

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 24-068

Record Number: PLN-2020-16341

**Assessor's Parcel Numbers: 204-081-002, 204-081-004, 204-081-006, 204-081-007, and
204-171-001, 204-171-045, 204-171-047**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the North Coast Highway Solar Project Conditional Use Permit.

WHEREAS, North Coast Highway Solar 1, LLC and North Coast Highway Solar 2, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for Record No, PLN-2020-16341 for the proposed construction and operation of a commercial scale solar energy production facility, within an approximately 11.3-acre portion of the property.

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **PROJECT DESCRIPTION:** A Conditional Use Permit is being requested to authorize construction and operation of a 2.8-megawatt solar photovoltaic power generation facility (solar facility) to produce renewable energy for the power grid. The automated facility would occupy an approximately 11-acre fenced area with arrays of solar panels, single-axis trackers, string inverters, transformers, and associated electrical equipment. The approximately 87-acre property is planned and zoned Agriculture Exclusive (AE) and managed as pasture. An existing private driveway provides access to the project site from State Highway 36. Approximately 300 feet of new road is proposed to be developed to connect with a new driveway

encroachment along Highway 36, approximately 70 feet west of the existing driveway encroachment. A power line and poles will be run to the site along the driveway route, to allow interconnection to the nearby 12 kilovolt power distribution line located within the highway right-of-way near the driveway encroachment. Approximately 7 acres of the site will be occupied by the solar array. New impervious surfaces totaling approximately 1,500 square feet will be limited to the piles supporting the panel arrays and concrete pads below electrical equipment (approx. 1,060 ft.) Areas beneath the panel will remain vegetated and the project sponsor will maintain continual operation of agricultural uses on the property, including but not limited to sheep grazing, the keeping of honeybees, or planting of row crops, on a rotational basis. Site construction is expected to take approximately 4 months and operation will run for a minimum of 20 years under a power purchase agreement with Redwood Coast Energy Authority (RCEA). Maintenance staff are expected to visit the site on a weekly basis following the start of operation.

EVIDENCE: a) Project File: PLN-2020-16341

2. FINDING: **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Conditional Use Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated from August 1, 2024 to August 31, 2024.

b) The IS/MND included seven mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

3. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT-NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Energy, Greenhouse Gas Emissions, Hazards and Hazardous

Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

- EVIDENCE:**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
 - b) Initial Study/Mitigated Negative Declaration circulated for public review from August 1, 2024 to August 31, 2024.

4. FINDING: ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN

SIGNIFICANT – The Initial Study identified potentially significant impacts to Aesthetics, Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Land Use and Planning, Tribal Cultural Resources, and Mandatory Findings of Significance, which could result from the project if not addressed. Mitigation Measures have been incorporated to ensure potential impacts are eliminated or reduced to a less than significant level.

- EVIDENCE:**
- a) **Aesthetics:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of Mitigation Measure AES-1, which will ensure that the arrangement and positioning of the panel array(s) is done in such a way that no hazardous glare will result.

Mitigation Measure AES-1: Prevention of Hazardous Glare

All solar panels within the arrays shall include an anti-reflective coating and shall be positioned with a resting angle of 75° and a maximum tracking angle of 65° with the panel array(s) orientated at 180.0°. Resting angles below 17° are prohibited as they were determined to produce yellow glare. The orientation and positioning of panels within the array(s) must be maintained in a fashion that prevents the creation of yellow glare, for the life of the project. Should future changes to the configuration and orientation of the panels be proposed, an updated analysis of solar glare shall be required and submitted to the County Aviation Department. Reconfiguration may only be authorized following review and approval by the County Aviation Department.

- b) **Agriculture and Forestry Resources and Land Use and**

Planning: Potentially significant impacts to agricultural resources will be mitigated to a less than significant level, with the implementation of Mitigation Measures AG-1 and AG-2, which require that the applicant develop and implement plans to maximize agricultural production within the solar lease area during operation of the site and commit to perform cleanup and remediation of the 11-acre lease area when the use has permanently ceased and equipment is no longer in use.

Mitigation Measure AG-1: Agriculture Management Plan. To maintain consistency with General Plan Policy AG-P6 and to prevent a net reduction in land base and agricultural production, the project sponsor shall maintain continual operation of agricultural uses on the property, including but not limited to sheep grazing, the keeping of honey bees, or planting of row crops, on a rotational basis. During rotational periods, the plan shall include planting and maintenance of locally appropriate native plants, focusing on species that provide the greatest value to bees, moths, butterflies, and other native pollinators. Some potential options include yarrow (*Achillea millefolium*), farewell to spring (*Clarkia amoena*), California poppy (*Eschscholzia californica*), riverbank lupine (*Lupinus rivularis*), California bee plant (*Scrophularia californica*), and rough hedgenettle (*Stachys rigida*). To maintain habitat value, mowing should not occur during the bloom period, though targeted removal of invasive species is encouraged. Prior to finalization of the building permit for the project, the applicant

shall submit an Agricultural Management Plan for review and approval by the Director of Planning & Building Department, or their designee. The plan shall summarize the types and duration of agricultural uses as well as operator information for the property. The Department reserves the right to reject or require revisions to the plan to ensure the effectiveness of the planned agricultural operations.

Mitigation Measure AG-2: Decommissioning & Remediation Plan. To ensure the project site will be restored to its original condition at the end of the Project's life, a decommissioning and remediation plan shall be submitted for review and approval to the Director of the Planning and Building

Department, or their designee, prior to the issuance of Building Permits. The decommissioning plan shall include removal and proper disposal of all above and below ground improvements, restoration of the surface grade, placement of topsoil over all removed structures, and revegetation and erosion control as deemed necessary by the Director, as well as an estimated timeframe for completing site restoration, an engineer's cost estimate for all aspects of the removal and restoration plan, and an agreement signed by the property owner and operator.

- c) **Biological Resources:** Potentially significant impacts to Biological Resources will be mitigated to a less than significant level with the implementation of Mitigation Measure BIO-1, which will require preconstruction surveys for nesting birds if vegetation removal is to be performed during the nesting season. In the event that nesting birds are discovered during survey, use of buffers, biological monitoring, staggered schedules, or similar adaptive mitigation techniques is required.

Mitigation Measure BIO-1: Preconstruction Nesting Bird Surveys. To the extent feasible, conduct vegetation removal outside of the nesting bird season (generally between March 1 and August 31). If vegetation removal is required during the nesting bird season, conduct take avoidance surveys for nesting birds within 100 feet of areas proposed for vegetation removal. A survey must be conducted by a qualified biologist(s) no more than 7 days prior to vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. If there is a lapse in project-related construction activities of 7 days or more, the biologist shall re-survey the area before work resumes.

- d) **Cultural Resources:** Potentially significant impacts to Cultural Resources will be mitigated to a less than significant level with the implementation of Mitigation Measures CUL-1 and CUL-2. CUL-1 requires monitoring by the Bear River Band of the Rohnerville Rancheria (BRB) and/or the Wiyot Tribe or their designee(s) during

all ground-disturbing activities. Any discovered materials must be evaluated for significance and treatment in accordance with all State and Federal guidelines, using procedures specified in Mitigation Measure CUL-2.

- e) **Geology and Soils:** Potentially significant impacts to Geology and Soils will be mitigated to a less than significant level with the implementation of Mitigation Measures PAL-1, which requires use of a qualified paleontological monitor when excavations are to occur within native sediments below 10 feet in depth.

Mitigation Measure PAL-1: Paleontological Resources. Prior to the start of construction, the following mitigation measures will be implemented to avoid potential impacts to significant paleontological resources if they are encountered during the course of construction activities:

- A trained and qualified paleontological monitor will perform spot-check and/or monitoring of any excavations on the project that have the potential to impact paleontological resources in undisturbed native sediments below 10 feet in depth. The monitor will have the ability to redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. Monitoring is not required during drilling or pile driving for installation of solar panel pylons.
- The project paleontologist may re-evaluate the necessity for paleontological monitoring after examination of the affected sediments during excavation.
- Any potentially significant fossils observed shall be collected and recorded in conjunction with best management practices and Society of Vertebrate Paleontology professional standards.
- Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.
- A report documenting the results of the monitoring, including any salvage activities and the significance of any fossils, will be prepared and submitted to the appropriate personnel.

- f) **Land Use and Planning:** Potentially significant impacts to Land

Use and Planning will be mitigated to a less than significant level with the implementation of Mitigation Measures AG-1, AG-2, and AES-1 (described above). Implementation of these mitigation measures will ensure the project complies with all applicable land use policies from the General Plan, Zoning Regulations, and Airport Land Use Compatibility Plan (ALUCP).

- g) **Tribal Cultural Resources:** Potentially significant impacts to Tribal Cultural Resources will be mitigated to a less than significant level with the implementation of Mitigation Measures CUL-1 and CUL-2. CUL-1 requires monitoring by the Bear River Band of the Rohnerville Rancheria (BRB) and/or the Wiyot Tribe or their designee(s) during all ground-disturbing activities. Any discovered materials must be evaluated for significance and treatment in accordance with all State and Federal guidelines, using procedures specified in Mitigation Measure CUL-2.
- h) **Mandatory Findings of Significance:** As discussed above, potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for Mandatory Findings of Significance.

Mitigation Measure AES-1: Prevention of Hazardous Glare

Mitigation Measure AG-1: Agriculture Management Plan

Mitigation Measure AG-2: Decommissioning & Remediation Plan

Mitigation Measure BIO-1: Preconstruction Nesting Bird Survey

Mitigation Measure CUL-1: Cultural Resources Monitoring Program

Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources

Mitigation Measure PAL-1: Paleontological Resources

FINDINGS FOR CONDITIONAL USE PERMIT

5. FINDING:

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) Utilities and energy facilities are a compatible use type in the Agricultural Exclusive (AE) land use designation. The proposed solar energy generation facility is allowable in the AE designation.
 - b) The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program.

6. FINDING: The Project is consistent and helps to implement General Plan Policy E-P3 (Local Renewable Energy Supply) which calls for the County to support renewable energy development projects including biomass, wind, solar, run-of-the river hydroelectric and ocean energy which increase local energy supply and are consistent with the General Plan.

- EVIDENCE:**
- a) The proposed location provides adequate solar resources to produce 2.8 MW of locally generated power.

7. FINDING: The proposed development is consistent with and helps implement Goal E-G3 of the General Plan which calls for *"Increased local energy supply from a distributed and diverse array of renewable energy sources and providers available for local purchase and export"*

- EVIDENCE:**
- a) The proposed location provides adequate solar resources to produce 2.8 MW of locally generated power available for local purchase and export.

8. FINDING: The project has been designed and will be implemented to not result in the loss of agricultural land, or the loss of productive agricultural soils consistent with Plan Policies AG-P6, and AG-P16

- EVIDENCE:**
- a) Solar power generation facilities are a conditionally permitted use in the AE zoning district. Where development associated with a conditionally permitted use would result in the occupation of AE zoned land by non-agricultural uses, mitigation must be provided to offset the land being lost.
 - b) The project is proposed to be developed on an approximately 87-acre parcel that has historically been managed as agricultural pastureland. The project has been designed to

minimize its footprint and impact on the agricultural land in which it is proposed, consistent with Plan Policy AG- P16. A total of approximately 1,500 square feet of impermeable surface are proposed within an approximately 11-acre project area.

- c) The project is designed to minimize impermeable surfaces and impacts to areas of lands planned and zoned exclusively for agriculture. To compensate for a temporary reduction in the amount of useable pastureland on the property, the project is being required to institute measures to ensure and enhance ongoing agricultural uses on the property, such as incorporating pollinator habitat and beekeeping, sheep grazing, or planting of row crops on a rotational basis. This is consistent with Plan Policy AG-P6 and will offset the temporary occupancy of 11 acres of pasture by establishing more intensively managed ag uses that are capable of coexisting with the arrays proposed to be installed within this area of the property.
- d) The applicant must submit an Agricultural Management Plan summarizing the types and duration of agricultural uses as well as operator information for the property. To confirm the effectiveness of the proposed new agricultural operations to be introduced to the site, the plan and its implementation will be subject to review, approval, and inspection by the Department.
- e) The applicant must prepare and submit a Decommissioning Plan detailing how the project site will be restored to pre-project conditions. This will include best management practices for soil/site remediation and removal of all project-related materials and their recycling and reuse. The plan and its implementation will be subject to review, approval, and inspection by the Department.

9. FINDING: The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

EVIDENCE: a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

- b) The AE zone allows utilities and energy facilities: the erection, construction, alteration, or maintenance of gas, electric, water or communications transmission facilities, and wind or hydroelectric, solar or biomass generation, and other fuel or energy production facilities with a Conditional Use Permit.
- c) The location and height of all project elements meet the setback and building height requirements for the AE zone.
- d) APN: 204-081-002, would contain the solar field and APNs: 204-081-007 -004, and 204-171-047 would contain an access route that connects the solar field to SR-36. APN's: 204-081-002, -004, -006, -007, and 204-171-001, -045, -047 collectively comprise one legal parcel. Review of historical Assessor Parcel books reveals that all these parcels were held under common ownership "Grace Osee Rea" prior to advent of local subdivision regulations and comprise on legal parcel.

10. FINDING:

The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

a) *Traffic*

The site is accessible from a paved publicly maintained state highway and private driveway that can safely accommodate the amount of traffic generated by the proposed project during construction.

b) *Fencing*

A new fence is proposed as part of the project. The fence would deter trespass onto the site.

c) *Water Use*

Solar panels would be cleaned on a quarterly basis by spraying demineralized water on the panels to remove dust and other material buildup. Cleaning water would infiltrate into the ground or evaporate as it drips off the solar modules. Water would be required twice per year for cleaning of modules, which would be trucked onto the site for efficient use at the solar panels. This may require up to 2 gallons per module per year. Based on the 4,624 solar modules proposed for the project, a water demand of 9,248 gallons per year would result

from the project. This water would be imported to the site and would not be pumped from groundwater.

d) *Glare*

The project includes restrictions on the arrangement and positioning of the panel array(s) to ensure it is done in such a way that no hazardous glare will result. This will ensure the project panels do not create a source of yellow glare which could pose a risk to aviation at the nearby Rohnerville airport.

The currently proposed configuration of the panel array(s) includes a maximum tracking angle of 65° and a resting angle of 75° degrees. This orientation was evaluated in the glare analysis which found it would not generate any yellow glare and would generate approximately 432 hours of green glare annually.

The glare analysis and information was reviewed by the County's Aviation Department as well as the Battalion Chief of the CalFire Aviation Unit, which is based at the Rohnerville Airport (FOT). Cal-Fire's pilot team have indicated that the development should not be a factor for them conducting safe arrivals and departures to/from the FOT Airport.

The County's Airport Planning Consultants have run the project details through the FAA's Notice Criteria Tool regarding airspace and determined that the project would not require further evaluation from an airspace safety perspective.

11. FINDING:

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE:

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopts the Mitigated Negative Declaration for the North Coast Highway Solar 1, LLC and North Coast Highway Solar 2, LLC Conditional Use Permit; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for North Coast Highway Solar 1, LLC & North Coast Highway Solar 2, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 19, 2024**.

The motion was made by COMMISSIONER LORNA MCFARLANE and second by COMMISSIONER JEROME QIRIAZI and the following vote:

AYES: COMMISSIONERS: Lorna McFarlane, Jerome Qiriazzi, Iver Skavdal, Thomas Mulder, Peggy O'Neill, Sarah West

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Noah Levy

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 6/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department

ATTACHMENT 1A

CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned on the following Development Restrictions, General Conditions, and Ongoing Requirements.

A. Development Restrictions Which Must be Satisfied Before Site Development or Initiation of Operations:

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,916.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2023, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,916.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The project shall be developed and operated in accordance with the Project Description and Operational information and restrictions described within the Mitigated Negative Declaration and the Mitigation and Monitoring Report (Attachment 3).
3. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e., grading, building, plumbing, electrical, mechanical, fences and gates over six feet in height, etc.).
4. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
5. The applicant must apply for and obtain an encroachment permit with the California Department of Transportation (Caltrans) for a new commercial driveway from State Highway 36. The applicant shall be responsible to correct any involved drainage problems within the state highway road right of way associated with the driveway improvements to the satisfaction of Caltrans.
6. Written approval for improvements to the existing railroad crossing shall be secured from the Great Redwood Trail Agency. This includes all work within the former railroad right-of-way, and any proposed new fencing.
7. To ensure that the project is decommissioned at the end of the Project service life, the applicant must secure and submit to the Humboldt County Planning and Building Director for review and approval (1) a decommissioning cost estimate, prepared by a qualified contractor or engineer, showing the cost to decommission the Project net of the Project salvage value, and (2) one of the following prior to issuance of any building permits:

- A. An agreement between the parent company and the County that insures the applicant's commitment to the decommissioning of the site; or
- B. An agreement between the applicant and the property owner clarifying that if the project is not to be decommissioned by the applicant, the property owner will be responsible for the decommissioning of the project; or
- C. A surety bond in an amount that would cover the cost of the decommissioning of the site if the County were left responsible for the decommissioning, adjusted every five-years for inflation using the Consumer Price Index; or
- D. An alternative mechanism acceptable to the Planning Director that accomplishes the same goal.

B. General Conditions:

- 1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
- 2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 3. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

C. Ongoing Requirements Which Must be Satisfied for the Life of the Project:

- 1. All components of project shall be developed, operated, and maintained in conformance with the Project Description and Operational information described within the Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (Attachment 3), and all Conditions of Approval applied to the project herein. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
- 2. Project lighting may be installed at entry and egress gates and at strategic locations around the facility. All project lighting must be shielded and directed downward to minimize the possibility of glare or spillover onto adjacent properties. Unless authorized by the Planning & Building Department, all lighting must be controlled by motion sensors and remain off during the evening when not in use.
- 3. In accordance with County Code Section 341-1 (Sight Visibility Ordinance), the intersection of the access driveway and State Highway 36 shall be maintained in such a fashion that visibility is preserved by vehicles entering or existing the highway.

4. Mowing the project area shall not be permitted during the blooming period (March-August).
5. Any outdoor construction activity and use of heavy equipment outdoors shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.

Inadvertent Discovery of Cultural Resources during Excavation

2. If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Mitigation Monitoring & Reporting Program

*** HCP&BD = Humboldt County Planning and Building Department

****THPOs = Local Tribal Historic Preservation Officers

All of the following mitigation measures are required to mitigate impacts from the proposed project:

Mitigation Measure AES-1: Prevention of Hazardous Glare

All Solar panels within the arrays shall include an anti-reflective coating and be positioned with a resting angle of 75° and a maximum tracking angle of 65° with the panel array(s) orientated at 180.0°. Resting angles below 17° are prohibited as they were determined to produce yellow glare. The orientation and positioning of panels within the array(s) must be maintained in a fashion that prevents the creation of yellow glare, for the life of the project. Should future changes to the configuration and orientation of the panels be proposed, an updated analysis of solar glare shall be required. Reconfiguration may only be authorized following review and approval by the County Aviation Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD**		

Mitigation Measure AG-1: Agriculture Management Plan. To maintain consistency with General Plan Policy AG-P6 and to prevent a net reduction in land base and agricultural production, the project sponsor shall maintain continual operation of agricultural uses on the property, including but not limited to sheep grazing, the keeping of honey bees, or planting of row crops, on a rotational basis. During rotational periods, the plan should include planting and maintenance of locally appropriate native plants, focusing on species that provide the greatest value to bees, moths, butterflies, and other native pollinators. Some potential options include yarrow (*Achillea millefolium*), farewell to spring (*Clarkia amoena*), California poppy (*Eschscholzia californica*), riverbank lupine (*Lupinus rivularis*), California bee plant (*Scrophularia californica*), and rough hedgenettle (*Stachys rigida*). To maintain habitat value, mowing should not occur during the bloom period, though targeted removal of invasive species is encouraged. Prior to finalization of the building permit for the project, the applicant shall submit an Agricultural Management Plan for review and approval by the Director of Planning & Building Department, or their designee. The plan shall summarize the types and duration of agricultural uses as well as operator information for the property. The Department reserves the right to reject or require revisions to the plan to ensure the effectiveness of the planned agricultural operations.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit, and during project operations.	Continuous		HCP&BD**		

Mitigation Measure AG-2: Decommissioning & Remediation Plan. To ensure the project site will be restored to its original condition at the end of the Project's life, a decommissioning and remediation plan shall be submitted for review and approval to the Director of the Planning and

Building Department, or their designee, prior to the issuance of Building Permits. The decommissioning plan shall include removal and proper disposal of all above and below ground improvements, restoration of the surface grade, placement of topsoil over all removed structures, and revegetation and erosion control as deemed necessary by the Director, as well as an estimated timeframe for completing site restoration, an engineer's cost estimate for all aspects of the removal and restoration plan, and an agreement signed by the property owner and operator.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Approval of plan Prior to issuance of the building permit; implementation following site closure.	Continuous		HCP&BD**		

Mitigation Measure BIO 1: Preconstruction Nesting Bird Surveys. To the extent feasible, conduct vegetation removal outside of the nesting bird season (generally between March 1 and August 31). If vegetation removal is required during the nesting bird season, conduct take avoidance surveys for nesting birds within 100 feet of areas proposed for vegetation removal. A survey must be conducted by a qualified biologist(s) no more than 7 days prior to vegetation removal. If active nests are observed, a qualified biologist will determine appropriate minimum disturbance buffers or other adaptive mitigation techniques (e.g., biological monitoring of active nests during construction-related activities, staggered schedules, etc.) to ensure that impacts to nesting birds are avoided until the nest is no longer active. If there is a lapse in project-related construction activities of 7 days or more, the biologist shall re-survey the area before work resumes.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to issuance of the building permit; or following a lapse of in-season construction of 7 or more days.	Continuous		HCP&BD** *****THPOs		

Mitigation Measure CUL-1: Archaeological and Native American Monitoring Native American monitoring should be provided by the Bear River Band of the Rohnerville Rancheria (BRB) and/or the Wiyot Tribe or their designee(s). The monitor(s) shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the find shall be evaluated for listing in the CRHR and National Register of Historical Places. The Tribe(s) may request that archaeological monitoring be performed under the direction of an archaeologist meeting the Secretary of Interior's PQS for Archaeology (as defined in the Code of Federal Regulations, 36 CFR Part 61). The Tribe(s) may also require that the archaeologist prepare a Cultural Resource Monitoring Program (CRMP) and to conduct monitoring of vegetation removal and rough grading activities. The CRMP shall address the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural, tribal cultural and historic resources to a level that is less than significant as well as address potential impacts to undiscovered buried archaeological resources associated with this project. The CRMP may also require that the Archaeologist conduct Cultural Resource Sensitivity Training, focused on discussing the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event. The retained Qualified Archeologist may also be required to attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

The monitoring schedule shall be established by the Tribe(s) and may be adjusted based on the scale of disturbance and sensitivity of the location where ground disturbance will occur. Monitoring may be decreased to spot-checking at the discretion of the monitors, as warranted by conditions such as encountering bedrock, a lack of prior discovery following initial monitoring, or similar circumstances. If monitoring is decreased to spot-checking, spot-checking should occur when ground-disturbance moves to a new location in the project site and when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Contract for monitoring prior to issuance of the building permit; and as decided by local Tribal Historic Preservation Officers.	During ground disturbing phase of project		HCP&BD** THPOs*****			

Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 60-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

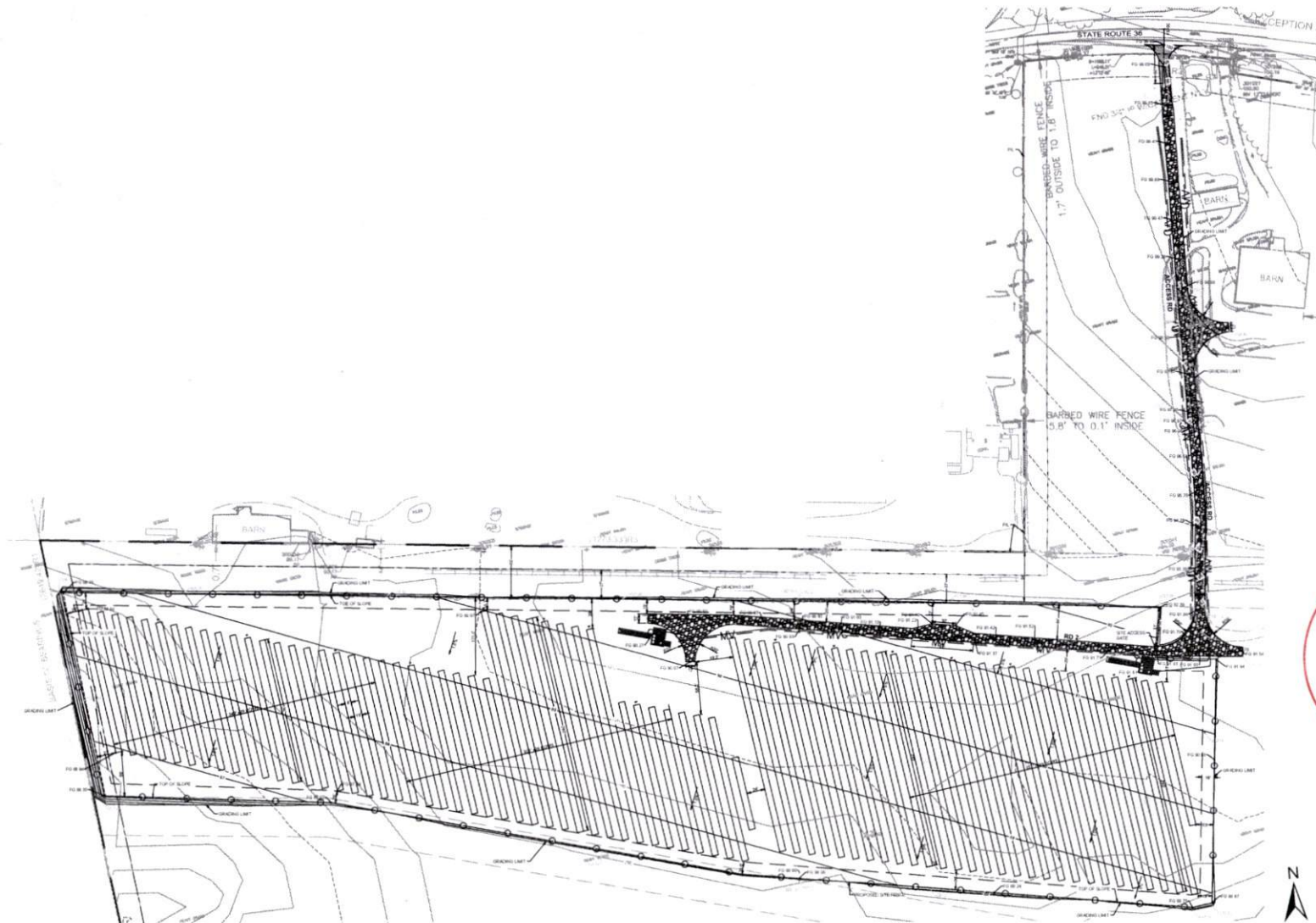
If the find is considered a "resource" the Tribe may request either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the County. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the County of Humboldt Planning and Building Department for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During ground disturbance phase of project	Continuous		HCP&BD**			

Mitigation Measure PAL-1: Paleontological Resources. Prior to the start of construction, the following mitigation measures will be implemented to avoid potential impacts to significant paleontological resources if they are encountered during the course of construction activities:

- A trained and qualified paleontological monitor will perform spot-check and/or monitoring of any excavations on the project that have the potential to impact paleontological resources in undisturbed native sediments below 10 feet in depth. The monitor will have the ability to redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. Monitoring is not required during drilling or pile driving for installation of solar panel pylons.
- The project paleontologist may re-evaluate the necessity for paleontological monitoring after examination of the affected sediments during excavation.
- Any potentially significant fossils observed shall be collected and recorded in conjunction with best management practices and Society of Vertebrate Paleontology professional standards.
- Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.
- A report documenting the results of the monitoring, including any salvage activities and the significance of any fossils, will be prepared and submitted to the appropriate personnel.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During ground disturbance phase of project	Continuous		HCP&BD**			



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Humboldt County
PLANNING

Site Plan Overlay

