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August 18, 2021

PERMITTEE: JVR ENERGY PARK LLC
MAJOR USE PERMIT: PDS2018-MUP-18-022
E.R. NUMBER: PDS2018-ER-18-22-001
PROPERTY: 45346 OLD HIGHWAY 80, JACUMBA HOT SPRINGS, CA
APNS: 614-100-20; 614-100-21; 614; 110-04; 660-020-05; 660-020-06; 660-150-04; 660-150-07; 660-150-08; 660-150-10; 660-150-14; 660-150-17; 660-150-18; 660-170-09; 661-010-02; 661-010-15; 661-010-26; 661-010-27; 661-010-30; 661-060-12; 661-060-22; 660-140-06; 660-140-08; 660-150-21; 660-150-16

DECISION OF THE BOARD OF SUPERVISORS

This Major Use Permit for PDS2019-MUP-19-002 consists of twenty (20) sheets including site plan, and elevations and authorizes the construction, use and decommissioning of an 90MW solar facility, 90MW battery energy storage system, inverter/transformer platforms, an underground electrical collection system, a collector substation, a switchyard, an overhead gen-tie line, security fencing, and internal access.

The Community Buffer Alternative described in the FEIR recommended by County staff will still be subject to the same conditions stipulated below.

Per the August 18, 2021 Board of Supervisors hearing, an additional 100-foot buffer was added by the Board of Supervisors, resulting in a required 400-foot buffer from residential property lines. The Project is also required to attempt to increase the buffer to 1,000 feet residential property lines when final designs/plans are submitted to PDS prior to grading permit issuance.

Grant an exception to the 35-foot height limit pursuant to Section 4620(g) of the Zoning Ordinance to allow for the substation and switchyard facilities and five proposed steel poles, ranging from 70 to 115 feet in height.

The Wildlife Corridor opening in the perimeter fence north of the SDG&E easement as specified in M-BI-3(d) shall be maintained for the life of the project. Fencing shall be maintained for the life of the project as described in M-AE-6. The types of fencing allowed in potential flood areas shall adhere to M-HYD-1.

The granting of this permit also approves the Preliminary Grading Plan dated April 6, 2021. In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the preliminary plans, shall be completed or implemented on the final engineering plans as applicable before any improvement or grading plan can be approved and any permit issued in reliance of the approved plans. Any Substantial deviation therefrom these preliminary plans may cause the need for further environmental review. Additionally, approval of these preliminary plans does not constitute approval of final engineering plans. Final engineering plans, including building permits, shall be approved pursuant to [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#).

After completion of construction of the switchyard and the transfer of the switchyard parcel and associated facilities to SDG&E, the County acknowledges that it will lack land use permitting jurisdiction over the switchyard's operation and maintenance as carried out by SDG&E. As such, operational and maintenance-related conditions in this MUP that apply to the remainder of the facilities authorized by this MUP will not apply to SDG&E. In addition, the County will not use the actions or inactions of SDG&E in its operation or maintenance of the switchyard as grounds for any claim of non-compliance with respect to the construction or operation of any of the other facilities authorized by this MUP.

This permit is an interim use and is subject to a decommissioning or a Major Use Permit Modification approval by August 18, 2058 (includes construction and permitting time).

WAIVER(S) AND EXCEPTION(S): This Site Plan is hereby approved pursuant to the provisions of the San Diego County Zoning Ordinance, the County Public Road Standards and Private Road Standards, and all other required ordinances of the County of San Diego. The sole exceptions to the aforementioned are:

a. County of San Diego Public Road Standards:

- (1) County Public Road Standards Section 6.1.C requires a minimum centerline separation of 300 feet for mobility element roads. The project will be allowed to reduce the minimum centerline separation to 100 feet for the existing and proposed private driveways along Old Highway 80 (2.2D Light Collector) and Carrizo Gorge Road (2.2D Light Collector) as approved by the Request for Design Exception to a Road Standard and/or Modification to Project Conditions dated June 24, 2021.

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire on **August 18, 2023** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376

of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit has commenced prior to said expiration date.

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

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

1. GEN#1 - COST RECOVERY

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

2. GEN#2 - RECORDATION OF DECISION

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

3. **ROADS#1–IRREVOCABLE OFFER OF DEDICATION**

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), and the [Community Trails Master Plan](#), an irrevocable offer of dedication (IOD) for road purposes shall be granted to the County. **DESCRIPTION OF REQUIREMENT:**

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property for **Carrizo Gorge Road**, for public road purposes, to the County of San Diego. The IOD shall provide a full right-of-way width of eighty-eight feet (88') in accordance with Public Road Standards for a 2.2D Light Collector Road with Improvement Options, plus slope rights and drainage easements, where the property fronts both sides of **Carrizo Gorge Road**. The IOD shall provide a one-half right-of-way width of forty-four (44') from the ultimate centerline, in accordance with Public Road Standards for a 2.2D Light Collector Road with Improvement Options, plus slope rights and drainage easements along the frontage of the project where only one side of the property fronts **Carrizo Gorge Road**. To the satisfaction of the Director of Planning & Development Services (PDS) and Director of Public Works (DPW).
- b. The IOD shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of Planning & Development Services. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Planning & Development Services.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the IOD shall be executed and recorded. **MONITORING:** The [DGS, RP] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [PDS, LDR], for review and approval. The [PDS, LDR] shall review the IOD to assure compliance with this condition.

4. ROADS#2–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished. **DESCRIPTION OF REQUIREMENT:**

- a. Relinquish access rights onto **Carrizo Gorge Road**, a 2.2D Light Collector Mobility Element Road and crossings, along the project frontage; except for the ten (10) existing and proposed driveways, to the satisfaction of the Director of PDS/DPW.
- b. Relinquish access rights onto **Old Highway 80 (SC 1883)**, a 2.2D Light Collector Mobility Element Road, along the project frontage; except for the five (5) existing and proposed driveways, to the satisfaction of the Director of PDS/DPW.
- c. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **MONITORING:** The [DGS, RP] shall prepare the relinquishment documents and forward a copy of the documents to [PDS, LDR] for preapproval. [DGS, RP] shall forward copies of the recorded documents to [PDS, LDR]. The [PDS, LDR] shall review the documents for compliance with this condition.

5. ROADS#3 DEBRIS MANAGEMENT PLAN (DMP)

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

- a. Prior to Grading plan approval, a Debris Management Plan (DMP) is required, consisting of:

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

DOCUMENTATION: The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During grading operations, a daily log shall be prepared and kept on-site. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. Templates for all forms required are available at: https://www.sandiegocounty.gov/content/sdc/dpw/recycling/NewCD_Grading.htm.
I. TIMING: Prior to approval of any plan or issuance of any permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official [DPW CO] for review and approval. **MONITORING:** The [DPW, CO] shall review and approve the DMP documents for the project. The [DPW, CO], shall forward the approval of the DMP to [PDS, LDR] for compliance with this condition.

**6. LNDSKP#1-LANDSCAPE DOCUMENTATION PACKAGE
[M-AE-5, M-AE-6, M-WF-1]**

INTENT: In order to provide adequate Landscaping that addresses screening, and to comply with Chapter 5.0 (Mitigation Measures) of the Draft Environmental Impact Report, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.

- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the County's Light Pollution Code.
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: plans shall be in substantial conformance with the conceptual landscape plans (Sheets 500-504) within the Plot Plan, dated April 6, 2021.
- i. Plans shall be compliant with all requirements within Mitigation Measure M-AE-5 in providing visual screening of the solar facility.
- j. Plans shall show the locations and provide construction details of the fencing required within Mitigation Measure M-AE-6, including maintenance and replacement procedures for all segments.
- k. All planting shall be compliant with Mitigation Measure M-BI-9 and shall contain no invasive species, as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region, and all plant palette shall be composed of native species that do not require high irrigation rates.
- l. Container sizes shall be provided to match all cross sections showing vegetation at 'Time of Planting' on the conceptual landscape plan.
- m. All planting shall be compliant with Mitigation Measure M-WF-1, the projects most current version of the Fire Protection Plan, and the 2020 Consolidated Fire Code. Plans shall show the location of the six firefighting water tanks and ensure vegetation does not hinder access. Provide notes, specifications, dimensions, and any restrictions on plant types, mature heights, densities, or locations.
- n. Show locations of all existing trees to remain, and those to be removed due to disease as determined by an Arborist's Report. Provide a copy of the Report as reference. Provide notes on protecting existing vegetation to remain during construction and what measures will be used to replace damaged or dead trees as a result of construction.
- o. Show the location of the 400' – 1,000' setback from residential properties and the 15' landscape buffer between the MUP boundary and proposed fencing as shown on the Overall Plot Plan (Sheet 100) along Seely Ave. and Laguna St.

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

7. FIRE#1 – CONSTRUCTION FIRE PROTECTION PLAN [M-WF-2]

INTENT: In order to mitigate the risk of fire during construction, a Project Construction Fire Protection Plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** These measures will be enforced through the Site Safety Officer (SSO) and ongoing worker safety training:

- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees. This shall include all contractors and subcontractors if more than one.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order.
- Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
- The Project will be equipped with at least two water trucks each of 4,000-gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose with fog nozzles. Any hose size greater than 1.5 inches shall use National Hose (NH) couplings.
- A cache of shovels, McLeods, and Pulaskis shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and SDCFPD/CAL FIRE. Additionally, on-site pickup trucks will be equipped with first aid kits, fire extinguishers, and shovels. Contractor vehicles will be required to include the same basic equipment.
- Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials and provided with a gravel surface.
- A fire watch (i.e., person responsible for monitoring for ignitions) shall be provided during hot work and shall occur for up to one hour following completion of the hot work activities.
- Smoking will not be permitted on the site.
- Each Project construction site, if construction occurs simultaneously at various locations on the site, shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires.
- The on-site contractor or Project staff shall coordinate with SDCFPD/CAL FIRE to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
- All on-site employees shall participate in fire prevention and response training exercises with the SDCFPD/CAL FIRE.
- The Project shall implement ongoing fire patrols during the fire season during construction as defined by local and state agencies. The SSO will be assigned as fire patrol to monitor work activities when an activity risk exists for fire compliance. The SSO shall verify proper tools and equipment are on site, assess any fire agency work restrictions, and serve as a lookout for fire starts, including staying behind (e.g., a fire watch) to make certain no residual fire exists. Fire watch may be performed by any site personnel. A SSO shall perform routine patrols of the Project site during the fire season equipped

with a portable fire extinguisher and communications equipment. The Project staff shall notify SDCFPD/CAL FIRE of the name and contact information of the current SSO in the event of any change.

- Fires ignited on site shall be immediately reported via SDCFPD and CAL FIRE.
- The engineering, procurement, and construction contracts for the Project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site, as described in this CFPP.

Daily Fire Prevention Measures

To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions during Project construction:

- Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols on a daily basis.
- Smoking will not be permitted in the project site. Combustible materials shall be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.
- Evacuation routes shall be maintained and free of obstructions. Unavoidable evacuation route blockages shall be coordinated such that a secondary route is identified and available.
- Disposal of combustible waste in accordance with all applicable laws and regulations shall be required.
- Use and storage of flammable materials in areas away from ignition sources shall be required.
- Proper storage of chemicals such that incompatible (i.e., chemically reactive) substances would be separated appropriately shall be required.
- Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall be required. Fire watch may be any site personnel who would watch for accidental ignitions. Hot work permits are required and shall be reviewed and granted by the SSO for all hot work.
- Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.
- Ensuring that heating units are safeguarded shall be required.
- Immediate reporting of fuel or petroleum leaks. The site mechanic shall ensure that leaks are repaired immediately upon notification.
- Immediate repair and cleanup of flammable liquid leaks shall be required.
- Construction work areas shall be kept free of combustible materials.
- Extension cords shall not be relied on if wiring improvements are needed, and overloading of circuits with multiple pieces of equipment shall be prohibited.
- Turning off and unplugging electrical equipment when not in use.

DOCUMENTATION: The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval by the County of San Diego County Fire Protection District (SDCFPD). **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit. **MONITORING:** The [PDS, PCC] and the SDCFPD shall review the plan in compliance with this condition.

8. ROADS#4 - TRAFFIC DEMAND MANAGEMENT PROGRAM [PDF-TR-4]

Intent: In order to comply with PDF-TR-4 to reduce construction worker trips, the project shall implement a voluntary Transportation Demand Management Program. **Description:** The Project applicant shall implement a voluntary construction period Transportation Demand Management program to encourage construction workers to carpool or use alternative transportation modes. The program shall include the following:

- a. Encouragement of carpooling among workers to reduce worker commuter trips entering and exiting the Project Area
- b. A transportation package would be provided to workers, prior to commencing work on the Project Area, with information about how to access the Project by alternative transportation and the benefits of doing so; and,
- c. The applicant shall evaluate the feasibility of a vanpool or shuttle service to facilitate worker commute trips if feasible.

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

9. CULT#1 - ARCHAEOLOGICAL AND TRIBAL MONITORING [M-CR-2, M-TCR-2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of

San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.

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

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to *[PDS, PPD]*. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** *[PDS, PPD]* shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, PPD]* for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

10. **CULT#2 - CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN [M-CR-3]**

INTENT: In order to mitigate for impacts to Traditional Cultural Properties, develop and enter into a Cultural Resources Treatment Agreement and Preservation Plan with the culturally-affiliated Kumeyaay Bands of Mission Indians. **DESCRIPTION OF REQUIREMENT:** A single Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative in coordination with consulting tribes and Kumeyaay Native American monitor(s). The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Native American monitors, and consulting tribes.

- c. Requirements of the Archaeological Monitoring Program including unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and onsite storage of cultural materials, as necessary and if required.
- d. Treatment of identified Native American cultural materials.
- e. Treatment of Native American human remains and associated grave goods.
- f. Requirements for Temporary Fencing for 10 sites that partially intersect or are within 50 feet of the Project ADI (CA-SDI-4457/H, CA-SDI-6741, CA-SDI- 7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11682, CA- SDI-11686, and CA-SDI-19910, and CA-SDI-20985).
- g. Confidentiality of cultural information including location and data.
- h. Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan.
- i. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

DOCUMENTATION: A copy of the implemented agreement shall be submitted to the [PDS, PPD] for approval. **TIMING:** Prior to the approval of any plan and issuance of any permit. **MONITORING:** The [PDS, PPD] shall review the implemented agreement for compliance with this condition.

11. **PALEO#1 - PALEO GRADING MONITORING [M-PR-1]**

INTENT: In order to mitigate for potential impacts to paleontological resources, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#). **DESCRIPTION OF REQUIREMENT:** A Qualified Paleontologist shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching, or other excavation into undisturbed rock layers beneath the soil horizons. The applicant shall retain a qualified paleontologist, subject to the review and approval of the County. The paleontologist shall prepare a Paleontological Resources Monitoring Program (PRMP) for the Project. The PRMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (2010). The monitoring program shall include the following:

- a. A Qualified Paleontologist ("Project Paleontologist") shall perform the monitoring duties pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#), and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the grading/ trenching/excavation monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Paleontologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract or letter of acceptance, cost estimate, and [MOU](#) to the [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PPD] shall review the contract or letter of acceptance, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

12. HAZ#1–STRUCTURE AND DEBRIS REMOVAL [PDS, FEE]

INTENT: In order to comply with the disturbed area of the proposed project design for PDS2018-MUP-18-022, structure(s) to be removed and debris pile(s) identified on the approved plan set shall be remodeled/demolished/removed, as applicable. Additional debris located throughout the project site shall also be properly disposed of. **DESCRIPTION OF REQUIREMENT:** The structure(s)/debris pile(s) shown on the approved plan set shall be remodeled/demolished/removed. **DOCUMENTATION:** The applicant shall submit to the [PDS, PPD] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structure(s)/debris pile(s) have been remodeled/demolished/removed. The letter report shall also include before and after pictures of the area and structure. This condition shall also require approval by the County biologist to verify that the M-BI-6 (Bat Surveys and Roost Avoidance or Exclusion) has been completed. **TIMING:** After approval that M-BI-6 has been completed to the satisfaction of the County Biologist, then prior to the approval of any plan, and issuance of any permit (excluding demolition permit), the applicant shall comply with this condition. **MONITORING:** The [PDS, PPD] shall review the statement and, photos, and any additional evidence for compliance with this condition.

13. BIO#1 - BIOLOGICAL ON-SITE HABITAT PRESERVATION [M-BI-3(a) & M-BI-3 (c)]

INTENT: In order to mitigate for impacts to loss impacts to loss of sensitive vegetation communities, plant and wildlife species habitat, special status plant species, burrowing owl occupied habitat, and wildlife movement, M-BI-3 shall be required. **DESCRIPTION OF REQUIREMENT:** The applicant shall provide an on-site biological open space easement to the following specifications:

- (a) In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and California Environmental Quality Act, a biological open space easement will be granted over 435.00 acres of sensitive vegetation communities, special-status plant species, and habitat for special-status species. The project is estimated to impact sensitive vegetation communities that require mitigation as summarized in the following table.

Vegetation Community/ Land Cover	Ratio	Permanent Direct Impacts (Acres)	Required Mitigation (Acres)	Biological Open Space Easement (Acres)
*Desert saltbush scrub	2:1	50.39	100.78	4.69
*Desert sink scrub	3:1	—	—	12.43
*Disturbed freshwater marsh	3:1	—	—	0.08
*Mesquite bosque	3:1	2.64	7.92	126.12
*Sonoran mixed woody scrub	1:1	—	—	139.33
*Sonoran mixed woody and succulent scrub	1:1	72.85	72.85	132.05
*Tamarisk scrub	3:1	1.11	3.33	—
*Non-wetland waters of the United States/state	1:1	—	—	0.78
Fallow agriculture ¹	0.5:1	467.63	233.82	9.35
Disturbed habitat	N/A	27.27	—	10.17
Urban/developed	N/A	21.24	—	<0.01
Total	—	643.13	418.70	435.00

Note: An asterisk (*) marks land cover types for which the County of San Diego (2010a) requires mitigation.

¹ The fallow agriculture is considered raptor foraging habitat mitigated at a 0.5:1 mitigation ratio.

This biological open space easement shall mitigate for project impacts to sensitive vegetation communities and habitat for wildlife species as shown in the table above, thereby preserving compensatory habitat that provides equal or greater benefit to plant and wildlife species. The Proposed Project Major Use Permit area was reduced in the Final EIR; however, the applicant shall provide a total of 435 acres of biological open space easement as described in the Draft and Final EIR. This biological open space easement will be granted to the County of San Diego (County).

Open Space Easement Language

Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring

activities for the purposes of species and habitat conservation. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are (1) vegetation clearing by hand, by written order of the fire authority for reduction of an identified fire hazard; (2) activities conducted pursuant to an approved revegetation or resource management plan; (3) vector control by written order of the County; and (4) construction, use, and maintenance of approved multi-use, non-motorized trails. No trails have been approved as part of this Project and would require subsequent environmental review and approval by PDS. Permanent signage indicating the area is a biological open space will be required and will be installed by the developer.

- (b) **Burrowing Owl Occupied Habitat.** Based on mitigation ratios provided in Table 1 of the Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County (Attachment A, County of San Diego 2010b), the project is required to provide 1:1 mitigation ratio for impacts to occupied burrowing owl habitat. Impacts to burrowing owl habitat will be mitigated by dedicating 22 acres of suitable burrowing owl habitat as an on-site biological open space easement. This acreage is included in the overall up to 435-acre biological open space easement. This area is comprised of open, relatively flat habitat which contains similar vegetation communities as the impacted habitat. This biological open space easement shall mitigate for project impacts to occupied burrowing owl habitat.

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

14. BIO#2–SPECIAL STATUS PLANT ONSITE MITIGATION [M-BI-3 (b)] [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to County List A and B Plant Species pursuant the County's Guidelines for Determining Significance for Biological Resources, mitigation shall be required. **DESCRIPTION OF REQUIREMENT:** Mitigation shall be provided for one pygmy lotus (County List A) and 21 sticky geraea individuals (County List B). County List A plant species will be mitigated at a 3:1 ratio, and County List B species will be mitigated at a 1:1 mitigation ratio. Mitigation for these plants shall be achieved through a combination of (1) salvaging the plants located in proposed impact areas and replanting in suitable mitigation lands, and (2) establishment of additional plants to meet the mitigation requirements. The Resource Management Plan (RMP) for the biological open space easement shall include the required measures to ensure viability of the transplanted and established individuals. The RMP (see **M-BI-4**) includes the locations of the plant restoration. The RMP will be the basis for monitoring and mitigation activities for the entire biological open space, including locations of plant mitigation. **Documentation:** The applicant shall prepare an RMP and submit it to PDS and pay all applicable review fees. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. **Monitoring:** A RMP Annual Report will be submitted to the County along with the submittal fee to cover County staff review time.

15. BIO#3 – RESOURCE MANAGEMENT PLAN [M-BI-4]

INTENT: To provide for the long-term management of an Open Space Preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of Planning & Development Services as follows:

1. The plan will be prepared and approved pursuant to the most current version of the County of San Diego (County) Biological Report Format and Content Requirements.
2. The habitat land to be managed will be owned by a land conservancy or equivalent.
3. Open space easements will be dedicated to the County in perpetuity, unless conveyed to another public agency subject to approval by the Director of PDS.
4. A resource manager will be selected and approved, with evidence provided demonstrating acceptance of this responsibility.
5. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County. The RMP funding mechanism will be identified and adequate to fund annual costs for implementation; typically determined by a Property Analysis Record as a non-wasting endowment.
6. A contract between the applicant and County will be executed for the implementation of the RMP.
7. The Final RMP shall have Project-specific requirements for the following mitigation implementation and monitoring measures:

- a. Special status plant species mitigation
 - b. Bat house monitoring (if required under **M-BI-6**)
 - c. Tricolored blackbird mitigation and monitoring plan
 - d. Camera traps for wildlife movement
8. Goals: The Final RMP will accomplish the following:
- a. Preserve and manage lands to the benefit of the flora, fauna, and native ecosystem functions reflected in the natural communities occurring within the on-site biological open space.
 - b. Provide 3:1 replacement of pygmy lotus and 1:1 replacement of sticky geraea. If 1 pygmy lotus and 21 sticky geraea are transplanted, then success of this Mitigation Program will be achieved when at least 3 pygmy lotus plants and 21 sticky geraea plant are documented within the reception site during one or more years during the 3-year monitoring period.

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

16. BIO#4–BAT SURVEYS AND ROOST AVOIDANCE OR EXCLUSION [M-BI-6]

INTENT: To determine whether there is an active maternity roost within the buildings and other structures to be demolished, M-BI-6 shall be implemented.

DESCRIPTION OF REQUIREMENT: To determine whether there is an active maternity roost within the buildings and other structures to be demolished, a bat biologist shall conduct surveys within the maternity roosting season prior to demolition of the buildings or any other areas that provide suitable roosting habitat for bats. If a potential maternity roost is present, all demolition activities, or bat roost exclusion, shall occur outside the general bat maternity roosting season of March through August to reduce any potentially significant impact to maternity roosting bats.

Replacement Roost Installation. Although no special status bat species are expected to roost within the structures on the Project site, if there is a potential or known day roost (i.e., non-maternity roost) of a special-status bat within a structure to be demolished, replacement roost installation shall be installed within the biological open space easement. The land east of the structures shall be added to the open space easement if replacement roosts are required. The size of land to be added shall be determined by a bat biologist. At least one month prior to the exclusion of bats from the structure, the bat biologist will procure and install at least two bat houses built specifically for the species that occur on site or purchased from a reputable vendor if suitable for species that occur on site, to allow bats sufficient time to acclimate to a new potential roost location. The bat houses shall be installed in an area that is close to suitable foraging habitat as determined by a biologist who specializes in bats in consultation with County staff. Additionally, the

bat houses will be oriented to the south or southwest, and the area chosen for the bat houses must receive sufficient sunlight (at least 6 hours daily) to allow the bat houses to reach an optimum internal temperature (approximately 90°F) to mimic the existing bat roost. The bat houses will be suitable to house crevice-roosting bat species, and large enough to contain a minimum of 50 bats. The bat houses shall be installed on a 20-foot-tall steel pole with a concrete base. Maintenance of the houses will be included in the RMP to ensure long-term use/functionality. Quarterly monitoring shall be required after installation until it can be established that the bat house is being used by bats and which bat species are using the houses. A report shall be submitted to the County after 1 year of monitoring documenting if bat houses are being used and by what species. The report will include any necessary repairs or maintenance to the bat houses, if needed.

Roost Exclusion. A minimum of one month after bat houses have been installed, exclusion of the existing roost within the buildings will occur. The primary exit points for roosting bats will be identified, and all secondary ingress/egress locations will be covered with a tarp or wood planks to prevent bats from leaving from other locations. The primary exit point will remain uncovered to allow exclusion devices to be installed. Exclusion devices will consist of plastic sheeting or similar material (e.g., poly netting, window screen, or fiberglass screening) with mesh 1/6 of an inch or smaller, installed at the top of the roost location and sealed and passing 2 feet below the bottom of the primary exit point. The exclusion devices will be installed at night to increase the potential that bats will have already left the roost and are less likely to return. Exclusion devices will be left in place for one week to ensure that any remaining bats in the roost(s) are excluded. A passive acoustic monitoring detector will also be deployed during the exclusion period in order to verify excluded species and monitor whether bat activity has decreased during the exclusion period. Periodic monitoring should also be conducted during the exclusion period to observe whether any bats are still emerging from additional areas within the impact footprint, and an active monitoring survey should be conducted on the final night of exclusion to ensure that no bats are emerging from the excluded roost and determine whether exclusion has been successful. Any continued presence of roosting bats will require an adjustment to the exclusion devices and schedule. The exclusion devices may remain in place until the start of demolition activities. If any bats are found roosting in any proposed demolition areas prior to demolition, additional exclusion will be required and follow the same methodology described in this mitigation measure. This will occur until all bats are excluded.

Survey Report. Following completion of the survey the bat biologist will complete a survey report which records the findings.

DOCUMENTATION: The Project Biologist shall prepare a final report and submit it to the PDS for review and approval. The final report shall document the replacement roost installation, including mapped locations and photographs, species using the bat houses, and roost exclusion. **TIMING:** Prior to issuance of

any demolition permit, bat surveys shall be conducted. Installation of bat houses and exclusion, if required, shall occur prior to any demolition permit. If the bat houses are occupied, prior to final grading release, or use of the premises in reliance of this permit, the final report shall be approved by the County. If the bat houses are not being used prior to final grading release, or use of premises in reliance of this permit, the annual monitoring report will document the condition and the vacancy of the bat houses. **MONITORING:** The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.

17. BIO#5–PREVENTION OF INVASIVE PLANT SPECIES [M-BI-9]

INTENT: In order to comply with Mitigation Measure M-BI-9, the following shall be complied with during the operations of the project. **DESCRIPTION OF REQUIREMENT:** A County of San Diego-approved plant list shall be used for areas immediately adjacent to open space. A hydroseed mix that incorporates native species, is appropriate to the area, and is free from invasive species shall be used for landscaped areas adjacent to the biological open space.

DOCUMENTATION: The San Diego County Planning & Development Services landscape architect shall verify that all final landscape plans comply with the following: no invasive plant species, as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region shall be included, and the plant palette shall be composed of native species that do not require high irrigation rates. **TIMING:** Prior to the approval of any plan, and issuance of any permit (excluding demolition permit), the applicant shall comply with this condition. **MONITORING:** The [PDS, PPD] shall review the statement and, photos, and any additional evidence for compliance with this condition.

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

18. PLN#1- COMMUNITY BENEFITS PACKAGE

INTENT: In order to provide community benefits to the community of Jacumba Hot Springs, the Board of Supervisors required the applicant to provide benefits in the amount of at least \$4,000,000. The applicant and the County will hold meetings with the community to decide on how it will be spent. **DOCUMENTATION:** Provide \$4,000,000 toward community benefits in Jacumba. The applicant shall report to Planning & Development Services what funds have been spent and for what types of projects. The applicant shall use all reasonable diligence to spend all the funds to the satisfaction of Planning & Development. **TIMING:** Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Community Benefits Package will be provided. **MONITORING:** The [PDS, PPD] shall review Community Benefits Package, reports, and any additional evidence for compliance with this condition.

19. ROADS#5 – TRAFFIC CONTROL PLAN (PDF-TR-1)

INTENT: In order to reduce temporary traffic, a traffic control plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Have a Registered Civil Engineer or a Licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of the Department of Public Works (DPW), that includes the following measures:

- a. Temporary traffic control devices in accordance with the California Department of Transportation's (Caltrans) California Manual on Uniform Traffic Control Device to identify locations/sections where construction is ongoing. This may include slow-moving-vehicle warning signs, signage to warn of merging trucks, barriers for separating construction and non-construction traffic, use of traffic control flaggers, and any additional measures required for the sole convenience of safely passing non-construction traffic (including transit, bicyclists, and pedestrians) through and around construction areas.
- b. Coordination with Caltrans to secure the necessary encroachment and trip permits necessary for specialized haul trucks. Also, any excessive height/length vehicles should use pilot car services to provide safe over-the-road operations and overhead height warnings, if necessary.
- c. Notification of the California Highway Patrol, if necessary, to facilitate slowing freeway traffic to ensure safe access for motorists.
- d. Coordination with Caltrans, California Highway Patrol, and County officials, including the Sheriff's department. For the State Highway System, Caltrans requires a TCP to be submitted to District 11's Transportation Permits Issuance Branch at least 30 days prior to the start of any construction.
- e. Employment of a contract transport company that would be responsible for surveying the route to determine how turns on existing roads would be accomplished and ensuring that is reflected in the TCP.
- f. Establishment of procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities.

DOCUMENTATION: The applicant shall have the TCP prepared by a Registered Civil Engineer or a Licensed Traffic Control Contractor and submit it to [PDS, LDR] for review and approved by [DPW, Traffic]. **TIMING:** Prior to the approval of any grading permit, a TCP shall be prepared and approved. **MONITORING:** The [PDS, LDR] shall review the TCP for compliance with this condition.

20. ROADS#6–HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A

Haul Route Plan (HRP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

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

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

21. **DRNG#1-PERIMETER FENCING [M-HYD-1]**

INTENT: In order to mitigate below levels of significance for flood hazard impacts, prior to approval of final design plans, the applicant shall demonstrate to the satisfaction of the County DPW Flood Control through hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that the design features for the perimeter fencing avoids the blockage and/or redirection of storm flows resulting from the accumulation of debris and/or detritus at wash crossings.

This can be accomplished through a number of means such as a) use of breakaway fencing perpendicular to flood flows, b) use of fencing that spans washes (without posts) above the anticipated peak flow depth, c) or an alternative design measure that would avoid accumulations of detritus at perimeter fence wash crossings, subject to County approval. **DOCUMENTATION:** The applicant shall show the proposed fencing design or alternative design measure on the Final Grading Plans. The associated Drainage Study shall contain hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that model the proposed fencing and/or design measures and demonstrate that the fencing will not cause alteration of drainage patterns and/or flood hazards from pre-project conditions. The Drainage Study shall be in compliance with the County Hydrology Manual and the County Hydraulic Design Manual. **TIMING:** Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Drainage Study and Plans shall be approved. **MONITORING:** The County DPW Flood Control shall review and approve the hydrologic and hydraulic analyses contained in the Drainage Study and the final fencing design and layout to ensure the flood flow is fully mitigated to pre-project conditions.

22. DRNG#2-FLOOD FENCING TYPES [PDF-HYD-4]

INTENT: In order to ensure PDF-HYD-4 is adhered to, this condition shall apply.

DOCUMENTATION: The applicant shall show the proposed fencing design on the Final Grading Plans. Flood fencing shall be either breakaway fencing or flow through fencing, as described below:

- a. Where flood fencing is provided along Old Highway 80, breakaway type fencing should be used where feasible. Flow-through fencing may be used along Old Highway 80 if drainage conditions warrant its use. However, if flood depths exceed 12 inches, breakaway type fencing (not flow through) must be used along Old Highway 80.
- b. Where flood fencing is provided elsewhere (not along Old Highway 80), either flow-through or breakaway fencing may be used.

TIMING: Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Drainage Study and Plans shall be approved. **MONITORING:** The County DPW Flood Control shall review and approve the hydrologic and hydraulic analyses contained in the Drainage Study and the final fencing design and layout to ensure the flood flow is fully mitigated to pre-project conditions.

23. STRMWTR#1-EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County](#)

[Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measures.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to approval of any grading or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved, and the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

24. **AQ#1 - CONSTRUCTION EXHAUST EMISSIONS [M-AQ-1]**

INTENT: In order to minimize diesel particulate matter emissions during construction, air quality reduction measures must be implemented during all construction phases. **DESCRIPTION OF REQUIREMENT:** The permittee shall comply with the following Air Quality measure:

- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.

- b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- d. When construction equipment units that are less than 50 horsepower is employed, that equipment shall be electrical or natural gas-powered, where available.

DOCUMENTATION: The permittee shall comply with the Air Quality requirements of this condition. The permittee shall show compliance with this measure by providing the non-confidential construction bid/estimate materials from the construction contractor that will be used. **TIMING:** Prior to the approval of any construction or grading related permits, the Proposed Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.

25. AQ#2 - FUGITIVE DUST PLAN [M-AQ-2]

INTENT: In order to demonstrate compliance with San Diego Air Pollution Control District Rule 55 and County Code Section 87.428, a Fugitive Dust Plan must be prepared. **DESCRIPTION OF REQUIREMENT:** The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM10 emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading and Improvement Plans:

- a. Prior to construction activities, the Project applicant shall employ a construction relations officer who shall address community concerns regarding on-site construction activity. The Project applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who shall document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations and noted on Grading and Improvement Plans.
- b. Grading areas shall be watered, or another SDAPCD-approved dust control non-toxic agent shall be used, at least three times daily, to minimize fugitive dust only where chemical stabilizers are not used.
- c. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.

- e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.
- f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.
- g. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.
- h. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.
- i. Haul truck staging areas shall be provided for loading and unloading of soil and materials and shall be located away from sensitive receptors at the farthest feasible distance.

DOCUMENTATION: The permittee shall provide a copy of the Fugitive Dust Control Plan to the County of San Diego for review. To the extent required, the permittee shall obtain written authorization for construction from the local air district (APCD) of concurrence with the plan. **TIMING:** Prior to issuance of any Grading or Construction Permits, the Fugitive Dust Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction. **MONITORING:** The County of San Diego shall review the Fugitive Dust Control Plan for compliance with this condition and ensure that the plan is implemented throughout the construction period.

26. GW#1 - PRE-CONSTRUCTION GROUNDWATER MMRP [PDF-HY-2]

INTENT: In order to protect groundwater resources, Groundwater Monitoring and Mitigation Plan (GMMP) documents shall be implemented. **DESCRIPTION OF REQUIREMENT:** The applicant shall implement the following County approved GMMP documents:

- 1. GMMP – JVR Energy Park Project, Jacumba Hot Springs, San Diego County, California, dated July 2020. Groundwater monitoring reports shall be submitted for 5 years after project has commenced. After 5 years, PDS shall determine if continuous reporting is required based on the effects of groundwater extraction from the previous 5 years.

DOCUMENTATION: The applicant shall complete the following:

- a. Pay the GMMP Fee at [PDS, ZONING], for the first year of enrollment and establishment of the program.
- b. Provide a signed copy of the County Memorandum of Understanding (MOU), for the Hydrogeologist from the County CEQA Consultant list to the [PDS, PCC] for approval by the PDS County Groundwater Geologist.
- c. Existing pressure transducers shall be maintained at the Daley Well, Central Irrigation Well, the Highland Center Well, the Park Well, Well Km, and the Border Patrol Well as well as the Project production wells (Well #2 and Well #3). Each well shall be programmed to record the water level at least once daily. Transducer data will be downloaded at all the instrumented wells for one month prior to the onset of the project related

groundwater extraction. Transducer data will also be downloaded monthly during period of pumping for construction water supply to the project. Cumulative groundwater usage will be monitored at Well#2 and Well #3 using an instantaneous flow meter. Flow rate and volume measurements will be recorded daily during pumping for the project.

TIMING: Prior to any Project construction activities that utilize groundwater, or prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits whichever comes first, confirm that programming of the existing monitoring network infrastructure has been completed in accordance with this condition and with the approved MMRP. **MONITORING:** [PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment. The [PDS Groundwater Geologist] shall contact the applicant to set up future submittal dates of GMMP monitoring documents.

27. BIO#6–BIOLOGICAL MONITORING [M-BI-1] [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to sensitive resource areas outside the approved area of impact, all grading shall be monitored by a biologist.

DESCRIPTION OF REQUIREMENT: The permittee shall hire a County-approved biologist to perform biological monitoring during all grading, clearing, grubbing, trenching, construction, and decommissioning activities. The following shall be completed:

1. The Project Biologist shall perform the monitoring duties before, during, and after construction pursuant to the most current version of the County *Biological Report Format and Requirement Guidelines*. The contract provided to the County shall include an agreement that this will be completed, and a memorandum of understanding between the biological consulting company and the County shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the County *Biological Report Format and Requirement Guidelines*, the Project Biologist shall also perform the following duties:
 - a. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
 - b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species.

- c. Review the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
- d. Discuss procedures and provide Worker Environmental Awareness Program training for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.
- f. Supervise and monitor vegetation clearing, grubbing, and grading to ensure against direct and indirect impacts on biological resources that are intended to be protected and preserved.
- g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species.
- h. Verify that grading plans include a stormwater pollution prevention plan (SWPPP) (if required pursuant to provisions of the State Water Resources Control Board 2009-0009-DWQ Construction General Permit, or equivalent applying the standards set forth in the County of San Diego Stormwater Standards Manual) to address hydrology impacts; see M-BI-7.
- i. Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that temporarily impacted areas are revegetated as soon as possible.
- j. Periodically monitor the construction site to verify that artificial security light fixtures are directed away from open space and are shielded.
- k. Oversee the construction site so that cover and/or escape routes for wildlife from excavated areas are provided on a daily basis during vegetation clearing, grubbing and grading. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighted down with sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area at the end of the day) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.

- l. Except as stated otherwise herein, biological monitoring is daily during vegetation clearing, grubbing and grading. Once the PV field construction commences, the monitoring shall be weekly.
- m. The cost of the monitoring shall be added to the grading bonds or bonded separately with the County Planning & Development Services (PDS).

DOCUMENTATION: The Applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the PDS. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

TIMING: Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits. **MONITORING:** The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the monitoring to the grading bond costs.

GRADING PLAN NOTES (THESE NOTES MUST BE PLACED ON ALL GRADING PLANS):

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

(CULTURAL RESOURCES)

28. **CULT#GR-1 - TEMPORARY FENCING – CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757 [M-CR-1, M-TCR-1]**

INTENT: In order to mitigate for potential impacts to sites CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757 during construction, a temporary fencing plan shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 and 15064.7](#).

DESCRIPTION OF REQUIREMENT: Prepare and implement a temporary fencing plan for the protection of archaeological site(s) CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757 during any grading activities within one hundred feet (100') of these archaeological site(s), as shown on the temporary fencing exhibit provided in the confidential appendix of the cultural study. Temporary fencing is required for unimpacted portions of sites CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, and CA-SDI-19910. In addition, temporary fencing shall be placed around the MUP boundaries where cultural sites (CA-SDI-11682, CA-SDI-

20985, and CA-SDI-21757) are within 50 feet of the Area of Direct Impact. The temporary fencing plan shall be prepared in consultation with a County approved archaeologist and the Kumeyaay Native American monitor. The fenced area shall include a buffer sufficient to protect the archaeological site(s). The fence shall be installed under the supervision of the County approved archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed. The temporary fencing plan shall include the following requirements:

- a. Provide evidence to the Director of Planning & Development Services that the following notes have been placed on the Grading and/or Improvement Plan:
 1. In the event that construction activities are to take place within 100 feet of archaeological site(s) CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757, the temporary fencing plan shall be implemented under the supervision of a County approved archaeologist that consists of the following:
 - The project archaeologist shall identify the site boundaries.
 - The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist and the Kumeyaay Native American monitor.
 - Upon approval of buffers, install fencing under the supervision of the project archaeologist.
 2. Temporary fencing shall be installed prior to the pre-construction meeting and any clearing, grubbing, trenching, grading, or land disturbances and shall remain for the duration of earth-disturbing activities.
 - Temporary fencing is required in all locations of the Project where proposed grading or clearing is within 50 feet of any archaeological site outside of the Project ADI (CA-SDI-11682, and CA-SDI-20985).
 - The placement of such fencing shall be approved by the County. Upon approval, the fencing shall remain in place until the conclusion of grading activities, after which the fencing shall be removed.
 - Installation of temporary fencing shall require the presence of monitor(s) (Archaeological & Native American) pursuant to M-CR-2.
 - A signed and stamped statement from a California Registered Engineer, or licensed surveyor shall be submitted to Planning & Development Services for approval. The statement shall identify that temporary fencing has been installed in all required locations where grading or clearing is within 50 feet of an archaeological site outside of the Project ADI.

DOCUMENTATION: Submit to the Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer,

or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.

29. CULT#GR-2 - ARCHAEOLOGICAL AND TRIBAL MONITORING – PRECONSTRUCTION MEETING [M-CR-2, M-TCR-2]

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

(PALEONTOLOGICAL RESOURCES)

30. PALEO#GR-1 - PALEONTOLOGICAL MONITORING – PRECONSTRUCTION [M-PR-1]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, a Paleontological Resources Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#). **DOCUMENTATION:** The applicant shall have the contracted Project Paleontologist attend the preconstruction meeting to explain the monitoring

requirements. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDC] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

(BIOLOGICAL RESOURCES)

31. **BIO#GR-1–BIOLOGICAL MONITORING [M-BI-1] [PDS, FEE X3]**

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of grading, fencing or flagging, as required, shall be installed and all grading shall be monitored by a biologist in environmentally sensitive areas. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, construction, and decommissioning activities. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

1. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
2. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species.
3. Review the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
4. Discuss procedures and provide Worker Environmental Awareness Program training for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
5. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.
6. Supervise and verify placement of temporary fencing/flagging and signage during the trenching, grading, or clearing activities. The placement of such fencing/flagging and signage shall be approved by the [PDS, PPD].
7. The Project Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. [PDS, PPD] shall be invited to attend the preconstruction meeting.

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff have been trained on the site sensitive biological resources that are to be avoided. The permittee shall submit photos of the flagging/fencing along with the

certification letter, and a copy of the training documentation prepared by the biologist to the [PDS, PPD] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PPD] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PPD] shall either attend the preconstruction conference to verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures and training documentation provided by the permittee.

32. BIO#GR-2-TEMPORARY CONSTRUCTION FENCING [M-BI-2] [PDS, FEE]

INTENT: In order to ensure that sensitive vegetation communities outside of the limits of grading protected, M-BI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans.

DOCUMENTATION: The permittee shall show where the fencing will be placed on the plans and provide evidence to the Director of the San Diego County Department of Planning and Development Services (or his/her designee). **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PPD] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PPD] shall either attend the preconstruction conference to verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures and training documentation provided by the permittee.

33. BIO#GR-3-NESTING BIRD SURVEY [M-BI-5 (a)] [PDS, FEE X3]

INTENT: In order to avoid impacts to migratory birds and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGF), M-BI-5 (a) shall be implemented. **DESCRIPTION OF REQUIREMENT:** This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season (M- BI-5(a)).

- a. Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is January 15 through August 31, annually). If construction work must occur during the avian breeding season (January 15 to August 31, annually), the applicant shall:

1. Work with the County, CDFW and the USFWS to prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds.
 - a. The applicant(s) will submit to the agencies the NBMMRP (see following for details) for review and approval prior to commencement of the project during the breeding season. The NBMMRP should include the following:
 - b. Nest survey protocols describing the nest survey methodologies
 - c. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks
 - d. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513
 - e. A schedule for the submittal (usually weekly) of the NML
 - f. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks
 - g. A detailed explanation of how the buffer widths were determined.
 - h. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.
2. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities; conduct preconstruction survey sweeps immediately prior to ground-disturbing activities; and implement appropriate avoidance measures for identified nesting birds in the NBMMRP. Resurvey, if construction activities are halted for ten consecutive days.
3. To determine presence of nesting birds that the project activities may affect, surveys shall be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols shall include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols shall include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.
4. Each nest identified in the project area shall be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs shall include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose

standard buffer width was reduced by encroachment of project-related activities. The NMLs shall provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs shall allow for tracking the success and failure of the buffers and would provide data on the adequacy of the buffers for certain species.

5. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project corridor/footprint to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths shall be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths shall consider the following factors:
 - a. Nesting chronologies
 - b. Geographic location
 - c. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise)
 - d. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests)
 - e. Visibility of disturbance
 - f. Duration and timing of disturbance
 - g. Influence of other environmental factors
 - h. Species' site-specific level of habituation to the disturbance.
6. Application of the standard buffer widths shall avoid the potential for project-related nest abandonment and failure of fledging and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened. This measure does not apply to nests that are started on construction equipment or panels or supporting structures.

DOCUMENTATION: The Project Biologist shall prepare the final report and submit it to the PDS for review and approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then the PDS shall inform DPW to release the bond back to the applicant.

34. BIO#GR-4–BURROWING OWL PRECONSTRUCTION SURVEYS [M-BI-5 (b)] [PDS, FEE X3]

INTENT: Preconstruction surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. **DESCRIPTION OF REQUIREMENT:** Preconstruction surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed (CDFG 2012). Surveys must be completed no less than 14 days prior to the initiating ground disturbance activities.

1. If burrowing owls are detected during the breeding season (February 1 through August 1) surveys, a Burrowing Owl Management Plan will need to be written and approved by the County and the California Department of Fish and Wildlife before construction continues. The Plan shall include, at a minimum: 1) measures to protect burrowing owls during grading; 2) description of passive or active burrowing relocation during the non-breeding season; and 3) description of BMPs to implement during construction (e.g., ensure that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms). Table 6-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls, provides the CDFW- recommended restricted activity dates and setback distances around occupied burrowing owl nests for varying levels of disturbance (CDFG 2012).
2. If construction activities occur during the non-breeding season for burrowing owl (1 September – 31 January), a biologist shall conduct a preconstruction survey, following the methods described in the Burrowing Owl Staff Report (CDFG 2012). The preconstruction survey(s) can be conducted between 14 days and 24 hours prior to initiating ground disturbance activities; however, time lapses between project activities may require subsequent surveys within 24 hours prior to ground disturbance. If any burrowing owls are found during these surveys, avoidance and minimization measures must be implemented. The following avoidance and minimization measures shall be implemented:
 - a. Avoid working within 50 meters (160 feet) from the occupied burrow during the non-breeding season;
 - b. Avoid direct destruction of occupied burrows during the non-breeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow);

If these measures cannot be implemented, the applicant shall obtain written approval of an accepted plan (written or verbal) from the County and the California Department of Fish and Wildlife before construction continues. The plan shall include 1) identification of artificial burrow sites, 2) passive relocation methods, 3) monitoring and management of the artificial burrow site, and 4) reporting.

DOCUMENTATION: The Project Biologist shall prepare the final survey report and/or Burrowing Owl Management Plan and submit it to the PDS for review and

approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The PDS shall review the final survey report and/or Burrowing Owl Management Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.

35. BIO#GR-5–SPECIAL-STATUS SPECIES PRECONSTRUCTION SURVEYS AND RELOCATION PLAN [M-BI-5 (C)] [PDS, FEE X3]

INTENT: In order to avoid impacts to special-status species, M-BI-5 (c) shall be implemented. **DESCRIPTION OF REQUIREMENT:** Prior to construction, the applicant shall develop a relocation plan for special-status terrestrial reptiles (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, and Blainville's horned lizard), American badger and San Diego desert woodrat with the potential to occur on site. The plan shall at minimum include: the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual species; and the method for documentation/recordation of the species and number of animals relocated. The Plan shall be submitted to the County by a qualified biologist prior to any ground disturbing activities within potentially occupied habitat.

Pre-Construction Surveys. No more than 7 days prior to construction, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, Blainville's horned lizard, San Diego desert woodrat, and/or American badger). The biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that based on the construction activities, time of year and special-status wildlife species and location of the special-status wildlife species relocation is necessary to occur; relocation will occur to nearby undisturbed areas within suitable habitat in the on-site open space easement as specified in the Plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved Plan). If an American badger maternity den(s) is identified within the Project's disturbance limits, then the den will be avoided until the young have left the den. Once the young have left the den, the American badger will be relocated in accordance with this measure. The biologist relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.

A qualified biologist shall be present during initial ground-disturbing activities (i.e. vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where

applicable. If special-status species reptiles or woodrats are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved Plan and in accordance with the SCP conditions as applicable.

DOCUMENTATION: The Project Biologist shall prepare the final survey report and relocation plan and submit it to the PDS for review and approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.

36. BIO#GR-6– BIOLOGICAL MONITORING OF STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IMPLEMENTATION. [M-BI-7]

INTENT: In order to avoid impacts to special-status species, sensitive vegetation communities, and/or jurisdictional waters during construction, measures and/or restrictions shall be incorporated into the Stormwater Pollution Prevention Plan (SWPPP) and noted on construction plans. **DESCRIPTION OF REQUIREMENT:** During construction monitoring, the Project Biologist shall verify the following are implemented:

- a. No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region.
- b. Dust-control fencing is in place and intact if fencing is required.
- c. Construction activity is located outside of jurisdictional waters of the United States/state except as authorized by applicable law and permit(s), including permits and authorizations approved by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.
- d. Silt-settling basins installed during the construction process are located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes. Design of drainage facilities shall incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes.
- e. Temporary structures, staging, and storage areas for construction equipment and/or materials are located outside of jurisdictional waters, including wetlands and riparian areas.
- f. No material stockpiles, debris, bark, slash sawdust, rubbish, cement, concrete or washing thereof, oil, or petroleum products are stored where they may be washed by rainfall or runoff into jurisdictional waters of the United States/state.

- g. When construction operations are completed, excess materials or debris have been removed from the work area.
- h. No equipment maintenance is performed within or near jurisdictional waters of the United States/state where petroleum products or other pollutants from the equipment may enter these areas.
- i. Fully covered trash receptacles that are animal-proof and weather-proof are installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Littering is prohibited and removal of trash from construction areas daily is required. All food-related trash and garbage are removed from construction sites on a daily basis.
- j. There are no pets on or adjacent to construction sites.
- k. Speed limits in and around all construction areas are enforced so that vehicles do not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site, or 10 miles per hour during the night.

DOCUMENTATION: The permittee shall submit a Stormwater Pollution Prevention Plan for review and approval by the County of San Diego biologist.

TIMING: The following actions shall occur throughout the duration of construction.

MONITORING: The County of San Diego shall review the Stormwater Pollution Prevention Plan and ensure its implementation.

37. **BIO#GR-7 – NOISE REDUCTION – PRECONSTRUCTION [M-BI-11]**

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, M-BI-11 shall be implemented.

DESCRIPTION OF REQUIREMENT: Construction-related activities that are excessively noisy (e.g., clearing, grading, or grubbing) adjacent to breeding/nesting areas shall incorporate noise-reduction measures (described below) or be curtailed during the breeding/nesting season of sensitive bird species.

1. Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities.
5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications.
6. Radios and other noise-generating "personal equipment" shall be prohibited

If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in

suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see **M-BI-5**).

DOCUMENTATION: If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see M-BI-5)..

TIMING: Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.

MONITORING: PDS shall review the survey report for compliance with this condition and the report format guidelines.

PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(AIR QUALITY)

38. **AQ#GR-1 - CONSTRUCTION EXHAUST EMISSIONS [M-AQ-1]**

INTENT: In order to minimize diesel particulate matter emissions during construction, air quality reduction measures must be implemented during all construction phases. **DESCRIPTION OF REQUIREMENT:** The permittee shall comply with the following Air Quality measure:

- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
- b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- d. When construction equipment units that are less than 50 horsepower is employed, that equipment shall be electrical or natural gas-powered, where available.

DOCUMENTATION: The permittee shall comply with the Air Quality requirements of this condition. The permittee shall show compliance with this measure by providing the non-confidential construction bid/estimate materials from the construction contractor that will be used. **TIMING:** Prior to the approval of any construction or grading related permits, the Proposed Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase. **MONITORING:** The [DPW, PDCI]

shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.

39. AQ#GR-2 - FUGITIVE DUST PLAN [M-AQ-2]

INTENT: In order to demonstrate compliance with San Diego Air Pollution Control District Rule 55 and County Code Section 87.428, a Fugitive Dust Plan must be prepared. **DESCRIPTION OF REQUIREMENT:** The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM10 emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading and Improvement Plans:

- a. Prior to construction activities, the Project applicant shall employ a construction relations officer who shall address community concerns regarding on-site construction activity. The Project applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who shall document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations and noted on Grading and Improvement Plans.
- b. Grading areas shall be watered, or another SDAPCD-approved dust control non-toxic agent shall be used, at least three times daily, to minimize fugitive dust only where chemical stabilizers are not used.
- c. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
- e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.
- f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.
- g. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.
- h. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.
- i. Haul truck staging areas shall be provided for loading and unloading of soil and materials and shall be located away from sensitive receptors at the farthest feasible distance.

DOCUMENTATION: The permittee shall provide a copy of the Fugitive Dust Control Plan to the County of San Diego for review. To the extent required, the permittee shall obtain written authorization for construction from the local air district (APCD) of concurrence with the plan. **TIMING:** Prior to issuance of any Grading or

Construction Permits, the Fugitive Dust Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction. **MONITORING:** The County of San Diego shall review the Fugitive Dust Control Plan for compliance with this condition and ensure that the plan is implemented throughout the construction period.

(TRAFFIC)

40. **ROADS#GR-1 – CONSTRUCTION NOTIFICATION PLAN [PDF-TR-2]**

INTENT: In order to keep the public informed during construction, a construction notification plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** At least forty-five (45) days prior to construction, the project applicant would prepare and submit a construction notification plan to the County for approval. The construction notification plan would identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components:

a. Public Notice Mailer

A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.

b. Public liaison person and toll-free information hotline

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

DOCUMENTATION: The applicant shall provide evidence that this has been completed to the satisfaction of [DPW, PDCI]. **TIMING:** Prior to issuance of any grading permit, a construction notification plan shall be implemented.

MONITORING: The DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

41. ROADS#GR-2 – PROPERTY OWNER NOTIFICATION AND ACCESS [PDF-TR-3]

INTENT: In order to inform property owners of the location and duration of construction, the applicant or construction contractor will comply with PDF-TR-3.

DESCRIPTION: To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required. **DOCUMENTATION:** The applicant shall comply with the requirements of the property owner notification and provide adequate access for residents. **TIMING:** The following actions shall occur throughout the duration of grading and construction. **MONITORING:** The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

(NOISE)

42. NOISE#GR-2 – CONSTRUCTION NOISE MANAGEMENT PLAN [M-NOI-3]

INTENT: In order to comply with M-NOI-3, a construction noise management plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Prior to construction, the Applicant shall prepare a construction noise management plan (CNMP) which establishes construction activity restrictions in order to reliably achieve compliance with the County's 8-hour 75 dBA Leq standard at the Project property lines adjoining existing occupied properties (defined by Section 36.402.m as "property on which there is a building for which a certificate of occupancy has been issued"). The CNMP shall demonstrate compliance with the County Noise Ordinance for avoiding potential impacts caused by operating construction equipment and vehicle noise sufficiently proximate to these property lines of occupied properties. The CNMP shall be submitted to County Planning & Development Services (PDS) thirty (30) days prior to any land disturbance. Components of the CNMP shall include the following:

- a. Affected property owners shall be notified in writing two weeks prior to construction activity within 500 feet of their property boundaries.
- b. In order to comply with the County Noise Ordinance (Section 36.409 – Construction Equipment), the acoustical usage factors (AUF) of heavy construction equipment used on the Project site shall be comparable to those listed on Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) User's Guide Table 1, reference Lmax values at 50 feet shall be the lower of either the "Spec. 721.560" or "Actual Measured" values from the same RCNM User's Guide Table 1, and duration

of heavy equipment operating for construction shall comply with the following limitations by activity, for the specified distance between the indicated heavy equipment operations and a position along the property line of an occupied parcel:

- Perimeter fence installation – up to two flatbed trucks and a front end loader:
 - within 15 feet – not permitted;
 - 15 to 25 feet – no more than twenty minutes per 8-hour period;
 - 25 to 50 feet – no more than one hour per 8-hour period;
 - 50 to 75 feet – no more than 4 hours per 8-hour period; and,
 - beyond 75 feet – no restriction.
- Site preparation (clearing) – water truck and tractor (mowing attachment):
 - within 20 feet – not permitted;
 - 20 to 25 feet – no more than twenty minutes per 8-hour period;
 - 25 to 50 feet – no more than thirty minutes per 8-hour period;
 - 50 to 75 feet – no more than 2 hours per 8-hour period;
 - 75 to 100 feet – no more than 4 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.
- Site preparation (earth-moving) – bulldozer, water truck, and scraper:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than one hour per 8-hour period;
 - 75 to 100 feet – no more than three hours per 8-hour period;
 - 100 to 125 feet – no more than six hours per 8-hour period; and,
 - beyond 125 feet – no restriction.
- Site preparation (grading) – flatbed truck, grader, water truck, and sheepsfoot roller:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than one hour per 8-hour period;
 - 75 to 100 feet – no more than three hours per 8-hour period;
 - 100 to 125 feet – no more than six hours per 8-hour period; and,
 - beyond 125 feet – no restriction.
- Underground work (trenching) – excavator, sheepsfoot roller, water truck, 5kW generator, and gradall (4x4 forklift):
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;
 - 75 to 100 feet – no more than 3 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.
- Underground work (back-filling) – Aussie padder, sheepsfoot roller, water truck, 5kW generator, and gradall (4x4 forklift):
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;

75 to 100 feet – no more than 3 hours per 8-hour period; and,
beyond 100 feet – no restriction.

- System installation – gradall (4x4 forklift), crane, ATV, vibratory pile driver (RGT Model RG21T or comparable), pick-up truck, and 5kW generator:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;
 - 75 to 100 feet – no more than 4 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.

All construction equipment operations shall incorporate all recommended noise reducing measures such as, but not limited to, limiting construction equipment operations, installation of temporary noise barriers, and implementation of the recommendations within the CNMP to demonstrate compliance with the County Code Noise Ordinance, Sections 36.408 and 36.409.

Concurrent construction activities may occur so long as next closest construction activity to the same studied property line position is at least four times its “no restriction” distance away. By way of example, if earth-moving was occurring near a fixed point on the potentially affected property line, the next-closest set of earth-moving equipment performing like work, or perhaps an overlapping and comparable scheduled activity (e.g., grading), would be permitted if no closer than 500 feet (= 4 x 125') from the same receptor point.

- c. If distance buffers or duration limits cannot be maintained, then the Project Applicant or its contractor will implement on-site temporary sound abatement measures, such as a field-erected noise barrier (e.g., sound blankets) of sufficient height and horizontal extent, or the placement of storage containers and other similarly solid sound-occluding structures, to ensure construction activity noise at the Project property line complies with County standards.
- d. The CNMP will also include direction for the Project applicant or its contractor(s) to implement the following:
 - Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer;
 - Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements;
 - Usage of truck engine exhaust compression braking systems shall be limited to emergencies;
 - Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that

Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated;

- Vehicle horns shall be used only when necessary, as specified in the contractor's specifications; and,
- Radios and other noise-generating "personal equipment" shall be prohibited.

DOCUMENTATION: The applicant shall prepare the Construction Noise Management Plan and provide it to the [PDS, PP] for review and approval. **TIMING:** Prior to construction, the plan shall be prepared, submitted, and approved. **MONITORING:** The [PDS, PP] shall review the plan for compliance with this condition.

DURING CONSTRUCTION: (THE FOLLOWING ACTIONS SHALL OCCUR THROUGHOUT THE DURATION OF THE GRADING CONSTRUCTION).

(AIR QUALITY)

43. AQ#GR-3 - CONSTRUCTION EXHAUST EMISSIONS [M-AQ-1]

INTENT: In order to minimize diesel particulate matter emissions during construction, air quality reduction measures must be implemented during all construction phases. **DESCRIPTION OF REQUIREMENT:** The permittee shall comply with the following Air Quality measure:

- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
- b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- d. When construction equipment units that are less than 50 horsepower is employed, that equipment shall be electrical or natural gas-powered, where available.

DOCUMENTATION: The permittee shall comply with the description above. **TIMING:** The plan shall be implemented throughout construction. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.

44. AQ#GR-4 - FUGITIVE DUST PLAN [M-AQ-2]

INTENT: In order to demonstrate compliance with San Diego Air Pollution Control District Rule 55 and County Code Section 87.428, a Fugitive Dust Plan must be prepared. **DESCRIPTION OF REQUIREMENT:** The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM10 emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading and Improvement Plans:

- a. Prior to construction activities, the Project applicant shall employ a construction relations officer who shall address community concerns regarding on-site construction activity. The Project applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who shall document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations and noted on Grading and Improvement Plans.
- b. Grading areas shall be watered, or another SDAPCD-approved dust control non-toxic agent shall be used, at least three times daily, to minimize fugitive dust only where chemical stabilizers are not used.
- c. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
- e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.
- f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.
- g. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.
- h. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.
- i. Haul truck staging areas shall be provided for loading and unloading of soil and materials and shall be located away from sensitive receptors at the farthest feasible distance.

DOCUMENTATION: The permittee shall comply with the approved Fugitive Dust Plan. **TIMING:** The plan shall be implemented throughout construction. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.

(BIOLOGICAL RESOURCES)**45. BIO#GR-8-BIOLOGICAL MONITORING [M-BI-1] [PDS, FEE X2]**

INTENT: In order to prevent inadvertent disturbance to sensitive resource areas outside the approved area of impact, all grading shall be monitored by a biologist.

DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, construction, and decommissioning activities in environmentally sensitive areas. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PPD]. Additionally, the biologist shall perform the following duties:

- a. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species.
- b. Review the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
- c. Discuss procedures and provide Worker Environmental Awareness Program training for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
- d. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.
- e. Supervise and monitor vegetation clearing, grubbing, and grading to ensure against direct and indirect impacts on biological resources that are intended to be protected and preserved.
- f. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species.
- g. Verify that grading plans include a stormwater pollution prevention plan (SWPPP) (if required pursuant to provisions of the State Water Resources Control Board 2009-0009-DWQ Construction General Permit, or equivalent applying the standards set forth in the County of San Diego Stormwater Standards Manual) to address hydrology impacts; see M-BI-7.
- h. Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that temporarily impacted areas are revegetated as soon as possible.
- i. Periodically monitor the construction site to verify that artificial security light fixtures are directed away from open space and are shielded.
- j. Oversee the construction site so that cover and/or escape routes for wildlife from excavated areas are provided on a daily basis during vegetation

clearing, grubbing and grading. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighted down with sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area at the end of the day) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.

- k. Except as stated otherwise herein, biological monitoring is daily during vegetation clearing, grubbing and grading. Once the PV field construction commences, the monitoring shall be weekly.
- l. The cost of the monitoring shall be added to the grading bonds or bonded separately with the County Planning & Development Services (PDS).

DOCUMENTATION: The applicant shall implement the Biological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

46. BIO#GR-9–TEMPORARY CONSTRUCTION FENCING [M-BI-2] [PDS, FEE]

INTENT: In order to ensure that sensitive vegetation communities outside of the limits of grading protected, M-BI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans.

DOCUMENTATION: The applicant shall implement the Biological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

47. BIO#GR-10 – NOISE REDUCTION – DURING CONSTRUCTION [M-BI-11]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, M-BI-11 shall be implemented. **DESCRIPTION OF REQUIREMENT:** Construction-related activities that are excessively noisy (e.g., clearing, grading, or grubbing) adjacent to breeding/nesting areas shall incorporate noise-reduction measures (described below) or be curtailed during the breeding/nesting season of sensitive bird species.

1. Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities.
5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications.
6. Radios and other noise-generating "personal equipment" shall be prohibited

If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see **M-BI-5**).

DOCUMENTATION: The permittee shall comply with M-BI-11. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

(CULTURAL RESOURCES)

48. CULT#GR-3 - ARCHAEOLOGICAL AND TRIBAL MONITORING – DURING CONSTRUCTION [M-CR-2, M-TCR-2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence

and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.

- b. **Temporary Fencing.** Temporary orange construction fencing shall be installed around unimpacted portions of CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI- 11686, and CA-SDI-19910 and along the MUP boundaries where cultural resources (CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757) are within 50 feet of the Project ADI. An archaeological monitor and Kumeyaay Native American monitor shall be present to assure proper placement of construction fencing and to prevent impacts to cultural resources.
- c. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 - 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 - 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 - 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 - 4. The Project Archaeologist shall notify the Campo Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, and the Viejas Band of Mission Indians of the unanticipated discovery.
 - 5. Should a potential TCR be identified, the Project Archaeologist shall consult with consulting tribes for a final determination.
 - 6. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 - 7. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 - 8. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) “unique” cultural resources or Sacred Sites; (2) the capping of identified

Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

d. **Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The Project Archaeologist shall notify the Campo Band of Mission Indians, the Manzanita Band of the Kumeyaay Nation, and the Viejas Band of Kumeyaay Indians of the identification of human remains.
5. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
6. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
7. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

e. **Fill Soils.** The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.

f. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

(PALEONTOLOGICAL RESOURCES)

49. PALEO#GR-2 - PALEONTOLOGICAL MONITORING - DURING CONSTRUCTION [M-PR-1]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site. The Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:
 1. The Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the sensitivity of the resource can be determined and the appropriate salvage implemented.
 2. The Monitor shall immediately contact the Project Paleontologist.
 3. The Project Paleontologist shall contact the Planning & Development Services immediately.
 4. The Project Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading and/or excavation may resume.
- b. If the paleontological resource is significant or potentially significant, the Project Paleontologist or Paleontological Resources Monitor, under the supervision of the Project Paleontologist, shall complete the following tasks in the field:
 1. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;

2. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

DOCUMENTATION: The applicant shall implement the grading monitoring program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Paleontologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Paleontologist or applicant fails to comply with this condition.

(TRAFFIC)

50. **ROADS#GR-3 – CONSTRUCTION NOTIFICATION PLAN [PDF-TR-2]**

INTENT: In order to keep the public informed during construction, a construction notification plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** At least forty-five (45) days prior to construction, the project applicant would prepare and submit a construction notification plan to the County for approval. The construction notification plan would identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components:

a. Public Notice Mailer

A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.

b. Public liaison person and toll-free information hotline

The project applicant would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching

the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.

DOCUMENTATION: The applicant shall comply with the requirements of the construction notification plan. **TIMING:** The following actions shall occur throughout the duration of grading and construction. **MONITORING:** The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

51. ROADS#GR-4 – PROPERTY OWNER NOTIFICATION AND ACCESS [PDF-TR-3)

INTENT: In order to inform property owners of the location and duration of construction, the applicant or construction contractor will comply with PDF-TR-3.

DESCRIPTION: To facilitate access to properties that might be obstructed by construction activities, the project applicant or construction contractor would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required. **DOCUMENTATION:** The applicant shall comply with the requirements of the property owner notification and provide adequate access for residents. **TIMING:** The following actions shall occur throughout the duration of grading and construction. **MONITORING:** The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

52. ROADS#GR-5 - TRAFFIC DEMAND MANAGEMENT PROGRAM [PDF-TR-4]

Intent: In order to comply with PDF-TR-4 to reduce construction worker trips, the project shall implement a voluntary Transportation Demand Management Program. **Description:** The Project applicant shall implement a voluntary construction period Transportation Demand Management program to encourage construction workers to carpool or use alternative transportation modes. The program shall include the following:

- d. Encouragement of carpooling among workers to reduce worker commuter trips entering and exiting the Project Area
- e. A transportation package would be provided to workers, prior to commencing work on the Project Area, with information about how to access the Project by alternative transportation and the benefits of doing so; and,

- f. The applicant shall evaluate the feasibility of a vanpool or shuttle service to facilitate worker commute trips if feasible.

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

(RECYCLING)

53. DPW RECYCLING - GRADING MATERIAL DIVERSION:

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

- a. Identify the project location.
- b. Log date that material was transported off the site
- c. Log type of grading or clearing material
- d. Weight of the material or its approximate tonnage or cubic yards
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- h. The Daily Log shall include separate entries for each occurrence of materials reused on-site.
- i. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the

grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

(WILDFIRE)

54. FIRE#GR-1 – CONSTRUCTION FIRE PROTECTION PLAN [M-WF-2]

INTENT: In order to mitigate the risk of fire during construction, a Project Construction Fire Protection Plan shall be implemented. **DESCRIPTION OF**

REQUIREMENT: These measures will be enforced through the Site Safety Officer (SSO) and ongoing worker safety training:

- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees. This shall include all contractors and subcontractors if more than one.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order.
- Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
- The Project will be equipped with at least two water trucks each of 4,000-gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose with fog nozzles. Any hose size greater than 1.5 inches shall use National Hose (NH) couplings.
- A cache of shovels, McLeods, and Pulaskis shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and SDCFPD/CAL FIRE. Additionally, on-site pickup trucks will be equipped with first aid kits, fire extinguishers, and shovels. Contractor vehicles will be required to include the same basic equipment.
- Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials and provided with a gravel surface.
- A fire watch (i.e., person responsible for monitoring for ignitions) shall be provided during hot work and shall occur for up to one hour following completion of the hot work activities.
- Smoking will not be permitted on the site.
- Each Project construction site, if construction occurs simultaneously at various locations on the site, shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires.
- The on-site contractor or Project staff shall coordinate with SDCFPD/CAL FIRE to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
- All on-site employees shall participate in fire prevention and response training exercises with the SDCFPD/CAL FIRE.
- The Project shall implement ongoing fire patrols during the fire season as defined by local and state agencies. The SSO will be assigned as fire patrol

to monitor work activities when an activity risk exists for fire compliance. The SSO shall verify proper tools and equipment are on site, assess any fire agency work restrictions, and serve as a lookout for fire starts, including staying behind (e.g., a fire watch) to make certain no residual fire exists. Fire watch may be performed by any site personnel. A SSO shall perform routine patrols of the Project site during the fire season equipped with a portable fire extinguisher and communications equipment. The Project staff shall notify SDCFPD/CAL FIRE of the name and contact information of the current SSO in the event of any change.

- Fires ignited on site shall be immediately reported via SDCFPD and CAL FIRE.
- The engineering, procurement, and construction contracts for the Project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site, as described in this CFPP.

Daily Fire Prevention Measures

To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions during Project construction:

- Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols on a daily basis.
- Smoking will not be permitted in the project site. Combustible materials shall be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.
- Evacuation routes shall be maintained and free of obstructions. Unavoidable evacuation route blockages shall be coordinated such that a secondary route is identified and available.
- Disposal of combustible waste in accordance with all applicable laws and regulations shall be required.
- Use and storage of flammable materials in areas away from ignition sources shall be required.
- Proper storage of chemicals such that incompatible (i.e., chemically reactive) substances would be separated appropriately shall be required.
- Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall be required. Fire watch may be any site personnel who would watch for accidental ignitions. Hot work permits are required and shall be reviewed and granted by the SSO for all hot work.
 - Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.
 - Ensuring that heating units are safeguarded shall be required.
 - Immediate reporting of fuel or petroleum leaks. The site mechanic shall ensure that leaks are repaired immediately upon notification.
 - Immediate repair and cleanup of flammable liquid leaks shall be required.
 - Construction work areas shall be kept free of combustible materials.

- Extension cords shall not be relied on if wiring improvements are needed, and overloading of circuits with multiple pieces of equipment shall be prohibited.
- Turning off and unplugging electrical equipment when not in use.

DOCUMENTATION: The permittee shall comply with the approved Construction Fire Protection plan. **TIMING:** The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [PDS, PCC] and the SDCFPD shall review the plan in compliance with this condition.

(GROUNDWATER)

55. **GW#GR-1- GROUNDWATER MMRP (PDF-HY-2)**

INTENT: In order to protect groundwater resources, Groundwater Monitoring and Mitigation Plan (GMMP) documents shall be implemented.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the following County approved GMMP documents:

1. GMMP – JVR Energy Park Project, Jacumba Hot Springs, San Diego County, California, dated July 2020.

The GMMP established baseline conditions and ongoing construction monitoring. Implementation for the construction period shall include the following:

- a. Construction Production Limitations: Groundwater production shall be metered and monitored at Well #2 and Well #3 and limited to a sum total maximum of 141.4 acre-feet during the construction period.
- b. Construction Groundwater Level Thresholds: During groundwater extraction for construction, a groundwater level threshold of 5 feet below baseline conditions shall be enforced in Well Km, the Highland Center Well, the Park Well, and the Border Patrol Well. If Well Km is not accessible, then the Central Irrigation Well shall be used for monitoring in lieu of Well Km. The well interference threshold for Central Irrigation Well will be 4.80 feet below baseline groundwater level measurements to not exceed the maximum drawdown of 5 feet below the baseline groundwater level at Well Km. If a groundwater level threshold is exceeded, pumping at Well #2 and Well #3 will cease until the groundwater level at the well that experienced the threshold exceedance has stayed below the threshold and remained there for at least 30 continuous days. Additionally, written permission from County of San Diego PDS must be obtained before production for the Proposed Project may be resumed.

- c. Groundwater Dependent Habitat Monitoring: If static groundwater levels drop lower than 63.7 feet below ground surface in the Central Irrigation Well or 72.9 feet below ground surface in Well #2, then monitoring of the groundwater-dependent habitat will commence in accordance with the JVR Energy Park GMMP.
- d. If the groundwater levels exceed 3 feet below historical low groundwater levels (63.7 feet bgs in the Central Irrigation Well and 72.9 feet bgs in Well #2) and the arborist or forester finds evidence of deteriorating riparian habitat health, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- f. Flow rate and volume measurements from Well #2 and Well #3 will be recorded daily using an instantaneous flow meter during project construction.
- g. Pressure transducers shall be maintained at the Daley Well, Central Irrigation Well, Well Km, the Highland Center Well, the Park Well, and the Project production wells (Well #2 and Well #3). Each well shall be programmed to record the water level at least once per day. Transducer data will be downloaded monthly during the construction phase.
- h. The applicant shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed.

DOCUMENTATION: Groundwater production data and water level data shall be reported to *[PDS, Groundwater Geologist]* on a monthly basis during project construction. If the production or water level thresholds are exceeded pursuant to Description of Requirement above and/or the approved JVR Energy Park GMMP, *[PDS Groundwater Geologist]* will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. **MONITORING:** The *[PDS, Groundwater Geologist]* shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any Building Permit).*

(BIOLOGICAL RESOURCES)

56. BIO#GR-11–BIOLOGICAL MONITORING REPORT [M-BI-1] [PDS, FEE]

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the Project, a final biological monitoring report shall be prepared pursuant to the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#).

DESCRIPTION OF REQUIREMENT: The Project Biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources. The report shall conform to the County *Report Format Guidelines for Biological Resources*, and include the following items:

- a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The permittee shall submit the final biological monitoring report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading and clearing activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed.

MONITORING: The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

57. BIO#GR-12–TEMPORARY CONSTRUCTION FENCING [M-BI-2] [PDS, FEE]

INTENT: In order to ensure that sensitive vegetation communities outside of the limits of grading protected, M-BI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans.

DOCUMENTATION: The applicant shall implement the Biological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

(CULTURAL RESOURCES)**58. CULT#GR-4 - ARCHAEOLOGICAL AND TRIBAL MONITORING – ROUGH GRADING [M-CR-2, M-TCR-2]**

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented.

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

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

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

(PALEONTOLOGICAL RESOURCES)**59. PALEO#GR-3 - PALEONTOLOGICAL MONITORING – ROUGH GRADE SIGN OFF [M-PR-1]**

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit, PDS2018-MUP-18-022, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project

Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the [PDS, PPD] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If Paleontological Resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

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

(RECYCLING)

60. DPW RECYCLING - GRADING MATERIAL DIVERSION

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

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

TIMING: The final report shall be prepared and submitted at Rough Grade inspection. **MONITORING:** The [DPW, PDCI] shall ensure that the grading

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

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

(BIOLOGICAL RESOURCES)

61. BIO#GR-13–BIOLOGICAL MONITORING REPORT [M-BI-1] [PDS, FEE]

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the Project, a final biological monitoring report shall be prepared pursuant to the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#).

DESCRIPTION OF REQUIREMENT: The Project Biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources. The report shall conform to the County *Report Format Guidelines for Biological Resources*, and include the following items:

- a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The permittee shall submit the final biological monitoring report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading and clearing activities, and prior to Final Grading Release, the final report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

62. BIO#GR-14–TEMPORARY CONSTRUCTION FENCING [M-BI-2] [PDS, FEE]

INTENT: In order to ensure that sensitive vegetation communities outside of the limits of grading protected, M-BI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans.

DOCUMENTATION: A qualified biologist shall provide evidence to the satisfaction of the Director of the San Diego County Department of Planning and Development Services (or his/her designee) that work was conducted as authorized under the approved permits and associated plans. **TIMING:** Upon completion of all grading

and clearing activities, and prior to Final Grading Release, the final report shall be completed. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

63. BIO#GR-15–NESTING BIRD SURVEY [M-BI-5 (a)] [PDS, FEE X3]

INTENT: In order to avoid impacts to migratory birds and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGF), M-BI-5 (a) shall be implemented.

DESCRIPTION OF REQUIREMENT: This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season (M- BI-5(a)).

- a. Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is January 15 through August 31, annually). If construction work must occur during the avian breeding season (January 15 to August 31, annually), the applicant shall:
 1. Work with the County, CDFW and the USFWS to prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds.
 - a. The applicant(s) will submit to the agencies the NBMMRP (see following for details) for review and approval prior to commencement of the project during the breeding season. The NBMMRP should include the following:
 - b. Nest survey protocols describing the nest survey methodologies
 - c. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks
 - d. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513
 - e. A schedule for the submittal (usually weekly) of the NML
 - f. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks
 - g. A detailed explanation of how the buffer widths were determined.
 - h. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.

2. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities; conduct preconstruction survey sweeps immediately prior to ground-disturbing activities; and implement appropriate avoidance measures for identified nesting birds in the NBMMRP. Resurvey, if construction activities are halted for ten consecutive days.
3. To determine presence of nesting birds that the project activities may affect, surveys shall be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols shall include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols shall include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.
4. Each nest identified in the project area shall be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs shall include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs shall provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs shall allow for tracking the success and failure of the buffers and would provide data on the adequacy of the buffers for certain species.
5. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project corridor/footprint to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths shall be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths shall consider the following factors:
 - a. Nesting chronologies
 - b. Geographic location
 - c. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise)
 - d. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests)
 - e. Visibility of disturbance
 - f. Duration and timing of disturbance

- g. Influence of other environmental factors
 - h. Species' site-specific level of habituation to the disturbance.
6. Application of the standard buffer widths shall avoid the potential for project-related nest abandonment and failure of fledging and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened. This measure does not apply to nests that are started on construction equipment or panels or supporting structures.

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

64. BIO#GR-16–BURROWING OWL PRECONSTRUCTION SURVEYS [M-BI-5 (b)] [PDS, FEE X3]

INTENT: Preconstruction surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. **DESCRIPTION OF REQUIREMENT:** Preconstruction surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed (CDFG 2012). Surveys must be completed no less than 14 days prior to the initiating ground disturbance activities.

1. If burrowing owls are detected during the breeding season (February 1 through August 1) surveys, a Burrowing Owl Management Plan will need to be written and approved by the County and the California Department of Fish and Wildlife before construction continues. The Plan shall include, at a minimum: 1) measures to protect burrowing owls during grading; 2) description of passive or active burrowing relocation during the non-breeding season; and 3) description of BMPs to implement during construction (e.g., ensure that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms). Table 6-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls, provides the CDFW- recommended restricted activity dates and setback distances around occupied burrowing owl nests for varying levels of disturbance (CDFG 2012).
2. If construction activities occur during the non-breeding season for burrowing owl (1 September – 31 January), a biologist shall conduct a preconstruction survey, following the methods described in the Burrowing

Owl Staff Report (CDFG 2012). The take avoidance survey(s) can be conducted between 14 days and 24 hours prior to initiating ground disturbance activities; however, time lapses between project activities may require subsequent surveys within 24 hours prior to ground disturbance. If any burrowing owls are found during these surveys, avoidance and minimization measures must be implemented. The following avoidance and minimization measures shall be implemented:

- a. Avoid working within 50 meters (160 feet) from the occupied burrow during the non-breeding season;
- b. Avoid direct destruction of occupied burrows during the non-breeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow);

If these measures cannot be implemented, the applicant shall obtain written approval of an accepted plan (written or verbal) from the County and the California Department of Fish and Wildlife before construction continues. The plan shall include 1) identification of artificial burrow sites, 2) passive relocation methods, 3) monitoring and management of the artificial burrow site, and 4) reporting.

DOCUMENTATION: The Project Biologist shall prepare the final survey report and/or Burrowing Owl Management Plan and submit it to the PDS for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The PDS shall review the final survey report and/or Burrowing Owl Management Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.

65. BIO#GR-17-SPECIAL-STATUS SPECIES PRECONSTRUCTION SURVEYS AND RELOCATION PLAN [M-BI-5 (C)] [PDS, FEE X3]

INTENT: In order to avoid impacts to special-status species, M-BI-5 (c) shall be implemented. **DESCRIPTION OF REQUIREMENT:** Prior to construction, the applicant shall develop a relocation plan for special-status terrestrial reptiles (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, and Blainville's horned lizard), American badger and San Diego desert woodrat with the potential to occur on site. The plan shall at minimum include: the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual species; and the method for documentation/recordation of the species and number of animals relocated. The Plan shall be submitted to the County by a qualified biologist prior to any ground disturbing activities within potentially occupied habitat.

Pre-Construction Surveys. No more than 7 days prior to construction, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife (i.e., California legless lizard, California glossy

snake, San Diegan tiger whiptail, Blainville's horned lizard, San Diego desert woodrat, and/or American badger). The biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that based on the construction activities, time of year and special-status wildlife species and location of the special-status wildlife species relocation is necessary to occur; relocation will occur to nearby undisturbed areas within suitable habitat in the on-site open space easement as specified in the Plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved Plan). If an American badger maternity den(s) is identified within the Project's disturbance limits, then the den will be avoided until the young have left the den. Once the young have left the den, the American badger will be relocated in accordance with this measure. The biologist relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.

A qualified biologist shall be present during initial ground-disturbing activities (i.e. vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where applicable. If special-status species reptiles or woodrats are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved Plan and in accordance with the SCP conditions as applicable.

DOCUMENTATION: The Project Biologist shall prepare the final survey report and relocation plan and submit it to the PDS for review and approval. **TIMING:** Prior to final grading release or use of the premises in reliance of this permit, the final survey report and Relocation Plan shall be approved. **MONITORING:** The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.

(CULTURAL RESOURCES)

66. CULT#GR-5 - ARCHAEOLOGICAL AND TRIBAL MONITORING – FINAL GRADING [M-CR-2, M-TCR-2]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered

during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been conveyed as follows:

- (1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego County or Imperial County curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

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

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

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to *[PDS, PPD]* for approval. Once approved, a final copy of the report

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

(PALEONTOLOGICAL RESOURCES)

67. PALEO#GR-4 - PALEONTOLOGICAL MONITORING – FINAL GRADE SIGN OFF [M-PR-1]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Major Use Permit, PDS2018-MUP-18-022, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the following tasks shall be completed by or under the supervision of the Project Paleontologist:
 1. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 2. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
 3. Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources. The report shall identify which accredited institution has agreed to accept the curated fossils. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a USB drive. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.
 4. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution

(museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution.

- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Paleontologist.

DOCUMENTATION: The applicant shall submit the letter report to the [PDS, PPD] for review and approval. **TIMING:** Prior to the occupancy of any structure or use of the premises, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for Major Use Permit, PDS2018-MUP-18-022, the final report shall be completed. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

*****END OF GRADING PLAN NOTES*****

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

68. DRNG#2- LINES OF INUNDATION COMPLIANCE [PDF-HYD-1]

INTENT: In order to provide protection from flood damage for the structures and to comply with the [County Flood Damage Prevention Ordinance \(FDPO\) No. 10091](#), [County Watershed Protection Ordinance \(WPO\) No. 10385](#), [County Code Section 67.801 et. seq.](#), [San Diego County Hydrology Manual](#), and [San Diego County Hydraulic Design Manual](#), all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). **DESCRIPTION OF REQUIREMENT:** Prior to approval of final design plans, the County DPW shall verify that all project components located within the 100-year floodplain shall comply with the County of San Diego Flood Damage Prevention Ordinance, County Hydrology Manual, and County Hydraulic Design Manual, which includes elevating all solar panels at maximum tilt, inverter/transformer platforms, battery storage containers, and all electrical components one (1) foot above base flood elevation. **DOCUMENTATION:** The building plans shall indicate that all proposed on-site structures located within the inundation area, including the solar panels at maximum tilt, the inverter/transformer platforms, battery storage containers, and all electrical components will be raised one foot (1') above the 100-year base flood elevation. The applicant shall indicate on the building plans that the requirement above has been met. **TIMING:** Prior to

approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required.

MONITORING: The [*PDS, BPPR*] shall review the building plans for consistency with this condition.

69. **ROADS#7–ACCESS & ROAD IMPROVEMENTS**

INTENT: In order to promote orderly development and to comply with the [Policy I-18](#) and the [County Consolidated Fire Code Sec. 503 et al.](#), a project access shall be improved.

DESCRIPTION OF REQUIREMENT: Improve or agree to improve and provide security for all the public road segments and intersections as indicated below to the satisfaction of the Director of Public Works (DPW) and Director of Planning & Development Services (PDS):

- a. At the intersection of ***Carrizo Gorge Road*** and Access 1, approximately 1,000 feet southeast of the Interstate 8 interchange, construct a project access driveway, which shall be designed and constructed per standard drawing G14A or DS7.

- Provide one (1) northbound shared through/right-turn lane.
- Provide one (1) southbound shared left-turn/through lane; and
- Provide one (1) westbound shared left/right-turn lane.

Include tapers and transitions as necessary. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

- b. At the intersection of ***Carrizo Gorge Road*** and Access 2, approximately 1,450 feet southeast of the Interstate 8 interchange, construct a project access driveway, which shall be designed and constructed per standard drawing G14A or DS7.

- Provide one (1) northbound shared left-turn/through lane;
- Provide one (1) southbound shared through/right-turn lane; and
- Provide one (1) eastbound shared left/right-turn lane.

Include tapers and transitions as necessary. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

- c. At the intersection of ***Carrizo Gorge Road*** and Access 3, approximately 2,100 feet southeast of the Interstate 8 interchange, construct a project access driveway, which shall be designed and constructed per standard drawing G14A or DS7.

- Provide one (1) northbound shared through/right-turn lane;
- Provide one (1) southbound shared left-turn/through lane; and

- Provide one (1) westbound shared left/right-turn lane.

Include tapers and transitions as necessary. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

- d. At the intersection of **Carrizo Gorge Road** and Access 4, approximately 2,800 feet southeast of the Interstate 8 interchange, construct a project access driveway, which shall be designed and constructed per standard drawing G14A or DS7.

- Provide one (1) northbound shared left-turn/through lane;
- Provide one (1) southbound shared through/right-turn lane; and
- Provide one (1) eastbound shared left/right-turn lane.

Include tapers and transitions as necessary. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

- e. At the intersection of **Old Highway 80** and Access 5, **approximately 1,200 feet east of Campo Street**, construct two (2) project access driveways, which shall be designed and constructed per standard drawing G14A or DS7.

- Provide one (1) northbound shared left/through/right-turn lane;
- Provide one (1) southbound shared left/through/right-turn lane;
- Provide one (1) eastbound shared left/through/right-turn lane; and
- Provide one (1) westbound shared left/through/right-turn lane.

Include tapers and transitions as necessary. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

- f. The Pavement tapers from the ultimate right-of-way line to the existing edge of pavement, with asphalt concrete to the satisfaction of the Director of DPW and Director of PDS.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the PDS [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **DOCUMENTATION:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve the project access driveways, lane striping, and the pavement tapers on **Carrizo Gorge Road** and **Old Highway 80**.
- b. Provide Secured Agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [PDS, LDR].
- f. Obtain a Construction Permit for any work within the County road right-of-way. Contact DPW Construction/Road Right-of-Way Permits Services Section, (858) 694-2055. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

TIMING: Prior to approval of any building plan and the issuance of any building permit, the plans shall be approved, and securities must be provided.

MONITORING: The [PDS, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence. **REFERENCES:** Local Mobility Analysis by Kimley Horn dated September 2020 (Section 7.2, Project Access Recommendations).

70. **ROADS#8-ENCROACHMENT PERMIT/FRANCHISE AGREEMENT**

INTENT: In order to allow the placement of the proposed underground utilities within the County right-of-way and in accordance with the [County of San Diego Public Road Standards](#), an Encroachment permit shall be obtained.

DESCRIPTION OF REQUIREMENT: Any transmission facility within County ROW shall be undergrounded and shall meet or exceed the requirements set forth in the San Diego County Design Standards and San Diego Regional Standard Drawings M-15, M-22, and M-23 to the satisfaction of [PDS, LDR]. An encroachment permit shall be obtained from Construction/Road right-of-way Permits Services Section, for the improvements to be made within the public right-of-way. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR].

DOCUMENTATION: The applicant shall obtain the encroachment permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. **TIMING:** Prior to construction of anything within the County right of way, and prior to approval of any building plan and the issuance of any building permit, the permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.

71. **ROADS#9 DEBRIS MANAGEMENT REPORT (DMR)**

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

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

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

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

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

72. **UTILITIES#1–PAVEMENT CUT POLICY**

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project pavement treatment, and to comply with [County Policy RO-](#)

7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS LDR] for review. **TIMING:** Prior to approval of any building plan and the issuance of any building permit and prior to issuance of any construction permit, and prior to use of the property in reliance of this permit, the Acknowledgement of Department of Public Works Pavement Cut Policy shall be submitted for approval. **MONITORING:** [PDS, LDR] shall review the acknowledgement letter to determine compliance with the condition.

73. **PLN#2–FAA NOTIFICATION**

INTENT: The permittee must file notice with the FAA at least 45 days prior to beginning construction or alteration in accordance with 14 CFR Part 77.9 for any structures for which such notice is required. **DESCRIPTION OF REQUIREMENT:** The following condition shall be implemented and indicated on the building plans and made conditions of Building Permit issuance. The permittee must submit a 7460-1 form to the Federal Aviation Administration for any type of construction or alteration specified in 14 CFR 77.9 at least 45 days prior to construction or alteration. **DOCUMENTATION:** The permittee shall place this condition on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.

74. **PLN#3–DESIGN FEATURES [M-AE-1, M-AE-2, M-AE-3, M-AE-4, M-AE-6]**

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building, construction plans, and the specifications detailed in this condition. **DESCRIPTION OF REQUIREMENT:** The following condition shall be implemented and indicated on the building plans and made conditions of Building Permit issuance:

1. Inverter enclosures shall be a non-reflective color. If the enclosures are not manufactured as non-reflective, the enclosures shall be painted a non-reflective color.
2. Energy storage containers shall be a non-reflective color. If the containers are not manufactured as non-reflective, the containers shall be painted a non-reflective color.

3. All new transmission line conductors shall be non-reflective in design to reduce conductor visibility and visual contrast.
4. A minimum set-back of 400 feet to 1,000 feet from residential property lines to solar panels shall be provided along the western Project boundary. This setback shall be provided where the western Project boundary parallels residential property lines in Jacumba Hot Springs. Setbacks shall be provided pursuant to Section 4800, Setback Regulations, of the County's Zoning Ordinance and shown on Project Plot Plans.
5. As identified on the Project Plot Plans, visual screening shall be installed along specific segments of the Project perimeter fence in the following specified sections: along the north and south sides of Old Highway 80 for the entire length of the solar facility; east side of Carrizo Gorge Road; and along the southwestern portion of the solar facilities adjacent to the community of Jacumba Hot Springs. Tan-colored slats shall be installed on fencing adjacent to residential properties north of Old Highway 80 and Jacumba Community Park, as determined feasible based on flood flow heights. Where slats are not feasible in areas of higher flood flows, screening material shall be installed. Screening material (such as vinyl or other acceptable material) shall be installed on the perimeter fence along both sides of Old Highway 80. The screening material shall be tan-colored, or other neutral color compatible with natural background setting. PDS shall approve the screening material and color. Screening material shall be installed securely to accommodate wind conditions. Slats and screening material shall be maintained accordingly over the operational life of the Project. Slats and screening material shall be replaced as needed to ensure a unified and orderly appearance and to provide continued visual screening of Project components.

In areas where flood depths are less than approximately one foot in height and the Project is subject to M-HYD-1 (flood fencing), slats or screening shall not be required on the bottom two feet of the Project fence (one foot of flood depths and one foot of freeboard); provided that the Project applicant submits evidence to PDS that establishes the bottom two feet of the fence is entirely screened from public views by the landscaping required by mitigation measure M-AE-5 and any required flood fencing complies with the M-HYD-1 and PDF-HYD-4. If PDS determines that the landscaping is not sufficient to screen this portion of the Project fence from public views, the Project applicant shall propose additional landscaping sufficient to meet this standard. PDS shall review and approve the additional landscaping in accordance with the requirements of M-AE-5.

DOCUMENTATION: The permittee shall place ensure that the plot plans conform to these specifications and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall

verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.

75. GEO#1– GEOTECHNICAL STUDY [M-GEO-1]

INTENT: In order to ensure that the soils report and final grading plans shall conform to all applicable laws, regulations, and requirements. **DESCRIPTION OF REQUIREMENT:** The Project applicant shall retain a California Certified Engineering Geologist or Civil Engineer specializing in geotechnical engineering to perform a detailed site-specific subsurface report or preliminary geotechnical investigation, consistent with the California Building Code. The California Building Code (which incorporates the International Building Code) is contained in the California Code of Regulations, Title 24, Part 2, which is a portion of the California Building Standards Code, and includes design and construction requirements related to life safety and structural safety. The geotechnical study shall include subsurface investigation, laboratory testing, and additional deep explorations using borings and/or cone penetrometer tests in the vicinity of the substation and Switchyard Facilities sufficient, as determined by the California Certified Engineering Geologist or Civil Engineer specializing in geotechnical engineering in accordance with applicable regulations, to further define the alluvium profile and qualitatively address the potential for soil liquefaction and lateral spreading. The subsurface geotechnical study shall also include recommendations for the proposed construction and grading such as remedial grading, ground improvement techniques, special foundation design, and other recommendations to ensure that construction of the Proposed Project does not pose risk to human life in a seismic event as the result of substantial liquefaction, subsidence, or seismic- related ground failure due to lateral spread. In addition, the Proposed Project shall implement any necessary measures required to comply with existing building codes and regulations. **DOCUMENTATION:** A California Certified Engineering Geologist shall submit a detailed site-specific subsurface report or preliminary geotechnical investigation, consistent with the California Building Code. The findings shall be reviewed and approved by the Director of the County Department of Planning & Development Services or designee. **TIMING:** Prior to the issuance of any building permit, the detailed site-specific subsurface report or preliminary geotechnical investigation shall conform to all applicable laws, regulations, and requirements. **MONITORING:** [PDS] shall review the geotechnical findings for compliance with this condition.

76. PLN#4– PHOTOVOLTAIC (PV) PANEL TRACKING [PDF-HAZ-1]

INTENT: In order to redirect any potential glare up and out of the view of pilots, the project shall modify operational features of the solar panels. **DESCRIPTION OF REQUIREMENT:** The PV panels for the Project shall incorporate the following operational features: (1) all PV panels south of Old Highway 80 will utilize a minimum 20 degree east facing wake angle; and (2) all PV panels north of Old Highway 80 and south of the SDG&E Transmission Corridor shall have afternoon backtracking disabled. Instead, the PV panels will stay at their maximum 52 degree west facing rotational limit until after the sun has set. **DOCUMENTATION:** The

permittee shall place this condition on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.

77. FIRE#3 – UPDATED FIRE PROTECTION PLAN

INTENT: In the event that an alternative or revised project is approved by the Board of Supervisors, an updated Fire Protection Plan must be provided to reflect the project changes. **DESCRIPTION OF REQUIREMENT:** An updated Fire Protection Plan with updated graphics and project description must be provided to the San Diego County Fire Protection District (SDCFPD) if an alternative or revised project is approved by the Board of Supervisors to reflect those changes. **DOCUMENTATION:** The applicant shall provide an updated Fire Protection Plan and submit the plan to SDCFPD. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the updated fire protection plan shall be submitted and approved. **MONITORING:** The SDCFPD shall review the agreement for compliance with this condition.

78. FIRE#4 – FIRE PROTECTION AND MITIGATION AGREEMENT [M-WF-3]

INTENT: As a condition to providing service and pursuant to the Safety Element of the General Plan, the applicant shall enter into a Fire Protection and Mitigation Agreement with the San Diego County Fire Protection District (SDCFPD) prior to approval of a Major Use Permit to make a fair share contribution toward local emergency response capabilities. **DESCRIPTION:** A Fire Protection and Mitigation Agreement, through which a fair-share contribution toward local emergency response capabilities will be executed. The funding shall be used by the SDCFPD to mitigate risks of wildfires and to enhance fire suppression and emergency services capabilities for the Proposed Project and the southeast portion of CSA 135. **DOCUMENTATION:** The applicant shall provide a copy of the Fire Protection and Mitigation Agreement executed by the applicant. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the fire and emergency services agreement shall be executed by the applicant and the SDCFPD. **MONITORING:** The SDCFPD shall review the agreement for compliance with this condition.

79. FIRE#5 – DECOMMISSIONING PLAN [M-WF-2]

INTENT: In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 6952.b.3.iv, a decommissioning plan shall be executed. **DESCRIPTION:** A decommissioning plan shall be provided to the satisfaction of the Director of Planning and Development Services that ensures removal of the solar energy system and is consistent with the requirements of decommissioning described in the mitigation measures outlined in the Fire Protection Plan and the FEIR. The plan shall also have a secured agreement in the form and amount determined by the Director to ensure removal of the Solar Energy System and conversion of the site back into a use that is compatible with

the surrounding properties. **DOCUMENTATION:** The applicant shall provide the plan, financial mechanism, and agreement to the San Diego County Fire Protection District (SDCFPD) and PDS for review and approval. **TIMING** Prior to issuance of any building permits, this condition shall be completed. **MONITORING:** The [PDS, SDCFPD] shall review the plan for compliance, agreement, and form of security for compliance with this condition. Upon approval of the form of security, the [PDS, SDCFPD] will provide the securities to the PDS Developer Deposit Section safekeeping.

80. NOISE#2 - STATIONERY EQUIPMENT NOISE COMPLIANCE [M-NOI-1]

INTENT: In order to ensure noise from the project complies with the Final EIR, M-NOI-1 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Proposed Project would comply with the County's Noise Ordinance §36.404 based upon the current proposed layout of the Proposed Project and the anticipated major noise producing operating stationary equipment (Equipment) deployed for the Proposed Project. The Equipment modeled in the Acoustical Analysis Report (AAR) prepared for the EIR was selected as representative technology at the time this AAR was prepared. The Project applicant may propose to use different Equipment than what was used to perform the noise modeling in the AAR or propose a change in the Equipment layout. If different Equipment is selected and/or the layout of Equipment is changed subsequent to Project approval, the applicant will be required to submit a revised AAR, and a revised site plan if needed, as follows:

- a. The Project applicant shall retain a County Approved CEQA Noise Consultant to prepare a new predictive operations noise analysis in accordance with the County's Noise Report Format and Content requirements.
- b. Any proposed Equipment selections, equipment duty cycles, Project layout alterations, and/or the addition, modification, reduction of the preceding equipment noise limits and measures may be approved, if they are demonstrated to comply with applicable outdoor hourly Leq noise limits per Section 36.404(a) of the County's Noise Ordinance at the property line.
- c. The above identified measures shall take place prior to approval of any building plans for the Proposed Project. Any alterations or modifications proposed and approved pursuant to this procedure shall be included in the proposed Project design plans.

DOCUMENTATION: The applicant shall provide building plans that match the approved plans and FEIR. If they do not match, the measures described in the Description of Requirement shall be complied with. **TIMING:** Prior to issuance of building permit, the equipment for the project shall be reviewed for approval. **MONITORING:** The [PDS, ZC] is responsible for enforcement of this permit.

81. HAZ#2-ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structures identified on the approved Major Use Permit Plot Plan set for demolition shall be surveyed for the presence of ACMs

because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structures identified for demolition or remodel on the approved plan set. Suspect materials that will be disturbed by the demolition activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.

- a. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** Prior building permit, the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

82. HAZ#3—LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with lead based paint (LBP) and lead containing materials (LCM) to mitigate below levels of significance as established in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) identified on the approved plot plan designated for demolition shall be surveyed for the presence of LBP/LCM because the structures may have been built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of LBP/LCM in the structures identified for demolition on the approved plot plan set. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

- b. All LBP and LCM scheduled for demolition or disturbed during remodeling must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California DHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior building permit, the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

83. BIO#7-AVIAN POWER LINE INTERACTION COMMITTEE STANDARDS [PDF-BIO-1]

INTENT: In order to protect raptors and other birds from electrocution, the permittee shall implement recommendations by the Avian Power Line Interaction Committee (APLIC), PDF-BIO-1 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Proposed Project shall incorporate Avian Power Line Interaction Committee (APLIC) standards with respect to line spacing for energized and grounded parts of the 138 kV transmission structures. The proposed insulators for the transmission structures will include an insulated polymer section that is at least 69 inches long, and the separation for transmission conductors operating at 138 kV will have 76 inches horizontal and 56 inches vertical minimum spacing. **DOCUMENTATION:** The permittee shall submit final construction plans demonstrating compliance with this measure to the County for review and approval. **TIMING:** The final construction plans shall be provided to the County for review and approval prior to the issuance of any Building Permits. **MONITORING:** The County will review the Building and/or Right of Way Construction Plans before the start of construction to verify that adequate protection has been provided on all transmission lines or towers.

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

84. ROADS#10 – CONSTRUCTION NOTIFICATION PLAN [PDF-TR-2]

INTENT: In order to keep the public informed during construction, a construction notification plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** At least forty-five (45) days prior to construction, the project applicant would prepare and submit a construction notification plan to the County for approval. The construction notification plan would identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components:

a. Public Notice Mailer

A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction delays of more than 7 days occur, an additional notice would be prepared and distributed.

b. Public liaison person and toll-free information hotline

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

DOCUMENTATION: The applicant shall comply with the requirements of the approved construction notification plan. **TIMING:** The following actions shall occur throughout the duration of grading and construction. **MONITORING:** The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

85. ROADS#11 – PROPERTY OWNER NOTIFICATION AND ACCESS [PDF-TR-3]

INTENT: In order to inform property owners of the location and duration of construction, the applicant or construction contractor will comply with PDF-TR-3.

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

DOCUMENTATION: The applicant shall comply with the requirements of the property owner notification and provide adequate access for residents. **TIMING:** The following actions shall occur throughout the duration of grading and construction. **MONITORING:** The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

86. ROADS#12 - TRAFFIC DEMAND MANAGEMENT PROGRAM [PDF-TR-4]

Intent: In order to comply with PDF-TR-4 to reduce construction worker trips, the project shall implement a voluntary Transportation Demand Management Program. **Description:** The Project applicant shall implement a voluntary construction period Transportation Demand Management program to encourage construction workers to carpool or use alternative transportation modes. The program shall include the following:

- g. Encouragement of carpooling among workers to reduce worker commuter trips entering and exiting the Project Area
- h. A transportation package would be provided to workers, prior to commencing work on the Project Area, with information about how to access the Project by alternative transportation and the benefits of doing so; and,
- i. The applicant shall evaluate the feasibility of a vanpool or shuttle service to facilitate worker commute trips if feasible.

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

87. BIO#8 – NOISE REDUCTION – DURING CONSTRUCTION [M-BI-11]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, M-BI-11 shall be implemented. **DESCRIPTION OF REQUIREMENT:** Construction-related activities that are excessively noisy (e.g., clearing, grading, or grubbing) adjacent to breeding/nesting areas shall incorporate noise-reduction measures (described below) or be curtailed during the breeding/nesting season of sensitive bird species.

1. Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities.

5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications.
6. Radios and other noise-generating "personal equipment" shall be prohibited

If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see **M-BI-5**).

DOCUMENTATION: The permittee shall comply with M-BI-11. **TIMING:** The following actions shall occur throughout the duration of the building construction. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

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

88. **GEN#3 - INSPECTION FEE**

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The permittee shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PPD]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

89. **PLN#5 - SITE PLAN IMPLEMENTATION**

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit (PDS2018-MUP-18-022) plot plan and the building plans. This includes, but is not limited to: all parking areas, driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The permittee shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI]

and *[DPR TC, PP]* shall inspect the site for compliance with the approved building plans.

90. PLN#6– PHOTOVOLTAIC (PV) PANEL TRACKING [PDF-HAZ-1]

INTENT: In order to redirect any potential glare up and out of the view of pilots, the project shall modify operational features of the solar panels. **DESCRIPTION OF REQUIREMENT:** The PV panels for the Project shall incorporate the following operational features: (1) all PV panels south of Old Highway 80 will utilize a minimum 20 degree east facing wake angle; and (2) all PV panels north of Old Highway 80 and south of the SDG&E Transmission Corridor shall have afternoon backtracking disabled. Instead, the PV panels will stay at their maximum 52 degree west facing rotational limit until after the sun has set. **DOCUMENTATION:** The permittee shall provide documentation to the satisfaction of PDS that this condition is operational. **TIMING:** Prior to occupancy, this condition shall be implemented. **MONITORING:** The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.

91. LNDSCP#2–CERTIFICATION OF INSTALLATION [M-AE-5]

INTENT: In order to provide adequate Landscaping that addresses screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), and the COSD Grading ordinance, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the *[PDS, LA, PCC] [DPR, TC, PP]*. **DOCUMENTATION:** The applicant shall submit to the *[PDS LA, PCC]*, a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. The Certificate of Completion shall also include a current signed and dated letter from the Project Biologist certifying that they have periodically monitored all planting adjacent to all areas identified in Mitigation Measure M-BI-9, and that no invasive species were planted. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The *[PDS, LA]* shall verify the landscape installation upon notification of occupancy or use of the property, and notify the *[PDS, PCC] [DPR, TC, PP]* of compliance with the approved Landscape Documentation Package.

92. LNDSCP#3 – VEGETATIVE COVER ONSITE DURING OPERATION [PDF-HYD-3]

INTENT: In order to comply with the PDF-HYD-3, the project shall provide vegetative cover. **DESCRIPTION OF REQUIREMENT:** In order to provide dust control and minimize erosion during Project operation, at least 70% vegetation cover shall be maintained during Project operation on the portions of the solar facility development footprint within the perimeter fencing not overlain by vehicle access driveways and internal access, inverter/transformer platforms, battery storage containers, the substation, and the Switchyard Facilities. These areas shall be reseeded with a native hydroseed mix that shall be approved by the County Landscape Architect prior to reseeding. A biologist shall also review the native hydroseed mix prior to reseeding for compatibility with native habitats in the Project area. The Project owner shall ensure that at least 70% of the hydroseeded area is covered with vegetation within one year of occupancy. If this coverage threshold is not met, additional native hydroseed applications must be conducted in order to meet the 70% threshold. **DOCUMENTATION:** The Project owner shall submit a written report with photographic evidence of the vegetative cover to the County Landscape Architect one year after occupancy. This report shall also include documentation of the date of hydroseeding and the type of native hydroseed mix. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [PPD, CLA] shall inspect the site for compliance with the approved building plans.

93. FIRE#6 – FIRE PROTECTION AND MITIGATION AGREEMENT INITIAL PAYMENT [M-WF-3]

INTENT: In order to comply with project mitigation measure M-WF-3, as a condition of providing service and pursuant to the Safety Element of the General Plan, the applicant shall pay the first payment as agreed upon in the Fire Protection and Mitigation Agreement. **DESCRIPTION:** As stated in the Fire Protection and Mitigation Agreement, the applicant shall pay the “Initial Compensation,” as that term is defined in the Fire Protection and Mitigation Agreement. **DOCUMENTATION:** The applicant shall provide a copy of Fire Protection and Mitigation Agreement executed by the applicant and submit the first payment pursuant to the terms of the Agreement. **TIMING:** Within 30 calendar days of the issuance of any building permit for the Project.. **MONITORING:** The SDCFPD shall review the payment for compliance with this condition.

94. FIRE#8 –FIRE PROTECTION PLAN [M-WF-1]

INTENT: In order to comply with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall comply with the approved Fire Protection Plan (FPP). The Project’s Fire Protection Plan (FPP) provides customized measures that address the identified potential fire hazards on the site. The measures are independently established but will work together to result in reduced fire threat and heightened fire protection. **DESCRIPTION OF REQUIREMENT:** The following measures identified in Section 7 of the FPP will be implemented for the life of the project:

- Fuel Modification throughout the solar facility site from boundaries inward, including beneath PV modules, around the collector substation and adjacent switchyard, with restrictions on plant species, heights, densities, and locations (Required measure).
- Provide a technical report indicating special precautions for firefighting response (included as Appendix G of the FPP) (Code-exceeding measure).
- Minimum 20-foot interior on-site inverter fore access driveways and a minimum improved 24-foot wide perimeter on-site driveways would be constructed (Required measure).
- Participation in a County Fire Protection and Mitigation Agreement, for funding firefighting and emergency medical resources of which the details will be determined in the Project Fire Protection and Mitigation Agreement (Required measure).
- Project funded annual fuel modification inspections to ensure compliance with this FPP (Code-exceeding requirement).
- Illuminated (and/or reflective) signage at main entrance with inverter and contact information for a 24-hour remote operations center for the Project (Required measure).
- Training program for local fire agencies on the deenergizing process that is controlled by the California Independent System Operator (CAISO), as described in Section 5.2.3 of the FPP. (Required measure).
- Training program for local fire agencies including preparation of a technical training video with County input and customized for this facility that can be easily viewed by new firefighters who rotate through the local fire stations (Code-exceeding measure).
- Preparation of a construction fire prevention plan (CFPP) for this project to be implemented by all contractors working on this project (CFPP included as Appendix A of the FPP) (Code-exceeding measure).
- Portable carbon dioxide (CO2) fire extinguishers mounted at the inverters and medium voltage transformer units.
- Six (6) 10,000-gallon water tanks dedicated for firefighting purposes; one tank will be provided at each driveway entrance to the solar panel areas as defined by geographic isolation from other sections and one tank will be provided near the substation (Required measure).
- System contact information with local fire agencies/stations to assist responding firefighters during an emergency (Required measure).
- Committed on-going maintenance of all facility components for the life of the project (Required measure).
- Maintenance logs to be kept and made available upon request to SDCFPD /CAL FIRE (Required measure).
- Consistent placarding and labeling of all components for fire safety/response (Required measure).

Defensible Space and Fuel Modification

The Project would provide defensible space by setting back all PV modules a minimum 30-feet from the solar facility's perimeter fence and modifying the

fuels on-site by removing and grading them to a height of 6 inches, or, in the case of perimeter areas, drivable surfaces and vegetation free areas. The perimeter Fuel Modification Zone (FMZ) buffer will include at least 30 feet of modified fuels and will include the 30-foot wide perimeter fire access road, and cleared, contiguous modified fuel areas from the perimeter fence to the outermost panel racks. This area seamlessly meets the modified fuel areas that occur throughout the site where fuels are maintained at a 6-inch height. Defensible space around all electrical equipment would be provided by an FMZ buffer of 100 feet surrounding the project collector substation pad area and 100 feet surrounding the adjacent switchyard.

The entire solar facility site would include modified fuels with fire access roadways and service roads compartmentalizing the low-growing (less than 6-inch) maintained areas beneath all PV modules, surrounding the collector substation pad area, and surrounding the adjacent switchyard.

Fuel modification requirements are detailed in the Project FPP.

DOCUMENTATION: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP and get approval from the San Diego County Fire Protection District (SDCFPD).

TIMING: Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented. **MONITORING:** The [SDCFPD] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

**95. CULT#3 - CULTURAL RESOURCES MONITORING REPORT
[M-CR-2, M-TCR-2]**

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been conveyed as follows:
 - (1) All prehistoric cultural materials shall be curated at a San Diego County or Imperial County curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other

archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

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

- (2) Historic materials shall be curated at a San Diego County or Imperial County curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

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

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

96. **PALEO#2 - PALEO RESOURCES REPORT [M-PR-1]**

INTENT: In order to ensure that the Grading Monitoring occurred during the grading, trenching or other excavation phase of the project, a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Paleontological Resources Mitigation Report that documents the results, analysis, and conclusions of all

phases of the Paleontological Monitoring Program shall be prepared. The report shall include the following:

- a. If no paleontological resources were discovered, submit a Negative letter report, which states that the monitoring has been completed and that no paleontological resources were discovered.
- b. If resources were discovered and recovered during grading, a detailed report shall be prepared by the Project Paleontologist. The report shall comply with the [County of San Diego's Guidelines for Determining Significance for Paleontological Resources](#). The report shall identify which accredited institution has agreed to accept the curated fossils and include proof of the Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution.

DOCUMENTATION: The Project Paleontologist shall prepare the final report and submit it to the [PDS, PPD] for approval. If resources were discovered then the following shall be completed:

- a. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display; and
- b. The applicant shall submit two hard copies of the final Paleontological Resources Mitigation Report to the [PDS, PPD] for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on an USB disk. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.

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

97. **HAZ#4-HAZARDOUS MATERIALS BUSINESS PLAN (HMBP)**

INTENT: To protect human health and the environment, a Hazardous Materials Business Plan (HMBP) serves the purpose of providing emergency response personnel and the public information about potential hazardous chemicals being stored at a business, while also ensuring that the business has a plan for emergencies and that their staff has proper training. **DESCRIPTION OF**

REQUIREMENT: A HMBP consists of: Facility Information (contacts), Hazardous Materials Inventory & Site Map, and Emergency Response and Training Plan. The HMBP must be submitted online in the California Environmental Reporting System, and reviewed and approved by the Hazardous Materials Division (HMD) of the Department of Environmental Health (DEH) and a Unified Program Facility Permit (UPFP) will be issued to comply with California Health & Safety Code Ch 6.95, California Code of Regulations Title 19, and the San Diego County Code.

DOCUMENTATION: The applicant shall begin by filling out a hazardous materials questionnaire in the local online portal. Once reviewed, HMD will provide the applicant with a stamped form that will let them know if the HMBP is required, or if they're exempt from that requirement. The stamped questionnaire serves as evidence from the county of San Diego, Department of Environmental Health, Hazardous Materials Division (DEH, HMD) to state that the appropriate DEH, State and/or Federal permits are being pursued or that a Unified Program Facility Permit is not required.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the HMBP shall be prepared, submitted in CERS, and implemented.

MONITORING: [DEH, HMD] shall verify and approve the HMBP for compliance with this condition and the business will need to annually certify this plan as well as comply with any other requirements that are part of the Unified Program.

CONTACT: Email HazmatPlanCheck@sdcounty.ca.gov for more information or to inquire about the plan check process.

98. **ROADS#13–SIGHT DISTANCE**

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E), Table 5 of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified.

DESCRIPTION OF REQUIREMENT:

- a. A registered civil engineer or a licensed land surveyor shall provide a certified signed statement that: "There is _____feet of unobstructed intersectional sight distance in both directions along **Old Highway 80** from the proposed north and south driveways in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor shall provide a certified signed statement that: "There is _____feet of unobstructed intersectional sight distance in both directions along

Carrizo Gorge Road from the four proposed driveways in accordance with the methodology described in Section 6.1.(E), Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."

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

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [PDS, LDR] for review. **TIMING:** Prior to occupancy of the first structure built in association with this permit, and prior to final grading release, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications for compliance with this condition.

99. **ROADS#14–ANNEX TO LIGHTING DISTRICT**

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County of San Diego Board Policy I-18](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the Lighting District. **DESCRIPTION OF REQUIREMENT:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer. **DOCUMENTATION:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [PDS, LDR]. The applicant shall provide the receipt to [PDS, PCC]. **TIMING:** Prior to occupancy of the first structure built in association with this permit or use in the premises in reliance of this permit, the fee shall be paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

100. **ROADS#15–INSTALL STREETLIGHTS**

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County of San Diego Board Policy I-18](#), streetlights shall be installed and energized. **DESCRIPTION OF REQUIREMENT:** Install or arrange to install streetlights to County standards and the satisfaction of the Director of PDS, and deposit with PDS, a cash deposit sufficient to energize and operate the streetlights until the property has been transferred into Zone A. The streetlights shall be installed at the proposed project access driveways, to the satisfaction of the Director of DPW. **DOCUMENTATION:** The applicant shall pay

the Zone A Lighting District Annexation Fee at the [PDS, LDR], and arrange for the installation and energizing of the streetlights. **TIMING:** Prior to occupancy of the first structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the streetlights shall be installed, and all fees paid. **MONITORING:** The [PDS, LDR] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant. The [PDS, LDR] shall ensure that the streetlights have been installed and all fees have been paid.

101. BIO#9–BIOLOGICAL MONITORING REPORT [M-BI-1] [PDS, FEE]

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the Project, a final biological monitoring report shall be prepared pursuant to the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#).

DESCRIPTION OF REQUIREMENT: The Project Biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources. The report shall conform to the *County Report Format Guidelines for Biological Resources*, and include the following items:

- a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The permittee shall submit the final biological monitoring report to the [PDS, PPD] for review and approval. **TIMING:** Upon completion of all grading and clearing activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed.

MONITORING: The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform DPW that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then PDS shall inform the applicant to release the bond back to the Applicant.

102. BIO#10– WILDLIFE CORRIDOR ACCESS [M-BI-3 (d)]

INTENT: In order to allow for the movement of wildlife within the project, the project must comply with M-BI-3 (d). **DESCRIPTION OF REQUIREMENT:** The project shall provide a 50 to 100 foot opening in the perimeter fence north of the SDG&E easement to allow for wildlife moving within the easement corridor or north of the easement to move in and out of the easement. The opening in the fence will allow wildlife traveling along the fence line to find a break in the fencing leading them into the larger wildlife corridor. This opening in the fence shall be provided and maintained for the life of the project. **DOCUMENTATION:** The fencing on the

construction plans shall show an opening in the perimeter fencing as described above. **TIMING:** The applicant shall install the project fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the fencing has been installed to provide the required opening. **MONITORING:** The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.

103. **BIO#11– OPERATIONS AND MAINTENANCE SIGNAGE [M-BI-10]**

INTENT: In order to ensure appropriate signage is onsite, the project must comply with M-BI-10. **DESCRIPTION OF REQUIREMENT:** Signage in English and Spanish shall be posted at all entrances to the facility stating that operations and maintenance personnel shall be prohibited from the following:

- Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species
- Smoking
- Traveling (either on foot or in a vehicle) outside of the solar facility undisturbed portions of the Project site
- No pets
- No Littering
- No persons not conducting operations and maintenance activities shall remain at the facility after daylight hours or exceed normal nighttime operational noise or lighting

DOCUMENTATION: The applicant shall install the project signage as indicated above and provide site photos. **TIMING:** Prior to occupancy, this condition shall be completed. **MONITORING:** The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.

104. **DEH#1–WELL DESTRUCTION**

INTENT: In order to ensure that the water well located on the property is removed, and to comply with the [County Regulatory Code Section 67.431](#), all unused and non-operational wells shall be properly destroyed. **DESCRIPTION OF REQUIREMENT:** All unused wells shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to occupancy or use of the premises in reliance of this permit, the applicant shall destroy any wells that are unused or non-operational. **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed.

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

105. PLN#7 - SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plan(s), and plot plan(s). This includes but is not limited to maintaining the following: all parking areas, driveways, design features, and all lighting, fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

106. PLN#8– PHOTOVOLTAIC (PV) PANEL TRACKING [PDF-HAZ-1]

INTENT: In order to redirect any potential glare up and out of the view of pilots, the project shall modify operational features of the solar panels. **DESCRIPTION OF REQUIREMENT:** The PV panels for the Project shall incorporate the following operational features: (1) all PV panels south of Old Highway 80 will utilize a minimum 20 degree east facing wake angle; and (2) all PV panels north of Old Highway 80 and south of the SDG&E Transmission Corridor shall have afternoon backtracking disabled. Instead, the PV panels will stay at their maximum 52 degree west facing rotational limit until after the sun has set. **DOCUMENTATION:** The permittee shall conform to these project specifications. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

107. LNDSCP#3–LANDSCAPING MAINTENANCE [M-AE-5]

INTENT: In order to provide visual screening of the solar facility, landscaping shall be maintained per M-AE-5. **DESCRIPTION OF REQUIREMENT:** The rows of landscaping will be approximately 15 feet wide and will include drought tolerant trees (approximately 18 feet tall 10 years after planting) with native and/or drought tolerant shrubs and ground covers incorporated in between the fence line and the existing road and utility easements. All of the landscaping approved by the Landscape Documentation Package shall be maintained to provide visual screening of the solar facility in accordance with M-AE-5 to ensure continued screening of proposed solar panels by the Applicant and/or Project operator over the operational life of the Project. **DOCUMENTATION:** The permittee shall conform to these project specifications. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

108. FIRE#9- ON-GOING FIRE PROTECTION [M-WF-1]

INTENT: In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP). **DESCRIPTION OF REQUIREMENT:** : All mitigation measures and design features will be required to be complied with as outlined in the FPP. **DOCUMENTATION:** The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP shall be complied with for the term of this permit. **MONITORING:** The San Diego County Fire Protection District (SDCFPD) shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the FPP. The SDCFPD is responsible for enforcement of this permit. The project applicant shall be responsible for long-term implementation of fire clearing requirements.

109. GW#2 - GROUNDWATER MMRP (PDF-HY-2)

INTENT: In order to protect groundwater resources, Groundwater Monitoring and Mitigation Plan (GMMP) documents shall be implemented.

DESCRIPTION OF REQUIREMENT: The applicant shall implement the following County approved GMMP documents:

2. GMMP – JVR Energy Park Project, Jacumba Hot Springs, San Diego County, California, dated July 2020.

The GMMP established baseline conditions and ongoing monitoring. Implementation for ongoing groundwater use following construction shall include the following:

- a. Ongoing Production Limitations: Groundwater production shall be metered and monitored at Well #2 and Well #3 and limited to a sum total maximum of 11 acre-feet per year.
- b. Ongoing Groundwater Level Thresholds: During groundwater extraction for ongoing use, a groundwater level threshold of 5 feet below baseline conditions shall be enforced in Well Km, the Highland Center Well, the Park Well, and the Border Patrol Well. If Well Km is not accessible, then the Central Irrigation Well shall be used for monitoring in lieu of Well Km. The well interference threshold for Central Irrigation Well will be 4.80 feet below baseline groundwater level measurements to not exceed the maximum drawdown of 5 feet below the baseline groundwater level at Well Km. If a groundwater level threshold is exceeded, pumping at Well #2 and Well #3 will cease until the groundwater level at the well that experienced the threshold exceedance has stayed below the threshold and remained there for at least 30 continuous

days. Additionally, written permission from County of San Diego PDS must be obtained before production for the Proposed Project may be resumed.

- c. Groundwater Dependent Habitat Monitoring: If static groundwater levels drop lower than 63.7 feet below ground surface in the Central Irrigation Well or 72.9 feet below ground surface in Well #2, then monitoring of the groundwater-dependent habitat will commence in accordance with the JVR Energy Park GMMP.
- d. If the groundwater levels exceed 3 feet below historical low groundwater levels (63.7 feet bgs in the Central Irrigation Well and 72.9 feet bgs in Well #2) and the arborist or forester finds evidence of deteriorating riparian habitat health, mitigation will consist of offsite wetland/oak woodland credits at a 3:1 ratio.
- f. Flow rate and volume measurements from Well #2 and Well #3 will be recorded daily using an instantaneous flow meter.
- g. Pressure transducers shall be maintained at the Daley Well, Central Irrigation Well, Well Km, the Highland Center Well, the Park Well, and the Project production wells (Well #2 and Well #3). Each well shall be programmed to record the water level at least once per day. Transducer data will be downloaded at least quarterly.
- h. The applicant shall comply with the requirements of the GMMP and this condition. Minor alterations to the GMMP may be approved by the Director of PDS, provided alterations achieve the goals and objectives of the GMMP, and are supported by the record. Water level thresholds and groundwater production limits may not be altered.
- i. Pay all associated GMMP Fees annually, until all GMMP requirements have been completed.

DOCUMENTATION: Groundwater production data and water level data shall be reported to [PDS, Groundwater Geologist] on an annual basis for five years after project construction has commenced. If the production or water level thresholds are exceeded pursuant to Description of Requirement above and/or the approved JVR Energy Park GMMP, [PDS Groundwater Geologist] will be notified via letter and electronic mail within one working day of the exceedance. **TIMING:** Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. After five years, the County of San Diego PDS shall determine if continued monitoring and annual reporting is required based on the effects of groundwater extraction from the previous five years. **MONITORING:** The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water

level thresholds. The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit.

110. NOISE#3 - STATIONERY EQUIPMENT NOISE COMPLIANCE [M-NOI-1]

INTENT: In order to ensure noise from the project complies with the Final EIR, M-NOI-1 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Proposed Project would comply with the County's Noise Ordinance §36.404 based upon the current proposed layout of the Proposed Project and the anticipated major noise producing operating stationary equipment (Equipment) deployed for the Proposed Project. The Equipment modeled in the Acoustical Analysis Report (AAR) prepared for the EIR was selected as representative technology at the time this AAR was prepared. The Project applicant may propose to use different Equipment than what was used to perform the noise modeling in the AAR or propose a change in the Equipment layout. If different Equipment is selected and/or the layout of Equipment is changed subsequent to Project approval, the applicant will be required to submit a revised AAR, and a revised site plan if needed, as follows:

- a. The Project applicant shall retain a County Approved CEQA Noise Consultant to prepare a new predictive operations noise analysis in accordance with the County's Noise Report Format and Content requirements.
- b. Any proposed Equipment selections, equipment duty cycles, Project layout alterations, and/or the addition, modification, reduction of the preceding equipment noise limits and measures may be approved, if they are demonstrated to comply with applicable outdoor hourly Leq noise limits per Section 36.404(a) of the County's Noise Ordinance at the property line.
- c. The above identified measures shall take place prior to approval of any building plans for the Proposed Project. Any alterations or modifications proposed and approved pursuant to this procedure shall be included in the proposed Project design plans.

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

111. NOISE#4 - PV PANEL WASHING PROTOCOL [M-NOI-2]

INTENT: In order to ensure noise from mobile operating equipment associated with regular cleansing of Project PV panel surfaces complies with daytime County noise standards, M-NOI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** To ensure noise from mobile operating equipment associated with regular cleansing of Project PV panel surfaces complies with daytime County noise standards, the following shall be implemented:

- a. As part of the Project operations and maintenance program, the Applicant shall prepare a PV Panel Washing Plan (PVPWP) that addresses the usage of self-propelled or towed washing systems during the expected quarterly (or other frequency as reasonably anticipated annually) PV panel washing. The PVPWP shall demonstrate compliance with the County Noise

Ordinance for avoiding potential impacts caused by operating PV panel washing equipment and vehicle noise sufficiently proximate to the property line of the property on which the noise is produced or at any location that is receiving the noise. The PVPWP shall be submitted to County Planning & Development Services (PDS) a minimum of 30 days prior to the first PV panel washing. The County shall review the PVPWP to ensure compliance with the County Noise Ordinance prior to any panel washing. A subsequent plan shall be submitted to County PDS if there are any anticipated changes to the panel washing in the future. The subsequent Plan shall be submitted to the County 30 days prior to any new PV panel washing procedures occur. Components of the PVPWP shall include the following:

- Affected property owners shall be notified in writing two weeks prior to the use of PV panel washing activity with 500 feet of their property boundaries.
 - Noise emission from a pick-up truck (or ATV) and its towed IPC Eagle wash station (or equipment that emits comparable noise) must not exceed 74 dBA Leq at 9 feet over a full hour; and, its operation must be restricted to daytime operation at the specified distance between it and a position along the property line that adjoins S80, RR or similar County-classified Noise Zone 1 property:
 - within 50 feet – not permitted;
 - 50 to 75 feet – up to five minutes within any hour;
 - 75 to 100 feet – up to fifteen minutes within any hour;
 - 100 to 125 feet – up to forty-five minutes within any hour; and,
 - beyond 125 feet – no restriction.
 - Noise emission from a pick-up truck (or ATV) and its towed IPC Eagle wash station (or equipment that emits comparable noise) must not exceed 74 dBA Leq at 9 feet over a full hour; and, its operation must be restricted to daytime operation at the specified distance between it and a position along the property line that adjoins C44 or similar County-classified Noise Zone 3 property:
 - within 25 feet – not permitted;
 - 25 to 40 feet – up to five minutes within any hour;
 - 40 to 60 feet – up to fifteen minutes within any hour;
 - 60 to 75 feet – up to thirty minutes within any hour; and,
 - beyond 75 feet – no restriction.
 - Visual guides (flags, reflectors, or other markers) shall clearly delineate distances or zones of operation allowed for either of the afore-mentioned PV panel washing systems (self-propelled or towed).
- b. Operators of the PV panel washing equipment shall be informed of the PVPWP as part of customary on-site Project training and awareness of County noise standard compliance to avoid potential noise impacts to the Jacumba Hot Springs community.

DOCUMENTATION: The PVPWP shall be submitted to County Planning & Development Services (PDS) a minimum of 30 days prior to the first PV panel washing. The County shall review and approve the PVPWP to ensure compliance with the County Noise Ordinance prior to any panel washing. A subsequent plan shall be submitted to County PDS if there are any anticipated changes to the panel washing in the future. The subsequent Plan shall be submitted to the County 30 days prior to any new PV panel washing procedures occur. **TIMING:** Prior to approval of any PV Panel washing or revised panel washing, the plan must be approved. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

112. NOISE#5 - PV PANEL WASHING RESTRICTION [PDF-NOI-1]

INTENT: In order to ensure noise from mobile operating equipment associated with regular cleansing of Project PV panel surfaces complies with daytime County noise standards, PDF-NOI-1 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Applicant commits to restricting usage of a self-propelled PV panel washing apparatus, having an estimated hourly Leq noise level of 83 dBA at 16 feet, within 450 feet of a County-classified Noise Zone 1 property or within 250 feet of a County-classified Noise Zone 3 property. Within these distances, and respecting additional temporal and distance conditions per relevant portions of the Photo-Voltaic Panel Washing Plan (PVPWP) prepared and implemented per M-NOI-2, the Applicant commits to using PV panel washing methodology, such as a pick-up truck towed and enclosed IPC Eagle wash station, or other means, that exhibits hourly Leq no greater than 74 dBA at 9 feet.

DOCUMENTATION: The PVPWP shall be submitted to County Planning & Development Services (PDS) a minimum of 30 days prior to the first PV panel washing. The County shall review and approve the PVPWP to ensure compliance with the County Noise Ordinance prior to any panel washing. A subsequent plan shall be submitted to County PDS if there are any anticipated changes to the panel washing in the future. The subsequent Plan shall be submitted to the County 30 days prior to any new PV panel washing procedures occur. **TIMING:** Prior to approval of any PV Panel washing or revised panel washing, the plan must be approved. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

113. LNDSCP#4 – VEGETATIVE COVER ONSITE DURING OPERATION (ONE YEAR AND BI-ANNUALLY) [PDF-HYD-3]

INTENT: In order to comply with the PDF-HYD-3, the project shall provide evidence within twelve months after occupancy, and bi-annually thereafter.

DESCRIPTION OF REQUIREMENT: In order to provide dust control and minimize erosion during Project operation, at least 70% vegetation cover shall be maintained during Project operation on the portions of the solar facility development footprint within the perimeter fencing not overlain by vehicle access driveways and internal access, inverter/transformer platforms, battery storage containers, the substation, and the Switchyard Facilities. These areas shall be reseeded with a native hydroseed mix that shall be approved by the County

Landscape Architect prior to reseeding. A biologist shall also review the native hydroseed mix prior to reseeding for compatibility with native habitats in the Project area. The Project owner shall ensure that at least 70% of the hydroseeded area is covered with vegetation within one year of occupancy. If this coverage threshold is not met, additional native hydroseed applications must be conducted in order to meet the 70% threshold. The Project owner shall submit a written report with photographic evidence of the vegetative cover to the County Landscape Architect one year after occupancy. This report shall also include documentation of the date of hydroseeding and the type of native hydroseed mix.

BI-ANNUAL REPORT FOR LIFE OF PROJECT

A report with photographic evidence shall be submitted to the County Landscape Architect **bi-annually (every other year)** from the date of occupancy during Project operation.

DOCUMENTATION: The Project owner shall submit a written report with photographic evidence of the vegetative cover to the County Landscape Architect one year after occupancy. This report shall also include documentation of the date of hydroseeding and the type of native hydroseed mix. Subsequently a report with photographic evidence shall be submitted to the County Landscape Architect bi-annually (every other year) during Project operation. **TIMING:** Twelve Months after occupancy, photographic evidence must be submitted to the satisfaction of the County Landscape Architect. A report with photographic evidence shall be submitted to the County Landscape Architect bi-annually (every other year) during Project operation. **MONITORING:** The [PDS, BI] and [PPD, CLA] shall inspect the site for compliance with the approved building plans.

114. ROADS#16–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E), Table 5 of the [County of San Diego Public Road Standards](#), unobstructed sight distances shall be maintained for the life of this permit. **DESCRIPTION OF REQUIREMENT:** There shall be a minimum unobstructed sight distance in both directions along **Old Highway 80** and **Carrizo Gorge Road** from the proposed project driveways for the life of this permit. **DOCUMENTATION:** Minimum unobstructed sight distances shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

115. BIO#12– WILDLIFE CORRIDOR ACCESS [M-BI-3 (d)]

INTENT: In order to allow for the movement of wildlife within the project, the project must comply with M-BI-3 (d). **DESCRIPTION OF REQUIREMENT:** The project shall provide a 50 to 100 foot opening in the perimeter fence north of the SDG&E easement to allow for wildlife moving within the easement corridor or north of the easement to move in and out of the easement. The opening in the fence will allow wildlife traveling along the fence line to find a break in the fencing leading them into the larger wildlife corridor. This opening in the fence shall be provided and maintained for the life of the project. **DOCUMENTATION:** This area shall remain open as a wildlife corridor. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

116. BIO#13—PREVENTION OF CHEMICAL POLLUTANTS [M-BI-8]

INTENT: In order to comply with Mitigation Measure M-BI-8, the following shall be complied with during the operations of the project. **DESCRIPTION OF REQUIREMENT:** Weed control treatments shall include all legally permitted chemical, manual, and mechanical methods applied with the authorization of the County of San Diego (County) agriculture commissioner. The application of herbicides shall be in compliance with all federal and state laws and regulations under the prescription of a licensed Pest Control Adviser with at least 2-years' experience and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the County agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the Pest Control Adviser, the County agriculture commissioner, and the California Invasive Plant Council, with the goal of controlling populations before they start producing seeds.

During project operation, all areas that use chemicals that are potentially toxic or impactive to sensitive habitats or plants shall incorporate best management practices (e.g., avoid applications during or before rain events and avoid placing materials close to sensitive habitats) on site to reduce impacts caused by the application and/or drainage of such materials within the development footprint. In addition, use of rodenticides and pesticides shall not be allowed. Weed treatment shall occur at least once per year throughout the life of the project.

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

117. BIO#14—PREVENTION OF INVASIVE PLANT SPECIES [M-BI-9]

INTENT: In order to comply with Mitigation Measure M-BI-9, the following shall be complied with during the operations of the project. **DESCRIPTION OF REQUIREMENT:** A County of San Diego-approved plant list shall be used for areas immediately adjacent to open space. A hydroseed mix that incorporates

native species, is appropriate to the area, and is free from invasive species shall be used for landscaped areas adjacent to the biological open space. **DOCUMENTATION:** The permittee shall assume responsibility pursuant to this condition. **TIMING:** Upon establishment of use, the condition shall apply during the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

118. BIO#15– OPERATIONS AND MAINTENANCE SIGNAGE [M-BI-10]

INTENT: In order to ensure appropriate signage is onsite, the project must comply with M-BI-10. **DESCRIPTION OF REQUIREMENT:** Signage shall be posted at all entrances to the facility stating that operations and maintenance personnel shall be prohibited from the following:

- Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species
- Smoking
- Traveling (either on foot or in a vehicle) outside of the solar facility undisturbed portions of the Project site
- No pets
- No Littering
- No persons not conducting operations and maintenance activities shall remain at the facility after daylight hours or exceed normal nighttime operational noise or lighting

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

119. PROJECT COMPONENTS RECYCLING – MATERIAL DIVERSION

INTENT: Project recycling and diversion is designed to increase diversion of materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** Prior to removing or replacing major project components during the life of the project as a result of repair or maintenance requirements, project components must be evaluated to determine recyclability to the maximum extent feasible. A log of all project components being replaced and/or removed detailing if they are being recycled and/or sent to landfill must be provided. The log must include the facility information of all recycling, disposal, or transfer station facilities that must be removed in the approved decommissioning plan.

DOCUMENTATION: A log shall be prepared and approved by [PP].The [PP] shall review and get concurrence from [DPW, PDCI] prior to approving the log

The log shall consist of the following:

- a. Identify the project location.
- b. Log date that material was transported off the site

- c. Log type of project components
- d. Amount of the material
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials.
- h. The log shall include separate entries for each occurrence of materials reused on-site.
- i. The log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of operation. **MONITORING:** The [PP] shall contact the [DPW, CO] if the applicant fails to comply with this condition.

DECOMMISSIONING: (The following conditions shall be complied with prior to, during and at conclusion of decommissioning activities).

120. AQ#7 - CONSTRUCTION EXHAUST EMISSIONS [M-AQ-1]

INTENT: In order to minimize diesel particulate matter emissions during construction, air quality reduction measures must be implemented during all construction phases. **DESCRIPTION OF REQUIREMENT:** The permittee shall comply with the following Air Quality measure:

- a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards.
- b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
- c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
- d. When construction equipment units that are less than 50 horsepower is employed, that equipment shall be electrical or natural gas-powered, where available.

DOCUMENTATION: The permittee shall comply with the Air Quality requirements of this condition. The permittee shall show compliance with this measure by providing the non-confidential construction bid/estimate materials from the construction contractor that will be used. **TIMING:** Prior to the approval of any construction or grading related permits, the Proposed Project applicant or its

designee shall place the following requirements on all plans, which shall be implemented during each construction phase. **MONITORING:** The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.

121. AQ#8 - FUGITIVE DUST PLAN [M-AQ-2]

INTENT: In order to demonstrate compliance with San Diego Air Pollution Control District Rule 55 and County Code Section 87.428, a Fugitive Dust Plan must be prepared. **DESCRIPTION OF REQUIREMENT:** The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM10 emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading and Improvement Plans:

- a. Prior to construction activities, the Project applicant shall employ a construction relations officer who shall address community concerns regarding on-site construction activity. The Project applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who shall document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations and noted on Grading and Improvement Plans.
- b. Grading areas shall be watered, or another SDAPCD-approved dust control non-toxic agent shall be used, at least three times daily, to minimize fugitive dust only where chemical stabilizers are not used.
- c. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.
- d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.
- e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.
- f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.
- g. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.
- h. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.

- i. Haul truck staging areas shall be provided for loading and unloading of soil and materials and shall be located away from sensitive receptors at the farthest feasible distance.

DOCUMENTATION: The permittee shall provide a copy of the Fugitive Dust Control Plan to the County of San Diego for review. To the extent required, the permittee shall obtain written authorization for construction from the local air district (APCD) of concurrence with the plan. **TIMING:** Prior to issuance of any decommissioning plan or decommissioning plan related permits, the Fugitive Dust Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction. **MONITORING:** The County of San Diego shall review the Fugitive Dust Control Plan for compliance with this condition and ensure that the plan is implemented throughout the construction period.

122. **FIRE#10 – CONSTRUCTION FIRE PROTECTION PLAN [M-WF-2]**

INTENT: In order to mitigate the risk of fire during decommissioning, a Project Decommissioning Fire Protection Plan shall be implemented. **DESCRIPTION OF REQUIREMENT:** These measures will be enforced through the Site Safety Officer (SSO) and ongoing worker safety training:

- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees. This shall include all contractors and subcontractors if more than one.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order.
- Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
- The Project will be equipped with at least two water trucks each of 4,000-gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose with fog nozzles. Any hose size greater than 1.5 inches shall use National Hose (NH) couplings.
- A cache of shovels, McLeods, and Pulaskis shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and SDCFPD/CAL FIRE. Additionally, on-site pickup trucks will be equipped with first aid kits, fire extinguishers, and shovels. Contractor vehicles will be required to include the same basic equipment.
- Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials and provided with a gravel surface.
- A fire watch (i.e., person responsible for monitoring for ignitions) shall be provided during hot work and shall occur for up to one hour following completion of the hot work activities.
- Smoking will not be permitted on the site.

- Each Project construction site, if construction occurs simultaneously at various locations on the site, shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires.
- The on-site contractor or Project staff shall coordinate with SDCFPD/CAL FIRE to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
- All on-site employees shall participate in fire prevention and response training exercises with the SDCFPD/CAL FIRE.
- The Project shall implement ongoing fire patrols during the fire season as defined by local and state agencies. The SSO will be assigned as fire patrol to monitor work activities when an activity risk exists for fire compliance. The SSO shall verify proper tools and equipment are on site, assess any fire agency work restrictions, and serve as a lookout for fire starts, including staying behind (e.g., a fire watch) to make certain no residual fire exists. Fire watch may be performed by any site personnel. A SSO shall perform routine patrols of the Project site during the fire season equipped with a portable fire extinguisher and communications equipment. The Project staff shall notify SDCFPD/CAL FIRE of the name and contact information of the current SSO in the event of any change.
- Fires ignited on site shall be immediately reported via SDCFPD and CAL FIRE.
- The engineering, procurement, and construction contracts for the Project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site, as described in this CFPP.

Daily Fire Prevention Measures

To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions during Project construction:

- Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols on a daily basis.
- Smoking will not be permitted in the project site. Combustible materials shall be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.
- Evacuation routes shall be maintained and free of obstructions. Unavoidable evacuation route blockages shall be coordinated such that a secondary route is identified and available.
- Disposal of combustible waste in accordance with all applicable laws and regulations shall be required.
- Use and storage of flammable materials in areas away from ignition sources shall be required.
- Proper storage of chemicals such that incompatible (i.e., chemically reactive) substances would be separated appropriately shall be required.
- Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall

be required. Fire watch may be any site personnel who would watch for accidental ignitions. Hot work permits are required and shall be reviewed and granted by the SSO for all hot work.

- Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.
- Ensuring that heating units are safeguarded shall be required.
- Immediate reporting of fuel or petroleum leaks. The site mechanic shall ensure that leaks are repaired immediately upon notification.
- Immediate repair and cleanup of flammable liquid leaks shall be required.
- Construction work areas shall be kept free of combustible materials.
- Extension cords shall not be relied on if wiring improvements are needed, and overloading of circuits with multiple pieces of equipment shall be prohibited.
- Turning off and unplugging electrical equipment when not in use.

DOCUMENTATION: The applicant shall prepare the plan and submit the plan to [PDS, PCC] for review and approval by the County of San Diego County Fire Protection District (SDCFPD). **TIMING:** Prior to approval of any decommissioning permit. **MONITORING:** The [PDS, PCC] and the SDCFPD shall review and approve the plan in compliance with this condition.

123. **NOISE#5 – CONSTRUCTION NOISE MANAGEMENT PLAN [M-NOI-3]**

INTENT: In order to comply with M-NOI-3, a construction noise management plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Prior to decommissioning, the Applicant shall prepare a construction noise management plan (CNMP) which establishes construction activity restrictions in order to reliably achieve compliance with the County's 8-hour 75 dBA Leq standard at the Project property lines adjoining existing occupied properties (defined by Section 36.402.m as "property on which there is a building for which a certificate of occupancy has been issued"). The CNMP shall demonstrate compliance with the County Noise Ordinance for avoiding potential impacts caused by operating construction equipment and vehicle noise sufficiently proximate to these property lines of occupied properties. The CNMP shall be submitted to County Planning & Development Services (PDS) thirty (30) days prior to any land disturbance. Components of the CNMP shall include the following:

- a. Affected property owners shall be notified in writing two weeks prior to construction activity within 500 feet of their property boundaries.
- b. In order to comply with the County Noise Ordinance (Section 36.409 – Construction Equipment), the acoustical usage factors (AUF) of heavy construction equipment used on the Project site shall be comparable to those listed on Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) User's Guide Table 1, reference Lmax values at 50 feet shall be the lower of either the "Spec. 721.560" or "Actual Measured" values from the same RCNM User's Guide Table 1, and duration of heavy equipment operating for construction shall comply with the

following limitations by activity, for the specified distance between the indicated heavy equipment operations and a position along the property line of an occupied parcel:

- Perimeter fence installation – up to two flatbed trucks and a front end loader:
 - within 15 feet – not permitted;
 - 15 to 25 feet – no more than twenty minutes per 8-hour period;
 - 25 to 50 feet – no more than one hour per 8-hour period;
 - 50 to 75 feet – no more than 4 hours per 8-hour period; and,
 - beyond 75 feet – no restriction.
- Site preparation (clearing) – water truck and tractor (mowing attachment):
 - within 20 feet – not permitted;
 - 20 to 25 feet – no more than twenty minutes per 8-hour period;
 - 25 to 50 feet – no more than thirty minutes per 8-hour period;
 - 50 to 75 feet – no more than 2 hours per 8-hour period;
 - 75 to 100 feet – no more than 4 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.
- Site preparation (earth-moving) – bulldozer, water truck, and scraper:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than one hour per 8-hour period;
 - 75 to 100 feet – no more than three hours per 8-hour period;
 - 100 to 125 feet – no more than six hours per 8-hour period; and,
 - beyond 125 feet – no restriction.
- Site preparation (grading) – flatbed truck, grader, water truck, and sheepsfoot roller:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than one hour per 8-hour period;
 - 75 to 100 feet – no more than three hours per 8-hour period;
 - 100 to 125 feet – no more than six hours per 8-hour period; and,
 - beyond 125 feet – no restriction.
- Underground work (trenching) – excavator, sheepsfoot roller, water truck, 5kW generator, and gradall (4x4 forklift):
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;
 - 75 to 100 feet – no more than 3 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.
- Underground work (back-filling) – Aussie padder, sheepsfoot roller, water truck, 5kW generator, and gradall (4x4 forklift):
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;
 - 75 to 100 feet – no more than 3 hours per 8-hour period; and,

beyond 100 feet – no restriction.

- System installation – gradall (4x4 forklift), crane, ATV, vibratory pile driver (RGT Model RG21T or comparable), pick-up truck, and 5kW generator:
 - within 25 feet – not permitted;
 - 25 to 50 feet – no more than twenty minutes per 8-hour period;
 - 50 to 75 feet – no more than 1.5 hours per 8-hour period;
 - 75 to 100 feet – no more than 4 hours per 8-hour period; and,
 - beyond 100 feet – no restriction.

All construction equipment operations shall incorporate all recommended noise reducing measures such as, but not limited to, limiting construction equipment operations, installation of temporary noise barriers, and implementation of the recommendations within the CNMP to demonstrate compliance with the County Code Noise Ordinance, Sections 36.408 and 36.409.

Concurrent construction activities may occur so long as next closest construction activity to the same studied property line position is at least four times its “no restriction” distance away. By way of example, if earth-moving was occurring near a fixed point on the potentially affected property line, the next-closest set of earth-moving equipment performing like work, or perhaps an overlapping and comparable scheduled activity (e.g., grading), would be permitted if no closer than 500 feet (= 4 x 125’) from the same receptor point.

- c. If distance buffers or duration limits cannot be maintained, then the Project Applicant or its contractor will implement on-site temporary sound abatement measures, such as a field-erected noise barrier (e.g., sound blankets) of sufficient height and horizontal extent, or the placement of storage containers and other similarly solid sound-occluding structures, to ensure construction activity noise at the Project property line complies with County standards.
- d. The CNMP will also include direction for the Project applicant or its contractor(s) to implement the following:
 - Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer;
 - Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements;
 - Usage of truck engine exhaust compression braking systems shall be limited to emergencies;
 - Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that

Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated;

- Vehicle horns shall be used only when necessary, as specified in the contractor's specifications; and,
- Radios and other noise-generating "personal equipment" shall be prohibited.

DOCUMENTATION: The applicant shall prepare the Construction Noise Management Plan and provide it the [PDS, PP] for review and approval. **TIMING:** Prior to decommissioning, the plan shall be prepared, submitted, and approved.

MONITORING: The [PDS, PP] shall review the plan for compliance with this condition.

**124. CULT#4– DECOMMISSIONING - CULTURAL RESOURCES
[M-CR-4, M-TCR-3]**

INTENT: In order to ensure the long-term preservation of cultural resources, no-ground-disturbing activities shall occur outside the Project ADI during decommissioning activities. **DESCRIPTION OF REQUIREMENT:** Prior to decommissioning activities, employees and contractors shall receive training and instruction regarding the archaeological and cultural sensitivity of the Project Area to ensure no inadvertent impacts occur to the 10 potentially significant sites (or portions thereof) that are adjacent to the Proposed Project ADI. These include the eight sites that were fully or partially tested because they intersect the Proposed Project ADI and the three sites that were not evaluated because they are outside of the Proposed Project ADI but require protection because they are within 50 feet of the Proposed Project ADI. Temporary fencing shall be installed before the initiation of decommissioning activities to delineate the ADI as outlined below.

- a. Prepare and implement a temporary fencing plan for the protection of archaeological site(s) CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757 during decommissioning activities within fifty feet (50') of these archaeological site(s), as shown on the temporary fencing exhibit provided in the confidential appendix of the cultural study. The temporary fencing plan shall be prepared in consultation with a County approved archaeologist. The fenced area shall include a buffer sufficient to protect the archaeological site(s). The fence shall be installed under the supervision of the County approved archaeologist prior to commencement of decommissioning activities and may be removed only after decommissioning operations have been completed. The temporary fencing plan shall include the following requirements:
 1. In the event that decommissioning activities are to take place within 50 feet of archaeological site(s) CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757, the temporary fencing

plan shall be implemented under the supervision of a County approved archaeologist that consists of the following:

- The project archaeologist shall identify the site boundaries.
- The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist.
- Upon approval of buffers, install fencing under the supervision of the project archaeologist.
- Submit to Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed decommissioning activities are within 50 feet of archaeological site(s), CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757.
- Fencing may be removed after the conclusion of decommissioning activities.

DOCUMENTATION: Submit to the Planning & Development Services for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed decommissioning activities are within 50 feet of archaeological site(s), CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, CA-SDI-19910, CA-SDI-11682, CA-SDI-20985, and CA-SDI-21757. **TIMING:** Prior to decommissioning activities, this condition shall be completed. **MONITORING:** The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.

125. BIO#16–BIOLOGICAL MONITORING - DECOMMISSIONING [M-BI-1] [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to sensitive resource areas outside the approved area of impact, all decommissioning shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** The permittee shall hire a County-approved biologist to perform biological monitoring during all grading, clearing, grubbing, trenching, construction, and decommissioning activities. The following shall be completed:

1. The Project Biologist shall perform the monitoring duties before, during, and after construction pursuant to the most current version of the County *Biological Report Format and Requirement Guidelines*. The contract provided to the County shall include an agreement that this will be completed, and a memorandum of understanding between the biological consulting company and the County shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the

County *Biological Report Format and Requirement Guidelines*, the Project Biologist shall also perform the following duties:

- a. Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
- b. Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species.
- c. Review the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
- d. Discuss procedures and provide Worker Environmental Awareness Program training for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
- e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.
- f. Supervise and monitor vegetation clearing, grubbing, and grading to ensure against direct and indirect impacts on biological resources that are intended to be protected and preserved.
- g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species.
- h. Verify that grading plans include a stormwater pollution prevention plan (SWPPP) (if required pursuant to provisions of the State Water Resources Control Board 2009-0009-DWQ Construction General Permit, or equivalent applying the standards set forth in the County of San Diego Stormwater Standards Manual) to address hydrology impacts; see M-BI-7.
- i. Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that temporarily impacted areas are revegetated as soon as possible.
- j. Periodically monitor the construction site to verify that artificial security light fixtures are directed away from open space and are shielded.
- k. Oversee the construction site so that cover and/or escape routes for wildlife from excavated areas are provided on a daily basis during vegetation clearing, grubbing and grading. All steep trenches, holes, and excavations during construction shall be covered at night with

backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighted down with sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area at the end of the day) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.

- l. Except as stated otherwise herein, biological monitoring is daily during vegetation clearing, grubbing and grading. Once the PV field construction commences, the monitoring shall be weekly.
- m. The cost of the monitoring shall be added to the grading bonds or bonded separately with the County Planning & Development Services (PDS).

DOCUMENTATION: The Applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the PDS. Additionally, the cost amount of the monitoring work shall be added to the decommissioning cost estimate. **TIMING:** Prior to approval of any decommissioning plans and issuance of any grading or construction permits. **MONITORING:** The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the monitoring to the decommissioning costs.

126. BIO#17–BIOLOGICAL MONITORING REPORT DECOMMISSIONING [M-BI-1] [PDS, FEE]

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the Project, a final biological monitoring report shall be prepared., and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#). **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources. The report shall conform to the County *Report Format Guidelines for Biological Resources*, and include the following items:

- d. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities.
- e. Monitoring logs showing the date and time that the monitor was on site.
- f. Photos of the site after the grading and clearing activities.

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

127. BIO#18–TEMPORARY CONSTRUCTION FENCING [M-BI-2] [PDS, FEE]

INTENT: In order to ensure that sensitive vegetation communities outside of the limits of grading protected, M-BI-2 shall be implemented. **DESCRIPTION OF REQUIREMENT:** The project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans.

DOCUMENTATION: The permittee shall show where the fencing will be placed on the plans and provide evidence to the Director of the San Diego County Department of Planning and Development Services (or his/her designee). **TIMING:**

TIMING: Prior to decommissioning, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.

MONITORING: The [PDS, PPD] shall verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures and training documentation provided by the permittee.

128. BIO#19–NESTING BIRD SURVEY [M-BI-5 (d)] [PDS, FEE X3]

INTENT: In order to avoid impacts to migratory birds and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFG), M-BI-5 (a) shall be implemented.

DESCRIPTION OF REQUIREMENT: This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season (M- BI-5(a)), take avoidance for burrowing owls during the breeding and non- breeding season (M-BI-5(b)), and trampling or crushing special-status reptiles, San Diego desert woodrat, or American badger.

- g. Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is January 15 through August 31, annually). If construction work must occur during the avian breeding season (January 15 to August 31, annually), the applicant shall:

1. Work with the County, CDFW and the USFWS to prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds.
 - a. The applicant(s) will submit to the agencies the NBMMRP (see following for details) for review and approval prior to commencement of the project during the breeding season. The NBMMRP should include the following:
 - b. Nest survey protocols describing the nest survey methodologies
 - c. A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks
 - d. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513
 - e. A schedule for the submittal (usually weekly) of the NML
 - f. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks
 - g. A detailed explanation of how the buffer widths were determined.
 - h. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.
2. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities; conduct preconstruction survey sweeps immediately prior to ground-disturbing activities; and implement appropriate avoidance measures for identified nesting birds in the NBMMRP. Resurvey, if construction activities are halted for ten consecutive days.
3. To determine presence of nesting birds that the project activities may affect, surveys shall be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols shall include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols shall include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.
4. Each nest identified in the project area shall be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs shall include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs shall provide a summary of each nest identified, including the species, status of the

- nest, buffer information, and fledge or failure data. The NMLs shall allow for tracking the success and failure of the buffers and would provide data on the adequacy of the buffers for certain species.
5. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project corridor/footprint to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths shall be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths shall consider the following factors:
 - a. Nesting chronologies
 - b. Geographic location
 - c. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise)
 - d. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests)
 - e. Visibility of disturbance
 - f. Duration and timing of disturbance
 - g. Influence of other environmental factors
 - h. Species' site-specific level of habituation to the disturbance.
 6. Application of the standard buffer widths shall avoid the potential for project-related nest abandonment and failure of fledging and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened. This measure does not apply to nests that are started on construction equipment or panels or supporting structures.

DOCUMENTATION: The Project Biologist shall prepare the final report and submit it to the PDS for review and approval. Additionally, the cost amount of the monitoring work shall be added to the decommissioning cost estimate. **TIMING:** Prior to approval of any decommissioning plans and issuance of any grading or construction permits. **MONITORING:** The PDS shall review and approve these studies for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the studies and review time to the decommissioning costs.

129. BIO#20—BURROWING OWL PRECONSTRUCTION SURVEYS [M-BI-5 (d)] [PDS, FEE X3]

INTENT: Preconstruction surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. **DESCRIPTION OF REQUIREMENT:** Preconstruction surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of

the year that are still present and have not dispersed (CDFG 2012). Surveys must be completed no less than 14 days prior to the initiating ground disturbance activities.

1. If burrowing owls are detected during the breeding season (February 1 through August 1) surveys, a Burrowing Owl Management Plan will need to be written and approved by the County and the California Department of Fish and Wildlife before construction continues. The Plan shall include, at a minimum: 1) measures to protect burrowing owls during grading; 2) description of passive or active burrowing relocation during the non-breeding season; and 3) description of BMPs to implement during construction (e.g., ensure that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms). Table 6-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls, provides the CDFW- recommended restricted activity dates and setback distances around occupied burrowing owl nests for varying levels of disturbance (CDFG 2012).
2. If construction activities occur during the non-breeding season for burrowing owl (1 September – 31 January), a biologist shall conduct a take avoidance survey, following the methods described in the Burrowing Owl Staff Report (CDFG 2012). The take avoidance survey(s) can be conducted between 14 days and 24 hours prior to initiating ground disturbance activities; however, time lapses between project activities may require subsequent surveys within 24 hours prior to ground disturbance. If any burrowing owls are found during these surveys, avoidance and minimization measures must be implemented. The following avoidance and minimization measures shall be implemented:
 - a. Avoid working within 50 meters (160 feet) from the occupied burrow during the non-breeding season;
 - b. Avoid direct destruction of occupied burrows during the non-breeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow);

If these measures cannot be implemented, the applicant shall obtain written approval of an accepted plan (written or verbal) from the County and the California Department of Fish and Wildlife before construction continues. The plan shall include 1) identification of artificial burrow sites, 2) passive relocation methods, 3) monitoring and management of the artificial burrow site, and 4) reporting.

DOCUMENTATION: The Project Biologist shall prepare the final report and submit it to the PDS for review and approval. Additionally, the cost amount of the monitoring work shall be added to the decommissioning cost estimate. **TIMING:** Prior to approval of any decommissioning plans and issuance of any grading or construction permits. **MONITORING:** The PDS shall review and approve these

studies for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the studies and review time to the decommissioning costs.

130. BIO#21–SPECIAL-STATUS SPECIES PRECONSTRUCTION SURVEYS AND RELOCATION PLAN [M-BI-5 (D)] [PDS, FEE X3]

INTENT: In order to avoid impacts to special-status species, M-BI-5 (d) shall be implemented. **DESCRIPTION OF REQUIREMENT:** Prior to decommissioning, the applicant shall develop a relocation plan for special-status terrestrial reptiles (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, and Blainville's horned lizard), American badger and San Diego desert woodrat with the potential to occur on site. The plan shall at minimum include: the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual species; and the method for documentation/recording of the species and number of animals relocated. The Plan shall be submitted to the County by a qualified biologist prior to any ground disturbing activities within potentially occupied habitat.

Pre-Construction Surveys. No more than 7 days prior to decommissioning, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, Blainville's horned lizard, San Diego desert woodrat, and/or American badger). The biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that based on the construction activities, time of year and special-status wildlife species and location of the special-status wildlife species relocation is necessary to occur; relocation will occur to nearby undisturbed areas within suitable habitat in the on-site open space easement as specified in the Plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved Plan). If an American badger maternity den(s) is identified within the Project's disturbance limits, then the den will be avoided until the young have left the den. Once the young have left the den, the American badger will be relocated in accordance with this measure. The biologist relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.

A qualified biologist shall be present during initial ground-disturbing activities (i.e. vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where applicable. If special-status species reptiles or woodrats are detected in the work area during biological monitoring, the individual(s) will be documented and

relocated as per the approved Plan and in accordance with the SCP conditions as applicable.

DOCUMENTATION: The Project Biologist shall prepare the final survey report and relocation plan and submit it to the PDS for review and approval. **TIMING:** Prior to approval of any decommissioning plans and issuance of any grading or construction permits. **MONITORING:** The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the studies and review time to the decommissioning costs.

131. BIO#22–PREVENTION OF INVASIVE PLANT SPECIES [M-BI-9]

INTENT: In order to comply with Mitigation Measure M-BI-9, the following shall be complied with during the operations of the project. **DESCRIPTION OF REQUIREMENT:** A County of San Diego-approved plant list shall be used for areas immediately adjacent to open space. A hydroseed mix that incorporates native species, is appropriate to the area, and is free from invasive species shall be used for landscaped areas adjacent to the biological open space. **DOCUMENTATION:** Prior to approval of a decommissioning permit, the County biologist or landscape architect shall review for approval. **TIMING:** Prior to issuance of any decommissioning permit, the hydroseed mix shall be approved. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

132. ROADS#17 – CONSTRUCTION NOTIFICATION PLAN [PDF-TR-2]

INTENT: In order to keep the public informed during construction, a construction notification plan shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** At least forty-five (45) days prior to construction, the project applicant would prepare and submit a construction notification plan to the County for approval. The construction notification plan would identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components:

a. Public Notice Mailer

A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or

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

b. Public liaison person and toll-free information hotline

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

DOCUMENTATION: The applicant shall provide evidence that this has been completed to the satisfaction of [DPW, PDCI]. **TIMING:** Prior to issuance of any decommissioning permit, a construction notification plan shall be implemented.

MONITORING: The DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.

133. ROADS#18 - TRAFFIC DEMAND MANAGEMENT PROGRAM [PDF-TR-4]

Intent: In order to comply with PDF-TR-4 to reduce construction worker trips, the project shall implement a voluntary Transportation Demand Management Program. **Description:** The Project applicant shall implement a voluntary construction period Transportation Demand Management program to encourage construction workers to carpool or use alternative transportation modes. The program shall include the following:

- j. Encouragement of carpooling among workers to reduce worker commuter trips entering and exiting the Project Area
- k. A transportation package would be provided to workers, prior to commencing work on the Project Area, with information about how to access the Project by alternative transportation and the benefits of doing so; and,
- l. The applicant shall evaluate the feasibility of a vanpool or shuttle service to facilitate worker commute trips if feasible.

DOCUMENTATION: The applicant shall prepare the Traffic Demand Management Plan and provide it to the [PDS, PCC] for review and approval. **TIMING:** The following actions and logs shall occur throughout the duration of decommissioning.

MONITORING: The [PDS, PCC] shall review the plan for compliance with this condition.

134. BIO#22 – NOISE REDUCTION – DURING CONSTRUCTION [M-BI-11]

INTENT: In order to comply with Mitigation Monitoring and Reporting Program pursuant to Major Use Permit, PDS2018-MUP-18-022, M-BI-11 shall be implemented. **DESCRIPTION OF REQUIREMENT:** Construction-related activities that are excessively noisy (e.g., clearing, grading, or grubbing) adjacent to breeding/nesting areas shall incorporate noise-reduction measures (described below) or be curtailed during the breeding/nesting season of sensitive bird species.

1. Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities.
5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications.
6. Radios and other noise-generating "personal equipment" shall be prohibited

If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see **M-BI-5**).

DOCUMENTATION: The permittee shall comply with M-BI-11. **TIMING:** The following actions shall occur throughout the duration of the decommissioning.

MONITORING: The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.

135. PROJECT COMPONENTS RECYCLING - MATERIAL DIVERSION:

INTENT: Project recycling and diversion is designed to increase diversion materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** Prior to decommissioning, major project components must be evaluated to determine recyclability to the maximum extent feasible. A log of all project components detailing if they are being

recycled and/or sent to landfill must be provided. The log must include the facility location of all recycling, disposal, or transfer station facilities for material that must be removed in the approved decommissioning plan.

DOCUMENTATION: A log shall be prepared and approved by [PP]. The [PP] shall review and get concurrence from [DPW, PDCI] prior to approving the log and prior to approval of the decommissioning plan.

The log shall consist of the following:

- a. Identify the project location.
- b. Log date that material was transported off the site
- c. Log type of project components
- d. Amount of the material
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- h. The log shall include separate entries for each occurrence of materials reused on-site.
- i. The log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of decommissioning. **MONITORING:** The [PP] shall review and get concurrence from [DPW, PDCI] prior to approving the log. The [PP] shall contact the [DPW, CO] if the applicant fails to comply with this condition.

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

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

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

Regional Water Quality Control Board: 73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260; (760) 346-7491; <https://www.waterboards.ca.gov/coloradoriver/>
California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; <https://wildlife.ca.gov/>

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the Colorado River Basin Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

INDUSTRIAL FACILITIES COMPLIANCE NOTICE: Once completed, this project may be subject to enroll in the Industrial General Permit if the use falls into any of the regulated Standard Industrial Classification (SIC) codes listed on the State Water Board Web Site at http://www.swrcb.ca.gov/water_issues/programs/stormwater/gen_indus.shtml.

As required by the regional Municipal Stormwater Permit, the County of San Diego must notify the Colorado River of anyone that may be conducting industrial activities covered under the statewide Industrial General Permit but has not obtained permit coverage. Please contact the San Diego RWQCB at (619) 516-1990 for additional information about enrollment under the statewide Industrial General Permit and to confirm if you are subject to either Notice of Intent (NOI) or No Exposure Certification (NEC) coverage.

DRAINAGE: The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10091, adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-2055, to coordinate County requirements. In addition, before trimming, removing or planting trees or shrubs

in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. Old Highway 80 (ME Route #SC 1883) is shown as a 2.2D Light Collector Road on the Mobility Element of the County General Plan. Carrizo Gorge Road is shown as a 2.2D Light Collector Road on the Mobility Element of the County General Plan. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

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

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

NOTICE: In the event that any activity, including earthmoving or construction, discovers the presence of underground storage tanks, septic tanks, wells, site debris, and/or contaminated soils on-site, the contractor and/or property owner shall notify the County of San Diego Planning & Development Services Department and The Department of Environmental Health. The presence of contaminated soils will require soil testing and remediation in accordance with standard county procedures. This process will be determined once the County is notified of the presence of contaminated soils.

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

MAJOR USE PERMIT FINDINGS (PDS2018-MUP-18-022)

Pursuant to Section 7358 of the Zoning Ordinance, the following findings in support of the granting of the Major Use Permit PDS2018-MUP-18-022 are made:

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

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

Existing Setting and Surrounding Uses

A portion of the Project site on the central and southern areas has historically been used for dairy and agricultural operations. Although a portion was used for farming, the Project site is not currently under cultivation and has been fallow since 2014. The Project site contains 12 vegetation communities and/or land covers, including 8 sensitive vegetation communities.

The 1,356-acre Project site varies from relatively level land in the central and southern portions of the site to moderately to steeply sloping hillsides along the western and eastern margins. Elevations range from approximately 2,745 feet above mean sea level in the lower, northern portion of the Project site to 3,365 feet above mean sea level at the top of Round Mountain in the northwestern portion of the Project site. The Project site is sparsely developed with structures located in the southeast associated with prior dairy and ranching operations and unpaved roads. A section of the San Diego and Arizona Eastern Railway that is no longer in service and a tributary to Carrizo Creek are present along the west portion of the Project site.

Regional access to the Project site is provided by I-8, located to the north, and by Old Highway 80 which traverses the southern portion of the Project site. Both I-8 and Old Highway 80 are designated as County Scenic Highways within this area. The Jacumba Airport is located immediately to the east of the southern portion of the Project site. The southern boundary of the Project site is located along the U.S./Mexico border.

Public land in the surrounding area includes Anza Borrego State Park, located adjacent to the Project site to the west. Federal lands managed by the Bureau of Land Management are also located within the surrounding area.

The unincorporated community of Jacumba Hot Springs is located adjacent to the proposed solar facility, to the southwest of the Project site. The 2010

census population was 561. The community includes residential, commercial, and civic uses, including a hot springs resort. Jacumba Hot Springs and the surrounding area are entirely dependent on groundwater for supply. The Jacumba Community Services District provides groundwater to the village area.

The Jacumba Airport is located to the east of the southern portion of the Project site. The Project site is located within the Airport Influence Area of the Jacumba Airport, specifically within the Airport's Airport Land Use Compatibility Plan.

Three electric transmission lines transect the northern portion of the Project site: the SDG&E 138kV transmission line, the Sunrise Powerlink, and the Southwest Powerlink. The proposed Project's switchyard would connect to the existing SDG&E 138kV line. The Sunrise Powerlink and the Southwest Powerlink are 500 kV transmission lines supported by 150-foot-tall steel lattice structures.

Existing and Proposed Energy Facilities in the Project Vicinity

Bulk, Scale, and Coverage of the Proposed Project

The JVR Energy Park will consist of approximately 291,000 PV modules mounted on single-axis trackers oriented in the north-south direction and would cover the 604-acre Major Use Permit area. The height of each mounted panel would be approximately 12 feet from graded surface to highest point. Inverters to convert power from the panels and transformers to increase the electricity to a higher voltage will be installed at 25 locations throughout the solar facility. Two inverters and one transformer will be installed at each location on a metal platform that is 8 feet wide by 20 feet long. The platforms will be mounted above grade. Electrical underground wiring will be installed to connect the PV modules to the inverter/transformer platforms and to transfer the power generated to the on-site substation.

The Project includes a 27,360 square foot substation with transmission towers at a maximum height of 65 feet. Non-transmission tower substation infrastructure will be a maximum height of 40 feet. The Project also includes the build of a switchyard and overhead transmission lines to connect the Project to the existing SDG&E transmission infrastructure which will cover 8.1 acres of the Project site.

Additionally, the Project will include a battery energy storage system, comprised of 75 battery storage containers located adjacent to the inverter/transformer platforms. The batteries will be located in steel containers measuring 55-feet long, 19-feet wide, and 10-feet high. Each container will be separated from adjacent containers by approximately 10 feet.

Analysis of Bulk and Scale

The Project site is located within the Ketchum Valley Ranch Specific Planning Area, however no Specific Plan has been established for the area to date. Based on the current General Plan, the allowable density with the Specific Plan area is 1,110 units. A current Specific Plan proposal could potentially allow for 1,110 units, a water reclamation facility, a hotel, visitor-oriented commercial, a recreational vehicle park, a theme park, industrial park, and sand and gravel extraction. The Project is considered an interim use and is allowed in the Specific Planning Area Land Use Designation upon approval of an MUP. Pursuant to Section 2888.a. of the County Zoning Ordinance, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all structures and infrastructure within a specified amount of time. The Project will be required to provide a bond prior to building permit issuance that will ensure the removal of the solar facility and infrastructure, except for the switchyard which will be under the jurisdiction of San Diego Gas & Electric.

The proposed location, size, design, and operating characteristics of the Project will be compatible with existing uses in the area and consistent with the bulk and scale anticipated for the site by the adoption of the Specific Planning Area.

The Project will be setback from the Jacumba Community Park (300 feet from property line to the Project fence line), residential properties in the community of Jacumba Hot Springs (400 to 1,000 feet from nearest residential property line to the Project fence line) and from Old Highway 80 (175 to 180 feet from the edge of pavement to the Project fence line to the south, 110 feet from the edge of pavement to the Project fence line to the north).

Renewable energy projects have resulted in a change to the physical setting of the Project site and surrounding neighborhood character. An existing transmission corridor transects the northern area of the Project site; this corridor is located immediately north of the proposed substation and switchyard facilities from east to west. Existing transmission infrastructure installed within the corridor includes the 155-foot-tall Southwest and Sunrise Powerlink 500 kV transmission towers and the 150-foot-tall Boulevard 138 kV transmission line. The existing Jacumba Solar Facility and the SDG&E-owned East County (ECO) Substation are within 2 miles of the Project's eastern boundary. The Jacumba Solar development covers 300 acres and includes over 80,000 PV modules and a collector substation. The tallest components of the Project include the approximately 65-foot-tall transmission tower dead-end structure and support poles for the slack-span transmission line, and up to five 70- to 115-foot-high steel poles for the connection to the generation existing Boulevard 138kV transmission lines.

Existing transmission line infrastructure in the area, as discussed above, is comparable in vertical size, scale, and mass as the taller Project components.

The Project's substation and switchyard pad are 27,360 and 140,000 square feet, respectively, which is consistent in size and scale to similar uses in the surrounding area such as the existing ECO Substation, Jacumba Solar Substation, the Sunrise Powerlink, and the Southwest Powerlink, which transect the northern portion of the Project site. The proposed Project will not have a harmful effect on desirable neighborhood character due to existing larger and more visible vertical structures within the surrounding community.

The Project has been designed to minimize impacts on the natural and developed environment on the Project site and within the vicinity. Solar panel arrangement on the Project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and special status species, and to minimize impacts to steep slopes and reduce the need for grading. Biological impacts will be mitigated by an on-site open space easement area which will preserve 435 acres of existing vegetation in perpetuity.

The PV modules and support structures will be up to 12 feet in height from the graded surface and will be consistent with or smaller than surrounding residential, commercial, and civic uses in the adjacent Jacumba Hot Springs community. Battery storage containers will be installed next to the inverter/transformer platforms at 25 locations within the solar facility and will be elevated due to flood constraints to a maximum height not to exceed 15 feet in height. From scenic vantage points in the area, views of the Project site are reduced with distance and topography, allowing the bulk and scale of the Project to be reduced and blend into the horizon. Further, the portions of the Project closest to Old Highway and the Jacumba community will be setback substantial distances from these viewpoints and will be screened with a landscape buffer. The landscape buffer will also be installed along portions of Carrizo Gorge Road.

Analysis of Coverage

Coverage within the Project's MUP area boundary will be approximately 30% and would result from the construction of the proposed Solar PV panels. In addition to the PV panels, additional coverage will result from construction of the inverter and transformer pads, battery storage units, the substation, and the Switchyard Facilities.

As discussed above, based on the current General Plan, the allowable density with the Specific Plan area is 1,110 units. A current Specific Plan proposal could potentially allow for 1,110 units, a water reclamation facility, a hotel, visitor-oriented commercial, a recreational vehicle park, a theme

park, industrial park, and sand and gravel extraction. Lot coverage is anticipated to be similar or less than that anticipated from the buildout of the density allowed under the General Plan. The proposed location, size, design, and operating characteristics of the Project will be compatible with existing uses in the area and consistent with the bulk and scale anticipated for the site by the adoption of the Specific Planning Area.

Analysis of Density

The project facilities would be unstaffed, except in cases of maintenance and repair activities. No residential density is proposed.

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

Fire and Emergency Services

An analysis of the Project found that current fire response capabilities, including primary response from County Fire Station 43 in Jacumba and the CalFire Boulevard Station 47, will be adequate to meet the County standard for response time. Any additional response will be provided from County Fire Station 42 at Lake Morena, and CalFire Campo Fire Station 40. The Project will not result in the need for increased fire protection facilities or services in the area. First responders to emergency medical responses are usually fire response units.

The Project requires the approval of a Fire Protection and Mitigation Agreement, which will contribute targeted funding to the local fire and emergency response capabilities to mitigate risks of wildfires and to enhance fire suppression and emergency services capabilities for the Project and the southeast portion of CSA 135.

The San Diego County Fire Authority has provided a service availability letter to the Project, dated June 7, 2021. Accordingly, there are sufficient fire protection and emergency response services available to serve the Project.

Water Services

The Project will obtain water from two existing on-site groundwater wells (Well #2 and Well #3), which produce water from the Jacumba Valley alluvial aquifer. The Groundwater Resources Investigation for the Project has determined that on-site production wells have capacity to produce sufficient water supply for the Project (Dudek 2020).

Wastewater

The Project will not have an on-site private septic system or require sewer services. No bathroom facilities are proposed as part of the Project and port-a-potties will be used during construction.

Solid Waste

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

Schools

The Project does not include any on-site permanent workers and would not require new or expanded school facilities or result in an increase in demand for other school services.

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

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

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

The Project site is located within the Ketchum Valley Ranch Specific Planning Area (PDS2001-3800-86-03), however no Specific Plan has been established for the area to date. Based on the current General Plan, the allowable density with the Specific Plan area is 1,110 units. A current Specific Plan proposal could potentially allow for 1,110 units, a water reclamation facility, a hotel, visitor-oriented commercial, a recreational vehicle park, a theme park, industrial park, and sand and gravel extraction. The Project is considered an interim use and is allowed in the Specific Planning Area Land Use Designation upon approval of an MUP. Pursuant to Section 2888.a. of the County Zoning Ordinance, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all structures and infrastructure within a specified amount of time. The Project will be required to provide a bond prior to building permit issuance that will ensure the removal of the solar facility and infrastructure, except for the switchyard which will be under the jurisdiction of San Diego Gas & Electric.

The proposed location, size, design, and operating characteristics of the Project will be compatible with existing uses in the area and consistent with the bulk and scale anticipated for the site by the adoption of the Specific Planning Area.

The community of Jacumba Hot Springs and surrounding area can be characterized as predominately rural in nature with large homesteads and a resort. However, in the past several decades, the area is becoming increasingly developed with private facilities, civic uses, and energy infrastructure.

There are a variety of other civic and energy infrastructure developments in the vicinity of the Project site. The Sunrise Powerlink and Southwest Powerlink consist of steel lattice towers with a 500 kV transmission line that transect the middle of the Project site. The Jacumba Airport is immediately to the east of the Project site and the Jacumba Solar and ECO Substation projects are less than two miles to the east of the Project site.

The Mountain Empire Subregional Plan provides guidance and policies to shape the future character of the community. The Project is consistent with policies of the County General Plan and the Mountain Empire Subregional Plan, as well as the vision statement for the Jacumba Subregional Group Area Plan.

The Project has been designed to minimize impacts on the natural and developed environment on the Project site and within the vicinity. Solar panel arrangement on the Project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and special status species, and to minimize impacts to steep slopes and reduce the need for grading. Biological impacts will be mitigated by an on-site open space easement area.

Design features and mitigation measures incorporated into the Project will lessen the visual contrast between the Project and areas of undeveloped landscape in the vicinity. Construction fencing, paint treatments, and landscape screening, as well as buffering, will reduce the visibility of construction and operation activities.

The solar facility will be surrounded by perimeter fencing, including landscaping and slatted fencing where feasible. Panels will be treated with an anti-reflective coating to minimize glare and visibility, and arrays north of Old Highway 80 and south of the SDG&E transmission corridor will eliminate backtracking during the afternoon hours to redirect glare for airport safety purposes. Outdoor nighttime lighting will be kept to the minimum required for security and safety. No impacts to dark skies will result. Noise impacts will be primarily temporary and related to construction activities; all noise impacts will be mitigated.

Short-term construction traffic is managed by a traffic control plan and will not decrease level of service on the local roadways. The Project is

unstaffed, and operation of the Project is conservatively assumed to require 20 trips per day dependent on maintenance requirements and will not affect roadway service levels.

As such the Project will not have a harmful effect upon desirable neighborhood character as described above. At the end of the Project's life, the Project will be decommissioned, and the Project components will be removed from the Project site, except for the Switchyard Facilities.

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

The Project will not alter the physical character of Old Highway 80 or Carrizo Gorge Road. The project conservatively proposes 20 daily trips during operation of the Project for any worker commutes and panel washing. A temporary increase in traffic will occur during the approximately 13-month construction period, with an average of 1,158 daily trips. The construction and operational increases in traffic will not cause the level of service (LOS) of affected roads to fall below the County's acceptable LOS (LOS D) or affect existing intersection operations and delay. The Project will not cause affected roads to exceed their assumed design capacity. A traffic control plan will be implemented to ensure safe and efficient traffic flow in the area and on the Project site during construction. A construction notification plan will be used to inform property owners of potential effects of construction on roads and traffic. Property owners and tenants whose property access potentially will be impacted will be specifically notified in advance and provided alternative access. The Project will not generate traffic that exceeds the capacity of existing roadways or change the physical character of surrounding streets. Accordingly, the Project is consistent with this finding.

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

A number of factors contribute to the suitability of the Project site for a PV solar development.

The Project will primarily be developed on land designated Specific Plan, but portions of the development footprint area also designated Public Agency Lands, Open Space (Recreation), Public/Semi Public Facilities, Rural Commercial, Rural Lands, Village Residential (VR-15), and Village Residential (VR-2). The Project will be developed on land zoned S80 (Open Space), S88 (Specific Plan), and S92 (General Rural). The Environmental Impact Report for the Project analyzed consistency with all applicable policies, including policies in the Land Use, Mobility, Conservation and Open Space, Safety, and Noise Elements. The analysis also found that the

Project is consistent with all applicable policies of the Mountain Empire Subregional Plan and the Jacumba Vision Statement.

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

The Project would locate solar power plant facilities as near as possible to existing or planned electrical transmission facilities, including co-locating with existing transmission facilities when feasible. For a large-scale renewable energy development, the distance to a viable point of interconnection with the power grid and the ability of the grid to accommodate new renewable generation without triggering major upgrade costs are among the most important factors in project feasibility. The Project includes an onsite collector substation to convert generated power from 34.5 kV to 138 kV, a switchyard to transfer power from the substation to the existing SDG&E transmission lines, and a 138 kV transmission line to connect the switchyard with the existing SDG&E Boulevard – East County transmission line.

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

N/A

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

The County's analysis for the Project determined that the Project is consistent with the General Plan Village and Rural Lands Regional Categories and Specific Plan, Public Agency Lands, Open Space (Recreation), Public/Semi Public Facilities, Rural Commercial, Rural Lands, Village Residential (VR-15), and Village Residential (VR-2) Land Use Designations. The Environmental Impact Report for the Project analyzed consistency with all applicable policies, including policies in the Land Use, Mobility, Conservation and Open Space, Safety, and Noise Elements. The Analysis also found that the Project is consistent with all applicable policies of the Mountain Empire Subregional Plan and the Jacumba Vision Statement.

Section 2888.a. of the Zoning Ordinance states that an MUP may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified

amount of time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.

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

The Project has been reviewed in compliance with CEQA. An EIR was prepared for the proposed Project and was available for public review from October 8, 2020, through December 7, 2020 (59 days). The EIR determined that impacts to aesthetics and visual resources and impacts to mineral resources will be significant and unavoidable. Ten issues areas had potentially significant impacts that will be mitigated to less than significant (air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, geology, noise, paleontological resources, tribal cultural resources, and wildfire).

The Project will implement mitigation measures to reduce impacts to aesthetics visual resources to the extent feasible. Mitigation measures will include the following: use of non-reflective inverters, energy storage containers, and transmission line; setbacks from residential properties; landscaping; and slatted or screened fencing. Feasible mitigation measures have not been identified that will further reduce the anticipated change to visual character resulting from the Proposed Project. The impact remains significant and unavoidable and a Statement of Overriding Considerations, as directed by CEQA Guidelines Section 15093, has been prepared for this impact.

No feasible mitigation was found to reduce impacts to mineral resources to a less than significant level, as implementation of the Project will result in the permanent loss of availability of a known mineral resource due to preservation of on-site habitat as mitigation for impacts to biological resources. The impact remains significant and unavoidable and a Statement of Overriding Considerations, as directed by CEQA Guidelines Section 15093, has been prepared for this impact.

A Statement of Overriding Considerations is a document that a decision-making agency must adopt for impacts that cannot be mitigated to a level below significance for a project. A decision-making agency may decide to adopt a Statement of Overriding Considerations for a project because the agency views that the economic, social, technological, and other benefits resulting from the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. All remaining potential impacts have been reduced to less than significant with implementation of mitigation measures, and findings have been prepared according to CEQA Guidelines Section 15091. The EIR is on file with PDS as Environmental Review No. PDS2018-ER-18-22-001.

- (d) *That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar*

Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.

The applicant has provided the County an owner consent letter and sufficient evidence demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property.

- (e) *Setback. A system or plant shall meet all of the setback requirements of the zone.*

The Project site does not have any designated setbacks because it is within a Specific Planning Area. However, the Project will be setback from the Jacumba Community Park (300 feet from property line to the Project fence line), residential properties in the community of Jacumba Hot Springs (400 to 1,000 feet from nearest residential property line to the Project fence line) and from Old Highway 80 (175 to 180 feet from the edge of pavement to the Project fence line to the south, 110 feet from the edge of pavement to the Project fence line to the north).

- (f) *Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.*

The Project is required to submit a 7460 at least 45 days prior to construction to the FAA and receive a determination of No Hazard.

- (g) *Visual. The following measures shall be followed in order to minimize the visual impact of the project:*

- i. Removal of existing vegetation shall be minimized.*

The Project has been designed to minimize impacts on the natural and developed environment on the Project site and within the vicinity. Solar panel arrangement on the Project site has been designed to avoid cultural resources, riparian and sensitive habitat areas, and special status species, and to minimize impacts to steep slopes and reduce the need for grading. Biological impacts will be mitigated by an on-site open space easement area.

- ii. Internal roads shall be graded for minimal size and disruption.*

The interior on-site vehicle access would be constructed to a minimum improved width of 20 feet. All internal access would be designed to provide a minimum inner turning radius of 28 feet, would be graded and maintained to support the imposed loads of fire apparatus (not less than 75,000 pounds), and would be designed and maintained to provide all-weather driving capabilities. The internal access would allow for two-way access of fire apparatus throughout the solar facility in order to access all of the inverter/transformer pads and battery storage containers.

All internal access surfaces would have a permeable nontoxic soil binding agent in order to reduce fugitive dust and erosion in accordance with County Code Section 87.428, Dust Control Measures, and with San Diego Air Pollution Control District Rule 55, which regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions.

- iii. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.*

Design features and mitigation measures incorporated into the Project will lessen the visual contrast between the Project and areas of undeveloped landscape in the vicinity. Construction fencing, paint treatments, and landscape screening, as well as buffering, will reduce the visibility of construction and operation activities.

- iv. A structure shall be non-reflective in all areas possible to blend with the surroundings.*

Inverter enclosures shall be a non-reflective color. If the enclosures are not manufactured as non-reflective, the enclosures shall be painted a non-reflective color. Energy storage containers shall be a non-reflective color. If the containers are not manufactured as non-reflective, the containers shall be painted a non-reflective color. All new transmission line conductors shall be non-reflective in design to reduce conductor visibility and visual contrast.

- (h) Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the Solar Energy System. The security shall be provided to PDS prior to building permit issuance. Once the Solar Energy System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the Solar Energy System.*

Pursuant to Section 2888.a. of the County Zoning Ordinance, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all structures and infrastructure within a specified amount of time. The Project will be required to provide a bond prior to building permit issuance that will ensure the removal of the solar facility and infrastructure, except for the switchyard which will be under the jurisdiction of San Diego Gas & Electric.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS

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

ON MOTION of Board Member Anderson, seconded by Board Member Vargas, this Resolution is passed and approved by the Board of Supervisors of the County of San Diego, State of California, at a regular meeting held on this 18th day of August 2021, in Board of Supervisors North Chamber Room 310, 1600 Pacific Highway, San Diego, California, by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

NOES:

ABSENT:

**Jacumba Valley Ranch Energy Park Project
Environmental Impact Report
Mitigation Monitoring and Reporting Program**

Prepared for:

County of San Diego
5510 Overland Avenue
San Diego, California 92123

July 2021

MITIGATION MONITORING AND REPORTING PROGRAM

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This mitigation monitoring and reporting program (MMRP) is for the Jacumba Valley Ranch Energy Park Project (Project). This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines. The mitigation measures in this MMRP are coded by alphanumeric identification consistent with the EIR. The following items are identified for each mitigation measure:

- **Mitigation Monitoring.** This section of the MMRP lists the stage of the Project during which the mitigation measure would be implemented and indicates who is responsible for implementing the mitigation measure (i.e., the “implementing party”). It also lists the agency that is responsible for ensuring that the mitigation measure is implemented and that it is implemented properly.
- **Reporting.** This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each mitigation measure.

In addition to required mitigation measures in the EIR, project design features (PDFs) are to be implemented, as necessary. These PDFs are similarly coded by alphanumeric identification consistent with the EIR and a separate table lists when the PDF would be implemented, the implementing party and the reporting. The County of San Diego must adopt this MMRP, or an equally effective program, if it approves the Project with the mitigation measures that were adopted or made conditions of approval.

COUNTY OF SAN DIEGO DEPARTMENT AND DIVISION ACRONYMS	
<i>Planning & Development Services (PDS)</i>	
Building Plan Process Review	BPPR
Project Planning	PP
Project Planning Division	PPD
Permit Compliance Coordinator	PCC
Building Inspector	BI
Real Property Division	RP
Land Development Project Review	LDR
Landscape Architect	LA
San Diego County Fire Protection District	SDCFPD
Zoning Counter	ZC
<i>Department of Public Works (DPW)</i>	
Private Development Construction Inspection	PDCI
Compliance Official	CO
<i>Department of Parks and Recreation (DPR)</i>	
Trails Coordinator	TC

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MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES						
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Aesthetics						
M-AE-1 Inverter enclosures shall be a non-reflective color. If the enclosures are not manufactured as non-reflective, the enclosures shall be painted a non-reflective color.	Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans.	The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.	County of San Diego			
M-AE-2 Energy storage containers shall be a non-reflective color. If the containers are not manufactured as non-reflective, the containers shall be painted a non-reflective color.	Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans.	The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.	County of San Diego			
M-AE-3 All new transmission line conductors shall be non-reflective in design to reduce conductor visibility and visual contrast.	Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans.	The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.	County of San Diego			
M-AE-4 A minimum set-back of 75 feet from residential property lines to solar panels shall be provided along the western Project boundary. This setback shall be provided where the western	Prior to issuance of any Building	The [PDS, BPPR] shall verify that the	County of San Diego			

MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES					
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance	
				Initials	Date
Project boundary parallels residential property lines in Jacumba Hot Springs. Setbacks shall be provided pursuant to Section 4800, Setback Regulations, of the County's Zoning Ordinance and shown on Project Plot Plans.	Permits, this condition shall be incorporated into the building plans.	been placed on all sets of the building plans and made conditions of Building Permit issuance.			
M-AE-5 Landscaping shall be installed to provide visual screening of the solar facility. The proposed rows of landscaping will be approximately 15 feet wide and will include drought tolerant trees (approximately 18 feet tall 10 years after planting) with native and/or drought tolerant shrubs and ground covers incorporated in between the fence line and the existing road and utility easements. As identified on the Project Conceptual Landscape Plan, landscaping shall be installed and shall run parallel to segments of the Project perimeter fence in the following specified sections: along the north and south sides of Old Highway 80 for entire length of the solar facility; along the east side of Carrizo Gorge Road; and along the southwestern portion of the solar facility adjacent to the community of Jacumba Hot Springs. The applicant shall prepare the Landscape Plans using the Landscape Documentation Package and pay all applicable review fees. Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. The applicant shall submit to the [PDS LA, PCQ], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant	Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed.	The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition. The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCQ] [DPR, TC, PP] of compliance with the approved Landscape	County of San Diego		

July 2021

JVR Energy Park Project MMRP

10743

MMRP-4

MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES						
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist. Prior to project construction, the project applicant shall submit a conceptual landscape plan detailing the planting materials and sizes and location of landscaping shall be prepared and provided to the County for review and approval. Landscaping shall be planted and maintained accordingly to ensure continued screening of proposed solar panels by the Applicant and/or Project operator over the operational life of the Project.	Upon establishment of the use, this condition shall apply for the duration of the term of this permit.	Documentation Package. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit				
M-AE-6: As identified on the Project Plot Plans, visual screening shall be installed along specific segments of the Project perimeter fence in the following specified sections: along the north and south sides of Old Highway 80 for the entire length of the solar facility; east side of Carrizo Gorge Road; and along the southwestern portion of the solar facilities adjacent to the community of Jacumba Hot Springs. Tan-colored slats shall be installed on fencing adjacent to residential properties north of Old Highway 80 and Jacumba Community Park, as determined feasible based on flood flow heights. Where slats are not feasible in areas of higher flood flows, screening material shall be installed. Screening material (such as vinyl or other acceptable material) shall be installed on the perimeter fence along both sides of Old Highway 80. The screening material shall be tan-colored, or other neutral color compatible with natural background setting. PDS shall approve the screening material and color. Screening material shall be installed securely to accommodate wind conditions. Slat and screening material shall be maintained accordingly over the operational life of the Project. Slat and screening material shall be replaced as needed to ensure a	Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans.	The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.				

MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES						
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
unified and orderly appearance and to provide continued visual screening of Project components.						
In areas where flood depths are less than approximately one foot in height and the Project is subject to M-HYD-1 (flood fencing), slats or screening shall not be required on the bottom two feet of the Project fence (one foot of flood depths and one foot of freeboard); provided that the Project applicant submits evidence to PDS that establishes the bottom two feet of the fence is entirely screened from public views by the landscaping required by mitigation measure M-AE-5 and any required flood fencing complies with the M-HYD-1 and PDF-HYD-4 . If PDS determines that the landscaping is not sufficient to screen this portion of the Project fence from public views, the Project applicant shall propose additional landscaping sufficient to meet this standard. PDS shall review and approve the additional landscaping in accordance with the requirements of M-AE-5 .						
Air Quality						
M-AQ-1 Prior to the County of San Diego's (County's) approval of any construction or decommissioning-related permits, the Proposed Project applicant or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize diesel particulate matter emissions: a. Heavy-duty diesel-powered construction equipment shall be equipped with Tier 4 Final or better diesel engines for engines 75 horsepower or greater. The County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Final standards. b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not	Prior to the approval of any construction or grading related permits, the Proposed Project applicant or its designee shall place the following requirements on all plans, which	The [DPW, PDCI] shall make sure that the construction contractor complies with the Air Quality requirement of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the permittee fails to comply with this condition.	County of San Diego			

MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES					
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance	
				Initials	Date
<p>c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.</p> <p>d. When construction equipment units that are less than 50 horsepower are employed, that equipment shall be electrical or natural gas-powered, where available.</p>	shall be implemented during each construction phase.				
<p>M-AQ-2 Prior to the County of San Diego's (County's) approval of any grading permits and during Proposed Project construction and decommissioning, a Fugitive Dust Control Plan shall be prepared demonstrating compliance with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance), to the satisfaction of the County.</p> <p>The Project applicant or its designee shall require implementation of the following fugitive dust measures to minimize PM₁₀ emissions as part of the Fugitive Dust Control Plan. All measures shall be designated on Grading and Improvement Plans.</p> <p>a. Prior to construction activities, the Project applicant shall employ a construction relations officer who shall address community concerns regarding on-site construction activity. The Project applicant shall provide public notification in the form of a visible sign containing the contact information of the construction relations officer who shall document complaints and concerns regarding on-site construction activity. The sign shall be placed in easily accessible locations and noted on Grading and Improvement Plans.</p> <p>b. Grading areas shall be watered, or another SDAPCD-approved dust control non-toxic agent shall be used, at least three times daily, to minimize fugitive dust only where chemical stabilizers are not used.</p> <p>c. All permanent roads and the paved access roadway improvements shall be constructed and paved as early as</p>	<p>Prior to issuance of any Grading or Construction Permits, the Fugitive Dust Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction.</p> <p>Prior to issuance of any decommissioning plan or decommissioning plan related permits, the Fugitive Dust</p>	<p>The County of San Diego shall review the Fugitive Dust Control Plan for compliance with this condition and ensure that the plan is implemented throughout the construction period.</p>	County of San Diego		

MITIGATION MONITORING AND REPORTING PROGRAM

JVR ENERGY PARK PROJECT MITIGATION MEASURES						
Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
possible in the construction process to reduce construction vehicle travel on unpaved roads. Foundations shall be finalized as soon as possible following site preparation and grading activities to reduce fugitive dust from earth-moving operations.	Control Plan shall be provided to the County for review and approval. The plan shall be implemented throughout construction.					
d. Grading areas shall be stabilized as quickly as possible to minimize fugitive dust.						
e. Wheel washers, grates, rock, or road washers shall be installed adjacent to the site access points for tire inspection and washing prior to vehicle entry on public roads.						
f. Visible track-out into traveled public streets shall be removed with the use of sweepers, water trucks, or similar method within 30 minutes of occurrence.						
g. Haul trucks shall be covered or at least 2 feet of freeboard shall be maintained to reduce blow-off during hauling.						
h. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.						
i. Haul truck staging areas shall be provided for loading and unloading of soil and materials and shall be located away from sensitive receptors at the farthest feasible distance.						
Biological Resources						
M-BI-1 Biological Monitoring.						
(a) In order to prevent inadvertent disturbance to sensitive resource areas outside the approved area of impact, a County of San Diego (County)-approved biologist (Project Biologist) shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities.	Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits.	The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the Project manager, for	County of San Diego			
1. The Project Biologist shall perform the monitoring duties before, during, and after construction pursuant to the most current version of the County <i>Biological</i>						

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<p><i>Report Format and Requirement Guidelines.</i> The contract provided to the County shall include an agreement that this will be completed, and a memorandum of understanding between the biological consulting company and the County shall be executed. The contract shall include a cost estimate for the monitoring work and reporting. In addition to performing monitoring duties pursuant to the most current version of the County <i>Biological Report Format and Requirement Guidelines</i>, the Project Biologist shall also perform the following duties:</p> <ol style="list-style-type: none"> Attend the pre-construction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds). Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading and clarifying that the Project Biologist has the authority to halt work that could harm or harass a protected species. Review the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading. Discuss procedures and provide Worker Environmental Aware Program training for minimizing harm to or harassment of wildlife 	<p>Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.</p>	<p>inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the monitoring to the grading bond costs.</p> <p>The [DPW, PDCI] shall invite the [PDS, PPD] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PPD] shall either attend the preconstruction conference to verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures and training documentation</p>			

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<p>encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading.</p> <p>e. Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading.</p> <p>f. Supervise and monitor vegetation clearing, grubbing, and grading to ensure against direct and indirect impacts on biological resources that are intended to be protected and preserved.</p> <p>g. Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities. If brush-clearing and earth-moving activities take place within the bird breeding season, flushing shall not occur in an area identified as having an active nest and thus resulting in a potential take of a species.</p> <p>h. Verify that grading plans include a stormwater pollution prevention plan (SWPPP) (if required pursuant to provisions of the State Water Resources Control Board 2009-0009-DWQ Construction General Permit, or equivalent applying the standards set forth in the County of San Diego Stormwater Standards Manual) to address hydrology impacts; see M-BI-7.</p> <p>i. Periodically monitor the construction site to see that dust is minimized according to the fugitive dust control plan and that temporarily impacted areas are revegetated as soon as possible.</p> <p>j. Periodically monitor the construction site to verify</p>	<p>The following actions shall occur throughout the duration of the earth disturbing activities.</p>	<p>provided by the permittee.</p> <p>The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.</p> <p>The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.</p>			
	Upon completion of all grading and clearing activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed.	The [PDS, PPD]			

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<p>that artificial security light fixtures are directed away from open space and are shielded.</p> <p>k. Oversee the construction site so that cover and/or escape routes for wildlife from excavated areas are provided on a daily basis during vegetation clearing, grubbing and grading. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighted down with sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and prior to sealing the exposed area at the end of the day) by a qualified biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route.</p> <p>l. Except as stated otherwise herein, biological monitoring is daily during vegetation clearing, grubbing and grading. Once the PV field construction commences, the monitoring shall be weekly.</p> <p>2. The cost of the monitoring shall be added to the grading bonds or bonded separately with the County Planning & Development Services (PDS).</p> <p>Documentation: The Applicant shall provide a copy of the biological monitoring contract, cost estimate, and</p>	<p>completion of all grading and clearing activities, and prior to Final Grading Release, the final report shall be completed.</p> <p>Prior to approval of any decommissioning plans and issuance of any grading or construction permits.</p>	<p>shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.</p> <p>The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the monitoring to the decommissioning costs.</p>			
(Decommissioning)					
The [PDS, PPD]					

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<p>MOU to the PDS. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.</p> <p>Timing: Prior to approval of any grading and or improvement plans and issuance of any grading or construction permits.</p> <p>Monitoring: The PDS shall review the contract, MOU, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the monitoring to the grading bond costs.</p>	<p>ng) Upon completion of all grading and clearing activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed.</p>	<p>shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.</p>			
<p>(b) In order to ensure that the biological monitoring occurred during the grading phase of the Project, a final biological monitoring report shall be prepared. The Project Biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities, and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources.</p> <p>The report shall conform to the County <i>Report Format Guidelines for Biological Resources</i>, and include the following items:</p> <p>a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities</p>					

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<p>b. Monitoring logs showing the date and time that the monitor was on site</p> <p>c. Photos of the site after the grading and clearing activities.</p> <p>Documentation: The Project Biologist shall prepare the final report and submit it to the PDS for review and approval.</p> <p>Timing: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved.</p> <p>Monitoring: The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform DPW that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then PDS shall inform the applicant to release the bond back to the Applicant.</p>						
<p>(c) Compliance with this measure shall be required during decommissioning activities.</p> <p>M-BI-2 Temporary Construction Fencing. Prior to issuance of permits, including clearing, grubbing, grading, and/or construction permits, the project applicant or its designee shall install fencing wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the Project Biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on plans. Prior to release of grading and/or improvement bonds, a qualified biologist shall provide evidence to the satisfaction of the Director of the San</p>	<p>Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land</p>	<p>The [DPW, PDCI] shall invite the [PDS, PPD] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS,</p>	<p>County of San Diego</p>			

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Diego County Department of Planning and Development Services (or his/her designee) that work was conducted as authorized under the approved permits and associated plans.	disturbances this condition shall be completed.	PPD] shall either attend the preconstruction conference to verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures and training documentation provided by the permittee. The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition. [PDS, PPD] shall review the final report for			
	Upon completion of all grading and				

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	clearing activities, and prior to Final Grading Release, the final report shall be completed.	compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.			
	Prior to decommissioning, and prior to any clearing, grubbing, trenching, grading, or any land disturbances	The [PDS, PPD] shall verify the installation of the temporary fencing and approve the training documentation, or review the certification, pictures			

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		this condition shall be completed.	and training documentation provided by the permittee.				
M-BI-3 Habitat Preservation. In order to mitigate for impacts to loss of sensitive vegetation communities, plant and wildlife species habitat, special status plant species, burrowing owl occupied habitat, and wildlife movement, the applicant shall provide an on-site biological open space easement. a. In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and California Environmental Quality Act, a biological open space easement will be granted over up to 435.00 acres of sensitive vegetation communities, special-status plant species, and habitat for special-status species. The project is estimated to impact sensitive vegetation communities that require mitigation as summarized in the following table.		Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this easements shall be recorded.	The DGS shall prepare and approve the easement documents and send them to PDS for pre-approval. The PDS shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements, DGS shall forward a copy of the recorded documents to PDS for satisfaction of the condition.	County of San Diego			
Vegetation Community/Land Cover	Ratio	Permanent Direct Impacts (Acres)	Required Mitigation (Acres)	Biological Open Space Easement (Acres)			
*Desert saltbush scrub	2:1	50.39	100.78	4.69			
*Desert sink scrub	3:1	—	—	12.43			
*Disturbed freshwater marsh	3:1	—	—	0.08			
*Mesquite bosque	3:1	2.64	7.92	126.12			
*Sonoran mixed woody scrub	1:1	—	—	139.33			
*Sonoran mixed woody and succulent scrub	1:1	72.85	72.85	132.05			
*Tamarisk scrub	3:1	1.11	3.33	—			
*Non-wetland waters of	1:1	—	—	0.78			
		Prior to approval of any plan or	A RMP Annual Report will be submitted to the				

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the United States/state	0.5:1	467.63	233.82	9.35		
Fallow agriculture ¹	N/A	27.27	—	10.17		
Disturbed habitat	N/A	21.24	—	<0.01		
Urban/developed	—	643.13	418.70	435.00		
Total						
Note: An asterisk (*) marks land cover types for which the County of San Diego (2010a) requires mitigation.						
¹ The fallow agriculture is considered raptor foraging habitat mitigated at a 0.5:1 mitigation ratio.						
<p>This biological open space easement shall mitigate for project impacts to sensitive vegetation communities and habitat for wildlife species as shown in the table above, thereby preserving compensatory habitat that provides equal or greater benefit to plant and wildlife species. The Proposed Project Major Use Permit area was reduced in the Final EIR; however, the applicant shall provide a total of 435 acres of biological open space easement as described in the Draft and Final EIR. This biological open space easement will be granted to the County of San Diego (County). Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat</p>		<p>issuance of any permit, and prior to use of the premises in reliance of this permit.</p> <p>The applicant shall install the project fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the fencing has been installed to provide the required opening.</p>	<p>County along with the submittal fee to cover County staff review time.</p> <p>The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.</p>			
<p>Upon establishment of the use, this condition shall apply for the</p>		<p>The [PDS, Code Compliance Division] is responsible for enforcement of this</p>				

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conservation. The only exceptions to this prohibition are (1) vegetation clearing by hand, by written order of the fire authority for reduction of an identified fire hazard; (2) activities conducted pursuant to an approved revegetation or resource management plan; (3) vector control by written order of the County; and (4) construction, use, and maintenance of approved multi-use, non-motorized trails. No trails have been approved as part of this Project and would require subsequent environmental review and approval by PDS. Permanent signage indicating the area is a biological open space will be required and will be installed by the developer.	duration of the term of this permit.	permit.			
<p>Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the DGS, and concurrence with PDS, and pay all applicable fees associated with preparation of the documents.</p> <p>Timing: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded.</p> <p>Monitoring: The DGS shall prepare and approve the easement documents and send them to PDS for pre-approval. The PDS shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements, DGS shall forward a copy of the recorded documents to PDS for satisfaction of the condition.</p>					

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<p>b. Special-Status Plants. Mitigation shall be provided for one pygmy lotus (County List A) and 21 sticky gerarea individuals (County List B). County List A plant species will be mitigated at a 3:1 ratio, and County List B species will be mitigated at a 1:1 mitigation ratio. Mitigation for these plants shall be achieved through a combination of (1) salvaging the plants located in proposed impact areas and replanting in suitable mitigation lands; and (2) establishment of additional plants to meet the mitigation requirements. The Resource Management Plan (RMP) for the biological open space easement shall include the required measures to ensure viability of the transplanted and established individuals. The RMP (see M-BI-4) includes the location of the plant restoration. The RMP will be the basis for monitoring and mitigation activities for the entire biological open space, including locations of plant mitigation.</p> <p>Documentation: The applicant shall prepare an RMP and submit it to PDS and pay all applicable review fees.</p> <p>Timing: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded.</p> <p>Monitoring: A RMP Annual Report will be submitted to the County along with the submittal fee to cover County staff review time.</p>					
<p>c. Burrowing owl occupied habitat. Based on mitigation</p>					

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<p>ratios provided in Table 1 of the Strategy for Mitigating Impacts to Burrowing Owls in the Unincorporated County (Attachment A, County of San Diego 2010b), the project is required to provide 1:1 mitigation ratio for impacts to occupied burrowing owl habitat. Impacts to burrowing owl habitat will be mitigated by dedicating 22 acres of suitable burrowing owl habitat as an on-site biological open space easement. This acreage is included in the overall up to 435-acre biological open space easement. This area is comprised of open, relatively flat habitat which contains similar vegetation communities as the impacted habitat. This biological open space easement shall mitigate for project impacts to occupied burrowing owl habitat. Refer to M-BI-3(a) which describes the biological open space easement requirements.</p> <p>d. Wildlife Corridor Access. The project shall provide a 50 to 100 foot opening in the perimeter fence north of the SDG&E easement to allow for wildlife moving within the easement corridor or north of the easement to move in and out of the easement. The opening in the fence will allow wildlife traveling along the fence line to find a break in the fencing leading them into the larger wildlife corridor. This opening in the fence shall be provided and maintained for the life of the project.</p> <p>Documentation: The fencing on the construction plans shall show an opening in the perimeter fencing as described above. The applicant shall install the project fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or</p>					

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<p>licensed surveyor that the fencing has been installed to provide the required opening.</p> <p>Timing: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded.</p> <p>Monitoring: The <i>[PDS, PCC]</i> shall review the photos and statement for compliance with this condition.</p>					
<p>M-BI-4 Resource Management Plan (RMP). In order to provide for the long-term management of the proposed on-site biological open space, an RMP will be prepared and implemented in accordance with the County's Report Format and Content Requirements for Conceptual Biological Resources Management Plans. The RMP is provided as Appendix I of Appendix D. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of Planning & Development Services as follows:</p> <ol style="list-style-type: none"> 1. The plan will be prepared and approved pursuant to the most current version of the County of San Diego (County) Biological Report Format and Content Requirements. 2. The habitat land to be managed will be owned by a land conservancy or equivalent. 3. Open space easements will be dedicated to the County in perpetuity, unless conveyed to another public agency subject to approval by the Director of PDS. 4. A resource manager will be selected and approved, with evidence provided demonstrating acceptance of this responsibility. 5. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County. 	<p>Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance on this permit, the RMP shall be approved</p>	<p>The PDS shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.</p>	<p>County of San Diego</p>		

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<p>The RMP funding mechanism will be identified and adequate to fund annual costs for implementation; typically determined by a Property Analysis Record as a non-wasting endowment.</p> <p>6. A contract between the applicant and County will be executed for the implementation of the RMP.</p> <p>7. The Final RMP shall have Project-specific requirements for the following mitigation implementation and monitoring measures:</p> <ul style="list-style-type: none"> a. Special status plant species mitigation b. Bat house monitoring (if required under M-BI-6) c. Tricolored blackbird monitoring d. Camera traps for wildlife movement <p>8. Goals: The Final RMP will accomplish the following:</p> <ul style="list-style-type: none"> a. Preserve and manage lands to the benefit of the flora, fauna, and native ecosystem functions reflected in the natural communities occurring within the on-site biological open space. b. Provide 3:1 replacement of pygmy lotus and 1:1 replacement of sticky gerarea. If 1 pygmy lotus and 21 sticky gerarea are transplanted, then success of this Mitigation Program will be achieved when at least 3 pygmy lotus plants and 21 sticky gerarea plant are documented within the reception site during one or more years during the 3-year monitoring period. <p>Documentation: The applicant shall prepare an RMP and submit it to PDS and pay all applicable review fees.</p> <p>Timing: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance on this permit, the</p>					

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	RMP shall be approved.						
	Monitoring: The PDS shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.						
	M-BI-5 This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season (M-BI-5(a)), take avoidance for burrowing owls during the breeding and non-breeding season (M-BI-5(b)), and trampling or crushing special-status reptiles, San Diego desert woodrat, or American badger. (a) Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is January 15 through August 31, annually). If construction work must occur during the avian breeding season (January 15 to August 31, annually), the applicant shall: 1. Work with the County, CDFW and the USFWS to prepare a Nesting Bird Management, Monitoring, and Reporting Plan (NBMMRP) to address avoidance of impacts to nesting birds. a. The applicant(s) will submit to the agencies the NBMMRP (see following for details) for review and approval prior to commencement of the project during the breeding season. The NBMMRP should include the following: b. Nest survey protocols describing the nest survey methodologies c. A management plan describing the methods to be	Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.	The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then the PDS shall inform DPW to release the bond back to the applicant.	County of San Diego			
		Prior to Preconstruction Conference, and prior to any clearing,	The PDS shall review the final survey report and/or Burrowing Owl Management Plan				

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<p>used to avoid nesting birds and their nests, eggs, and chicks</p> <p>d. A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor the applicant's compliance with Fish and Game Code Sections 3503, 3503.5, 3511, and 3513</p> <p>e. A schedule for the submittal (usually weekly) of the NML</p> <p>f. Standard buffer widths deemed adequate to avoid or minimize significant project-related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks</p> <p>g. A detailed explanation of how the buffer widths were determined.</p> <p>h. All measures the applicant will implement to preclude birds from utilizing project-related structures (i.e., construction equipment, facilities, or materials) for nesting.</p> <p>2. Conduct preconstruction nesting bird surveys within 72 hours of construction-related activities; conduct preconstruction survey sweeps immediately prior to ground-disturbing activities; and implement appropriate avoidance measures for identified nesting birds in the NBMMPR. Resurvey, if construction activities are halted for ten consecutive days.</p> <p>3. To determine presence of nesting birds that the project activities may affect, surveys shall be conducted beyond the project area—300 feet for passerine birds and 500 feet for raptors. The survey protocols shall include a</p>	<p>grubbing, trenching, grading, or any land disturbances this condition shall be completed.</p> <p>Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.</p> <p>Prior to any occupancy, final grading release, or use</p>	<p>for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.</p> <p>The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished. The PDS shall review the final report for compliance with this</p>			

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<p>detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols shall include but are not limited to the size of the project area being surveyed, method of search, and behavior that indicates active nests.</p> <p>4. Each nest identified in the project area shall be included in the NML. The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs shall include information necessary to allow comparison between nests protected by standard buffer widths recommended for the project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs shall provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledgling or failure data. The NMLs shall allow for tracking the success and failure of the buffers and would provide data on the adequacy of the buffers for certain species.</p> <p>5. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the project corridor/footprint to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths shall be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds. The determination of the buffer widths shall consider the following factors:</p>	<p>of the premises in reliance of this permit, the final report shall be approved.</p>	<p>condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then the PDS shall inform DPW to release the bond back to the applicant.</p>			
	<p>Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved.</p>	<p>The PDS shall review the final survey report and/or Burrowing Owl Management Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement</p>			

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<ol style="list-style-type: none"> a. Nesting chronologies b. Geographic location c. Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise) d. Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests) e. Visibility of disturbance f. Duration and timing of disturbance g. Influence of other environmental factors h. Species' site-specific level of habituation to the disturbance. 6. Application of the standard buffer widths shall avoid the potential for project-related nest abandonment and failure of fledging and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened. This measure does not apply to nests that are started on construction equipment or panels or supporting structures. <p>Documentation: The Project Biologist shall prepare the final report and submit it to the PDS for review and approval.</p> <p>Timing: Surveys shall be conducted prior to any clearing, grubbing, trenching, grading, or any land disturbances. Prior to any occupancy, final grading release, or use of the premises in reliance of this permit,</p>	<p>Prior to approval of any decommissioning plans and issuance of any grading or construction permits.</p>	<p>The PDS shall review and approve these studies for compliance with this condition. The cost estimate should be forwarded to the Project manager, for inclusion in the grading bond cost estimate, and grading bonds. The DPW/PDS shall add the cost of the studies and review time to the decommissioning costs.</p>			

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<p>the final report shall be approved.</p> <p>Monitoring: The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then the PDS shall inform DPW to release the bond back to the applicant.</p>					
<p>(b) Burrowing Owl Preconstruction Surveys. Preconstruction surveys are intended to detect the presence of burrowing owls on a project site at a fixed period in time and inform necessary take avoidance actions. Preconstruction surveys may detect changes in owl presence such as colonizing owls that have recently moved onto the site, migrating owls, resident burrowing owls changing burrow use, or young of the year that are still present and have not dispersed (CDFG 2012). Surveys must be completed no less than 14 days prior to the initiating ground disturbance activities.</p> <p>1. If burrowing owls are detected during the breeding season (February 1 through August 1) surveys, a Burrowing Owl Management Plan will need to be written and approved by the County and the California Department of Fish and Wildlife before construction continues. The Plan shall include, at a minimum: 1) measures to protect burrowing owls during grading; 2) description of passive or active burrowing relocation during the non-breeding season; and 3) description of BMPs to implement during construction (e.g., ensure that the ends of all pipes and culverts are covered when they are not being worked on, and covering</p>					

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<p>rubble piles, dirt piles, ditches, and berms). Table 6-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls, provides the CDFW- recommended restricted activity dates and setback distances around occupied burrowing owl nests for varying levels of disturbance (CDFG 2012).</p> <p>2. If construction activities occur during the non-breeding season for burrowing owl (1 September – 31 January), a biologist shall conduct a preconstruction survey, following the methods described in the Burrowing Owl Staff Report (CDFG 2012). The preconstruction survey(s) can be conducted between 14 days and 24 hours prior to initiating ground disturbance activities; however, time lapses between project activities may require subsequent surveys within 24 hours prior to ground disturbance. If any burrowing owls are found during these surveys, avoidance and minimization measures must be implemented.</p> <p>The following avoidance and minimization measures shall be implemented:</p> <ol style="list-style-type: none"> Avoid working within 50 meters (160 feet) from the occupied burrow during the non-breeding season; Avoid direct destruction of occupied burrows during the non- breeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow); <p>If these measures cannot be implemented, the applicant shall obtain written approval of an accepted plan (written or verbal) from the County and the California Department of Fish and Wildlife before construction continues. The</p>						

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<p>plan shall include 1) identification of artificial burrow sites, 2) passive relocation methods, 3) monitoring and management of the artificial burrow site, and 4) reporting.</p> <p>Documentation: The Project Biologist shall prepare the final survey report and/or Burrowing Owl Management Plan and submit it to the PDS for review and approval.</p> <p>Timing: Surveys shall be conducted prior to any clearing, grubbing, trenching, grading, or any land disturbances. Prior to final grading release, or use of the premises in reliance of this permit, the final survey report and/or Burrowing Owl Management Plan shall be approved.</p> <p>Monitoring: The PDS shall review the final survey report and/or Burrowing Owl Management Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.</p>					
<p>(c) Special-Status Species Preconstruction Surveys and Relocation Plan. Prior to construction, the applicant shall develop a relocation plan for special-status terrestrial reptiles (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, and Blainville's horned lizard), American badger and San Diego desert woodrat with the potential to occur on site. The plan shall at minimum include: the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s); the methods that would be used for trapping and relocating the individual</p>					

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<p>species; and the method for documentation/recordation of the species and number of animals relocated. The Plan shall be submitted to the County by a qualified biologist prior to any ground disturbing activities within potentially occupied habitat.</p> <p>Pre-Construction Surveys. No more than 7 days prior to construction, a qualified biologist shall conduct a preconstruction survey within areas of suitable habitat for special-status species wildlife (i.e., California legless lizard, California glossy snake, San Diegan tiger whiptail, Blainville's horned lizard, San Diego desert woodrat, and/or American badger). The biologist shall look for special-status species that may be located within or immediately adjacent to the project work areas, as permitted by access. If determined by the qualified biologist that based on the construction activities, time of year and special status wildlife species and location of the special-status wildlife species relocation is necessary to occur; relocation will occur to nearby undisturbed areas within suitable habitat in the on-site open space easement as specified in the Plan and a California scientific collecting permit (SCP) (if applicable), but as close to their origin as possible (consistent with the approved Plan). If an American badger maternity den(s) is identified within the Project's disturbance limits, then the den will be avoided until the young have left the den. Once the young have left the den, the American badger will be relocated in accordance with this measure. The biologist relocating the species shall possess a California SCP to handle these species if required by applicable CDFW regulations.</p> <p>A qualified biologist shall be present during initial ground-</p>						

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<p>disturbing activities (i.e. vegetation removal) immediately adjacent to or within the vegetation communities and/or disturbed habitats that could support populations of special-status wildlife species to monitor vegetation removal and topsoil salvaging and stockpiling, where applicable. If special-status species reptiles or woodrats are detected in the work area during biological monitoring, the individual(s) will be documented and relocated as per the approved Plan and in accordance with the SCP conditions as applicable.</p> <p>Documentation: The Project Biologist shall prepare the final survey report and relocation plan and submit it to the PDS for review and approval.</p> <p>Timing: Surveys shall be conducted prior to any clearing, grubbing, trenching, grading, or any land disturbances. Prior to final grading release, or use of the premises in reliance of this permit, the final survey report and Relocation Plan shall be approved.</p> <p>Monitoring: The PDS shall review the final survey report and Relocation Plan for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.</p>					
<p>(d) In order to avoid impacts to nesting birds, burrowing owls, American badger, San Diego desert woodrat, and special status reptile species during decommissioning the Project operator shall be required to implement the measures outlined in subsections (a), (b), and (c) prior to undertaking</p>					

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<p>decommissioning activities.</p> <p>M-BI-6 Bat Surveys and Roost Avoidance or Exclusion. To determine whether there is an active maternity roost within the buildings and other structures to be demolished, a bat biologist shall conduct surveys within the maternity roosting season prior to demolition of the buildings or any other areas that provide suitable roosting habitat for bats. If a potential maternity roost is present all demolition activities, or bat roost exclusion, shall occur outside the general bat maternity roosting season of March through August to reduce any potentially significant impact to maternity roosting bats.</p> <p>a. Replacement Roost Installation. Although no special status bat species are expected to roost within the structure on the Project site, if there is a potential or known day roost (i.e., non-maternity roost) of a special-status bat within a structure to be demolished, replacement roost installation shall be installed, within the biological open space easement. The land east of the structures shall be added to the open space easement if replacement roosts are required. The size of land to be added shall be determined by a bat biologist. At least one month prior to the exclusion of bats from the structure, the bat biologist will procure and install at least two bat houses built specifically for the species that occur on site, or purchased from a reputable vendor if suitable for species that occur on site, to allow bats sufficient time to acclimate to a new potential roost location. The bat houses shall be installed in an area that is close to suitable foraging habitat as determined by a biologist who specializes in bats in consultation with County staff. Additionally, the bat houses will be oriented to the south or southwest, and the area chosen for the bat houses must receive sufficient sunlight (at</p>	<p>Prior to issuance of any demolition permit, bat surveys shall be conducted. Installation of bat houses and exclusion, if required, shall occur prior to any demolition permit. If the bat houses are occupied, prior to final grading release, or use of the premises in reliance of this permit, the final report shall be approved by the County. If the bat houses are not being used prior to final grading release, or use of premises in reliance of this</p>	<p>The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.</p>			

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<p>least 6 hours daily) to allow the bat boxes to reach an optimum internal temperature (approximately 90°F) to mimic the existing bat roost. The bat houses will be suitable to house crevice-roosting bat species, and large enough to contain a minimum of 50 bats. The bat houses shall be installed on a 20-foot-tall steel pole with a concrete base. Maintenance of the houses will be included in the RMP to ensure long-term use/functionality. Quarterly monitoring shall be required after installation until it can be established that the bat house is being used by bats and which bat species are using the houses. A report shall be submitted to the County after 1 year of monitoring documenting if bat houses are being used and by what species. The report will include any necessary repairs or maintenance to the bat houses, if needed.</p> <p>Roost Exclusion. A minimum of one month after bat houses have been installed, exclusion of the existing roost will occur. The primary exit points for roosting bats will be identified, and all secondary ingress/egress locations will be covered with a tarp or wood planks to prevent bats from leaving from other locations. The primary exit point will remain uncovered to allow exclusion devices to be installed. Exclusion devices will consist of plastic sheeting, or similar material (e.g., poly netting, window screen, or fiberglass screening) with mesh 1/6 of an inch or smaller, installed at the top of the roost location and sealed and passing 2 feet below the bottom of the primary exit point. The exclusion devices will be installed at night to increase the potential that bats will have already left the roost and are less likely to return. Exclusion devices will be left in place for one week to ensure that any remaining bats in the roost(s) are excluded. A passive acoustic</p>	<p>permit, the annual monitoring report will document the condition and the vacancy of the bat houses.</p>				

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monitoring detector will also be deployed during the exclusion period in order to verify excluded species and monitor whether bat activity has decreased during the exclusion period. Periodic monitoring should also be conducted during the exclusion period to observe whether any bats are still emerging from additional areas within the impact footprint, and an active monitoring survey should be conducted on the final night of exclusion to ensure that no bats are emerging from the excluded roost and determine whether exclusion has been successful. Any continued presence of roosting bats will require an adjustment to the exclusion devices and schedule. The exclusion devices may remain in place until the start of demolition activities. If any bats are found roosting in any proposed demolition areas prior to demolition, additional exclusion will be required and follow the same methodology described in this mitigation measure. This will occur until all bats are excluded.					
Survey Report. Following completion of the survey the bat biologist will complete a survey report which records the findings.					
Documentation: The Project Biologist shall prepare a final report and submit it to the PDS for review and approval. The final report shall document the replacement roost installation, including mapped locations and photographs, species using the bat houses, and roost exclusion.					
Timing: If the bat houses are occupied, prior to final grading release, or use of the premises in reliance of this permit, the final report shall be approved by the County. If bat houses					

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<p>are not being used prior to the final grading release, or use of premises in reliance of this permit, the annual monitoring will document the vacancy of the bat houses.</p> <p>Monitoring: The PDS shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, PDS shall inform the applicant that the requirement is complete and the bond amount can be relinquished.</p>					
<p>M-BI-7 Biological Monitoring of Stormwater Pollution Prevention Plan (SWPPP) Implementation. During construction monitoring, the Project Biologist shall verify the following are implemented:</p> <ol style="list-style-type: none"> No planting or seeding of invasive plant species on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region. Dust-control fencing is in place and intact if fencing is required. Construction activity is located outside of jurisdictional waters of the United States/state except as authorized by applicable law and permit(s), including permits and authorizations approved by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board. Silt-setting basins installed during the construction process are located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes. Design of drainage facilities shall incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes. 	<p>The following actions shall occur throughout the duration of construction.</p>	<p>The County of San Diego shall review the Stormwater Pollution Prevention Plan and ensure its implementation</p>	<p>County of San Diego</p>		

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e. Temporary structures, staging, and storage areas for construction equipment and/or materials are located outside of jurisdictional waters, including wetlands and riparian areas.					
f. No material stockpiles, debris, bark, slash sawdust, rubbish, cement, concrete or washing thereof, oil, or petroleum products are stored where they may be washed by rainfall or runoff into jurisdictional waters of the United States/state.					
g. When construction operations are completed, excess materials or debris have been removed from the work area.					
h. No equipment maintenance is performed within or near jurisdictional waters of the United States/state where petroleum products or other pollutants from the equipment may enter these areas.					
i. Fully covered trash receptacles that are animal-proof and weather-proof are installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Littering is prohibited and removal of trash from construction areas daily is required.					
j. All food-related trash and garbage are removed from construction sites on a daily basis.					
k. There are no pets on or adjacent to construction sites.					
l. Speed limits in and around all construction areas are enforced so that vehicles do not exceed 15 miles per hour on unpaved roads and the right-of-way accessing the construction site, or 10 miles per hour during the night.					
M-BI-8 Prevention of Chemical Pollutants. Weed control treatments shall include all legally permitted chemical, manual, and mechanical methods applied with the authorization of the County of San Diego (County) agriculture commissioner. The application of herbicides shall be in compliance with all federal	Upon establishment of use, the condition shall apply during the	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.	County of San Diego		

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and state laws and regulations under the prescription of a licensed Pest Control Adviser with at least 2- years' experience and implemented by a licensed applicator. Where manual and/or mechanical methods are used, disposal of the plant debris shall follow the regulations set by the County agriculture commissioner. The timing of the weed control treatment shall be determined for each plant species in consultation with the Pest Control Adviser, the County agriculture commissioner, and the California Invasive Plant Council, with the goal of controlling populations before they start producing seeds.	term of this permit.				
During project operation, all areas that use chemicals that are potentially toxic or impactive to sensitive habitats or plants shall incorporate best management practices (e.g., avoid applications during or before rain events and avoid placing materials close to sensitive habitats) on site to reduce impacts caused by the application and/or drainage of such materials within the development footprint. In addition, use of rodenticides and pesticides shall not be allowed. Weed treatment shall occur at least once per year throughout the life of the project.					

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M-BI-9 Prevention of Invasive Plant Species. A County of San Diego-approved plant list shall be used for areas immediately adjacent to open space. A hydroseed mix that incorporates native species, is appropriate to the area, and is free from invasive species shall be used for landscaped areas adjacent to the biological open space. The San Diego County Planning & Development Services landscape architect shall require that all final landscape plans comply with the following: no invasive plant species, as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the project region shall be included, and the plant palette shall be composed of native species that do not require high irrigation rates. The Project Biologist shall periodically check landscape products for compliance with these requirements.	Prior to the approval of any plan, and issuance of any permit (excluding demolition permit), the applicant shall comply with this condition.	The [PDS, PPD] shall review the statement and, photos, and any additional evidence for compliance with this condition.	County of San Diego		
	Upon establishment of use, the condition shall apply during the term of this permit.	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.			
	Prior to issuance of any decommissioning permit, the hydroseed mix shall be approved.	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.			

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M-BI-10 Operations and Maintenance Signage. Signage shall be posted at all entrances to the facility stating that operations and maintenance personnel shall be prohibited from the following: <ul style="list-style-type: none"> • Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species • Smoking • Traveling (either on foot or in a vehicle) outside of the solar facility undisturbed portions of the Project site • No pets • No littering • No persons not conducting operations and maintenance activities shall remain at the facility after daylight hours or exceed normal nighttime operational noise or lighting 	Prior to occupancy, this condition shall be completed.	The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.	County of San Diego		
	Upon establishment of use, the condition shall apply during the term of this permit.	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit			

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<p>M-BI-11 Noise Reduction. Construction-related activities that are excessively noisy (e.g., clearing, grading, or grubbing) adjacent to breeding/nesting areas shall incorporate noise-reduction measures (described below) or be curtailed during the breeding/nesting season of sensitive bird species.</p>	<p>Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.</p>	<p>PDS shall review the survey report for compliance with this condition and the report format guidelines.</p>			
<ol style="list-style-type: none"> 1. Trucks and other engine-powered equipment shall be equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer. 2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements. 3. Usage of truck engine exhaust compression braking systems shall be limited to emergencies. 4. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated. These settings shall be retained for the duration of construction activities. 5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractor's specifications. 6. Radios and other noise-generating "personal equipment" shall be prohibited 	<p>The following actions shall occur throughout the duration of the earth disturbing activities.</p>	<p>The [DPW, PDCI] shall make sure that the Project Biologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.</p>			
<p>If construction-related activities that are excessively noisy (e.g., clearing, grading, grubbing, or blasting) occur during the period of January 15 through August 31, a County of San Diego-approved biologist shall conduct preconstruction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area (see M-BI-5).</p>	<p>The following actions shall occur throughout the duration of the building construction.</p>	<p>The [DPW, PDCI] shall make sure that the Project Biologist is onsite performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project</p>			

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	The following actions shall occur throughout the duration of the decommissioning.	Biologist or applicant fails to comply with this condition. The [DPW, PDCI] shall make sure that the Project Biologist is onsite performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Biologist or applicant fails to comply with this condition.				
Cultural Resources						
M-CR-1 Temporary Fencing. To prevent inadvertent disturbance of archaeological sites within the avoidance areas and to the unimpacted portions of the site outside of the ADI, temporary fencing shall be installed where resources are located within 50 feet of the Project ADI. The temporary fencing shall include the following requirements: <ul style="list-style-type: none"> Prior to the commencement of any grading and/or clearing in association with the grading and/or improvement plan, temporary construction fencing shall be placed to protect from inadvertent disturbance archaeological sites or portions of sites (CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11686, and CA-SDI-19910) adjacent to the Project ADI during earth-disturbing activities. Temporary fencing shall be installed 	Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.	The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.	County of San Diego			

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<p>prior to the pre-construction meeting and any clearing, grubbing, trenching, grading, or land disturbances and shall remain for the duration of earth-disturbing activities</p> <ul style="list-style-type: none"> Temporary fencing is required in all locations of the Project where proposed grading or clearing is within 50 feet of any archaeological site outside of the Project ADI (CA-SDI-11682, and CA-SDI-20985). The placement of such fencing shall be approved by the County. Upon approval, the fencing shall remain in place until the conclusion of grading activities, after which the fencing shall be removed. Installation of temporary fencing shall require the presence of monitor(s) (Archaeological & Native American) pursuant to M-CR-2. A signed and stamped statement from a California Registered Engineer, or licensed surveyor shall be submitted to Planning & Development Services for approval. The statement shall identify that temporary fencing has been installed in all required locations where grading or clearing is within 50 feet of an archaeological site outside of the Project ADI. 						
<p>M-CR-2 Archaeological Monitoring. To mitigate for potential impacts to undiscovered, buried archaeological resources within the Project ADI and to mitigate the additional impacts to known archaeological resources, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego's (County's) Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources and the California Environmental Quality Act (CEQA) and shall include the following requirements:</p> <ul style="list-style-type: none"> Pre-Construction 	Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.	[PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS,	County of San Diego			

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	<ul style="list-style-type: none">○ The applicant shall contract with a County-approved archaeologist to perform archaeological monitoring. The project archaeologist shall contract with a Kumeyaay monitor to conduct Native American monitoring for the Proposed Project.○ Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor(s) to explain the monitoring requirements.• Construction<ul style="list-style-type: none">○ Temporary Fencing. Temporary orange construction fencing shall be installed around unimpacted portions of CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI- 11686, and CA-SDI-19910 and along the MUP boundaries where cultural resources (CA-SDI-11682, and CA-SDI-20985, and CA-SDI-21757) are within 50 feet of the Project ADI. An archaeological monitor and Kumeyaay Native American monitor shall be present to assure proper placement of construction fencing and to prevent impacts to cultural resources.○ Monitoring. Both the archaeological and Kumeyaay Native American monitor(s) are to be on site during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor(s). Both the archaeological and Kumeyaay Native American monitor(s) shall evaluate fill soils to ensure that they are negative for cultural resources	<p>Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.</p> <p>The following actions shall occur throughout the duration of the earth disturbing activities.</p>	<p>PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.</p> <p>The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.</p>			
		<p>The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall</p>				

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<ul style="list-style-type: none"> ○ If cultural resources are identified: <ul style="list-style-type: none"> ▪ Both the archaeological and Kumeyaay Native American monitor(s) have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery. ▪ The archaeological monitor shall contact the Project Archaeologist. ▪ The Project Archaeologist shall contact the County Archaeologist. ▪ The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American monitor(s) shall determine the significance of discovered resources. ▪ The Project Archeologist shall notify the Campo Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, and Viejas Band of Kumeyaay Indians of the unanticipated discovery. ▪ Should a potential TCR be identified, the Project Archaeologist shall consult with consulting tribes for a final determination. ▪ Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation. ▪ Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the archaeological monitor, the Kumeyaay Native American monitor(s) may collect the cultural material for transfer to a Tribal curation facility or repatriation program. 	<p>Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared.</p>	<p>contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.</p> <p>[PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.</p>			

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<ul style="list-style-type: none">If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor(s) and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).		PDCL, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.				

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<ul style="list-style-type: none">○ Human Remains.<ul style="list-style-type: none">▪ The Property Owner or their representative shall contact the County Coroner and the County Planning & Development Services (PDS) Staff Archaeologist.▪ Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by a Kumeyaay Native American monitor.▪ If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.▪ The Project Archeologist shall notify the Campo Band of Mission Indians, Manzanita Band of Kumeyaay Nation, and Viejas Band of Kumeyaay Indians of the identification of human remains.▪ The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.▪ Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.• Rough Grading<ul style="list-style-type: none">○ Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were					
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<p>encountered. A copy of the monitoring report shall be provided to any culturally affiliated tribe who requests a copy.</p> <ul style="list-style-type: none"> • Final Grading <ul style="list-style-type: none"> ○ A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, and any culturally affiliated tribe who requests a copy. ○ Cultural Material Conveyance <ul style="list-style-type: none"> ▪ The final report shall include evidence that all prehistoric materials have been curated at a San Diego County, Imperial County, or culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe. ▪ The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79. 						
<p>M-CR-3 Cultural Resources Treatment Agreement and Preservation Plan. Prior to the approval of any plan or issuance of any permit, and prior to use of the premises in reliance on this permit, the Cultural Resources Treatment Agreement and Preservation Plan shall be submitted to County of San Diego Director of Planning & Development Services for review and approval. The Plan shall be prepared by the Project archaeologist in coordination with consulting tribes and Kumeyaay Native American monitor(s) and shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Parties entering into the agreement and contact information. 	Prior to the approval of any plan and issuance of any permit.	The [PDS, PPD] shall review the implemented agreement for compliance with this condition.	County of San Diego			

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<ul style="list-style-type: none"> Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Kumeyaay Native American monitors, and the Tribe. Requirements of the Archaeological Monitoring Program including unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials (both in the field and lab settings), and onsite storage of cultural materials, as necessary and if required. Treatment of identified Native American cultural materials. Treatment of Native American human remains and associated grave goods. Requirements for Temporary Fencing for 10 sites that partially intersect or are within 50 feet of the Project ADI (CA-SDI-4457/H, CA-SDI-6741, CA-SDI-7054, CA-SDI-7056/H, CA-SDI-8430, CA-SDI-11676, CA-SDI-11682, CA-SDI-11686, and CA-SDI-19910, and CA-SDI-20985). Confidentiality of cultural information including location and data. Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan. Regulations that apply to cultural resources that have been identified or may be identified during project construction. 						
M-CR-4 Long-Term Preservation of Resources. All O&M and decommissioning activities will be performed within the Project ADI – no ground-disturbing activities shall occur outside the Project ADI. Employees and contractors performing O&M and decommissioning activities will receive training or instructions regarding the archaeological and cultural sensitivity of the Project	Prior to decommissioning activities, this condition shall be completed.	The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.	County of San Diego			

July 2021

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JVR Energy Park Project MMRP

MMRP-48

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Area to ensure no inadvertent impacts occur to the 11 potentially significant sites (or portions thereof) that are adjacent to the Project ADI. These include the eight sites that were fully or partially tested because they intersect the Project ADI and the three sites that were not evaluated because they are outside of the Project ADI but require protection because they are within 50 feet of the Project ADI. Temporary fencing shall be installed during decommissioning activities to delineate the ADI. Temporary fencing requirements are provided in M-CR-1 .						
Geology, Soils and Seismicity						
M-GEO-1 Prior to the issuance of a building permit, the Project applicant shall retain a California Certified Engineering Geologist or Civil engineer specializing in geotechnical engineering to perform a detailed site-specific subsurface report or preliminary geotechnical investigation, consistent with the California Building Code. The California Building Code (which incorporates the International Building Code) is contained in the California Code of Regulations, Title 24, Part 2, which is a portion of the California Building Standards Code, and includes design and construction requirements related to life safety and structural safety. The geotechnical study shall include subsurface investigation, laboratory testing, and additional deep explorations using borings and/or cone penetrometer tests in the vicinity of the substation and Switchyard Facilities to sufficient, as determined by the California Certified Geologist or Civil Engineer specializing in geotechnical engineering in accordance with applicable regulations, to further define the alluvium profile and qualitatively address the potential for soil liquefaction and lateral spreading. The subsurface geotechnical study shall also include recommendations for the proposed construction and grading such as remedial grading, ground improvement techniques, special	Prior to the issuance of any building permit, the detailed site-specific subsurface report or preliminary geotechnical investigation shall conform to all applicable laws, regulations, and requirements.	[PDS] shall review the geotechnical findings for compliance with this condition.	County of San Diego			

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foundation design, and other recommendations to ensure that construction of the project does not pose risk to human life in a seismic event as the result of substantial liquefaction, subsidence, or seismic-related ground failure due to lateral spread. In addition, the Proposed Project shall implement any necessary measures required to comply with existing building codes and regulations.						
Hydrology and Water Quality						
<p>M-HYD-1 Prior to approval of final design plans, the applicant shall demonstrate to the satisfaction of the County DPW Flood Control through hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that the design features for the perimeter fencing avoids the blockage and/or redirection of storm flows resulting from the accumulation of debris and/or detritus at wash crossings. This can be accomplished through a number of means such as a) use of breakaway fencing perpendicular to flood flows, b) use of fencing that spans washes (without posts) above the anticipated peak flow depth, c) or an alternative design measure that would avoid accumulations of detritus at perimeter fence wash crossings, subject to County approval.</p> <p>Documentation: The applicant shall show the proposed fencing design or alternative design measure on the Final Grading Plans. The associated Drainage Study shall contain hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that model the proposed Hydrofencing and/or design measures and demonstrate that the fencing will not cause alteration of drainage patterns and/or flood hazards from pre- project conditions. The Drainage Study shall be</p>	Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Drainage Study and Plans shall be approved.	The County DPW Flood Control shall review and approve the hydrologic and hydraulic analyses contained in the Drainage Study and the final fencing design and layout to ensure the flood flow is fully mitigated to pre-project conditions.	County of San Diego			

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<p>in compliance with the County Hydrology Manual and the County Hydraulic Design Manual.</p> <p>Timing: Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Drainage Study and Plans shall be approved.</p> <p>Monitoring: The County DPW Flood Control shall review and approve the hydrologic and hydraulic analyses contained in the Drainage Study and the final fencing design and layout to ensure the flood flow is fully mitigated to pre-project conditions.</p>						
Noise						
<p>M-NOI-1 The Proposed Project would comply with the County's Noise Ordinance §36.404 based upon the current proposed layout of the Proposed Project and the anticipated major noise producing operating stationary equipment (Equipment) deployed for the Proposed Project. The Equipment modeled in the Acoustical Analysis Report (AAR) prepared for the EIR was selected as representative technology at the time the 2020 AAR was prepared. The Project applicant may propose to use different Equipment than what was used to perform the noise modeling in the AAR or propose a change in the Equipment layout. If different Equipment is selected and/or the layout of Equipment is changed subsequent to Project approval, the applicant will be required to submit a revised AAR, and a revised site plan if needed, as follows:</p> <p>a. The Project applicant shall retain a County Approved CEQA Noise Consultant to prepare a new predictive operations noise analysis in accordance with the County's Noise Report Format and Content requirement</p> <p>b. Any proposed Equipment selections, equipment duty cycles,</p>	<p>Prior to issuance of building permit, the equipment for the project shall be reviewed for approval.</p> <p>Upon establishment of use, the following conditions shall apply during the term of this permit</p>	<p>The [PDS, ZC] is responsible for enforcement of this permit.</p> <p>The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.</p>	County of San Diego			

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<p>Project layout alterations, and/or the addition, modification, reduction of the preceding equipment noise limits and measures may be approved, if they are demonstrated to comply with applicable outdoor hourly Leq noise limits per Section 36.404(a) of the County's Noise Ordinance at the property line.</p> <p>c. The above identified measures shall take place prior to approval of any building plans for the Proposed Project. Any alterations or modifications proposed and approved pursuant to this procedure shall be included in the proposed Project design plans.</p>						
<p>M-NOI-2 PV Panel Washing Protocol: To ensure noise from mobile operating equipment associated with regular cleansing of Project PV panel surfaces complies with daytime County noise standards, the following shall be implemented:</p> <p>a. As part of the Project operations and maintenance program, the Applicant shall prepare a PV Panel Washing Plan (PV/PWP) that addresses the usage of self-propelled or towed washing systems during the expected quarterly (or other frequency as reasonably anticipated annually) PV panel washing. The PV/PWP shall demonstrate compliance with the County Noise Ordinance for avoiding potential impacts caused by operating PV panel washing equipment and vehicle noise sufficiently proximate to the property on which the noise is produced or at any location on a property that is receiving the noise. The PV/PWP shall be submitted to County Planning & Development Services (PDS) a minimum of 30 days prior to the first PV panel washing. The County shall review the PV/PWP to ensure compliance with the County Noise Ordinance prior to any panel washing.</p>	<p>Prior to approval of any PV Panel washing or revised panel washing, the plan must be approved.</p>	<p>The [PDS, Code Enforcement Division] is responsible for enforcement of this permit</p>	<p>County of San Diego</p>			

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<p>A subsequent plan shall be submitted to County PDS if there are any anticipated changes to the panel washing in the future. The subsequent Plan shall be submitted to the County 30 days prior to any new PV panel washing procedures occur. Components of the PVPWP shall include the following:</p> <ul style="list-style-type: none"> Affected property owners shall be notified in writing two weeks prior to PV panel washing activity within 500 feet of their property boundaries. Noise emission from a pick-up truck (or ATV) and its towed IPC Eagle wash station (or equipment that emits comparable noise) must not exceed 74 dBA Leq at 9 feet over a full hour; and, its operation must be restricted to daytime operation at the specified distance between it and a position along the property line that adjoins S80, RR or similar County-classified Noise Zone 1 property: <ul style="list-style-type: none"> within 50 feet – not permitted; 50 to 75 feet – up to five minutes within any hour; 75 to 100 feet – up to fifteen minutes within any hour; 100 to 125 feet – up to forty-five minutes within any hour; and, beyond 125 feet – no restriction. Noise emission from a pick-up truck (or ATV) and its towed IPC Eagle wash station (or equipment that emits comparable noise) must not exceed 74 dBA Leq at 9 feet over a full hour; and, its operation must be restricted to daytime operation at the specified distance between it and a position along the property line that adjoins C44 or similar County-classified Noise Zone 3 property: 						

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<p>within 25 feet – not permitted; 25 to 40 feet – up to five minutes within any hour; 40 to 60 feet – up to fifteen minutes within any hour; 60 to 75 feet – up to thirty minutes within any hour; and, beyond 75 feet – no restriction.</p> <ul style="list-style-type: none"> Visual guides (flags, reflectors, or other markers) shall clearly delineate distances or zones of operation allowed for either of the afore-mentioned PV panel washing systems (self-propelled or towed). 						
<p>b. Operators of the PV panel washing equipment shall be informed of the PV/PWP as part of customary on-site Project training and awareness of County noise standard compliance to avoid potential noise impacts to the Jacumba Hot Springs community.</p>						
<p>M-NOI-3 Construction Noise Management Plan: Prior to construction and decommissioning, the Applicant shall prepare a construction noise management plan (CNMP) which establishes construction activity restrictions in order to reliably achieve compliance with the County's 8-hour 75 dBA Leq standard at the Project property lines adjoining existing occupied properties (defined by Section 36.402.m as "property on which there is a building for which a certificate of occupancy has been issued"). The CNMP shall demonstrate compliance with the County Noise Ordinance for avoiding potential impacts caused by operating construction equipment and vehicle noise sufficiently proximate to these property lines of occupied properties. The CNMP shall be submitted to County Planning &</p>	<p>Prior to construction, the plan shall be prepared, submitted, and approved.</p> <p>Prior to decommissioning g, the plan shall be prepared, submitted, and approved.</p>	<p>The [PDS, PP] shall review the plan for compliance with this condition.</p> <p>The [PDS, PP] shall review the plan for compliance with this condition.</p>	<p>County of San Diego</p>			

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<p>Development Services (PDS) thirty (30) days prior to any land disturbance. Components of the CNMP shall include the following:</p> <p>a. Affected property owners shall be notified in writing two weeks prior to construction activity within 500 feet of their property boundaries.</p> <p>b. In order to comply with the County Noise Ordinance (Section 36.409 – Construction Equipment), the acoustical usage factors (AUF) of heavy construction equipment used on the Project site shall be comparable to those listed on Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) User's Guide Table 1, reference Lmax values at 50 feet shall be the lower of either the "Spec. 721.560" or "Actual Measured" values from the same RCNM User's Guide Table 1, and duration of heavy equipment operating for construction shall comply with the following limitations by activity, for the specified distance between the indicated heavy equipment operations and a position along the property line of an occupied parcel:</p> <ul style="list-style-type: none"> Perimeter fence installation – up to two flatbed trucks and a front end loader: within 15 feet – not permitted; 15 to 25 feet – no more than twenty minutes per 8-hour period; 25 to 50 feet – no more than one hour per 8-hour period; 50 to 75 feet – no more than 4 hours per 8-hour period; and, beyond 75 feet – no restriction. Site preparation (clearing) – water truck and tractor (mowing attachment): within 20 feet – not permitted; 20 to 25 feet – no more than twenty minutes per 8-hour period; 						

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<ul style="list-style-type: none"> 25 to 50 feet – no more than thirty minutes per 8-hour period; 50 to 75 feet – no more than 2 hours per 8-hour period; 75 to 100 feet – no more than 4 hours per 8-hour period; and, beyond 100 feet – no restriction. Site preparation (earth-moving) – bulldozer, water truck, and scraper: within 25 feet – not permitted; 25 to 50 feet – no more than twenty minutes per 8-hour period; 50 to 75 feet – no more than one hour per 8-hour period; 75 to 100 feet – no more than three hours per 8-hour period; 100 to 125 feet – no more than six hours per 8-hour period; and, beyond 125 feet – no restriction. Site preparation (grading) – flatbed truck, grader, water truck, and sheepfoot roller: within 25 feet – not permitted; 25 to 50 feet – no more than twenty minutes per 8-hour period; 50 to 75 feet – no more than one hour per 8-hour period; 75 to 100 feet – no more than three hours per 8-hour period; 100 to 125 feet – no more than six hours per 8-hour period; and, beyond 125 feet – no restriction. Underground work (trenching) – excavator, sheepfoot roller, water truck, 5KW generator, and gradall (4x4 						

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<div> forklift): within 25 feet – not permitted; 25 to 50 feet – no more than twenty minutes per 8-hour period; 50 to 75 feet – no more than 1.5 hours per 8-hour period; 75 to 100 feet – no more than 3 hours per 8-hour period; and, beyond 100 feet – no restriction. <ul style="list-style-type: none"> Underground work (back-filling) – Aussie padder, sheepfoot roller, water truck, 5kW generator, and gradall (4x4 forklift): within 25 feet – not permitted; 25 to 50 feet – no more than twenty minutes per 8-hour period; 50 to 75 feet – no more than 1.5 hours per 8-hour period; 75 to 100 feet – no more than 3 hours per 8-hour period; and, beyond 100 feet – no restriction. <ul style="list-style-type: none"> System installation – gradall (4x4 forklift), crane, ATV, vibratory pile driver (RGT Model RG21T or comparable), pick-up truck, and 5kW generator: within 25 feet – not permitted; 25 to 50 feet – no more than twenty minutes per 8-hour period; 50 to 75 feet – no more than 1.5 hours per 8-hour period; 75 to 100 feet – no more than 4 hours per 8-hour period; and, beyond 100 feet – no restriction. </div>						

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<p>All construction equipment operations shall incorporate all recommended noise reducing measures such as, but not limited to, limiting construction equipment operations, installation of temporary noise barriers, and implementation of the recommendations within the CNMP to demonstrate compliance with the County Code Noise Ordinance, Sections 36.408 and 36.409.</p> <p>Concurrent construction activities may occur so long as next closest construction activity to the same studied property line position is at least four times its "no restriction" distance away. By way of example, if earth-moving was occurring near a fixed point on the potentially affected property line, the next-closest set of earth-moving equipment performing like work, or perhaps an overlapping and comparable scheduled activity (e.g., grading), would be permitted if no closer than 500 feet (= 4 x 125') from the same receptor point.</p> <p>c. If distance buffers or duration limits cannot be maintained, then the Project Applicant or its contractor will implement on-site temporary sound abatement measures, such as a field-erected noise barrier (e.g., sound blankets) of sufficient height and horizontal extent, or the placement of storage containers and other similarly solid sound-occluding structures, to ensure construction activity noise at the Project property line complies with County standards.</p> <p>d. The CNMP will also include direction for the Project applicant or its contractor(s) to implement the following:</p> <ul style="list-style-type: none"> Trucks and other engine-powered equipment shall be 					

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<p>equipped with noise reduction features, such as mufflers and engine shrouds, which are no less effective than those originally installed by the manufacturer;</p> <ul style="list-style-type: none"> Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements; Usage of truck engine exhaust compression braking systems shall be limited to emergencies; Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated; Vehicle horns shall be used only when necessary, as specified in the contractor's specifications; and, Radios and other noise-generating "personal equipment" shall be prohibited. 						
Paleontological Resources						
<p>M-PR-1 Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist, subject to the review and approval of the County. The paleontologist shall prepare a Paleontological Resources Monitoring Program (PRMP) for the project. The PRMP shall be consistent with the guidelines of the Society of Vertebrate Paleontology (2010). The qualified paleontologist shall attend the preconstruction meeting and the paleontological monitor shall be on-site during rough grading and other significant ground-disturbing activities in previously undisturbed geological units with moderate to high paleontological resource sensitivity. In the event that paleontological resources (e.g., fossils) are unearthed during</p>	<p>Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.</p>	<p>The [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond</p>	<p>County of San Diego</p>			

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grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery shall be contained with temporary orange construction fencing and shall include a 50-foot radius buffer. Once documentation and collection of the find is completed, the paleontological monitor shall remove the temporary orange construction fencing and grading will be allowed to recommence in the area of the find. Upon completion of the paleontological monitoring program, the qualified paleontologist shall prepare a final monitoring report documenting the results of the monitoring program. This report shall include a description of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.	Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.	cost estimate and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit. The [DPW, PDCI] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.			
	The following actions shall occur throughout the duration of the grading construction.	The [DPW, PDCI] shall make sure that the Project Paleontologist is on-site performing the monitoring duties of this condition. The			

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	Upon completion of all grading activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the letter report shall be completed.	The [PDS, PPD] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.			
	Prior to the occupancy of any structure or use of the premises, and prior to Final Grading Release (Grading	The [PDS, PPD] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.			

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	Ordinance Sec. 87.421.a.3), for Major Use Permit, PDS2018-MUP-18-022, the final report shall be completed.	Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared.	The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS, FISCAL] to release the bond back to the		

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Tribal Cultural Resources						
M-TCR-1 Temporary Fencing. To prevent inadvertent disturbance of tribal cultural resources (TCRs) within the avoidance areas (land outside of the Project ADI), temporary fencing shall be installed where resources are located within 50 feet of the Project ADI. The temporary fencing shall include the following requirements: <ul style="list-style-type: none">• Prior to the commencement of any grading and/or clearing in association with the grading and/or improvement plan, temporary construction fencing shall be placed to protect archaeological sites or portions of sites adjacent to the Project ADI during earth-disturbing activities. Temporary fencing shall be installed prior to the pre-construction meeting and any clearing, grubbing, trenching, grading, or land disturbances; remain for the duration of earth- disturbing activities; and include the following:<ul style="list-style-type: none">○ Temporary fencing is required in all locations of the Project where proposed grading or clearing is within 50 feet of any archaeological site outside of the Project ADI.○ The placement of such fencing shall be approved by the County. Upon approval, the fencing shall remain in place until the conclusion of grading activities, after which the fencing shall be removed.○ Installation of temporary fencing shall require the presence of monitor(s) (Archaeological & Native American) pursuant to M-CR-2.	Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.	The [PDS, PPD] shall review the signed and stamped statement for compliance this condition.	County of San Diego			
M-TCR-2 Archaeological and Tribal Monitoring. To mitigate for potential impacts to undiscovered, buried tribal cultural resources	Prior to approval of any	[PDS, PPD] shall review the contract	County of San Diego			

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<p>(TCRs) within the Project ADI, an archaeological and tribal monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego's (County's) Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources and the California Environmental Quality Act (CEQA) and shall include the following requirements:</p> <p>a. Pre-Construction</p> <ul style="list-style-type: none"> The project developer shall contract with a County-approved archaeologist to perform archaeological monitoring. The Project archaeologist shall contract with a Kumeyaay Native American monitor(s) to conduct Native American monitoring for the Project. The pre-construction meeting shall be attended by the Project archaeologist and the Kumeyaay Native American monitor(s) to explain the monitoring requirements. <p>b. Construction</p> <ul style="list-style-type: none"> Monitoring <ul style="list-style-type: none"> Both the Project archaeologist and Kumeyaay Native American monitor(s) are to be on site during all earth-disturbing activities. The frequency and location of monitoring of native soils shall be determined by the Project archaeologist and the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor(s) will evaluate fill soils to ensure that they are negative for cultural resources Inadvertent Discoveries <ul style="list-style-type: none"> Both the Project archaeologist and the Kumeyaay Native American monitor have the authority to divert or 	grading and or improvement plans and issuance of any Grading or Construction Permits.	or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.			
	Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.	The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.			

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	temporarily halt ground disturbance operations in the area of the discovery. <ul style="list-style-type: none">○ The Project archaeologist shall contact the County archaeologist.○ The Project archaeologist, in consultation with the County archaeologist and the Kumeyaay Native American monitor, shall determine the significance of discovered resources and whether they constitute a TCR.○ The Project Archaeologist shall notify the Campo Band of Mission Indians, Manzanita Band of Kumeyaay Nation, and the Viejas Band of Kumeyaay Indians of the unanticipated discovery.○ Should a potential TCR be identified, the Project archaeologist shall consult with consulting tribes for a final determination.○ Construction activities shall be allowed to resume after the County archaeologist has agreed with the significance evaluation.○ Isolates and non-significant deposits shall be minimally documented in the field. If the isolates and non-significant deposits are not collected by the Project archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a tribal curation facility or repatriation program.○ If cultural resources are determined to be significant, a research design and data recovery program shall be prepared by the Project archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County archaeologist. The program shall include reasonable efforts to preserve (avoid)	The following actions shall occur throughout the duration of the earth disturbing activities.	The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.				
		Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed.	[PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.				
		Prior to any occupancy, final grading	[PDS, PPD] shall review the final report for				

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<p>unique cultural resources or sacred sites, to cap identified sacred sites or unique cultural resources and to place development over the cap if avoidance is infeasible; and to perform data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).</p> <p>c. Human Remains</p> <ul style="list-style-type: none"> The property owner or their representative shall contact the County coroner and the County Planning & Development Services staff archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by a Kumeyaay Native American monitor. If the remains are determined to be of Native American origin, the most likely descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the property owner or their representative to determine proper treatment and disposition of the remains. The Project Archaeologist shall notify the Campo Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, and Viejas Band of Kumeyaay Indians of the identification of human remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by California Public 	<p>release, or use of the premises in reliance of this permit, the final report shall be prepared.</p>	<p>compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDC], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.</p>			
	<p>Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared.</p>	<p>The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD]</p>			

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<p>Resources Code, Section 5097.98, has been conducted.</p> <ul style="list-style-type: none"> California Public Resources Code, Section 5097.98; CEQA Guidelines, Section 15064.5; and California Health and Safety Code, Section 7050.5, shall be followed in the event that human remains are discovered. <p>d. Rough Grading</p> <ul style="list-style-type: none"> Upon completion of rough grading, a monitoring report identifying whether resources were encountered shall be prepared. A copy of the monitoring report shall be provided to any culturally affiliated tribe that requests a copy. <p>e. Final Grading</p> <ul style="list-style-type: none"> A final report substantiating that native soil-disturbing activities are completed and whether cultural resources were encountered shall be prepared. A copy of the final report shall be submitted to the South Coastal Information Center (SCIC) and any culturally affiliated tribe that requests a copy. <p>f. Cultural Material Conveyance</p> <ul style="list-style-type: none"> The final report shall include the following: Evidence that all prehistoric materials have been curated at a San Diego curation facility or tribal curation facility that meets federal standards according to Title 36, Part 79, of the Code of Federal Regulations or alternatively have been repatriated to a culturally affiliated tribe. Evidence that historic materials have been curated at a San Diego County, Imperial County or culturally affiliated Tribal curation facility that meets federal 		<p>shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.</p>			

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standards according to Title 36, Part 79, of the Code of Federal Regulations.						
M-TCR-3 Long-Term Preservation of Resources. All O&M and decommissioning activities will be performed within the Project ADI – no ground-disturbing activities shall occur outside the Project ADI. Employees and contractors performing O&M and decommissioning activities will receive training or instructions regarding the archaeological and cultural sensitivity of the Project Area to ensure no inadvertent impacts occur to the 11 potentially significant cultural sites (or portions thereof) that are located within 50 feet of the Project ADI, including the eight sites that were fully or partially tested and the three that were not evaluated). Temporary fencing will be installed during decommissioning activities to delineate the ADI.	Prior to decommissioning activities, this condition shall be completed.	The [PDS, PPD] shall review the signed and stamped statement for compliance this condition	County of San Diego			
Wildfire						
M-WF-1 Fire Protection Plan	Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented.	The [SDCFPD] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.	County of San Diego San Diego County Fire Protection District			
Fire Protection Measures	<p>The Project's Fire Protection Plan (FPP) provides customized measures that address the identified potential fire hazards on the site. The measures are independently established but will work together to result in reduced fire threat and heightened fire protection. The following measures identified in Section 7 of the FPP will be implemented:</p> <ul style="list-style-type: none"> Fuel Modification throughout the solar facility site from boundaries inward, including beneath PV modules, around the collector substation and adjacent switchyard, with restrictions on plant species, heights, densities, and locations (Required measure). <p>Upon establishment of the use, the conditions of the FPP shall</p> <p>The San Diego County Fire Protection District (SDCFPD) shall verify that the</p>					

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<ul style="list-style-type: none"> • Provide a technical report indicating special precautions for firefighting response (included as Appendix G of the FPP) (Code-exceeding measure). • Minimum 20-foot interior on-site inverter fore access driveways and a minimum improved 24-foot wide perimeter on-site driveways would be constructed (Required measure). • Participation in a County Fire Protection and Mitigation Agreement, for funding firefighting and emergency medical resources of which the details will be determined in the Project Fire Protection and Mitigation Agreement (Required measure). • Project funded annual fuel modification inspections to ensure compliance with this FPP (Code-exceeding requirement). • Illuminated (and/or reflective) signage at main entrance with inverter and contact information for a 24-hour remote operations center for the Project (Required measure). • Training program for local fire agencies on the deenergizing process that is controlled by the California Independent System Operator (CAISO), as described in Section 5.2.3 of the FPP. (Required measure). • Training program for local fire agencies including preparation of a technical training video with County input and customized for this facility that can be easily viewed by new firefighters who rotate through the local fire stations (Code-exceeding measure). • Preparation of a construction fire prevention plan (CFPP) for this project to be implemented by all contractors working on this project (CFPP included as Appendix A of the FPP) (Code-exceeding measure). 	be compiled with for the term of this permit.	mitigation measures have been implemented pursuant to the approved building plans and the FPP. The SDCFPD is responsible for enforcement of this permit. The project applicant shall be responsible for long-term implementation of fire clearing requirements.			

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<ul style="list-style-type: none">• Portable carbon dioxide (CO2) fire extinguishers mounted at the inverters and medium voltage transformer units.• Six (6) 10,000-gallon water tanks dedicated for firefighting purposes; one tank will be provided at each driveway entrance to the solar panel areas as defined by geographic isolation from other sections and one tank will be provided near the substation (Required measure).• System contact information with local fire agencies/stations to assist responding firefighters during an emergency (Required measure).• Committed on-going maintenance of all facility components for the life of the project (Required measure).• Maintenance logs to be kept and made available upon request to SDCFA/CAL FIRE (Required measure).• Consistent placarding and labeling of all components for fire safety/response (Required measure). <p>Defensible Space and Fuel Modification</p> <p>The Project would provide defensible space by setting back all PV modules a minimum 30-feet from the solar facility's perimeter fence and modifying the fuels on-site by removing and grading them to a height of 6 inches, or, in the case of perimeter areas, drivable surfaces and vegetation free areas. The perimeter Fuel Modification Zone (FMZ) buffer will include at least 30 feet of modified fuels and will include the 30-foot wide perimeter fire access road, and cleared, contiguous modified fuel areas from the perimeter fence to the outermost panel racks. This area seamlessly meets the modified fuel areas that occur throughout the site where fuels are maintained at a 6-inch height. Defensible space around all electrical equipment would be provided by an</p>					

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<p>FMZ buffer of 100 feet surrounding the project collector substation pad area and 100 feet surrounding the adjacent switchyard.</p> <p>The entire solar facility site would include modified fuels with fire access roadways and service roads compartmentalizing the low-growing (less than 6-inch) maintained areas beneath all PV modules, surrounding the collector substation pad area, and surrounding the adjacent switchyard.</p>					
Fuel modification requirements are detailed in the Project FPP.					
M-WF-2 Construction Fire Protection Plan					
<p>Risk Reduction Measures</p> <p>Risk Reduction Measures as identified in the Project Construction Fire Protection Plan (included as Appendix A to the Fire Protection Plan) will be implemented, as appropriate, during the construction phase of the Project to reduce the risk of ignitions. These measures will be enforced through the Site Safety Officer (SSO) and ongoing worker safety training:</p> <ul style="list-style-type: none"> Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees. This shall include all contractors and subcontractors if more than one. All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order. Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all 	<p>Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit.</p> <p>The following actions and logs shall occur throughout the duration of the earth disturbing activities.</p> <p>Prior to the end of one year from the date of</p>	<p>The [PDS, PCC] and the SDCFPD shall review the plan in compliance with this condition.</p> <p>The [PDS, PCC] and the SDCFPD shall review the plan in compliance with this condition.</p> <p>The [PDS, SDCFPD] shall review the plan for compliance,</p>	<p>County of San Diego</p> <p>San Diego County Fire Protection District</p>		

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<p>cars and light trucks shall be maintained in good working order.</p> <ul style="list-style-type: none"> The Project will be equipped with at least two water trucks each of 4,000- gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose with fog nozzles. Any hose size greater than 1.5 inches shall use National Hose (NH) couplings. A cache of shovels, McLeods, and Pulaskis shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and SDCFPD/CAL FIRE. Additionally, on-site pickup trucks will be equipped with first aid kits, fire extinguishers, and shovels. Contractor vehicles will be required to include the same basic equipment. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials and provided with a gravel surface. A fire watch (i.e., person responsible for monitoring for ignitions) shall be provided during hot work and shall occur for up to one hour following completion of the hot work activities. Smoking will not be permitted on the site. Each Project construction site, if construction occurs simultaneously at various locations on the site, shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires. The on-site contractor or Project staff shall coordinate with SDCFPD/CAL FIRE to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site. All on-site employees shall participate in fire prevention and 	<p>the issuance of any building permit and/or occupancy (whichever comes first), this condition shall be completed.</p> <p>Prior to approval of any decommissioning permit.</p>	<p>agreement, and form of security for compliance with this condition. Upon approval of the form of security, the [PDS, SDCFPD] will provide the securities to the PDS Developer Deposit Section safekeeping.</p> <p>The [PDS, PCC] and the SDCFPD shall review and approve the plan in compliance with this condition</p>			

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<ul style="list-style-type: none"> response training exercises with the SDCFPD/CAL FIRE. The Project shall implement ongoing fire patrols during the fire season as defined by local and state agencies. The SSO will be assigned as fire patrol to monitor work activities when an activity risk exists for fire compliance. The SSO shall verify proper tools and equipment are on site, assess any fire agency work restrictions, and serve as a lookout for fire starts, including staying behind (e.g., a fire watch) to make certain no residual fire exists. Fire watch may be performed by any site personnel. A SSO shall perform routine patrols of the Project site during the fire season equipped with a portable fire extinguisher and communications equipment. The Project staff shall notify SDCFPD/CAL FIRE of the name and contact information of the current SSO in the event of any change. Fires ignited on site shall be immediately reported via SDCFPD and CAL FIRE. The engineering, procurement, and construction contracts for the Project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site, as described in this CFPF. 						
Daily Fire Prevention Measures <ul style="list-style-type: none"> To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions during Project construction: <ul style="list-style-type: none"> Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols on a daily basis. Smoking will not be permitted in the project site. Combustible 						

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<ul style="list-style-type: none">materials shall be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.Evacuation routes shall be maintained and free of obstructions. Unavoidable evacuation route blockages shall be coordinated such that a secondary route is identified and available.Disposal of combustible waste in accordance with all applicable laws and regulations shall be required.Use and storage of flammable materials in areas away from ignition sources shall be required.Proper storage of chemicals such that incompatible (i.e., chemically reactive) substances would be separated appropriately shall be required.Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall be required. Fire watch may be any site personnel who would watch for accidental ignitions. Hot work permits are required and shall be reviewed and granted by the SSO for all hot work.Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.Ensuring that heating units are safeguarded shall be required.Immediate reporting of fuel or petroleum leaks. The site mechanic shall ensure that leaks are repaired immediately upon notification.Immediate repair and cleanup of flammable liquid leaks shall be required.Construction work areas shall be kept free of combustible						

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<ul style="list-style-type: none">• Extension cords shall not be relied on if wiring improvements are needed, and overloading of circuits with multiple pieces of equipment shall be prohibited.• Turning off and unplugging electrical equipment when not in use.						
Red Flag Warning Protocol						
<p>Red Flag Warnings are issued by the National Weather Service and indicate that conditions are such (low humidity, high winds) that wildfire ignitions and spread may be facilitated. To ensure compliance with Red Flag Warnings restrictions, the National Weather Service website shall be monitored at the site (http://www.srh.noaa.gov/ridge2/fire/briefing.php). During Red Flag Warnings, construction activities shall be limited and precautions may be taken onsite during periods of a Red Flag Warning, when conditions such as low humidity and high winds are present. Upon announcement of a Red Flag Warning, red flags shall be prominently displayed at the entrance gate and main office, indicating to employees and contractors that restrictions are in place. Additionally, any hot work, grading, or other work that could result in heat, flame, sparks, or may cause an ignition to vegetation shall be limited to low fire hazard, non-hot work, unless within an ignition resistant structure until the Red Flag Warning has been lifted. Areas may be evacuated where personnel may be exposed to higher risks. If vehicles are required to be used during Red Flag Warning conditions, vehicles shall remain only on designated access roads on the site.</p>						
M-WF-3 Fire Protection and Mitigation Agreement. As a condition to providing service and pursuant to the Safety Element	Prior to approval of any	The SDCFPD shall review the	San Diego County Fire Protection			

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of the General Plan, the applicant shall enter into a Fire Protection and Mitigation Agreement with the San Diego County Fire Protection District (SDCFPD) prior to approval of a Major Use Permit to make a fair share contribution toward local emergency response capabilities. The funding shall be used by the SDCFPD to mitigate risks of wildfires and to enhance fire suppression and emergency services capabilities for the Proposed Project and the southeast portion of CSA 135.	plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the fire and emergency services agreement shall be executed by the applicant and the SDCFPD.	agreement for compliance with this condition.	District		
	Within 30 calendar days of the issuance of any building permit for the Project.	The SDCFPD shall review the payment for compliance with this condition.			

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Project Design Feature	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
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Biological Resources						
PDF-BIO-1 APPLIC Standards. The Proposed Project shall incorporate Avian Power Line Interaction Committee (APLIC) standards with respect to line spacing for energized and grounded parts of the 138 kV transmission structures. The proposed insulators for the transmission structures will include an insulated polymer section that is at least 69 inches long, and the separation for transmission conductors operating at 138 kV will have 76 inches horizontal and 56 inches vertical minimum spacing.	The final construction plans shall be provided to the County for review and approval prior to the issuance of any Building Permits.	The County will review the Building and/or Right of Way Construction Plans before the start of construction to verify that adequate protection has been provided on all transmission lines or towers	County of San Diego			
Hazards and Hazardous Materials						
PDF-HAZ-1 PV Panel Tracking. The PV panels for the Project shall incorporate the following operational features: (1) all PV panels south of Old Highway 80 will utilize a minimum 20 degree east facing wake angle; and (2) all PV panels north of Old Highway 80 and south of the SDG&E Transmission Corridor shall have afternoon backtracking disabled. Instead, the PV panels will stay at their maximum 52 degree west facing rotational limit until after the sun has set.	Prior to issuance of any Building Permits, this condition shall be incorporated into the building plans.	The [PDS, BPPR] shall verify that the specific note(s) has been placed on all sets of the building plans and made conditions of Building Permit issuance.	County of San Diego			
Prior to occupancy, this condition shall be implemented.				The County of San Diego shall review the documentation as stated in the specifications above and ensure its implementation.		

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	Upon establishment of the use, this condition shall apply for the duration of the term of this permit.	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.				
Hydrology and Water Quality						
PDF-HYD-1 Prior to approval of final design plans, the County DPW shall verify that all components located within the 100 year floodplain shall comply with the County of San Diego Flood Damage Prevention Ordinance, County Hydrology Manual, and County Hydraulic Design Manual, which includes elevating all solar panels at maximum tilt, inverter/transformer platforms, battery storage containers, and all electrical components one (1) foot above base flood elevation.	Prior to approval of any building plan and the issuance of any building permit associated with the structures referenced above, compliance with this condition is required.	The [PDS, BPPR] shall review the building plans for consistency with this condition.	County of San Diego			
PDF-HYD-2 Groundwater Monitoring and Mitigation Plan. During groundwater extraction for the Proposed Project's construction and operation, the applicant shall implement the groundwater production and groundwater-level monitoring, groundwater mitigation criteria and, if necessary, the groundwater-habitat monitoring procedures outlined in the Groundwater Monitoring and Mitigation Plan that has been prepared for the Proposed Project.	Prior to any Project construction activities that utilize groundwater, or prior to approval of any grading and or	[PDS, ZONING] shall collect the fee and forward the receipt and MOU to [PDS, PCC] for approval. The [PDS, Groundwater Geologist] shall verify enrollment.	County of San Diego			

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	improvement plans and issuance of any Grading or Construction Permits whichever comes first, confirm that programming of the existing monitoring network infrastructure has been completed in accordance with this condition and with the approved MMRP.	The [PDS Groundwater Geologist] shall contact the applicant to set up future submittal dates of GMMP monitoring documents.			
	Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed.	The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production			

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	Upon establishment of the use, the GMMP shall be complied with until all GMMP requirements have been completed. After five years, the County of San Diego PDS shall determine if continued monitoring and annual reporting is required based on the effects of groundwater extraction from	conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The [PDS, Groundwater Geologist] shall review all GMMP reports to ensure that the project complies with on-going groundwater production conditions and water level thresholds. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.				

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<p>PDF-HYD-3 Vegetative Cover Onsite During Operation. In order to provide dust control and minimize erosion during Project operation, at least 70% vegetation cover shall be maintained during Project operation on the portions of the solar facility development footprint within the perimeter fencing not overlain by vehicle access driveways and internal access, inverter/transformer platforms, battery storage containers, the substation, and the Switchyard Facilities. These areas shall be reseeded with a native hydroseed mix that shall be approved by the County Landscape Architect prior to reseeding. A biologist shall also review the native hydroseed mix prior to reseeding for compatibility with native habitats in the Project area. The Project owner shall ensure that at least 70% of the hydroseeded area is covered with vegetation within one year of occupancy. If this coverage threshold is not met, additional native hydroseed applications must be conducted in order to meet the 70% threshold. The Project owner shall submit a written report with photographic evidence of the vegetative cover to the County Landscape Architect one year after occupancy. This report shall also include documentation of the date of hydroseeding and the type of native hydroseed mix. Subsequently a report with photographic evidence shall be submitted to the County Landscape Architect bi-annually (every other year) during Project operation.</p>	<p>the previous five years.</p> <p>Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans.</p> <p>Twelve Months after occupancy, photographic evidence must be submitted to the satisfaction of the County Landscape Architect. A report with photographic evidence shall be submitted to the County Landscape Architect bi-annually (every other year)</p>	<p>The [PDS, BI] and [PPD, CLA] shall inspect the site for compliance with the approved building plans.</p> <p>The [PDS, BI] and [PPD, CLA] shall inspect the site for compliance with the approved building plans</p>	<p>County of San Diego</p>		

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PDF-HYD-4 Flood Fencing Types. Flood fencing shall be either breakaway fencing or flow through fencing, as described below: <ul style="list-style-type: none"> Where flood fencing is provided along Old Highway 80, breakaway type fencing should be used where feasible. Flow-through fencing may be used along Old Highway 80 if drainage conditions warrant its use. However, if flood depths exceed 12 inches, breakaway type fencing (not flow through) must be used along Old Highway 80. Where flood fencing is provided elsewhere (not along Old Highway 80), either flow-through or breakaway fencing may be used. 	during Project operation	Prior to the approval of any grading and/or improvement plans and issuance of Grading or Construction Permits, the Drainage Study and Plans shall be approved.	The County DPW Flood Control shall review and approve the hydrologic and hydraulic analyses contained in the Drainage Study and the final fencing design and layout to ensure the flood flow is fully mitigated to pre-project conditions.	County of San Diego		
Noise						
PDF-NOI-1. The Applicant commits to restricting usage of a self-propelled PV panel washing apparatus, having an estimated hourly Leq noise level of 83 dBA at 16 feet, within 450 feet of a County-classified Noise Zone 1 property or within 250 feet of a County-classified Noise Zone 3 property. Within these distances, and respecting additional temporal and distance conditions per relevant portions of the Photo-Voltaic Panel Washing Plan (PV/PWP) prepared and implemented per M-NOI-2 , the Applicant commits to using PV panel washing methodology, such as a pick-up truck towed and enclosed IPC Eagle wash station, or other means, that exhibits hourly Leq no greater than 74 dBA at 9 feet.	Prior to approval of any PV Panel washing or revised panel washing, the plan must be approved.	The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.	County of San Diego			
Transportation						
PDF-TR-1 Traffic Control Plan. Prior to obtaining a grading permit from the County of San Diego, the applicant shall	Prior to the approval of any	The [PDS, LDR] shall review the	County of San Diego			

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<p>implement a construction Traffic Control Plan (TCP) that includes the following measures:</p> <p>Temporary traffic control devices in accordance with the California Department of Transportation's (Caltrans) California Manual on Uniform Traffic Control Device to identify locations/sections where construction is ongoing. This may include slow-moving-vehicle warning signs, signage to warn of merging trucks, barriers for separating construction and non-construction traffic, use of traffic control flaggers, and any additional measures required for the sole convenience of safely passing non-construction traffic (including transit, bicyclists and pedestrians) through and around construction areas.</p> <p>Coordination with Caltrans to secure the necessary encroachment and trip permits necessary for specialized haul trucks. Also, any excessive height/length vehicles should use pilot car services to provide safe over-the-road operations and overhead height warnings, if necessary.</p> <p>Notification of the California Highway Patrol, if necessary, to facilitate slowing freeway traffic to ensure safe access for motorists.</p> <p>Coordination with Caltrans, California Highway Patrol, and County officials, including the Sheriff's department. For the State Highway System, Caltrans requires a TCP to be submitted to District 11's Transportation Permits Issuance Branch at least 30 days prior to the start of any construction.</p> <p>Employment of a contract transport company that would be</p>	grading permit, a TCP shall be prepared and approved.	TCP for compliance with this condition			

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responsible for surveying the route to determine how turns on existing roads would be accomplished and ensuring that is reflected in the TCP.						
Establishment of procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities.						
<p>PDF-TR-2 Preparation of Construction Notification Plan.</p> <p>Forty-five days prior to construction, the project applicant would prepare and submit a construction notification plan to the appropriate land use jurisdiction agency for approval. The construction notification plan would identify the procedures that would be used to inform property owners of the location and duration of construction, identify approvals that would be needed prior to posting or publication of construction notices, and include text of proposed public notices and advertisements. The construction notification plan would address at a minimum two of the following components.</p> <p>Public notice mailer</p> <p>A public notice mailer would be prepared and mailed no fewer than 15 days prior to construction. The notice would identify construction activities that would restrict, block, remove parking, or require a detour to access existing residential properties. The notice would state the type of construction activities that would be conducted and the location and duration of construction, including all helicopter activities. The project applicant or construction contractor would mail the notice to all residents or property owners within 1,000 feet of project components. If construction</p>	<p>Prior to issuance of any grading permit, a construction notification plan shall be implemented.</p> <p>The following actions shall occur throughout the duration of grading and construction.</p>	<p>The DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition.</p> <p>The County [DPW, PDCI] and [PDS, B] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS,</p>	County of San Diego			

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<p>delays of more than 7 days occur, an additional notice would be prepared and distributed.</p> <p>Public liaison person and toll-free information hotline</p> <p>The project applicant would identify and provide a public liaison person before and during construction to respond to concerns of neighboring property owners about noise, dust, and other construction disturbance. Procedures for reaching the public liaison officer via telephone or in person would be included in notices distributed to the public. The project applicants would also establish a toll-free telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers. Procedures for handling and responding to calls would be addressed in the construction notification plan.</p>	<p>Prior to issuance of any decommissioning permit, a construction notification plan shall be implemented.</p>	<p>PCC] if the applicant fails to comply with this condition.</p> <p>The DPW, PDCI shall ensure that the grading contractor complies with the requirements of this condition. The DPW, PDCI shall contact the PDS, PCC, if the applicant fails to comply with this condition</p>				
<p>PDF-TR-3 Notify property owners and provide access. To facilitate access to properties that might be obstructed by construction activities, the project applicant would notify property owners and tenants at least 24 hours in advance of construction activities and would provide alternative access if required.</p>	<p>The following actions shall occur throughout the duration of grading and construction.</p>	<p>The County [DPW, PDCI] and [PDS, BI] shall ensure that the contractors comply with the requirements of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.</p>	<p>County of San Diego</p>			

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PDF-TR-4 Traffic Demand Management Program. The Project applicant shall implement a voluntary construction period Transportation Demand Management program to encourage construction workers to carpool or use alternative transportation modes. The program shall include the following: (1) encouragement of carpooling among workers to reduce worker commuter trips entering and exiting the Project Area; (2) a transportation package would be provided to workers, prior to commencing work on the Project, with information about how to access the Project by alternative transportation and the benefits of doing so; and, (3) the applicant shall evaluate the feasibility of a vanpool or shuttle service to facilitate worker commute trips if feasible.	Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the plan shall be prepared.	The [PDS, PCC] shall review the plan for compliance with this condition.	County of San Diego		
	The following actions shall occur throughout the duration of the earth disturbing activities.	The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.			
	The following actions shall occur throughout the duration of building	The [DPW, PDCI] shall ensure that the grading contractor is preparing and			

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	construction activities.	maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.			
	The following actions and logs shall occur throughout the duration of decommissioning.	The [PDS, PCC] shall review the plan for compliance with this condition.			