ERM

1340 Treat Boulevard
Suite 550
Walnut Creek, CA 94597

T +1 925 946 0455

erm.com

MEMO

TO	Cynthia Draper and Cathreen Richards, Inyo County
FROM	Sarah Willbrand, Lauren Huff
DATE	03 November 2026
REFERENCE	0838701
SUBJECT	Bonanza Peak Energy Project Mitigation Measure Refinements

1. INTRODUCTION

Bonanza Peak Solar, LLC, a subsidiary of Hanwha Renewables (Applicant), has coordinated with Inyo County, the California Department of Fish and Wildlife (CDFW), and the U.S. Fish and Wildlife Service (USFWS) throughout planning for the Bonanza Peak Energy Project (Project) to avoid, minimize, and mitigate impacts to special-status species and protected water features. This memorandum recommends refinements to certain mitigation measures adopted through the Inyo County Renewable Energy General Plan Amendment (REGPA) Program Environmental Impact Report (PEIR), based on Project-specific analysis and agency coordination, updated scientific information, and current agency guidance.

The REGPA PEIR establishes a program-level environmental protection framework for renewable energy development within designated Solar Energy Development Areas (SEDAs). Consistent with that programmatic scope, several adopted mitigation measures contemplate subsequent Project-specific evaluation, consultation with CDFW and USFWS, implementation through agency-approved plans and permits, and consideration of current agency guidance. Since certification of the REGPA PEIR, the Project has undergone extensive biological surveys and technical analyses, and Project-specific avoidance, minimization, monitoring, and mitigation requirements have been developed through consultation and permitting with CDFW and USFWS.

The refinements described below reconcile the program-level mitigation language with these Project-specific requirements, current scientific information, and current CDFW and USFWS guidance. They clarify or tailor how the adopted measures will be implemented for the Project, including where the agencies have identified or approved an alternative method of achieving the underlying mitigation objective. The refinements do not change the fundamental purpose or environmental protection objectives of the applicable mitigation measures.

Furthermore, modifications to a mitigation measure do not automatically trigger subsequent or supplemental review under CEQA. A mitigation measure may be modified without triggering additional review where the measure is no longer necessary to mitigate a significant impact or is infeasible, unworkable, or unnecessary. *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1388, 1403 (lead agency's decision to revise certain mitigation measures did not warrant subsequent review); *Lincoln Place Tenants Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508-09 (mitigation measures may be changed if found to be impractical or unworkable).

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Based on the above and the supporting information provided below, the proposed refinements do not meet any of the conditions requiring preparation of a subsequent EIR under CEQA Guidelines Section 15162:

- The refinements do not constitute substantial changes to the Project.
- No substantial changes have occurred in the circumstances under which the Project will be undertaken that would require major revisions to the REGPA PEIR because of a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect.
- The Project-specific analyses, agency coordination, updated guidance, or other information described herein do not constitute new information of substantial importance that would demonstrate a new significant environmental effect, a substantially more severe previously identified effect, or the availability of a feasible mitigation measure or alternative that would substantially reduce a significant environmental effect but that the Applicant has declined to adopt.

Because the refinements require changes or additions to the REGPA PEIR, but none of the conditions requiring a subsequent EIR has occurred, they may appropriately be addressed in an addendum pursuant to CEQA Guidelines Section 15164.

Recommended refinements below are shown in ~~strikethrough~~ and <u>underline</u>.

2. PROPOSED MITIGATION MEASURE REFINEMENTS

2.1 AQ-2: REDUCE FUGITIVE DUST AND PARTICULATE MATTER EMISSIONS DURING CONSTRUCTION

Proposed Refinement:

To control emissions of particulate matter, and to ensure compliance with GBUAPCD Rules 401 and 402 as well as applicable BMPs from Renewable Energy Action Team (REAT) Best Management Practices and Guidance Manual (REAT 2010), solar projects shall implement fugitive dust and particulate matter emissions control measures including, but not limited to the following:

- Water and/or coarse rock all active construction areas as necessary and indicated by soil and air conditions;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave or apply (non-toxic) soil stabilizers on all unpaved access roads <u>unless otherwise addressed through alternative emission control measures (e.g., water)</u>;
- Sweep daily (with water sweepers) all paved access roads;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Suspend excavation and grading activity when sustained winds make reasonable dust control difficult to implement, e.g., for winds over 25 mph.
- Limit the speed of on-site vehicles to 15 mph.

Justification:

This revision is recommended to reflect USFWS and CDFW guidance regarding the use of soil binders. During Project coordination, the USFWS and CDFW requested that water be used for dust control in lieu of soil binders where feasible, which avoids application of soil-binding agents that could alter surface-soil conditions. The revised language allows alternative emission control measures, including water, to be used consistent with USFWS and CDFW requirements while maintaining the measure's objective of controlling fugitive dust emissions. Further, the water use for dust control is incorporated into the Project's water demand analyzed in the addendum. The proposed change to this mitigation measure does not change any of the significance conclusions in the PEIR or addendum.

2.2 BIO 3B: MINIMIZE IMPACTS TO SPECIAL-STATUS WILDLIFE

Proposed Refinement:

Biological Monitoring

A CDFW-approved biologist shall be designated to oversee compliance with biological resources avoidance and minimization measures during mobilization, ground disturbance, grading, construction, operation, and closure/decommissioning, or project abandonment, particularly in areas containing or known to have contained sensitive biological resources, such as special status species and unique plant assemblages. The CDFW-approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities consistent with monitoring required in any permit issued by the USFWS and CDFW. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the biological monitor. Spoils shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special status species. Parking areas, staging and disposal site locations shall also be located in areas without native vegetation or special status species habitat. All disturbances, vehicles, and equipment shall be confined to the flagged areas. The CDFW-approved biologist shall be responsible for actions including, but not limited to, the following…

Justification:

This revision is intended to align construction monitoring with the requirements established through USFWS and CDFW permits and to provide clarity regarding the interpretation of the mitigation measure. Following installation of exclusion fencing, monitoring requirements are expected to be reduced where authorized by the USFWS and CDFW given anticipated exclusion of special-status species onsite. The revision therefore allows monitoring to be conducted at the level required by applicable permits while maintaining agency oversight and required species-protection measures, keeping anticipated impacts to a less than significant level. The proposed change to this mitigation measure does not change the significance conclusion in the PEIR or addendum.

2.3 BIO 3B: MINIMIZE IMPACTS TO SPECIAL-STATUS WILDLIFE

Proposed Refinement:

Fugitive Dust Reduction

To reduce the potential for the transmission of fugitive dust the project proponent shall implement dust control measures. These shall include:

- The project proponent shall apply non-toxic soil binders, equivalent or better in efficiencies than the CARB- approved soil binders, to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions, unless otherwise addressed through alternative emission control measures (e.g., water).

Justification:

See justification provided for the proposed change to MM AQ-2 above.

2.4 BIO 6A: MINIMIZE IMPACTS TO DESERT TORTOISE

Proposed Refinement:
Raven Management Plan

The project developer shall provide funds for regional management of common ravens through the payment of a per-acre fee as determined in consultation with the USFWS. The fee shall be commensurate with current per-acre fees (at the time of project approval) required by the BLM and the CEC for development projects in the desert with the potential to provide subsidies to common ravens such as shelter, perching sites, and food. The fee shall be used by the Desert Managers Group, or other entity or funding mechanism designated by USFWS, to manage common ravens in the California desert with the goal of reducing their predation on desert tortoises.

Justification:

The revision is intended to account for changes in the entity or mechanism used to administer regional raven management funding over the life of the Project. The Desert Managers Group remains active; however, current regional raven management funding is administered by the National Fish and Wildlife Foundation in consultation with the Renewable Energy Action Team. The revised language therefore preserves the requirement to fund regional raven management while allowing USFWS and CDFW to identify the appropriate entity or funding mechanism at the time payment is required. The proposed change to this mitigation measure does not change the significance conclusion in the PEIR or addendum.

2.5 BIO 6A: MINIMIZE IMPACTS TO DESERT TORTOISE

Proposed Refinement:
Desert Tortoise Priority Connectivity Area

Unless as noted herein, Projects shall not be sited within areas identified for desert tortoise recovery or conservation according to the Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*) (USFWS 2011) (such as designated critical habitat, Area of Critical Environmental Concern [ACEC], Desert Wildlife Management Area [DWMA], priority connectivity areas, and other areas or easements managed for desert tortoises). A small portion (up to 5% of the Developable Area) of the Project may be sited in priority connectivity areas if agreed to by the USFWS and CDFW and all impacts are mitigated.[1]

Justification:

This revision is recommended because the original measure establishes an absolute siting restriction based, in part, on conservation designations and planning information that do not reflect the USFWS' or CDFW's current, project-specific approach to desert tortoise conservation. Mapped priority habitat connectivity areas were developed in 2009 using mapping technology that allowed only coarse, landscape-scale delineation of habitat areas. Now, the USFWS and CDFW assess project-specific impacts to desert tortoise through current habitat information, project-specific surveys, and applicable avoidance, minimization, and mitigation requirements established through consultation and permitting. The Project is undergoing Section 10 consultation with USFWS under the Desert Tortoise General Conservation Plan (USFWS 2025),[2] through which Project-specific impacts and appropriate avoidance, minimization, and mitigation requirements are being addressed. The General Conservation Plan does not reference or rely on priority connectivity areas. USFWS and CDFW have agreed to the Project's proposed mitigation approach, which includes permanent conservation of the Kingston View and Campito Peak properties totaling approximately 2,400 acres which provide high-quality desert tortoise habitat and are strategically located adjacent to other conserved habitat, thereby helping to fill gaps between protected areas and support landscape-level habitat connectivity. Kingston View supports a high density of desert tortoises, and the addition of Campito Peak expands the contiguous conservation area between Kingston View and other protected lands. In addition, the portion of the mapped priority connectivity area that overlaps the Project occurs along the outer edge of the broader connectivity area and extends into the Project Area as a relatively narrow arm that dead-ends in the area overlapping the Project as opposed to forming a north-south connection between larger areas of mapped priority habitat. Only approximately 4.2 percent of the Project's 2,400-acre Developable

[1] Approximately 4.2% of the Bonanza Peak Energy Project's 2,400-acre Developable Area is within a priority connectivity area.
[2] U.S. Fish and Wildlife Service. (2025). *General Conservation Plan for the Desert Tortoise in California*. U.S. Fish and Wildlife Service. https://cadeserttortoisegcpsa.blob.core.windows.net/files/Desert%20Tortoise%20GCP_Revised%20Final%20Version_20251001_signed_508.pdf?sv=2025-07-05&spr=https&st=2026-07-14T19%3A43%3A37Z&se=2027-07-15T19%3A43%3A00Z&sr=b&sp=r&sig=%2BuI%2BofjOfL1HXQ%2Fj%2F9mguQCdmbZ7y7o%2FRppcIPqPJeI%3D. Accessed 2 November 2026.

Area overlaps the mapped priority connectivity area. Accordingly, the limited overlap is not expected to substantially affect the function of the broader mapped connectivity area. The revision therefore recognizes the Project-specific mitigation approach agreed upon with the CDFW and USFWS and allows development where impacts are appropriately mitigated as determined by those agencies, rather than establishing an absolute siting prohibition. The proposed change to this mitigation measure does not change the significance conclusion in the PEIR or addendum.

2.6 BIO-18: BIRD MONITORING

Proposed Refinement:

The BBCS shall address buffer distances for specific bird species and include a robust, systematic monitoring protocol to document mortality and habitat effects to birds. The monitoring protocol should incorporate the following objectives at a minimum: (1) ~~a minimum of weekly monitoring for mortality and immediate necropsy to determine cause of death~~ monitoring for bird and bat mortality conducted in conjunction with routine operations and maintenance activities, with additional monitoring conducted where required by applicable wildlife agency permits or authorizations, both during construction and throughout the life of the project; (2) systematic data collection and reporting of bpird mortality including data on the following: species, date, time, how the animal died, if feasible, (e.g., exhaustion, trauma), as well as any information on what might be attracting animals to the photovoltaic cells (light, insects, etc.); (3) to the extent feasible, a method to estimate the overall annual avian mortality rate associated with the facility, including mortality associated with all the features of the project that are likely to result in injury and mortality (e.g., fences, ponds, solar panels); and, (4) to the extent feasible, methods to determine whether there is spatial differentiation within the solar field in the rates of mortality (i.e., panels on the edge of the field versus interior of the field), (5) conducting necropsy where required by the applicable wildlife agency (i.e., CDFW, USFWS) or permit. If collection of birds is required, b~~B~~iologists performing this work would be required to have a Scientific Collecting Permit from CDFW. ~~Standardized and systematic d~~Data on bird and bat mortalities will be collected to contribute to the improvement of the scientific communities' understanding of both baseline and photovoltaic related mortality that occurs in solar projects in the desert and is needed in order to identify improved methods to minimize adverse effects on migrating birds and bats.

Justification:

Revision is recommended to reflect the solar technology ultimately approved for the Project and the current understanding of avian risk associated with photovoltaic solar facilities. The original MMRP was developed when solar power tower technology was under consideration for the Project and when potential attraction of waterbirds to solar facilities under the "lake effect" hypothesis was a greater concern. Solar power tower technology was not ultimately approved for the Project, and more recent research has further evaluated avian interactions with photovoltaic facilities, including the influence of solar technology on interpretation of avian mortality and the hypothesized "lake effect." More recent research indicates that previously reported patterns of aquatic bird mortality at photovoltaic facilities were influenced by differences in solar technology and site-specific data, weakening the basis for assuming a generalized "lake effect" at

photovoltaic facilities (Kosciuch et al. 2025).[3] Accordingly, the prescriptive requirement for weekly mortality monitoring and immediate necropsy throughout the approximately 50-year Project life is not appropriately tailored to the photovoltaic technology ultimately approved for the Project and would result in approximately 2,609 monitoring events. The revised measure instead requires bird and bat mortality observations during routine operations and maintenance activities, documentation and reporting of observed mortality, and additional monitoring or necropsy where required by CDFW or USFWS. This approach maintains long-term monitoring and agency oversight while establishing monitoring requirements proportionate to the Project's technology and anticipated impacts. The proposed change to this mitigation measure does not change the significance conclusion in the PEIR or addendum.

2.7 BIO-18: VEGETATION INSIDE FENCED AREA

Proposed Refinement:

All potential nesting vegetation (e.g., trees, shrubs) shall be removed within the fenced area of the facility to decrease attractive habitat unless alternative vegetation management is required as part of permits issued by the CDFW and USFWS.

Justification:

Revision is recommended to allow vegetation management to be implemented consistent with CDFW and USFWS guidance and agency-approved Project plans. During Project coordination, the agencies have consistently expressed a preference for retaining existing vegetation where feasible to maintain habitat for wildlife that may continue to use the site following construction. Much of the existing vegetation within the Project site, including shrubs, also constitutes potential nesting habitat; therefore, requiring removal of all potential nesting vegetation would effectively require removal of much of the vegetation that could otherwise remain available as wildlife habitat. The revision allows vegetation to be retained where consistent with requirements established by CDFW and USFWS, rather than imposing a blanket requirement to remove all potential nesting vegetation. Additionally, this revision is consistent with Mitigation Measure AES-9, which requires that existing native vegetation be preserved to the greatest extent possible. The proposed change to this mitigation measure does not change the significance conclusion in the PEIR or addendum.

2.8 BIO-21: MINIMIZE IMPACTS TO MOVEMENT AND MIGRATORY CORRIDORS OR NATIVE WILDLIFE NURSERY SITES

Proposed Refinement:

As stated in Mitigation Measure BIO-6, ~~projects shall not~~ a small portion (up to 5% of the Developable Area) of the Project may be sited within areas identified for desert tortoise recovery or conservation according to the Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (USFWS 2011) (such as designated critical habitat, ACECs, DWMAs, priority

[3] Kosciuch, K., Riser-Espinoza, D., & Mitchell, M. (2025). *Lake effect or data mirage? How accounting for technology differences at utility scale solar energy facilities can change data interpretation*. Environmental Research Letters, 20(12), 124023. https://doi.org/10.1088/1748-9326/ae1e91. Accessed 2 November 2026.

connectivity areas, and other areas or easements managed for desert tortoises) if agreed to with the USFWS and CDFW and all impacts are mitigated.[4]

Justification:

See justification provided for the proposed change to BIO-6a above.

2.9 CUL-1: MINIMIZE IMPACTS TO CULTURAL RESOURCES

Proposed Refinement:

Adverse effects to historical resources (CRHRP-eligible cultural resources) would be resolved on a project-specific level. As part of this process, resource identification efforts including pedestrian surveys, formal government-to-government tribal consultation with state lead agencies, and engagement with Native American communities would be necessary. Examples of ways to resolve adverse effects include…

Justification:

This modification is a non-substantive correction to the acronym for the California Register of Historical Resources.

[4] Approximately 4.2% of the Bonanza Peak Energy Project's 2,400-acre Developable Area is within a priority connectivity area.