatalities at the particular problem WTG(s).

The following Level 2 response options should be considered by the County, in consultation with CDFG, and implemented if determined to be feasible and likely to reduce or compensate for further fatalities similar to those that triggered the Level 2 response. Such measures shall not be undertaken without appropriate environmental review, if applicable. Less extreme, less costly measures shall be exhausted before more extreme or costly measures are required.⁶

⁴ The data may be provided as hourly average wind speed and direction in the project area, or as otherwise agreed with the County. If the data is considered proprietary, it may be provided under a confidentiality agreement with the County.

⁵ One of the primary objectives for operations monitoring stated in the CEC Guidelines is to determine whether the avoidance, minimization, and mitigation measures implemented for the project were adequate or whether additional corrective action or compensatory mitigation is warranted.

⁶ If excessive fatalities of endangered or protected bird or bat species, as determined by CDFG or USFWS, were to occur, these agencies could require curtailment of operations of the offending WTG(s). In such a case, any negotiations with the Applicant or possible enforcement actions would be the responsibility of CDFG and USFWS, and not the County.

1. Habitat modifications to make the site less attractive to impacted species, including intensified efforts to reduce the prey base (e.g., ground squirrels), weed control, grazing management.
2. Project modifications. Modifications must have a sound scientific basis, but need not be proven definitely effective, such as installing “dummy towers” at end of WTG rows; painting of WTG blades on selected WTGs to increase their visibility; audible warnings on towers; or other new or experimental technologies to divert birds/bats or react to the presence of at-risk species. If appropriate, a modification may be implemented as a controlled experiment to test efficacy in reducing mortality.
3. Implementation of a mitigation research component at the LWEP site at an appropriate department of a local college or university (e.g., Environmental Science or Wildlife Biology department); species-related research to improve knowledge of a species and conservation needs.
4. Contribution to a program to enhance recovery of the special status species impacted by the project; contribution to research program on wind project impacts to birds and bats.

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

5. WTG Shutdowns. Special preventative measures shall be implemented if large-scale bird or bat mortality events are foreseeable. Shutdown or operational restrictions shall be required for specific WTG(s) if the Director of Planning and Development, in consultation with the California Department of Fish and Game, makes all of the following determinations:
 - i. Fatalities of Federal or California Listed Species, California Fully Protected Species, or non-listed sensitive bird or bat species, resulting from WTG collisions at a specific location (i.e., a single WTG or group of up to 3 WTGs), exceed the *Level 2 Thresholds* established for the entire project⁷ (e.g., more than 2 golden eagle fatalities at a location within a year);
 - ii. The mortality monitoring studies conducted pursuant to Condition Bio-16.b demonstrate that the fatalities are caused by the identified WTG(s) and the fatalities follow a distinct pattern that indicates excessive fatalities (as defined

⁷ See *Adaptive Management Threshold Criteria*, below.

in Subsection (i) above) will predictably recur at that location, and that operational restrictions on the specific WTG(s) will significantly reduce future fatalities;

- iii. All other Level 2 Response Options that could potentially reduce fatalities have been considered and cannot be implemented within the time required to reduce the impending, excessive fatalities;
- iv. The required WTG shutdowns or operational restrictions have not been found infeasible.

The owner/operator shall implement the required shutdown(s) or operational restrictions within 24 hours of notification by the Director. Shutdowns or operational restrictions shall be limited to the specific WTG(s) responsible for excessive fatalities. Shutdowns may include temporary or permanent shutdowns. Operational restrictions means restricted operating hours during periods of elevated risk to birds and bats, based on substantiated, case-specific risk factors (which could include time of day, season, weather, etc.). Shutdown or operational restriction requirements shall be designed to minimize impacts to electrical generation to the maximum extent feasible, consistent with reducing excessive fatalities of protected and sensitive species.

Upon request by the permittee, the Director shall hold a hearing within 4 business days to consider whether the shutdown or operational restriction should continue. The permittee's request shall include all evidence supporting the request. The Director shall determine whether continuation of the shutdown(s) or operational restrictions are warranted, based on the above criteria (i. to iv.), including financial feasibility. The Director may amend, lift, or extend the shutdown or operational restrictions at the hearing or subsequently.

The owner/operator may appeal the Director's decision to the Planning Commission, as provided in Section 35.102.040 of the Land Use and Development Code. The Planning Commission shall hold a noticed public hearing on the appeal no later than the first regularly scheduled hearing at or after 45 days of the filing of an appeal. The appeal shall include a detailed explanation of the objection, which may include financial infeasibility, and any relevant supporting information or data. Technical or financial information pertinent to the Planning Commission decision, but which the owner/operator claims to be confidential or proprietary, may be provided to the Director under a claim of confidentiality. Any financial information provided shall be certified by the owner/operator's chief financial officer. The Planning Commission decision may be appealed to the

Board of Supervisors. If so, the Planning Commission decision shall remain in force pending a final decision by the Board.

Further WTG shutdowns or restricted operations shall not be required after the conclusion of mortality monitoring, as provided above (see Condition Bio-16.d., *Level 1 – First Alert and Enhanced Survey*).

Adaptive Management Threshold Criteria⁸

Actions required if number of fatalities caused by WTGs reaches these thresholds in any consecutive 12-month period.

	Level 1	Level 2
	<ul style="list-style-type: none">• Notify County• Increase carcass search frequency in specified area(s)	<ul style="list-style-type: none">• Notify County• Adaptive measures to reduce fatalities
Federal or Calif. listed species or Calif. Fully Protected Species	1 fatality	2 fatalities
Non-listed Sensitive Species (CSC, WL, and Local Species of Concern)	2 fatalities (birds) 2 fatalities (bats)	3 fatalities (birds) 3 fatalities (bats)
Non-sensitive Raptors	3 fatalities	5 fatalities

These thresholds apply to the actual numbers of carcasses attributable to project facilities or operations recovered in the regular biweekly carcass searches. However, incidental finds (i.e., outside of the regular biweekly searches) of carcasses attributable to the project of federally or state listed bird or bat species or California FPS shall also count toward the thresholds. The numbers assume the carcass searches comprise a 30% random sample of the 65 WTG locations, or 20 WTGs.

Plan Requirements and Timing (for Mitigation Measures Bio-16a-16d): Approval of the entire Bird and Bat Monitoring and Adaptive Management Plan by the County, in consultation with CDFG, is required prior to approval of the Land Use Permit for the first and subsequent project phases.

MONITORING: The County will ensure that the BACI, mortality monitoring, and prey base reduction measures are implemented. The County will review all monthly, quarterly, and annual reports provided pursuant to the Avian and Bat Mitigation Plan and ensure that appropriate adaptive management measures are undertaken if AMP thresholds are reached. (*Mitigation Measure Bio-16*)

⁸ The basis of these criteria is discussed in the Final EIR, Section 3.5.7.5.

CULTURAL RESOURCES

CulRes-1 Additional Archaeological Resources. If a Project element requiring ground disturbance cannot be located at least 500 feet from the mapped boundaries of an archaeological site, then an Extended Phase 1 investigation shall be conducted by employing a small number of shovel test units (STU). These STUs shall be used to determine the actual subsurface boundary of the archaeological site relative to the proposed disturbance, and therefore verify whether or not the site would be affected by the disturbance. The STUs shall be 20 inches in diameter and excavated in arbitrary 8-inch levels.

If the presence of cultural materials is confirmed in areas that would be disturbed by Project construction, then Project construction activities shall be reviewed and redesigned to the greatest extent feasible, consistent with Project objectives, to avoid impacts on confirmed cultural resource sites (see Mitigation Measure *CulRes-7*).

If a recorded archaeological site can not be avoided through Project redesign, then Phase 2 subsurface testing shall be conducted to evaluate the nature, extent, and significance of the cultural resources. This evaluation program shall be designed to assess each archaeological site consistent with County Archaeological Guidelines and shall involve the following:

- a. Controlled hand excavation and surface collection of a representative sample of the site deposit determined by a County-approved archaeologist
- b. A detailed analysis of the material recovered
- c. An assessment of cultural resource integrity
- d. Preparation of a final report with recommendations for impact mitigation if necessary.

Should this program determine that the affected archaeological sites are significant, Phase 3 mitigation in the form of data recovery excavation shall be implemented consistent with County Archaeological Guidelines.

Plan Requirements and Timing: All work shall be funded by the Project owner/operator. The scope of work for the study(s) shall be prepared by P&D or by a County-approved archaeologist and reviewed and approved by P&D. The study(s) shall be performed prior to final design so that any necessary modifications can be incorporated into the plans. The County archaeological specialist or the County-approved archaeologist shall submit a final report to the P&D detailing the results of the study(s) prior to approval of the Land Use Permit

for construction. Any subsequent modifications resulting from the study(s) shall be incorporated into the final plans and be subject to review and approval by the County prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent project phases.

MONITORING: P&D will review results of study, determine the course of action, and ensure that approved recommendations are carried out. (*Mitigation Measure CULT-1*)

CulRes-2 **Archaeological Isolates.** Where ground disturbance is proposed within 100 feet of Archaeological Isolates LWF Iso-1, Iso-8, Iso-9, Iso-10, and Iso-11, a single STU shall be excavated within 3 feet of the isolate in order to determine if there are subsurface deposits present. If the isolate cannot be relocated, the STU shall be placed in the general vicinity of its mapped location. If subsurface cultural deposits are identified, they shall be assessed and characterized in accordance with Condition E-1.

Plan Requirements and Timing: The Project owner/operator shall fund the above-referenced study. The scope of work for the study shall be prepared by a County-approved archaeologist and reviewed and approved by P&D. The findings of the study shall be submitted to P&D and P&D shall determine if additional protective measures shall be required. The study shall be performed prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent Project phases that involve disturbance in this area.

MONITORING: P&D will review results of study, determine follow-up courses of action, and conduct site inspections as needed during construction. (*Mitigation Measure CULT-2*)

CulRes-3 **Unanticipated Discoveries.** Should human remains, historic or prehistoric artifacts, or other potentially important cultural materials be unearthed or otherwise discovered at any time during activities associated with the development of the Project area, work in the immediate vicinity of the discovery shall be suspended until a County-approved archaeologist and Native American representative evaluate the significance of the find pursuant to Phase 2 investigations as specified in the County's Cultural Resource Guidelines (1993). If the cultural resources are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with these Guidelines and funded by the Project owner-operator. In the event that suspected human remains are discovered, the County Coroner shall be contacted in accordance with state law.

Plan Requirements and Timing: This Condition shall be printed on all building and grading plans prior to approval of Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent project phases.

MONITORING: P&D shall review plans to confirm that this measure is printed on the plans and shall spot check that this measure is noted on the plans in the field. (*Mitigation Measure CULT-3*)

CulRes-4 Archaeological and Native American Monitors. A County-approved archaeologist and Native American monitor shall monitor all ground disturbances to ensure that any previously unidentified cultural resources are recorded.

Plan Requirements and Timing: Prior to the start of construction, a contract or Letter of Commitment between the Project owner/operator and a County-approved archaeologist, consisting of a project description and scope of work, shall be executed. The contract shall be executed and submitted to P&D for review and approval prior to the issuance of the Land Use Permit for the first phase of construction and prior to the issuance of the Land Use Permits for subsequent project phases.

MONITORING: P&D staff shall confirm monitoring by the County-approved archaeologist and P&D grading inspectors and the EQAP OEC will spot-check field work. (*Mitigation Measure CULT-4*)

CulRes-5 Pre-Construction Workshop. The EQAP OEC shall conduct a pre-construction workshop with cultural resource specialists, Native American monitors, and construction workers and personnel. This workshop shall stress the importance of cultural resources and discuss penalties for their illicit disturbance.

Plan Requirements and Timing: The pre-construction workshop shall occur prior to commencement of any construction-related activity. All construction personnel shall attend the workshop and receive training. The Project owner/operator shall keep workshop training records available for review by the County upon request.

MONITORING: P&D staff shall review the training material prior to any trainings, spot-check during construction to ensure compliance with this requirement, and request and review training attendance records, if determined necessary. (*Mitigation Measure CULT-5*)

CulRes-6 **Avoidance of Cultural Resources.** Avoidance of cultural resource sites is the preferred measure, and all impacts to California Register of Historical Resources (CRHR) eligible sites shall be avoided to the greatest extent feasible, consistent with Project objectives.

Plan Requirements and Timing: As Project design plans are being finalized, the County and its qualified archaeologist shall review 1 inch to 400 feet (1”:400’) or better scale orthotopo maps of the areas of known Project impacts and provide an assessment of direct adverse effects to CRHR-eligible or unevaluated cultural resources. Recommendations for plan adjustments to avoid all eligible resources to the extent feasible shall be made and design adjustments may be necessary. Final Project layout (for example, Wind Turbine Generator placement, access road alignment, power pole locations, and staging areas) shall include measures to avoid eligible sites where feasible. All work shall be completed as part of final design, and any necessary modifications shall be incorporated into the final plans. The County shall confirm that this measure has been conducted prior to approval of the Land Use Permit for the first phase of construction and prior to Land Use Permit approvals for subsequent Project phases.

MONITORING: P&D staff shall review and approve plans prior to approval of the Land Use Permit and shall spot-check in the field during ground-disturbing activities. (*Mitigation Measure CULT-6*)

CulRes-7 **Final Plan Notification.** The Project owner/operator shall include a note on a separate informational sheet to be recorded with the final plans for each construction phase designating the known archaeological sites as unbuildable areas, unless the archaeological site is formally evaluated by a County-approved archaeologist as ineligible for the California Register of Historical Resources or a Phase 3 data recovery program has been implemented. The areas shall not be identified as archaeological sites on the informational sheet.

Plan Requirements and Timing: P&D staff shall review the informational sheet prior to approval of the Land Use Permit for the first phase of construction and prior to approval of Land Use Permits for subsequent Project phases.

MONITORING: P&D staff shall spot-check in the field to ensure compliance. (*Mitigation Measure CULT-7*)

CulRes-8 **Temporary Fencing.** Known, unevaluated, or determined significant archaeological sites and 50-foot buffer areas shall be temporarily fenced with

chain link flagged with color or other material authorized by the County where ground disturbance is proposed within 500 feet of the site and buffer.

Plan Requirements and Timing: The fencing requirement shall be shown on approved grading and building plans. Plans are to be approved prior to approval of the Land Use Permit for the first phase of construction and prior to Land Use Permits for subsequent project phases. Fencing shall be in place prior to start of construction. The areas to be fenced shall not be identified as archaeological sites on the informational sheet.

MONITORING: P&D staff shall verify installation of fencing by reviewing photo documentation or by site inspection prior to initiation of construction and shall verify that the fencing remains in place throughout grading and construction through site inspections. (*Mitigation Measure CULT-8*)

FIRE PROTECTION

Fire-1 Fire Protection Plan. The Project owner/operator shall prepare a Fire Protection Plan that meets SBC Fire Department requirements. The plan shall contain, but is not limited to, the following provisions:

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

Plan Requirements: The Fire Protection Plan shall be provided to the SBCFD and the County for approval. **Timing:** The plan shall be approved prior to Land Use Permit for the first phase of construction.

MONITORING: The onsite monitor shall confirm that appropriate measures are implemented during construction. County fire inspectors shall verify that operations measures and periodically spot check for compliance during operations. (*Mitigation Measure FPES-1*)

Fire-2 **Smoking and Open Fires.** Smoking and open fires shall be prohibited at the Project site during construction and operations, except that during operations smoking may be permitted in clearly signed, designated areas.

Plan Requirements: All contractors and sub-contractors shall be notified in writing prior to or upon arrival at the site that smoking and open fires are prohibited at all times on the Project site. **Timing:** A copy of the notification shall be provided to P&D prior to issuance of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: The County staff shall verify the notification prior to Land Use Permits for each phase of construction, and the onsite monitor shall confirm compliance during construction. (*Mitigation Measure FPES-2*)

Fire-3 **Gravel Around Substation.** Gravel shall be placed around the perimeter of the Project Substation as a fire prevention measure.

Plan Requirements: This requirement shall be noted on building plans. **Timing:** Gravel shall be installed prior to the start of operations.

MONITORING: The County shall verify that gravel has been installed. (*Mitigation Measure FPES-3*)

Fire-4 **Access Roads.** Access roads shall remain passable by emergency vehicles for the duration of the Project. Turn-around requirements at the terminus of access roads shall be included in roadway designs. The final design shall be approved by the SBC Fire Department, and the final access road map (including topographic map) shall be provided to both the SBC Fire Department and the City of Lompoc Fire Department.

Plan Requirements: The approved access road design shall be included on the final building plans with a notation that the roads shall remain passable at all

times. **Timing:** The plans shall be approved prior to approval of the Land Use Permit for the first phase and all subsequent phases of construction.

MONITORING: P&D staff shall verify SBC Fire Department approval of the access road design plan prior to construction approval and confirm compliance upon completion of construction. SBC Fire Department inspectors shall periodically verify that the access roads are maintained in an acceptable condition. *(Mitigation Measure FPES-4)*

Fire-5 **Water Supply.** The Project owner/operator shall demonstrate to the County that sufficient water can be obtained from the new shallow well or existing spring on the property and/or by trucking water in from offsite supplies to adequately supply the Operations & Maintenance facility needs while maintaining 5,000 gallons of stored water for fire-fighting purposes.

Plan Requirements: Evidence demonstrating adequate water supply shall be submitted to P&D and SBC Fire Department for review and approval. **Timing:** The evidence demonstrating adequate water supply shall be submitted for review and approval prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: County inspectors shall confirm compliance during operations. *(Mitigation Measure FPES-5)*

GEOLOGY AND SOILS

Geo-1 **Seismicity.** Project facilities shall be designed to Uniform Building Code Seismic Zone 4 standards.

Plan Requirements and Timing: The Project owner/operator shall submit plans for buildings and structures to P&D indicating standards to the satisfaction of the County. P&D shall review and approve the plans prior to approval of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: P&D building staff shall inspect the site prior to occupancy clearance for the Operations & Maintenance facility and prior to operation of the WTGs and power line. *(Mitigation Measure Geo-1)*

Geo-2 **Grading and Drainage Plan.** The Project owner/operator shall prepare a final Grading and Drainage Plan, designed to minimize erosion and landslides, which includes the following measures:

- a. Use diversion structures and spot grading to reduce siltation into adjacent streams during grading and construction activities
- b. Design grading on slopes steeper than 3:1 to minimize surface water runoff
- c. Limit grading during construction to the dry season (April 15 to November 1) to the extent practicable. If grading needs to be done outside of the dry season, the owner/operator will coordinate grading work with the County and will follow all applicable guidelines
- d. Keep soil damp during grading activities to reduce the effects of dust generation
- e. Stockpile excess topsoil on site and segregate it from other soils to facilitate future land restoration
- f. Install erosion control structures where appropriate, including temporary erosion control structures, such as trench plugs and water bars, on moderately steep slopes
- g. If slope stabilization impacts cannot be avoided, submit detailed plans of the excavation (with limits of cut and fill and slope restoration method) prior to construction for review and approval.
- h. Restore soil elevation/topography consistent with the approved grading and erosion control plans.
- i. Reseed all exposed graded surfaces with deep-rooted, native, drought-tolerant ground cover to minimize erosion. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- j. Construct cut slopes no steeper than 1.5:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- k. Construct fill slopes no steeper than 2:1 unless topographic constraints prevent this possibility; then, incorporate special design features to prevent slope failure.
- l. Strip areas to receive fill of vegetation, organic topsoil, debris, and other unsuitable material. Place engineered fill in layers not exceeding 12 inches in loose thickness, properly moistened and compacted, and tested for 90 percent compaction.
- m. Where fill is placed upon a natural or excavated slope steeper than about 5:1 (20 percent), construct a base key at the toe of the fill and bench the fill into the existing slopes. Embed the base key at least 2 feet into competent inorganic soils; then bench the fill horizontally into the existing slope at least 2 feet normal to the slope as the fill is brought up in layers.

- n. Designate a place for temporary storage of construction equipment at least 100 feet from any water bodies.
- o. Project grading and earthwork shall be observed and tested by a geotechnical engineer or his representative to verify compliance with these mitigation measures.

Plan Requirements: The Grading and Drainage Plan shall be submitted for review and approval by the County, including County Flood Control, prior to approval of the Land Use Permit for the first phase of construction and prior to the Land Use Permit for subsequent Project phases. The Plan shall be designed to address erosion and sediment control during all Project phases. The Project owner/operator shall ensure consistency between the Plan and the Site Restoration and Revegetation Plan (Condition *Bio-3*). Plan requirements shall be noted on all grading and building plans. The Project owner/operator shall notify P&D prior to commencement of grading.

Timing: Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized. Graded surfaces shall be reseeded within 60 days of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 60 days of grading completion.

MONITORING: The EQAP OEC shall photo-document revegetation and ensure compliance with the plan. P&D grading inspectors shall monitor technical aspects of the grading activities. (*Mitigation Measure Geo-2*)

Geo-3

Expansive Soils. Soil analyses shall be completed to assess site-specific expansion potential. Once Project design has been finalized and the criteria for the facility performance have been established, the Project soils engineer and P&D shall review the mitigation measures and modify them as appropriate. If further measures are considered necessary to mitigate problems posed by expansive soils, the following alternatives shall be considered:

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

Plan Requirements: Soil analyses and performance criteria shall be completed and submitted to the County for review and approval. **Timing:** Prior to approval of the Land Use Permits for the first and subsequent construction phases.

MONITORING: County building inspectors shall inspect the site to ensure that construction complies with the appropriate performance standards. (*Mitigation Measure Geo-3*)

Geo-4

Project Support Facilities. Project support facilities such as bridge foundations shall be sited on cut pads to provide relatively uniform foundation support and reduce differential settlement. Alternatively, structure foundations shall be designed to tolerate potential differential settlement.

Plan Requirements and Timing: Building plans shall be submitted to P&D for review and approval prior to approval of the Land Use Permit for the first phase of construction and prior to approvals of Land Use Permits for subsequent Project phases.

MONITORING: County building inspectors will inspect the site to ensure that construction complies with the appropriate standards. (*Mitigation Measure Geo-4*)

LAND USE

Lu-1

Compliance with FAA Regulations. The WTG lighting plan shall comply with FAA requirements (see also Condition C-4).

Plan Requirements: The Project owner/operator shall demonstrate that the FAA-required WTG lighting plan complies with FAA requirements, but does not exceed required visibility. The Project owner/operator shall submit copies of the following to the County, as evidence of compliance with FAA requirements: (1) FAA Form 7460-1 as submitted to FAA; (2) all communications with the FAA concerning the proposed lighting plan; and, (3) the final FAA-approved lighting plan. **Timing:** The final lighting plan shall be reviewed and approved by P&D (excepting FAA requirements) prior to approval of the Land Use Permit for the first phase and subsequent phases of Project construction.

MONITORING: P&D staff shall ensure that coordination with the FAA occurs during final design engineering. P&D staff shall inspect the WTGs upon completion to ensure that the installed lighting conforms to the approved Lighting Plan. (*Mitigation Measure LU-1*)

Lu-2 Staking of Coastal Zone. The Project owner/operator shall install exclusion fencing or stake the coastal zone boundary to ensure that no construction activities enter the coastal zone area.

Requirements and Timing: The installation of exclusion fencing or staking shall be completed prior to the start of construction activities within the WTG corridors adjacent to the coastal zone.

MONITORING: P&D staff shall conduct site inspections prior to and during construction to confirm and enforce compliance. (*Mitigation Measure LU-2*)

Lu-3 Decommissioning and Reclamation Plan. The Project owner/operator shall develop a Decommissioning and Reclamation Plan that addresses facility decommissioning, abandonment, and post-abandonment reclamation efforts.

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

MONITORING: P&D staff shall review and approve the Decommissioning and Reclamation Plan as part of discretionary permit review for project decommissioning and abandonment. The plan shall be implemented during County inspections of abandonment and reclamation activities. (*Mitigation Measure LU-3*)

NOISE

Noise-1 WTG Maintenance. The Project owner/operator shall maintain all Wind Turbine Generators in excellent working order to minimize operational noise impacts.

Plan Requirements: The Project owner/operator shall provide maintenance records to P&D, upon request, demonstrating that the WTGs are being maintained appropriately. **Timing:** This requirement shall be enforced throughout the life of the Project.

MONITORING: P&D staff shall enforce compliance with this condition. (*Mitigation Measure NOI-1*)

Noise-2 **Construction Hours.** All Project construction activities, including those that involve use of heavy equipment (i.e., greater than 2-axle vehicles) along San Miguelito Road, shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday, unless otherwise approved by the County, except that construction at the project site within 1,600 feet of nonparticipating residences shall be limited to 7:00 a.m. to 6:00 p.m. Work may occur within the WTG sites after hours or on weekends and holidays, subject to at least 48 hours written authorization from the County. Weekend and holiday work shall be limited to 8:00 a.m. to 5:00 p.m. Requests for weekend and holiday work shall be submitted to the County for approval one week in advance, and shall include a description of the activity to occur, including equipment usage and duration. All complaints received regarding weekend and holiday work shall be immediately submitted to the County.

Plan Requirements: The owner/operator shall include notes on the final plans requiring compliance with the construction time limits for blasting or pile driving. County staff will confirm that the notification is included on the final plans prior to issuance of the Land Use Permit for the first phase of construction and prior to issuance of the Land Use Permits for subsequent phases of the Project. County staff shall review all requests for weekend and holiday work, and issue written approvals or denials as applicable. County staff shall consider all noise complaints when reviewing subsequent requests for weekend/holiday work.

Timing: Conditions will be enforced throughout all construction periods.

MONITORING: P&D staff shall inspect the site during construction to enforce compliance with this condition. (*Mitigation Measure NOI-2*)

Noise-3 **Telephone Number for Noise Complaints.** The Project owner/operator shall establish a telephone number for use by the public to report any significant undesirable noise conditions associated with the construction and operation of the Project. If the telephone is not staffed 24 hours per day, the Project owner/operator shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the Project site during construction in a manner visible to passersby, and shall be maintained until the Project has been operational for at least 1 year.

Plan Requirements: The owner/operator shall establish a phone number and required features prior to Land Use Permit for the first phase of construction and prior to Land Use Permits for subsequent Project phases. **Timing:** Conditions will be enforced throughout all construction periods.

MONITORING: County staff will inspect the site during construction to enforce compliance with this condition. (*Mitigation Measure NOI-3*)

Noise-4 **Noise Complaint Resolution Plan.** Throughout the construction and operation of the Project, the Project owner/operator shall document, investigate, and evaluate all complaints and attempt to resolve all Project-related noise complaints.

Plan Requirements and Timing: The Project owner/operator shall submit a Noise Complaint Resolution Plan to P&D for review and approval prior to approval of the Land Use Permit for the first phase of construction and prior to approval of Land Use Permits for subsequent phases of the Project. The Plan shall describe the specific steps that shall be carried out by the Project owner/operator in response to noise complaints. The final determination as to whether the response is adequate shall be made by P&D. The noise complaint forms shall include instructions for filing the form with the Project owner/operator and with P&D. Plan requirements shall be enforced throughout all construction and operation periods.

MONITORING: P&D staff shall review forms submitted and ensure that complaints are being resolved. The County may require further noise analyses and require additional mitigation measures, if appropriate. (*Mitigation Measure NOI-4*)

Noise-5 **Maintenance of Construction Equipment.** Construction contractors shall be required to ensure that construction equipment is well-tuned and maintained according to the manufacturer's specifications, and that the standard noise reduction devices on the equipment are in good working order at all times.

Plan Requirements: The Project owner/operator shall ensure that equipment is maintained in good working order during construction. **Timing:** These requirements shall be enforced throughout all construction periods.

MONITORING: P&D staff shall inspect the site during construction to enforce compliance with this Condition. (*Mitigation Measure NOI-5*)

Noise-6 **Resident Notification.** In coordination with P&D, the Project owner/operator shall hold a pre-construction meeting for residents of Miguelito Canyon Road to review upcoming construction activities and associated noise and traffic. The Project owner/operator shall notify residences within 1 mile of any unusually loud construction activities, including the use of helicopters, blasting or pile driving, at

least 1 week prior to their scheduled occurrence. In addition, the San Miguelito Road residents shall be notified at least one week prior of any anticipated road/lane closures and property owner ingress/egress restrictions. Such activities shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by P&D.

Plan Requirements: The Project owner/operator shall provide proof of notification to the County 1 week prior to the schedule occurrence of loud construction activities. An example of the notification shall be provided to P&D prior to approval of the Land Use Permit for the first phase of construction and prior to approval of the Land Use Permits for subsequent phases of the Project.
Timing: These requirements shall be enforced throughout all construction periods.

MONITORING: P&D staff shall review the notice and enforce compliance with this Condition. (*Mitigation Measure NOI-6*)

Noise-7

Acoustical Analysis. Project facilities shall be designed and operated to ensure the noise level attributable to the Project does not exceed 43.3 dBA L_{eq} (1-hour) under normal operating conditions at any existing nonparticipating residences, or 58.3 dBA L_{eq} at participating residences. The Project owner/operator shall submit a detailed acoustical analysis of the final site layout and selected Wind Turbine Generators (WTGs) to P&D for review. All calculations or modeling input and output files shall be made available to P&D. The analysis shall include all available vendor sound-level data (specified as either guaranteed or expected), including a site-specific analysis of how sound power levels increase with wind speed.

If a stall-controlled WTG is selected, sound power level data must be sufficient to estimate maximum sound levels under any stall condition because this could fall outside the range reported by IEC 61400-11 (IEC, 2006). Control strategies, if available, to reduce Project noise levels also shall be discussed and evaluated.

Plan Requirements: The acoustical analysis and final layout and specification of WTGs shall be submitted to P&D for review and approval. P&D acceptance of the acoustical analysis and WTG layout does not constitute endorsement nor relieve the Project owner/operator from ensuring the actual WTG operating noise levels are in compliance with the limits of 43.3 dBA L_{eq} (1-hour) at nonparticipating residences, and 58.3 dBA L_{eq} at the participating residences.
Timing: The County shall review and approve the acoustical study and final

WTG layout prior to approval of the Land Use Permits for the first and all subsequent project phases.

MONITORING: P&D staff shall ensure that the final Project building plans incorporate the WTG layout and turbine specifications, as used for the approved acoustical analysis. (*Mitigation Measure NOI-7*)

Noise-8

Noise Monitoring and Control Plan. The Project owner/operator shall prepare and submit a Noise Monitoring and Control Plan to P&D for review and approval prior to approval of the first Land Use Permit for the Project. The Project owner/operator shall be responsible for all expenditures associated with this analysis and post-construction monitoring, including County staff time.

Plan Requirements: The Plan shall be authored and implemented under the direction of a County-approved professional acoustical engineer or an engineer who is certified by the Institute of Noise Control Engineering to characterize the existing ambient noise levels in terms of CNEL, L_{dn} , and L_{eq} (1-hour) and determine the actual noise level generated by the Project at the participating and nonparticipating residences. Monitoring existing conditions shall occur for sufficient periods to characterize the existing noise levels during daytime and nighttime conditions and a range of wind speeds that includes calm conditions and wind speeds typical for WTG operation. Operational noise monitoring shall occur at the same locations for a period of at least 72 continuous hours of WTG operation. If the analysis finds that the noise generated by the WTGs exceeds 43.3 dBA L_{eq} (1-hour) or causes an increase of greater than 10 dBA CNEL at nonparticipating residences or exceeds 58.3 dBA L_{eq} at the participating residences, the Project owner/operator shall develop and implement measures to reduce Project noise levels to comply with these limits. Such measures shall be submitted to P&D for review and approval prior to implementation. Post-mitigation noise monitoring may be conducted at the County's discretion by the County's acoustical consultant.

Timing: P&D staff shall review and approve the Plan prior to approval of the Land Use Permit for the first and all subsequent development phases. Noise measurements to characterize baseline ambient noise levels shall commence at least 3 months prior to site grading, or as otherwise approved by P&D. Operational noise monitoring shall commence within 3 months following startup of commercial operations.

MONITORING: P&D staff shall verify that the acoustical analysis and post-construction mitigation measures are implemented as required by this Condition. (*Mitigation Measure NOI-8*)

Noise-9

Maintenance Hours During Operations. Maintenance or other routine noise-generating operations activities within 1,600 feet of nonparticipating residences shall be limited to weekdays between the hours of 8:00 a.m. to 5:00 p.m. only, unless activities are for emergency repairs or as otherwise approved by the County.

Plan Requirements: This requirement shall be noted on all final plan sets for Project components that are within 1,600 feet of nonparticipating residences. **Timing:** Restrictions on maintenance hours shall be in place during the operational phase of the Project. P&D shall verify restrictions are printed on Project plans prior to approval of applicable Land Use Permit(s) for construction and/or operations.

MONITORING: P&D shall verify that maintenance hour restrictions are enforced throughout operation of the Project. The Project owner/operator shall provide documentation of timing of maintenance work upon request from P&D. (*Mitigation Measure NOI-9*)

PALEONTOLOGICAL RESOURCES

Paleo-1

Pre-Construction Workshop. The Project owner/operator shall conduct a pre-construction workshop with a County-qualified paleontologist, or individual qualified to identify paleontological resources, and construction workers and other Project personnel.

Plan Requirements: The workshop shall inform personnel what fossil resources are and what they look like, what to do and who to notify in case of a paleontological discovery, and penalties for the illicit disturbance of fossils. All construction personnel shall receive training and attendance at the training shall be documented. The Project owner/operator shall maintain training records onsite for review by P&D, if requested. **Timing:** The training workshop shall occur prior to commencement of any construction-related activity.

MONITORING: P&D staff shall receive and review the workshop training materials prior to any training, spot check in the field to ensure compliance with

this requirement, and request and review training attendance records, if determined necessary. (*Mitigation Measure PALEO-1*)

Paleo-2 Monitoring Program. Paleontological resources monitoring of mechanical disturbance only in Project areas known to have moderate to high sensitivity sediments shall occur concurrently with those construction activities. Monitoring shall be performed by an individual determined by the County to be qualified to identify paleontological resources. Based on field data, a decrease or increase in the monitoring of specific activities and areas may be identified.

Plan Requirements and Timing: Prior to start of construction, a contract or Letter of Commitment between the owner/operator and the monitor, consisting of a project description and scope of work, shall be prepared. The contract shall be executed and submitted to the County for review and approval prior to the issuance of the Land Use Permit for the first phase of construction and all subsequent construction phases.

MONITORING: P&D staff shall verify field monitoring by the County-qualified archaeologist and P&D grading inspectors shall spot check field work. (*Mitigation Measure PALEO-2*)

Paleo-3 Discovery of Fossils. If fossils are found by the paleontological monitor, EQAP OEC, or construction personnel, the following actions shall be taken:

- a. Follow appropriate notification procedures;
- b. Assessment of the find, usually in the field by the Project paleontologist and determination of recovery procedures;
- c. Provisions for construction avoidance until a find is assessed and, if recovery is called for, scientifically recovered; construction-related excavations would continue in other areas away from the discovery;
- d. Provisions for continued monitoring of construction in all appropriate areas while the find is being recovered;
- e. Post-field initial study and curation preparation and subsequent curation.

Plan Requirements: Fossils that may be discovered during construction shall first be assessed to determine whether they are scientifically significant and whether recovery measures are warranted. If recovery is recommended, it shall be completed in a manner reflecting scientific standards currently applied to paleontological excavations. Within those limits, all appropriate measures shall

be taken to expedite recovery and to minimize interference with construction scheduling. P&D shall be notified within 48 hours of a paleontological resources discovery assessed by the Project paleontologist to be significant and warranting recovery. The paleontological monitor shall periodically update the P&D during the recovery, and notify P&D upon completion of recovery. **Timing:** This measure shall be in effect throughout all construction phases.

MONITORING: P&D staff shall verify that this requirement is properly implemented through regular contact with the paleontological monitor, Project owner/operator, and site visits as appropriate. (*Mitigation Measure PALEO-3*)

RISK OF ACCIDENTS, HAZARDOUS MATERIALS, AND SAFETY

Risk-1 Hazardous Materials Management Plan. The Project owner/operator shall prepare a Hazardous Materials Management Plan that meets SBC Fire Department requirements.

Plan Requirements and Timing: A copy of the final Plan and evidence of Fire Department approval shall be filed with P&D prior to approval of the Land Use Permit for the first phase of construction.

MONITORING: P&D staff shall verify the completion and approval of the Plan and the SBC Fire Department shall enforce the requirements of, and verify compliance with, the Plan throughout construction and operation of the Project. (*Mitigation Measure RISK-1*)

Risk-2 Refueling Vehicle Signs. Refueling vehicles shall have a sign listing pertinent contacts to notify in the event of a spill.

Plan Requirements and Timing: A copy of the notification to all contractors regarding this requirement shall be provided to P&D prior to approval of the Land Use Permit for each construction phase.

MONITORING: P&D staff shall verify the notification and confirm compliance during construction. (*Mitigation Measure RISK-2*)

Risk-3 Construction Fueling Location. Construction fueling shall be designated such that sensitive areas are avoided. The Project owner/operator shall provide written notification of this requirement to all contractors.

Plan Requirements and Timing: The notification shall be provided to contractors prior to their arrival onsite and a copy of the notification shall be filed with P&D prior to approval of the Land Use Permit for the first and subsequent phases of construction.

MONITORING: P&D staff shall verify the notification has been filed and shall spot-check during construction to verify compliance with this Condition during construction. (*Mitigation Measure RISK-4*)

Risk-4 Equipment Maintenance. All equipment shall be adequately maintained to minimize operational losses of hazardous materials and to reduce the risk of accidental spillage.

Plan Requirements and Timing: The Project owner/operator shall notify all contractors of this requirement in writing prior to their arrival at the Project site. A copy of the notification shall be filed with P&D prior to approval of the Land Use Permit for each phase of construction.

MONITORING: P&D staff shall confirm the notification has been filed and shall spot-check during construction to verify compliance with this Condition during construction. (*Mitigation Measure RISK-3*)

Risk-5 Tower Failure and Blade Throw. All WTGs along public roadways shall adhere to the public road setback of the combined WTG tower and blade height. (Note: At this time, this requirement prevents siting of WTGs along the southern portion of the Middle turbine corridor as shown on Figure 2-2 in the final EIR. However, if San Miguelito Road and Sudden Road are converted to private roads beyond their intersection, siting of WTGs will be restricted but not prevented in this area.)

Plan Requirements: This requirement shall be included as a note on final design plans showing the WTG layout. **Timing:** The final plans shall be provided to the County for review and approval prior to approval of the Land Use Permit for the first and subsequent construction phases.

MONITORING: P&D staff shall confirm compliance during construction. (*Mitigation Measure RISK-5*)

TRAFFIC AND CIRCULATION

Traf-1 Traffic Management Plan (TMP). The Project owner/operator shall prepare a TMP for submittal to the County of Santa Barbara, City of Lompoc, and Caltrans.

The purpose of the TMP is to address potential hazards associated with Project truck traffic. The Plan shall include required measures such as informational signs, flagmen when equipment may result in blockages of throughways, and traffic control to implement any necessary changes in temporary lane configuration. Specific provisions of the Plan shall include:

- f. Location and use of flag persons and pilot cars during the delivery of large loads.
- g. Requirements to limit the hours for transporting heavy loads to minimize traffic impacts.
 - a. Limit on the number of heavy loads per day, or to specific days.
 - b. Advance notification of residents, emergency providers, and hospitals when roads may be partially or completely closed.
 - c. Protocols for passage of emergency vehicles and regular traffic when heavy vehicles are traveling at slow speeds.
 - d. Provision of adequate parking for workers, construction vehicles, and trucks.
 - e. Encouragement of measures for using carpooling, shuttle buses, cycling, or motorcycling to travel to the construction site.
 - f. Transportation Demand Management (TDM), including agreements, employee information, reporting, and traffic count monitoring.
 - g. Protocols for road repair pursuant to Condition *Traf-2* and handling oversize loads pursuant to Condition *Traf-3*, below.

Plan Requirements and Timing: Provisions of the TMP shall be noted on grading and building plans. The TMP and grading and building plans shall be submitted to P&D and reviewed and approved by P&D prior to approval of the Land Use Permit for the first and all subsequent construction phases. TMP requirements shall be in force throughout all construction phases.

MONITORING: P&D staff shall ensure that measures are included in the TMP and plans and shall verify compliance with the TMP requirements throughout construction. (*Mitigation Measure TC-1*)

Traf-2 Roadway Repairs. The Project owner/operator shall enter into an Agreement with affected jurisdictions to ensure that any damage to roadways attributable to Project traffic is mitigated through repair or reconstruction to original conditions. The Project owner/operator shall photograph or videotape roads prior to construction to ensure that final repairs are sufficient to return the road to pre-

construction conditions. The Project owner/operator shall comply with the requirements of the hauling permits from affected jurisdictions.

Plan Requirements: All road repair requirements shall be included in the TMP (see Condition *Traf-1*). The Project owner/operator shall pay for any repairs needed during the construction phase to maintain the roads in acceptable condition, as determined by the TMP. At the conclusion of each major construction phase, all affected roads shall be restored to pre-construction conditions in consultation with the affected jurisdictions. In addition, prior to the start of the rainy season, the roadways impacted by construction activities and heavy load delivery shall be surveyed to ensure that any roadway damage will not be subject to further damage from erosion caused by precipitation. If roadways are determined to need repair, interim repairs shall be proposed for review and approval by the affected jurisdictions and implemented in an approved timeframe to avoid further roadway damage.

Timing: The TMP shall be approved prior to approval of the Land Use Permit for the first and all subsequent Project phases. Conditions shall be enforced throughout all construction phases.

MONITORING: P&D and Public Works staff, as appropriate, shall confirm that requirements are included in the approved TMP, road damage is adequately documented, and required repairs are completed. (*Mitigation Measure TC-3*)

Traf-3

Oversize Loads. The Project owner/operator shall implement special traffic control measures and obtain all necessary permits for oversize loads from Caltrans, the City of Lompoc, and the County of Santa Barbara, as appropriate. The Project owner/operator shall obtain permits from the County of Santa Barbara to trim or remove trees, or both, on San Miguelito Road for the safe movement of oversized trucks. Longer trucks may be restricted to specific routes if turning radii are not sufficient on current truck routes. The Project owner/operator shall prepare a survey, which shall be conducted by a qualified, County-approved engineer, to determine if the large loads required for this project may be transported along southern San Miguelito Road without grading of embankments or damage to trees or other vegetation (apart from minor trimming of overhead branches). The survey shall be based on the actual load dimensions and vehicles to be used in transporting the largest turbine parts and other Project parts and materials. If the survey indicates that grading, tree removal, or other vegetation damage may occur, all potentially affected areas shall be included in the Project grading and drainage plans, and other applicable plans, including the Erosion Control Plan, Site Restoration Plan, and Tree Protection and Replacement Plan.

(see Conditions *Wat-1*, *Bio-3*, and *Bio-4*). County oak tree replacement requirements and any other applicable permit conditions relating to biological, cultural, geological, and water resources shall apply.

Plan Requirements: All requirements shall be included in the TMP. The Project owner/operator shall file copies of all oversize load/heavy haul permits with P&D prior to the first delivery. The Project owner/operator shall provide the County with the large load transportation survey, including all information on load sizes, for review and approval. **Timing:** Conditions shall be enforced throughout all construction phases. TMP and large load transportation survey shall be submitted to, and approved by, P&D prior to the issuance of the Land Use Permit for the first phase of construction and for subsequent Project phases, as applicable.

MONITORING: P&D staff shall verify that all required permits have been filed. P&D staff shall review the large load survey and verify that the all applicable plans, conditions, and requirements are included in the Plan and implemented as necessary to mitigate damage to embankments, trees, or vegetation. (*Mitigation Measure TC-4*)

WATER RESOURCES

Wat-1 Erosion Control Plan. An Erosion Control Plan for Project construction shall be developed by a registered engineer to minimize potential impacts to surface water quality during construction activities. A Storm Water Pollution Prevention Plan (SWPPP) that incorporates Regional Water Quality Control Board requirements/BMPs and the measures listed below will be acceptable to comply with this requirement.

Best available erosion and sediment control measures shall be implemented during grading and construction, which could include but are not limited to:

- Use of sediment basins;
- Gravel bags;
- Silt fences;
- Geo-bags or gravel and geotextile fabric berms;
- Erosion control blankets;
- Coir rolls;
- Jute net;
- Certified straw bales (to avoid the introduction of noxious or invasive weeds).

Additional measures could include:

- Minimizing the size of the disturbed area associated with grading/construction;
- Stockpiling all excavated soils and protecting them from wind and water erosion;
- Revegetating disturbed areas;
- Limiting grading during construction to the dry season to the extent practicable.

If grading needs to be done outside of the dry season, the Project owner/operator shall coordinate grading work with P&D and the County Public Works Department and shall follow all applicable guidelines. Rainy season erosion control measures shall be implemented to control runoff and erosion in the event that revegetation is not completed prior to the rainy season.

Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.

Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.

Plan Requirements and Timing: The Erosion Control Plan (or SWPPP) shall be submitted to P&D for review and approval prior to approval of the Land Use Permit for the first and subsequent phases of construction. The Plan shall be designed to address erosion and sediment control during all Project phases. Plan requirements shall be noted on all grading and building plans. The Project owner/operator shall notify P&D and the EQAP OEC prior to commencement of grading. Erosion and sediment control measures shall be in place throughout grading and development of the site until all disturbed areas are permanently stabilized.

MONITORING: P&D staff shall verify compliance with requirements of the Erosion Control Plan. P&D grading inspectors shall monitor technical aspects of the construction activities in the field. (*Mitigation Measure WAT-1*)

Wat-2

Road Widening Plan. The Project owner/operator shall prepare a Road Widening Plan showing all watercourse encroachments and submit the Plan to P&D for review and approval. The Plan shall demonstrate that any roadway widening within or adjacent to a watercourse is the minimum practicable, and that the widening does not adversely affect the creek channel or flow pattern. The road widening plan shall also demonstrate that access to the City of Lompoc Frick

Springs Water Treatment Facility, and its operations and delivery systems, will not be compromised.

Plan Requirements: Plan requirements shall be noted on all grading and building plans and shall be reviewed and approved by P&D. The Project owner/operator shall notify P&D and the EQAP OEC prior to commencement of grading. **Timing:** The Road Widening Plan shall be submitted for review and approval by P&D prior to approval of the Land Use Permit for the first and subsequent construction phases, as applicable.

MONITORING: P&D shall verify compliance with the Road Widening Plan through site inspections as needed during construction. Grading inspectors shall monitor technical aspects of the construction activities. (*Mitigation Measure WAT-2*)

IV. Additional Required Project-Specific Conditions:

DECOMMISSIONING AND ABANDONMENT

Decom-1 Decommissioning and Abandonment. Upon abandonment of project operations the Project owner/operator shall submit a Demolition and Restoration Plan to restore the Project site to pre-construction conditions.

The Project shall be deemed abandoned if either of the following occurs:

- a. None of the turbines have produced electricity in more than one year, unless the cessation is due to one or more of the following conditions:
 1. Unresolved mechanical or technical problems;
 2. One or more force majeure events (e.g., major earthquake or fire);
 3. Turbines are required to shut down to comply with other requirements of this Conditional Use Permit or the requirements of other jurisdictional authorities, and the Project owner/operator has provided a plan including timetable, satisfactory to the Director of Planning and Development, to address the conditions and return the turbines to service.
- b. The County has established that more than 50 percent of the installed turbines are actively being removed or are in disrepair and there is no demonstrated plan, including timetable, satisfactory to the Director and the Project owner/operator and endorsed by a qualified engineer familiar with wind turbine technology, to restore the equipment and return the turbines to service.

Upon determination by the Director that either of the above criteria is present on the project site, the Director shall give written notice to the Project owner/operator that the Project has been deemed abandoned. The Project owner/operator shall submit an Abandonment and Restoration Plan for review and approval and obtain the appropriate permit applications applicable at that time to the County required to demolish, restore and revegetate the site. The Plan shall specifically identify a schedule for equipment and structure removal any site restoration and any facilities, including roadways, proposed to be left on site.

The County shall take appropriate action in the event the Project owner/operator fails to comply with this condition. This action may include pursuit of legal remedies for zoning violation and use the abandonment/decommissioning financial assurance to remove the turbines and restore the site to pre-construction conditions.

Decom-2 Financial Assurance for Abandonment and Restoration. The Project owner/operator shall submit to the Director:

- a. An itemized cost estimate for removal of all structures and equipment and restoration of the project site and an estimate from a qualified party of the reclamation value of the turbines and electrical infrastructure. The bases for all estimates shall be identified and documented. The estimates shall be revised and updated and resubmitted to P&D every five years.
- b. The Project owner/operator shall submit to the County a financial assurance mechanism acceptable to the County for the cost of removal of structures and equipment and restoration of the project site. The amount of the assurance shall be based on the itemized cost estimate minus the reclamation value of the turbines and electrical equipment. The reclamation value may only be credited to the cost of removal of structures and equipment and not to site restoration costs. The financial security shall be in place for the life of the Project. The County will release the security upon successful completion of structure and equipment removal and site restoration, as determined by the County.

RECLAIMED WATER

RecWat-1 Reclaimed water shall be subject to the following hauling and use controls:

- a. Use sites shall be approved by the Regional Water Quality Control Board and the State and local health departments.

- b. Truck drivers shall be instructed as to the requirements contained herein and the potential health hazards involved with the reuse of wastewater.
- c. Tank trucks and other equipment which contain or come in contact with reclaimed water shall be clearly identified with warning signs.
- d. Tank trucks used for reclaiming water shall be thoroughly cleaned of septage or other contaminants prior to use.
- e. Use of reclaimed water shall not create any odor or other nuisance.
- f. Reclaimed water shall be confined to the authorized use area.
 - 1. Ponding or runoff of reclaimed water shall not occur.
 - 2. Aerosol formation during uses involving spraying must be minimized.
- g. Reclaimed water shall be applied so as to prevent public or employee contact with the water.
- h. Reclaimed water must not be introduced into any permanent piping system and no connection shall be made between the tank truck and any part of a domestic water system.
- i. Tank trucks shall be cleaned and disinfected after the project is completed.
- j. Tank trucks used to transport reclaimed water shall not be used to carry domestic water.

Plan Requirements and Timing: This condition shall be printed on all grading and construction plans. All conditions to be carried out whenever reclaimed water is on site.

MONITORING: P&D will site inspect throughout grading and construction activities.

V. County Rules & Regulations / Legal Requirements

Rules-1 Agreement to Comply. Prior to approval of the first Land Use Permit for the Project, the Project owner/operator shall sign and record an Agreement to Comply with the project description and all conditions of approval.

Rules-2 Environmental Quality Assurance Program (EQAP). Prior to issuance of the Land Use Permit for the first phase of construction, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County P&D, paid for by the Project owner/operator and submitted for review and approval to P&D.

Plan Requirements: The EQAP shall include, at a minimum, the following:

- a. All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area.
- b. A plan for coordination and implementation of all measures and the plans and programs required therein.
- c. A description of all measures the Project owner/operator will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including P&D. Contractor feedback responsibilities include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading, construction, and operations. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data.
- d. A contractor to carry out the EQAP shall be selected by P&D. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the Project owner/operator. The EQAP contractor shall appoint at least one On-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by P&D, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the monitor has the authority and ability to ensure compliance with all project conditions and to stop work in an emergency.
- e. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.

Timing: The EQAP shall be submitted to P&D for review and approval, and shall be approved, prior to issuance of the first Land Use Permit for the Project. The Project owner/operator shall implement the requirements of the EQAP throughout all development phases of the Project.

Rules-3 Compliance with Departmental letters required as follows:

- a. Air Pollution Control District
- b. Fire Department
- c. Public Works Road Division
- d. Public Works Water Division

Rules-4 Mitigation Monitoring required: The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
- c. The owner/operator shall provide an initial deposit of \$25,000 and execute an Agreement for Payment of Compliance Fees and Consultant Costs with the County to adequately fund project permit compliance. All reasonable expenses incurred by the County or County contractors for permit condition implementation and enforcement of permit conditions shall be reimbursed by the owner/operator within 30 days of invoicing by County. All such activities may be conducted by an independent consultant under contract to the County, if deemed necessary by County.

VI. This permit is issued pursuant to the provisions of Section 35.82.060 of the County Land Use & Development Code and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

- a. If any of the conditions of the Conditional Use Permit are not complied with, the Commission, after written notice to the permittee and a noticed public hearing,

may in addition to revoking the permit, amend, alter, delete or add conditions to this permit at a subsequent public hearing noticed for such action.

- b. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
- c. Said time may be extended by the Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.

Dianne Black
Director of Development Services, _____
For JOHN BAKER, DIRECTOR

Date

- xc: Minute Book (original copy)
Case File:
Permanent File
Fire Department
Flood Control
Park Department
Public Works
Environmental Health Services
APCD
County Surveyor
Deputy County Counsel
County Chief Appraiser
Owner / Applicant: Pacific Renewable Energy Generation, LLC
Agent: John Stahl, Gaviota Energy Group, Inc.
Planner: John Day, Energy Division