

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Development Requirements:

1. The project shall be developed and conducted in accordance with the Project Description in the FEIR and the Mitigation Monitoring and Reporting Plan adopted by the Board of Supervisors..
2. The applicant shall enter into an Agreement to Implement a Mitigation Monitoring and/or Reporting Plan with the County to compensate the Planning and Building Department for all costs associated with the implementation of the approved Mitigation Monitoring and Reporting Program (MMRP), to include on-site construction and mitigation monitors. The Planning Director may retain the services of qualified professional engineers, biologists or other specializations, as needed, to ensure that the measures are fully carried out. A deposit for the estimated cost of services under this agreement shall be on deposit with the Planning and Building Department.
3. The applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will defend, indemnify and hold harmless the County of Humboldt or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law. The applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of her/his obligations under this condition. An agreement to this effect shall be entered between applicant and county within 30 days of project approval. The County shall promptly notify the property owner of any such claim, action or proceeding.
4. Prior to clearing or grubbing or other vegetation removal, the applicant shall secure approval of all required building permits from the Building Inspection Division. As part of the building permit application(s), the applicant shall provide engineered plans for all grading, pad foundations, turbines, O&M facility, and access roads to the Building Division for review and approval.
5. Prior to occupancy the O&M building, the applicant shall install an on-site wastewater treatment system to the satisfaction of the Division of Environmental Health (DEH). A letter or similar communication from DEH stating that they have approved installation of the on-site wastewater treatment system shall satisfy this requirement.
6. During construction and operation of the project, the O&M building wastewater disposal field and reserve area shall remain undisturbed and must not be paved, driven over, or otherwise developed.
7. Prior to initiating transport of oversized project components, the applicant shall secure and encroachment permit and transportation permit from the California Department of Transportation (Caltrans) These permits would be used to determine the final trailer configuration, clearance requirements, temporary off-ramps, emergency service access, lane closures (if required), California Highway Patrol (CHP) escort (as required), and transportation times.

8. The applicant shall secure an encroachment permit from the Department of Public Works for any work done on (or under) county-maintained roads.
9. Prior to issuance of Building Permits the improvement plans for the project shall demonstrate an optimal relationship between the public portion of Monument Road and Bear River Ridge Road and the proposed turbine locations to the satisfaction of Public Works. This may require the applicant to change proposed turbine locations or relocate the public portion of Monument Road or Bear River Ridge Road.
10. Applicant shall provide liability insurance to the County to protect the County from any incidents arising from the windmills in an amount established by the County Risk Manager. Insurance policies shall remain in effect for the life of the project without any gaps in coverage. The County shall be named as additionally insured. The amount of insurance shall be indexed for inflation on an annual basis. The County Risk Manager shall provide the applicant with the adjusted insurance amount 90 calendar days prior to expiration of the current policy. Prior to obtaining or renewing an insurance policy, Applicant shall provide the County Risk Manager with the name of the insurance company being proposed. Insurance companies proposed by the Applicant shall be approved by the County Risk Manager regarding their financial strength.
11. The applicant shall secure a Transportation Permit for oversized and/or overweight loads using county maintained roads from the Department of Public Works. Damage to any County maintained road from overweight vehicles shall be repaired by the applicant to the satisfaction of the County.
12. Once construction of the project is complete, the applicant shall reconstruct that portion of Bear River Ridge Road, South Bay Depot Road and Fields Landing Road used for construction the project. Until such time as the roads are reconstructed, the applicant shall be responsible for maintaining the roads in working order.
13. Prior to transporting oversized components, the applicant shall secure an encroachment permit from the City of Fortuna for the temporary off ramp to be constructed between the northern terminus of Dinsmore Drive and US 101 to create a temporary detour for the 12 Street overpass. The applicant shall also secure as necessary encroachment permits from the City of Fortuna to transport oversized loads within the City limits.
14. Prior to transporting oversized components, the applicant shall secure a Special Permit from the Humboldt Bay Wildlife Refuge for the temporary off ramp to be constructed between and Visitor Center Access Road and US 101 to create a temporary detour for the Hookton Road overpass.
15. The applicant shall submit from FAA 7460-1 to the FAA for comments. Comments from the FAA shall be incorporated into the project's conditions of approval.
16. Only the proposed access route from Jordan Creek shall be used for the construction of the project. Construction related traffic shall not use Monument Road (from Rio Dell city Limits to Bear River Ridge Road) or Mattole Road to access the project site. Once construction of the project is completed, light weight maintenance vehicles may access the site from US 101 via Monument Road to Bear River Ridge Road; all other vehicles shall use the Jordan Creek access.
17. **Within five (5) days of the effective date of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$3,321.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the

Department of Fish and Game (DFG) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.

18. The Applicant shall obtain a consolidated Coastal Development Permit from the California Coastal Commission. A copy of the approved and executed permit or CDP waiver shall be submitted to the Planning Division to satisfy this condition.
19. Prior to the commencement of offloading and staging of wind turbine generators and component parts at Fields Landing, the applicant shall provide 48-hour advance written notification of planned night time operations (10PM to 6AM) to owners/occupants located within 500 feet of the Fields landing complex and the compacted gravel storage yard area.
20. Prior to the issuance of construction permits, the applicant shall provide to the County a decommissioning plan and financial assurance in a form and amount the County deems sufficient to guarantee the faithful performance of the decommissioning and restoration of the facility at the conclusion of the 30 year permit term, or in the event of facility abandonment, considered to be the discontinuance of operations for a period of one year. If operations cease for a one year period, an application for remediation and removal must be submitted within 6 months of abandonment. Decommissioning of the site must be complete within 3 years of cessation of operations. The Financial Assurance Cost Estimate shall be prepared by California Licensed Professional Engineer and shall cover the work as described in the Draft EIR Section 2.5, Project Decommissioning and Restoration, to include the following elements: removal of all above grade structures and facilities from the project site(excepting the addition to the Bridgeville substation); the decompaction and recontouring to return the site to preconstruction and operational condition; and revegetation commensurate with the vegetative cover, composition and diversity of the ecological setting, pre-development.

The Financial Assurances shall:

- a. take the form of surety bonds, irrevocable letter of credit, trust funds, certificates of deposit, or other mechanisms determined acceptable by the Planning Director;
 - b. remain in effect for the duration of the permit term and any additional period until decommissioning and restoration is completed;
 - c. be sufficient to account for inflation over the 30-year life of the project;
 - d. based on standard time and material current construction costs adjusted to reflect state prevailing wages, be adequate for the purposes of performing all decommissioning and restoration in accordance with the approved decommissioning and restoration plans; and
 - e. be made payable to the County of Humboldt.
21. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water. An engineer's statement to this effect submitted to the Planning Division prior to issuance of building or grading permits shall satisfied this requirement.

22. The applicant shall obtain a permit from the North Coast Unified Air Quality Management District (NCUAQMD) for the use of internal combustion engines (for emergency generators).
23. To operate the cement batch plant during construction, the applicant must either obtain a local operating permit from the NCUAQMD or a portable equipment registration from the California Air Resources Board.
24. Development within Streamside Management Areas shall, at a minimum, include:
 - a. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations or for public health and safety reasons. The felling must be approved by the Planning Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
 - b. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
 - c. Erosion control measures (as per Standard BR-S9- Erosion Control).
 - d. Maximum feasible retention of overstory canopy in riparian corridors.
25. Erosion control measures for development within Streamside Management Areas shall include the following:
 - a. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.
 - b. Consistent with BR-S8, construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.
 - c. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.
 - d. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.
 - e. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.
 - f. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements.
26. Prior to issuance of any permits or initiating construction activities the applicant shall submit

evidence that reuse of process water is regulated under Waste Discharge Requirements (WDRs) or a waiver of WDRs issued by the Regional Water Quality Control Board.

27. Within 60 days of project approval, the applicant shall establish a point of sale destination within Humboldt County such as a street address within Humboldt County for acquisition, billing and purchasing purposes, registering this address with the State Board of Equalization and using this address for acquisition, billing and purchasing purposes associated with the proposed project. The applicant shall allow the County to use this sales tax information publicly for reporting purposes.
28. Prior to construction of turbines the applicant shall provide evidence to the County Planning Director that no microwave beam paths will be interrupted by project component placement.

On-Going Requirements to be satisfied for the life of the project

29. The project shall be developed, operated and maintained in accordance with the Project Description contained in the Final EIR, the mitigation monitoring and reporting program, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
30. This permit expires thirty (30) years from the date of issuance. No later than two (2) years prior to expiration of the permit the applicant must apply for project decommissioning or repowering.
31. The applicant shall adhere to all of the mitigation measures in the certified Final EIR and incorporated hereby reference. The applicant and successor's in interest are required to pay for mitigation monitoring 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 Department will provide a bill to the applicant. Any and all outstanding Planning fees to cover the mitigation monitoring shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
32. The use of chemical pesticides, rodenticides, and herbicides to is prohibited for the life of the project.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Attachment that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as soon as possible before the expiration date. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Please contact the Planning Division for copies of all required forms and instructions.
2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the

factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

3. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
4. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
5. 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 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
6. This permit approval (CUP/SP) shall expire and become null and void at the expiration of one (1) year from the date of the approval of the associated Use Permit and Special Permit ("Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
7. If any trees located within the right of way of a County maintained road require removal or trimming, the trees must be made available to the underlying property owner. It is the responsibility of the applicant to coordinate all tree removal and trimming with underlying property owners.
8. Underground utility lines crossing a County maintained road laterally can be permitted through an Encroachment Permit from the Department of Public works when the lines are installed in sleeves that extend the entire width of the right of way. The applicant must be the property owner on both sides of the road where the crossing is proposed, or the applicant must have an easement. Underground utilities lines that run along the road longitudinally can only be permitted through an Encroachment Permit if the applicant is a public utility. If the applicant is not a public utility the applicant may wish to explore acquiring a private utility easement adjacent to the public right of way and installing the proposed lines there.