

ATTACHMENT D

RESOLUTION NO. _____

**RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS CERTIFYING
THE ENVIRONMENTAL IMPACT REPORT; MAKING FINDINGS OF FACT; ADOPTING
A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A
MITIGATION MONITORING AND REPORTING PLAN
FOR THE GIBSON SOLAR FARM PROJECT
(ZF2020-0043)**

WHEREAS, the County of Yolo ("County") is considering approval of the Gibson Solar Farm Project (ZF2020-0043), a Major Use Permit to construct and operate a large utility-scale solar energy system and battery energy storage facility ("Project");

WHEREAS, the Final Environmental Impact Report (SCH #2021100191) ("FEIR") consisting of the Draft EIR and Response to Comments document has been prepared pursuant to the California Environmental Quality Act, Pub. Res. Code, Section 21000 et seq. ("CEQA") to analyze the environmental effects of the Project;

WHEREAS, a Notice of Preparation was circulated for a 31-day public review and comment period commencing October 13, 2021, extending through November 12, 2021;

WHEREAS, on October 26, 2021, a public scoping meeting was held with the Esparto Citizens Advisory Committee via Zoom to receive oral comments and input on the scope of the environmental analysis;

WHEREAS, the Draft EIR was circulated for a 45-day public review period commencing January 13, 2023, through February 27, 2023;

WHEREAS, on February 9, 2023, a public meeting was held with the Yolo County Planning Commission via Zoom to receive comments regarding the adequacy of the Draft EIR;

WHEREAS, the Response to Comments document was released to the public on May 24, 2023;

WHEREAS, during these meetings, oral and documentary evidence was received regarding the adequacy of the Draft EIR and the merits of the Project;

WHEREAS, on May 11, 2023, and June 8, 2023, the Planning Commission held a public hearing to receive public comment and provide a recommendation on the Project to the Board of Supervisors;

WHEREAS, the Planning Commission voted 5 to 1 to recommend certification of the FEIR as adequate pursuant to Section 15090 of the CEQA Guidelines and recommended approval of the Project; and

WHEREAS, on September 26, 2023, the Board of Supervisors held a public hearing to receive public comment and take action on the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yolo as follows:

1. The Board of Supervisors has independently reviewed and analyzed the FEIR before making the Findings of Fact, issuing the Statement of Overriding Considerations, and adopting the Mitigation Monitoring Plan (MMRP) incorporated herein as Exhibit B.

2. The Board of Supervisors hereby certifies that the FEIR has been completed in compliance with CEQA and the CEQA Guidelines and reflects the independent judgment of the County, and adopts the Findings of Fact attached hereto as Exhibit A.

3. Based on the information contained in the FEIR, the testimony presented at the meetings on the Project, and the substantial evidence in the record, revisions to the Project have been incorporated which avoid, eliminate, or substantially lessen certain significant effects of the Project, where feasible, as identified in the attached Exhibit. These mitigations/conditions shall be binding upon the applicant and other responsible parties upon approval of the project.

4. The MMRP attached hereto is hereby adopted to ensure implementation of feasible mitigation measures identified in the FEIR.

5. Other mitigation measures, as identified, have been modified or clarified to ensure feasibility, as discussed in the FEIR and/or staff reports, and in Exhibit A.

6. The Board of Supervisors has considered alternatives to the Project discussed in the FIER and concludes based on substantial evidence in the record that the Reduced Footprint Alternative (Alternative) is the preferred project over the proposed Project and other proposed project alternatives, based on the considerations discussed in the attached Exhibit. Although the Project will result in one significant adverse environmental effect (loss of agricultural resources) that cannot be avoided even with the adoption of all feasible mitigation measures and cancellation of the Williamson Act contract, the Board of Supervisors finds that the economic, social, and other benefits that the Project's Reduced Footprint Alternative will produce will render the significant effects acceptable.

7. Based upon the foregoing the Board of Supervisors hereby approves the proposed Project consistent with the certified FEIR, MMRP, Statement of Overriding Considerations, and Findings.

8. A Notice of Determination shall be filed within five days after adoption of this Resolution.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Yolo following a public meeting held this 26th day of September, 2023.

AYES:
NOES:
ABSTAIN:
ABSENT:

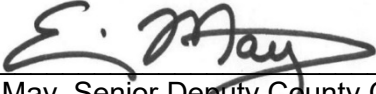
Oscar E. Villegas, Chair

Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)

By: 
Eric May, Senior Deputy County Counsel

ATTACHMENTS:

- EXHIBIT A** -- Findings of Fact and Statement of Overriding Considerations
- EXHIBIT B** -- Mitigation Monitoring and Reporting Plan

FINDINGS OF FACT FOR THE GIBSON SOLAR FARM PROJECT

1. INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Yolo County Gibson Solar Farm Project ZF#2020-0043 (SCH No. 2021-10-0191) (the proposed Project).

The CEQA Statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Code of Regulations Title 14, Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Pursuant to CEQA Guidelines Section 15091, when an EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or alternatives can avoid or substantially lessen the impact. Alternatively, if there are no feasible mitigation measures or alternatives to avoid or substantially lessen the significant impact, the agency must adopt a statement of overriding considerations.

The requirements of Sections 15091 and 15092 are addressed herein. This document is intended to serve as the findings of fact authorized by those provisions of the CEQA Guidelines.

2. PROJECT DESCRIPTION

Yolo County (County) is the Lead Agency for the preparation and review of the Draft EIR for the Gibson Solar Farm Project (proposed Project). The proposed Project would construct and operate an up to 20-megawatt alternating current (MWac, or MW) solar photovoltaic (PV) electricity generating facility with at least 6.5 MWac/26 megawatt hour (MWh) Battery Energy Storage System (BESS), which requires approval of a Major Use Permit.

The proposed Project would be located approximately 1.2 miles east of Esparto in an unincorporated area of Yolo County (Figure 1, Project Vicinity). The proposed Project will use PV modules mounted on single-axis sun-tracking support structures to generate up to 20 MWac of renewable electrical energy. The electricity generated by the PV field will be used in part for charging the batteries, and the remaining energy generated by the PV field will be delivered to the grid. The batteries will discharge the stored energy during a 4-hour period providing up to 52 MWh of renewable energy. Electricity generated by the proposed Project will be sold to the local Community Choice Aggregator, Valley Clean Energy, and be

interconnected to the Pacific Gas and Electric (PG&E) electrical distribution system at the existing 21-kilovolt (kV) Madison Substation, located about 4,650 feet (0.88 mile) east of the proposed Project on County Road (CR) 89.

The proposed Project would be constructed on a 147.42-acre parcel of land. Within that parcel, the PV modules themselves would cover approximately 34.4 acres, and the area used for access roads, equipment, and other fixtures would require another 5.5 acres. To minimize inter-row shading from the sun, the spacing between the parallel arrays would be approximately 14 feet, leaving more than 107 acres between the solar arrays available for use as a stable grassland/pollinator plant substrate (Figure 2, Site Plan). The proposed Project would be located on a parcel that is currently in agricultural production and is surrounded by orchards and field crops. The parcel is currently enrolled in the Williamson Act under Agreement #71-206.

A multi-use plan for the proposed Project site was identified in the Project Description for the EIR that included growing native plants to support pollinators, sheep grazing, and hosting apiary at the site.

The Board of Supervisors has determined that the elimination of the proposed apiary uses as a Project component, as recommended by the Planning Commission at the June 8, 2023, public hearing, is an insignificant modification and would neither exacerbate the level of significance for any identified impacts or the effectiveness of any required mitigation measures, nor create any new impacts not already analyzed within the Project EIR. Please refer to Section 13.1 below. The removal of the apiary uses from the proposed multi-use plan would not alter the design, implementation, or overall benefit of the proposed Project. Pursuant to CEQA Guidelines § 15088.5, the change to the proposed Project is not significant and therefore does not require recirculation of the Project EIR.

The Project alternatives evaluated in the Draft EIR included:

- No Project Alternative
- Reduced Footprint Alternative
- Alternative Site 041-100-013
- Alternative Site 041-010-001
- Alternative Site 030-030-099

Adoption of the Project will require the following actions by the County:

- Certification of the Final EIR for the Project;
- Adoption of a Mitigation Monitoring and Reporting Plan (MMRP), Findings, and Statement of Overriding Considerations;
- Approval of the Use Permit, along with Conditions of Approval;
- Other County permits such as Building and Grading Permits related to individual Project elements; and
- Williamson Act contract cancellation.

Adoption of the Project will require the following actions by other government agencies:

- The Central Valley Regional Water Quality Control Board (RWQCB) approval is needed for general construction runoff and/or construction dewatering discharges under the National Pollutant Discharge Elimination System (NPDES). Project proponents are required to submit a Notice of Intent to the RWQCB for coverage under the General Construction Permit if project disturbance would be over 1 acre. Section 401 permits are necessary when Section 404 permits are required. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) would be required to prevent stormwater pollution.

- The California Department of Fish and Wildlife (CDFW) would require a California Endangered Species Act Incidental Take Authorization if the proposed Project would result in take of a State-listed species.

The Draft EIR analyzed impacts in the areas of Aesthetics/Visual, Agriculture and Forestry Resources, Air Quality (including Odors), Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, Wildfire, Cumulative Impacts, and Other CEQA-Required Analysis. Significant impacts are identified for Agriculture and Forestry Resources. The Draft EIR (Section C.4, Impact AF-1) identified the conversion of agricultural land to a non-agricultural use as a significant and unavoidable Project impact.

3. PROJECT OBJECTIVES

The objectives of the proposed Project are to:

- Generate at least 13 MWac solar PV electricity with at least a 6.5 MWac/26 MWh Battery Energy Storage System (BESS)
- Assist California in meeting its current and future Renewable Portfolio Standard goals
- Assist Yolo County in meeting its renewable energy goals
- Site the proposed Project in an area with excellent solar energy resources to maximize productivity
- Use proven technology to produce electrical energy reliably and economically for the life of the proposed Project
- Support the State Legislature’s and Governor’s greenhouse gas reduction goals, including Assembly Bill (AB) 32,¹ Senate Bill (SB) 375,² and Executive Order S-3-05³
- Develop a utility-scale solar and battery energy storage project that improves local electrical reliability and assists with satisfying Valley Clean Energy’s local renewable portfolio standards
- Minimize impacts to surrounding agricultural uses to the greatest extent feasible by implementing a multi-use plan with complementary co-located land uses

The Board of Supervisors has determined that the Reduced Footprint Alternative Project, including identified mitigation measures, best meets these objectives. This is discussed further in the “Findings on Alternatives” section of these findings.

4. FINAL EIR

The Final EIR for the Yolo County Gibson Solar Farm Project includes the following items:

1. Draft EIR (SCH No. 2021-10-0191), dated January 2023;
2. Responses to Comments on the Draft EIR dated May 2023;
3. Actions taken by the Board of Supervisors, as defined herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures;
4. Final Mitigation Monitoring and Reporting Plan (Exhibit B to these Findings)

¹ AB 32 Global Warming Solutions Act of 2006 requires California to reduce its GHG emissions to 1990 levels by 202 – a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario. The implementation of AB 32 includes expanding the use of renewable energy resources such as solar (CARB, 2018a).

² SB 375 directs the California Air Resources Board to set regional targets for greenhouse gas emission reductions from passenger vehicles (CARB, 2018b).

³ EO S-3-05 established a GHG emission reduction target for California to reduce GHG emissions to 80 percent below 1990 levels by 2050.

5. RECORD OF PROCEEDINGS

For the purposes of CEQA and the findings hereinafter set forth, the administrative record for the Project consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e) the location and custodian of the documents and other materials which constitute the record of proceedings upon which these decisions are based is as follows:

Stephanie Cormier, Principal Planner
Yolo County Department of Community Services
292 West Beamer Street
Woodland, CA 95695
(530) 666-8041
Stephanie.Cormier@yolocounty.org.

6. FINDINGS REQUIRED UNDER CEQA

Public Resources Code (PRC) Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Inclusion of the adopted mitigation measures in the General Plan as policies and actions are among the "changes or alterations" referenced in this finding. Other “changes and alterations” are discussed herein. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency.

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR (CEQA Guidelines Section 15091). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “‘feasibility’

under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.”

In the process of adopting mitigation, the Board of Supervisors has made a determination regarding whether the mitigation proposed in the EIR is "feasible." These are discussed herein.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the EIR, significant impacts are identified for Agriculture and Forestry Resources. The Draft EIR (Section C.4, Impact AF-1) identifies the conversion of agricultural land to a non-agricultural use as a significant and unavoidable Project impact, even after the implementation of feasible mitigation measures. As to the other potential impacts, the EIR concludes that they would be mitigated to acceptable levels with implementation of the identified mitigation measures. These findings are reflected herein in the “Significant Effects and Mitigation Measures” section below.

7. MITIGATION MONITORING AND REPORTING PLAN

As required by PRC Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the County, in adopting these findings, also adopts a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP is designed to ensure that, during all phases of the Project, the County and any other responsible parties, implement the adopted mitigation measures. This plan is contained in Exhibit B (Mitigation Monitoring and Reporting Plan).

Pursuant to Section 15091(d) of the CEQA Guidelines, all feasible mitigation measures that avoid or substantially lessen the significant effects of the project and that are adopted in these Findings shall become binding on the operation of the proposed project.

8. PROJECT BENEFITS

The Board of Supervisors finds that the proposed Project will create the following benefits for the County of Yolo and County residents (in no order):

- **Greenhouse Gas Reduction.** The proposed Project will produce clean energy that will reduce greenhouse gas emissions that are changing the climate to the detriment of Yolo County citizens and Yolo County’s most important industry (agriculture). As such, the proposed Project is in furtherance of the County’s Climate Action Plan and the County’s goal of achieving a carbon negative footprint by 2030.
- **Multi Use Plan.** The Project proponent is proposing a multi-use plan as part of the proposed Project. Under this plan, the Applicant will plant a substrate of low-growing native plants that will help hold topsoil and over time vastly improve tilth, as well as attract local pollinators to benefit nearby orchards along with other crops. Pollinators, especially bees, play a fundamental role in agriculture by servicing pollination-dependent crops and maintaining populations of both wild and cultivated species of plants that are considered useful for purposes other than food. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the modules where and when necessary.

- **Reclamation of land to agricultural use after life of the Project.** At the conclusion of the Project, the Applicant has agreed to decommission the Project and restore the site to Agricultural use.
- **Preserving limited surface water for other agricultural lands.** The proposed Project would use substantially less water than the prior farming uses allowing water previously used to irrigate crops to be used for irrigating other crops. This becomes especially critical during drought and extended drought conditions.
- **Improving local electrical reliability and assisting with satisfying Yolo County's and Valley Clean Energy's local renewable portfolio standards** by generating at least 13 MWac solar PV electricity with at least a 6.5 MWac/26 MWh Battery Energy Storage System (BESS). The proposed Project includes an application to the State for grant funding for improvements that would provide power to public facilities in Esparto and the Capay Valley during the repeated power outages that occur in the area.
- **Reducing need for other green-energy projects that might be sited further from interchange facilities requiring more extensive generation tie lines to connect to existing distribution lines, which could result in additional loss of, or impact to, farmland.** The proposed Project would help both Yolo County and the State to reach its renewable energy and GHG goals and help solve California's duck curve production problem, while reducing transmission loss and increasing system reliance.

9. FINDINGS ON SIGNIFICANT EFFECTS AND MITIGATION MEASURES

A Notice of Preparation was prepared to identify environmental issues associated with the proposed Project and seek comments regarding the scope of the EIR from public agencies and the general public. The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the Project. All these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures, except for one Project impact related to the loss of agricultural land.

The Findings of the Board of Supervisors with respect to the Project's significant effects and mitigation measures are set forth in the Final EIR and the Findings of Fact below.

The Findings set forth below do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Rather, Table 1 provides the Findings including a description of each impact, applicable mitigation measures identified in the Final EIR and adopted by the Board of Supervisors, and Findings of the Board of Supervisors regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and associated record (described herein) both of which are incorporated by reference. The Board of Supervisors hereby ratifies, adopts and incorporates the analysis and explanation in the record into these Findings, and ratifies, adopts and incorporates in these Findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The following general Findings are made by the Board of Supervisors:

- For all impacts identified as less-than-significant in the EIR, the less-than-significant impact determination is hereby confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

- For all adopted mitigation measures, the Board of Supervisors hereby directs that the stated mitigation measure (or its equivalent) shall be applied to the proposed project and each applicable Project elements. The Board of Supervisors finds that each such measure is appropriate and feasible, and will lessen the impact to some degree.

The Board has adopted all of the mitigation measures identified in the EIR.

Table 1. Gibson Solar Farm EIR Findings

Impact	Mitigation Measure	Findings
Agriculture and Forestry Resources		
<p>a. Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<p>MM AG-1. Farmland Conservation Easement. Mitigation for the permanent loss of agricultural land will comply with Yolo County Code Section 8 2.404 (the Agricultural Conservation and Mitigation Program), which requires the acquisition of an agricultural preservation easement at a ratio between 1:1 and 3:1, depending on the location of the easement areas.</p>	<p>Mitigation measures have been adopted to reduce this impact. The lead agency cannot ensure that these measures will reduce the impact to a less than significant level, due to conversion of Prime Farmland to a non-agricultural use. The agricultural activities proposed as part of the multi-use plan would not replace the intensive farming capacity at the site, and thus, would not meet DOC’s definition of Prime Farmland nor the purpose of implementing the Agricultural Intensive (A-N) Zone. Therefore, while the multi-use plan would provide additional benefits, it would not eliminate the impact of Prime Farmland conversion. No feasible mitigation measures or alternatives have been identified that would substantially reduce this impact.</p>
<p>b. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<p>MM AG-2. Williamson Act Incompatibility. Avoid the incompatibility with the Williamson Act by:</p> <ol style="list-style-type: none"> (1) Non-renewing the Williamson Act contract and delaying the Project until the nine-year non-renewal period has lapsed; or (2) Canceling the Williamson Act contract by making the necessary findings; or (3) Determining that the Project is a compatible “electric facility” use under Government Code section 51238(a)(1). 	<p>Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.</p>
Biological Resources		
<p>a. Would the Project have a substantial adverse effect, either directly or</p>	<p>MM BIO-1. Avoid Construction and Decommissioning-related Disturbances to Active Swainson’s Hawk Nest. To avoid this impact, construction and</p>	<p>Changes or alterations have been required in, or incorporated into, the</p>

Impact	Mitigation Measure	Findings
<p>through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<p>decommissioning should occur during the non-breeding season, September 1 to March 15, unless it is determined that the nest is inactive or young have fledged during the construction/demolition year. If construction/decommissioning is scheduled to occur during the breeding season (March 15 to August 30), surveys should be conducted prior to proposed Project activities to determine activity at the nest site. If the nest is active, a 1,320 foot no-disturbance buffer should be established around the nest to minimize disturbance. Alternatively, an incidental take permit may be sought in consultation with CDFW pursuant to Section 2080 of the state endangered species act. Doing so, however, will require additional compensatory mitigation to be specified by CDFW during the consultation. Because there are no other potential nest trees within 1,320 feet of the proposed Project site, no other preconstruction (or pre-demolition) surveys for Swainson's hawk or white-tailed kite are necessary.</p>	<p>Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.</p>
Cultural Resources		
<p>a. Would the Project cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5 [§15064.5 generally defines historical resource under CEQA]?</p>	<p>MM CUL-1. Worker Environmental Awareness Program. Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist meeting federal criteria under 36 CFR 61 regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and protection of all archaeological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Workers' Environmental Awareness Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits</p>	<p>Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.</p>
<p>b. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</p>	<p>MM CUL-2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources. If previously unidentified cultural resources are uncovered during construction activities, construction work within 50 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the County, the Yocha Dehe Wintun Nation, and any other</p>	<p>Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.</p>

Impact	Mitigation Measure	Findings
	<p>responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find(s) is found to be eligible to the National or California Registers, qualify as a unique archaeological resource under CEQA (PRC §21083.2), or is determined to be tribal cultural resource as defined in PRC §21074</p>	
<p>c. Would the Project disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>MM CUL-3. Treatment of Human Remains. All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 50 feet of the discovery area must cease immediately, nothing is to be disturbed, and the area must be secured. The County Coroner’s Office must be called. The Coroner has 2 working days to examine the remains after notification. The appropriate land manager/owner of the site is to be called and informed of the discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, because it could be a crime scene. The Coroner would determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.</p> <p>After the Coroner has determined that the remains are archaeological/historic-era, the Coroner would make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.</p> <p>The NAHC would immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours from the time given to access the site to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant’s recommendations, the owner or the descendant may request meditation by NAHC.</p> <p>According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).</p>	<p>Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.</p>

Impact	Mitigation Measure	Findings
Geology and Soils		
f. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	MM PAL-1. Inadvertent Paleontological Find. Although highly unlikely, should any significant paleontological resources (e.g., bones, teeth) be unearthed, construction activities should be diverted at least 15 feet from the find until a professional paleontologist has assessed the find and, if deemed significant, salvaged it in a timely manner. Collected fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made available for future research.	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
Tribal Cultural Resources		
a. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	MM CUL-1. Worker Environmental Awareness Program. MM CUL-2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources. MM CUL-3. Treatment of Human Remains.	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
(ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision	MM CUL-1. Worker Environmental Awareness Program. MM CUL-2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources. MM CUL-3. Treatment of Human Remains.	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Impact	Mitigation Measure	Findings
(c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?		

10. FINDINGS ON ALTERNATIVES

These findings address whether the various alternatives lessen or avoid any of the significant impacts associated with the project and consider the feasibility of each alternative.

Pursuant to Section 15126.6 of the CEQA Guidelines, EIR examines project alternatives, consistent with the requirements of CEQA. A discussion of the alternatives assessment is provided in Section D of the Draft EIR. The alternatives considered include:

- No Project Alternative
- Reduced Footprint Alternative
- Alternative Site 041-100-013
- Alternative Site 041-010-001
- Alternative Site 030-030-099

These alternatives cover a comprehensive range of reasonable possibilities in support of the Board of Supervisors' final decision.

The Draft EIR identified Alternative Site 030-030-099 as the Environmentally Superior Alternative, because it would not impact designated Prime Farmland and is not subject to a Williamson Act contract. In addition, it has low potential for aesthetic impacts, biological resource impacts, and cultural impacts, and it does not have any other significant potential environmental impacts.

For the reasons stated below, the Board of Supervisors finds that adoption and implementation of the Reduced Footprint Alternative is preferred. The Board further determines that no other one or combination of the proposed Project and project alternatives would better implement the goals and objectives of the Reduced Footprint Alternative and County's renewable energy goals balanced with the County's General Plan goals and policies related to agriculture.

Section 15126.6(f)(1) of the CEQA Guidelines provides a discussion of factors that can be taken into consideration in determining the feasibility of alternatives. These factors include:

- Project Objectives
- Avoid or Substantially Lessen Significant Effects
- Site Suitability
- Other Plans or Regulatory Limitations
- Economic Viability
- Availability of Infrastructure
- Jurisdictional Boundaries/Regional Context
- Property Ownership and Control
- Other Reasons for Rejecting as Infeasible (e.g., effects cannot be reasonably ascertained or implementation is remote and speculative)

Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that implementation of the Reduced Footprint Alternative is the most desirable, feasible, and appropriate action and rejects the proposed Project and all other alternatives as infeasible based on consideration of the relevant factors identified herein. Implementation of the Reduced Footprint Alternative is the superior choice when comparing and balancing environmental impact, economic viability, and public benefits.

A summary of each alternative, including the preferred Reduced Footprint Alternative, and its relative characteristics, and documentation of the Board's findings in support of rejecting the alternative as infeasible are provided below. While most of the alternatives attempt to reduce impacts to the

environment, none achieves the same level of environmental protection, successfully achieves the objectives, and provides other public benefits to the same degree as the Reduced Footprint Alternative. Therefore, no other alternative warrants approval in lieu of the Reduced Footprint Alternative. The Board of Supervisors rejects all other alternatives for the reasons outlined below.

10.1. No Project Alternative

The No Project Alternative evaluated the environmental impacts resulting from a hypothetical continuance of the existing land uses, under which the Project site would remain under agricultural production, and no development would occur. At the time of publication of the Notice of Preparation, VCE had entered into a power purchase agreement to purchase up to 20 MW in renewable energy from the Applicant. Without the Project, there would be up to 20 MW less of locally sourced renewable energy available to VCE and Yolo County residents.

The No Project Alternative would not meet any of the Project objectives such as generating energy, assisting California in meeting its Renewable Portfolio Standard (RPS) goals, or reducing GHGs. Furthermore, without development of the Project, more non-renewable energy would be needed to meet the electrical demand in Yolo County, or renewable energy would have to be purchased from outside Yolo County. It would also delay VCE and the State of California from meeting their renewable energy goals and goals to reduce greenhouse gasses. Ultimately, VCE would need to issue another solicitation to obtain local renewable energy or acquire it from projects outside the County.

Findings. Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative as infeasible for its inability to accomplish Project Objectives.

Therefore, the County eliminated the No Project Alternative from further consideration.

10.2. Reduced Footprint Alternative

The Reduced Footprint Alternative includes the same major solar PV and BESS components as the proposed Project, with a reduced total AC output in a smaller disturbance footprint. The Reduced Footprint Alternative would develop up to 100 acres in the southern area of the parcel instead of the entire 147-acre parcel that is proposed for development under the proposed Project. There would also be a reduction of the total AC output by 7 MW compared to the proposed Project. This alternative would also increase the BESS component from 26 MWh under the proposed Project to 52 MWh with the Reduced Footprint Alternative.

Accomplish Project Objectives. The Reduced Footprint Alternative would meet most, if not all, Project objectives. By increasing the storage capacity, the Reduced Footprint Alternative would make more energy available to the grid during high usage hours. This Alternative would pass technical, social, economic, and environmental feasibility criteria. This alternative would assist in meeting renewable energy generation and reliability goals and the Valley Clean Energy's local renewable portfolio standards. The long-term beneficial impacts of the proposed Project relating to long-term air quality, energy production, and greenhouse gas emissions associated with renewable energy generation would also be reduced under the Reduced Footprint Alternative.

Avoid or Substantially Lessen Impacts. The primary benefits of this alternative would be to reduce impacts to biological resources, cultural resources, and geology and soils, by decreasing the total area of ground disturbance. Additionally, the Reduced Footprint Alternative would be developed in the southern area of the parcel, farther away from the SR 16 corridor and viewshed. Therefore, aesthetic impacts during construction, operations, and decommissioning, and noise impacts during construction and decommissioning would be reduced. However, The Reduced Footprint Alternative would also convert a

smaller area of Prime Farmland to a non-agricultural use when compared to the proposed Project, and the parcel's use would not be consistent with the requirements of its Williamson Act contract, unless proposed mitigation is implemented to avoid the impact. Thus, the Reduced Footprint Alternative, much like the proposed Project, would result in a significant and unavoidable impact to agricultural resources.

Findings. The Reduced Footprint Alternative would best balance the competing goals between the County General Plan (preservation and protection of agricultural lands) and Yolo County Climate Action Plan (CAP) (development of renewable energy resources). Similar to the proposed Project, productive designated Prime Farmland would be converted to a large solar energy/industrial facility; however, under the Reduced Footprint Alternative, nearly one-third of the Project site (47 acres) would be retained for agricultural production instead of the entire 147-acre parcel that is proposed for development under the proposed Project. The Reduced Footprint Alternative would utilize the Power Purchase Agreement (PPA) with Valley Clean Energy (VCE) and would help VCE to achieve up to 35% of total local renewable procurement from Yolo County and neighboring counties. Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby identifies the Reduced Footprint Alternative as the preferred project alternative.

10.3. Alternative Site 041-100-013

Alternative Site 041-100-013 is a 138.4-acre parcel located about 5 miles south of Woodland and about 4 miles north of Davis. Highway 113 (HWY 113) runs along the site on its east side. It is bisected into almost equal parcels by Dry Slough. Willow Slough is along the northeast border of the northern portion of the parcel. The parcel is farmed in field crops.

Accomplish Project Objectives. Alternative Site 041-100-013 would be able to meet all the objectives, including implementing a multi-use plan (agrivoltaics) to help retain the agricultural character of the site and encourage attraction of local pollinators to potentially benefit nearby agricultural operations on adjacent land. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the solar modules where and when necessary.

Avoid or Substantially Lessen Impacts. Alternative Site 041-100-013 is also located on Prime Farmland; therefore, this alternative would also have a significant and unavoidable impact to agricultural resources. Alternative Site 041-100-013 would have higher visual impacts compared to the proposed Project site. The potential biological impacts for this parcel are greater than those of the proposed Project site because this site has a higher biological value than the proposed Project site. Due to its proximity to freshwater sources, this parcel would have a higher likelihood of encountering cultural resources compared to the proposed Project site, Reduced Footprint Alternative, or the other two alternative sites.

Findings. Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative, because it would not reduce significant impacts of the proposed Project or Reduced Footprint Alternative related to conversion of Prime Farmland to a non-agricultural use and it would have greater potential impacts to visual, biological and cultural resources. Furthermore, the Applicant does not have site control of the alternative site, and therefore, it is unknown whether the landowner of Alternative Site 041-100-013 would be willing to negotiate a lease. In addition, absent an electrical interconnection study, it is unknown whether the Plainfield Substation would have additional capacity without requiring major improvements that would impact economic feasibility.

10.4. Alternative Site 041-010-001

Alternative Site 041-010-001 is a 150.6-acre parcel located about 0.5 mile south of a residential area of Woodland. County Road 25A borders the parcel on the south. County Road 98 borders the parcel on the west. The parcel is about 1.9 miles west of HWY 113. The parcel is farmed in field crops.

Accomplish Project Objectives. Alternative Site 041-010-001 would be able to meet all the objectives, including implementing a multi-use plan (agrivoltaics) to help retain the agricultural character of the site and encourage attraction of local pollinators to potentially benefit nearby agricultural operations on adjacent land. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the solar modules where and when necessary.

Avoid or Substantially Lessen Impacts. Alternative Site 041-010-001 is located on Prime Farmland; therefore, this alternative would also have a significant and unavoidable impact to agricultural resources. Due to ground disturbance associated with historic and current agricultural activities, the likelihood of encountering cultural and tribal cultural resources at the proposed Project site, including the Reduced Footprint Alternative, and Alternative Site 041-010-001 is low.

Findings. Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative, because it would not reduce significant impacts of the proposed Project or Reduced Footprint Alternative related to conversion of Prime Farmland to a non-agricultural use, and the Applicant does not have site control of Alternative Site 041-100-013 so it is unknown whether the landowner would be willing to negotiate a lease. In addition, absent an electrical interconnection study, it is unknown whether the Plainfield Substation would have additional capacity without requiring major improvements that would impact economic feasibility.

10.5. Alternative Site 030-030-099

Alternative Site 030-030-099 is a 160.2-acre parcel located about 1 mile northwest of the City of Winters. It is about 2.4 miles west of Interstate 505. County Road 32A borders the site along the south. There is an unnamed dirt road along the western side of the parcel. County Road 87 is about 0.1 mile to the west of the dirt road. In between the two roads is a dry wash. The parcel appears to be fallow and is owned by PG&E.

Accomplish Project Objectives. Alternative Site 030-030-099 would be able to meet all the objectives, including implementing a multi-use plan (agrivoltaics) to help retain the agricultural character of the site and encourage attraction of local pollinators to potentially benefit nearby agricultural operations on adjacent land. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the solar modules where and when necessary.

Avoid or Substantially Lessen Impacts. Alternative Site 030-030-099 is located on non-prime soil and is not subject to Williamson Act contracts, which results in less severe impacts to agricultural resources. Alternative Site 030-030-099 is not near a major roadway and would have lower potential aesthetic impacts than the proposed Project site. Additionally, this site has low potential for biological impacts. Because there is only an ephemeral stream near Alternative Site 030-030-099, the likelihood of encountering cultural and tribal cultural resources at this site is low.

Findings. Alternative Site 030-030-099 would not impact designated Prime Farmland, is not subject to a Williamson Act contract, and does not have any other significant potential environmental impacts. However, the Applicant does not have site control of the alternative site, and therefore, it is unknown whether the landowner of Alternative Site 030-030-099 would be willing to negotiate a lease. In addition, absent an electrical interconnection study, it is unknown whether the Putah Creek Substation would have

additional capacity without requiring major improvements that would impact economic feasibility. Based on the information and deliberation in the record as summarized herein, the Board of Supervisors hereby rejects this alternative.

11. FINDINGS ON GROWTH INDUCEMENT

Growth Inducing Effects are analyzed in Section F of the Draft EIR. It is anticipated that the proposed Project would not cause a permanent influx of workers into the local communities, because the construction workforce is expected to be mostly, if not completely, derived from the existing sizable local and regional labor pool, and therefore no temporary increase in population and housing resulting from construction would occur. During operation of the proposed Project, no new permanent full-time staff would be required, therefore, increases in population and housing would not occur as a result of operation of the proposed Project, and no economic impacts to the region would occur. Therefore, the proposed Project would not generate significant direct growth-inducing impacts.

A project would indirectly induce growth if it would trigger the construction of new community service facilities that could increase the capacity of infrastructure in an area that currently meets the demands. The electricity generated by the proposed Project that is delivered to the grid is needed to service Valley Clean Energy's (VCE's) existing client base. Thus, the addition of solar energy would not indirectly induce growth in the surrounding area. The Project would not directly or indirectly remove barriers to population growth and/or encourage and facilitate other activities that could significantly affect the environment. The short-term indirect effects from construction could possibly incrementally increase activity in nearby retail establishments resulting from construction workers supporting local establishments. However, there would be no long-term effects from the Project. Therefore, the Project would not generate indirect growth-inducing impacts.

12. FINDINGS ON CUMULATIVE IMPACTS

Cumulative Impacts of the proposed Project and alternatives are analyzed in Section E of the Draft EIR. There were no significant and unavoidable impacts identified in the Draft EIR, except to Agriculture and Forestry Resources. The EIR concluded that due to the small amount of land within the County under Williamson Act affected by development of solar PV projects (less than a tenth of a percent), the Project impacts to Agricultural and Forestry Resources are not cumulatively considerable. In addition, all new projects impacting Prime Farmland and/or habitat would require a conditional use permit. At that time, the County would make a determination of the appropriateness of the Project.

It is unlikely that a large-scale utility solar project would be developed at any of the other alternative locations. If it was, it would be subject to a County use permit, which includes compensating for the permanent conversion of agricultural land. Additionally, a large-scale solar project could only be developed at an alternative location if the associated substation has adequate infrastructure and capacity to support the additional load.

13. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the Yolo County Board of Supervisors' action to carry out the Gibson Solar Farm Project will result in one significant adverse environmental effect (loss of agricultural land) that cannot be reduced to less than significant levels, even with the adoption of all feasible mitigation measures.

In accordance with CEQA Guidelines Section 15126.6, the EIR identifies an environmentally superior alternative to the Project, Alternative Site 030-030-099, which would reduce this impact by locating the project on non-prime soils. However Alternative Site 030-030-099 has been found to be infeasible due to site control and transmission interconnection uncertainties. Due to these feasibility concerns, the Board of Supervisors chooses to approve the Reduced Footprint Alternative because, in its view, the economic, social, and other benefits that the Reduced Footprint Alternative will produce further reduce the impact to lands, albeit still not to less-than-significant levels. The Reduced Footprint Alternative would convert 100 acres (compared to 147 acres under the proposed Project) of Prime Farmland for a large-scale solar energy generation facility, thereby leaving a portion of the Project site available for continued agricultural operation.

In making this Statement of Overriding Considerations in support of the Findings of Fact and the Reduced Footprint Alternative, the Board of Supervisors has considered the information contained in the Draft and Final EIRs for the Project and the Reduced Footprint Alternative, as well as the public testimony and record in proceedings in which the Project was considered. The Board of Supervisors has balanced the Reduced Footprint Alternative's benefits against the unavoidable adverse impact identified in the Final EIR. The Board of Supervisors hereby determines that under the Reduced Footprint Alternative, the Project's benefits outweigh the significant and unavoidable adverse impact.

13.1. Significant and Unavoidable Impacts

As discussed herein, the Gibson Solar Farm Project will result in the following potentially significant and unavoidable impact, even with the implementation of all feasible mitigation:

Impact AF-1: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Significant and Unavoidable Impact)

Draft EIR (Section C.4, Impact AF-1) identifies the conversion of agricultural land to a non-agricultural use as a significant and unavoidable project impact.

Project Benefits Outweigh Unavoidable Impacts. The remaining significant unavoidable impact of the Reduced Footprint Alternative is acceptable in light of the economic and other considerations set forth herein because the benefits of the Reduced Footprint Alternative outweigh the one significant and unavoidable environmental impact of the Project. Section 15.2 below identifies the reasons why, in the Board of Supervisors' judgment, the benefits outweigh this unavoidable significant impact. Any one of these reasons is sufficient to justify approval of the Reduced Footprint Alternative.

Balance of Competing Goals. The Board of Supervisors finds that it is imperative to balance competing goals in approving the Reduced Footprint Alternative. The significant and unavoidable project environmental impact has not been fully mitigated because the mitigation proposed would not eliminate the impact of converting designated Prime Farmland. Accordingly, the Board of Supervisors has chosen to accept the significant and unavoidable adverse environmental impact because there is no feasible way to eliminate the impact of Prime Farmland conversion. The Board of Supervisors finds and determines, based on the Final EIR, testimony from the hearings, and other supporting information in the record, that the Reduced Footprint Alternative will provide for a positive balance of the competing goals and that the benefits to be obtained by the Reduced Footprint Alternative outweigh the adverse environmental impact of the Project.

13.2. Overriding Considerations

In the judgment of the Board of Supervisors, the Reduced Footprint Alternative and its benefits outweigh its unavoidable significant effects. The following statement justifies this decision. It is the position of the Board of Supervisors that any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Board of Supervisors would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

General and Social Benefits. The record contains substantial evidence showing the Reduced Footprint Alternative’s general environmental and social benefits to the County. Those benefits include, in no particular order:

- All potential environmental impacts of the Reduced Footprint Alternative will be fully mitigated, except for the significant and unavoidable impact of loss of agricultural land, which is considerably less than the proposed Project.
- The Reduced Footprint Alternative will decommission the Project at the end of its useful life and restore the site to agricultural use.
- The Reduced Footprint Alternative would use substantially less water than the prior farming uses allowing water previously used to irrigate crops to be used for irrigating other crops, including crops grown on the northern 40 acres of the Project site.
- The Reduced Footprint Alternative would help both Yolo County and the State to reach its renewable energy and GHG goals, including Assembly Bill (AB) 32,⁴ Senate Bill (SB) 375,⁵ and Executive Order S-3-05⁶, so as to respond to the effects of climate change. Agriculture is especially impacted by climate change, both from the increased temperatures and the fluctuation between drought and extreme precipitation events.
- The Reduced Footprint Alternative would improve local electrical reliability and assist with satisfying Valley Clean Energy’s local renewable portfolio standards.
- The energy storage component of the Reduced Footprint Alternative would help solve California’s “duck curve” power production problem⁷, and increase the local grid’s system resilience.
- The Project proponent is proposing a multi-use plan as part of the Reduced Footprint Alternative, which would include low-growing native plants to attract local pollinators to benefit nearby orchards along with other crops. The native plants would help hold topsoil and over time vastly improve tilth. To encourage pollinator habitat and control vegetation growth, sheep grazing would occur underneath and between the modules where and when necessary. Project conditions of approval have been adopted to ensure apiary uses remain compatible with existing adjacent agricultural uses.

⁴ AB 32 Global Warming Solutions Act of 2006 requires California to reduce its GHG emissions to 1990 levels by 202 – a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario. The implementation of AB 32 includes expanding the use of renewable energy resources such as solar (CARB, 2018a).

⁵ SB 375 directs the California Air Resources Board to set regional targets for greenhouse gas emission reductions from passenger vehicles (CARB, 2018b).

⁶ EO S-3-05 established a GHG emission reduction target for California to reduce GHG emissions to 80 percent below 1990 levels by 2050.

⁷ The duck curve—named after its resemblance to a duck—shows the difference in electricity demand and the amount of available solar energy throughout the day. When the sun is shining, solar energy is fed into the electrical grid and then drops off as electricity demand peaks in the evening. The duck curve is a snapshot of a 24-hour period in California during springtime—when this effect is most extreme because it is sunny but temperatures remain cool, so demand for electricity is low since people are not using electricity for air conditioning or heating.

13.3. Conclusion

The Gibson Solar Farm Project Final EIR has been prepared pursuant to the CEQA Guidelines. The Board of Supervisors has independently determined that the Final EIR fully and adequately addresses the impacts and mitigations of the Project, including the Reduced Footprint Alternative. The number of alternatives identified and considered in the Final EIR meets the test of "reasonable" analysis and provides the Board of Supervisors with important information from which to make an informed decision. The Yolo County Department of Community Services held virtual public meetings for project scoping and comments on the Draft EIR. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including general economic, environmental, social, and other benefits which the County would achieve from the implementation of the Reduced Footprint Alternative.

The Board of Supervisors has balanced these Reduced Footprint Alternative benefits and considerations against the significant and unavoidable environmental impact that would result from the Project and has concluded that the impacts are outweighed by the Reduced Footprint Alternative benefits. Upon balancing the environmental risk and countervailing Reduced Footprint Alternative benefits, the Board of Supervisors has concluded that the benefits that the County will derive from the implementation of the Gibson Solar Farm Project outweigh the environmental risks. The Board of Supervisors hereby determines that the above-described Project benefits override the significant and unavoidable environmental impact of the Reduced Footprint Alternative.

In summary, the Board of Supervisors finds that any residual or remaining effect on the environment resulting from implementation and build-out of the Reduced Footprint Alternative is acceptable due to the benefits set forth in this Statement of Overriding Considerations.

14. ATTACHMENTS

Exhibit B - Mitigation Monitoring and Reporting Plan

EXHIBIT B

ATTACHMENT A. MITIGATION MONITORING AND REPORTING PROGRAM

Throughout the Draft EIR mitigation measures have been identified and incorporated in a comprehensive Mitigation Monitoring and Reporting Program (MMRP). Public Resources Code Section 21081.6(a) requires lead agencies to adopt a MMRP including all measures to mitigate or avoid significant adverse impacts on the environment. The MMRP will be presented to the Board of Supervisors for adoption at the time of project approval.

CEQA Guideline §15097 directs the Lead Agency, Yolo County, to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The MMRP is required to ensure that the mitigation measures and project revisions identified in the EIR are implemented. The MMRP will be monitored by various departments of Yolo County. State CEQA Guidelines §15370 defines “mitigation” as:

- Avoiding the impact completely by not taking a certain action or parts of an action;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations, during the life of the action;
- Compensating for the impact by replacing or providing substitute resources or environments.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.

Table Ap.A-1. Proposed Mitigation Measures

AGRICULTURE AND FORESTRY RESOURCES	
MITIGATION MEASURE	MM AG-1. Farmland Conservation Easement. Mitigation for the permanent loss of agricultural land will comply with Yolo County Code Section 8 2.404 (the Agricultural Conservation and Mitigation Program), which requires the acquisition of an agricultural preservation easement at a ratio between 1:1 and 3:1, depending on the location of the easement areas.
Responsible Party	Project Owner
Responsible Monitoring Party	Yolo County
Monitoring Phase/Timing	Prior to beginning work on the Project
Verification Approval Party	Yolo County
MITIGATION MEASURE	MM AG-2. Williamson Act Incompatibility. Avoid the incompatibility with the Williamson Act by: (1) Non-renewing the Williamson Act contract and delaying the Project until the nine-year non-renewal period has lapsed; or (2) Canceling the Williamson Act contract by making the necessary findings; or (3) Determining that the Project is a compatible “electric facility” use under Government Code section 51238(a)(1).
Responsible Party	County Board of Supervisors
Responsible Monitoring Party	Yolo County
Monitoring Phase/Timing	Prior to beginning work on the Project
Verification Approval Party	Yolo County

BIOLOGICAL RESOURCES

MITIGATION MEASURE **MM BIO-1. Avoid Construction and Decommissioning-related Disturbances to Active Swainson's Hawk Nest.** To avoid this impact, construction and decommissioning should occur during the nonbreeding season, September 1 to March 15, unless it is determined that the nest is inactive or young have fledged during the construction/demolition year. If construction/decommissioning is scheduled to occur during the breeding season (March 15 to August 30), surveys should be conducted prior to project activities to determine activity at the nest site. If the nest is active, a 1,320 foot no-disturbance buffer should be established around the nest to minimize disturbance. Alternatively, an incidental take permit may be sought in consultation with CDFW pursuant to Section 2080 of the state endangered species act. Doing so, however, will require additional compensatory mitigation to be specified by CDFW during the consultation. Because there are no other potential nest trees within 1,320 feet of the project site, no other preconstruction (or pre-demolition) surveys for Swainson's hawk or white-tailed kite are necessary.

Responsible Party **Project Owner**

Responsible Monitoring Party **Yolo County**

Monitoring Phase/Timing **Prior to beginning work on the Project**

Verification Approval Party **Yolo County**

CULTURAL RESOURCES

MITIGATION MEASURE **MM CUL-1. Worker Environmental Awareness Program.** Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist meeting federal criteria under 36 CFR 61 regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and protection of all archaeological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Workers' Environmental Awareness Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits.

Responsible Party **Project Owner**

Responsible Monitoring Party **Yolo County**

Monitoring Phase/Timing **Prior to beginning work on the Project and throughout construction**

Verification Approval Party **Yolo County**

MITIGATION MEASURE **MM CUL-2. Inadvertent Discovery of Historical Resources, Unique Archaeological Resources or Tribal Cultural Resources.** If previously un-identified cultural resources are uncovered during construction activities, construction work within 50 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the County, the Yocha Dehe Wintun Nation, and any other responsible public agency, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find(s) is found to be eligible to the National or California Registers, qualify as a unique archaeological resource under CEQA (PRC §21083.2), or is determined to be tribal cultural resource as defined in PRC §21074.

Responsible Party **Project Owner**

Responsible Monitoring Party **Yolo County**

CULTURAL RESOURCES

Monitoring Phase/Timing	During grading or other construction or operation activities
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Verification Approval Party	Yolo County
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MITIGATION MEASURE

MM CUL-3. Treatment of Human Remains. All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 50 feet of the discovery area must cease immediately, nothing is to be disturbed, and the area must be secured. The County Coroner's Office must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner of the site is to be called and informed of the discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, because it could be a crime scene. The Coroner would determine if the remains are archaeological/historic or of modern origin and if there are any criminal or jurisdictional questions.

After the Coroner has determined that the remains are archaeological/historic-era, the Coroner would make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

The NAHC would immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours from the time given to access the site to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).

Responsible Party	Project Owner
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Responsible Monitoring Party	Yolo County
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Monitoring Phase/Timing	During grading or other construction or operation activities
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Verification Approval Party	Yolo County
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PALEONTOLOGICAL RESOURCES**MITIGATION MEASURE**

MM PAL-1. Inadvertent Paleontological Find. Although highly unlikely, should any significant paleontological resources (e.g., bones, teeth) be unearthed, construction activities should be diverted at least 15 feet from the find until a professional paleontologist has assessed the find and, if deemed significant, salvaged it in a timely manner. Collected fossils should be deposited in an appropriate repository, such as the University of California Museum of Paleontology (UCMP), where they will be properly curated and made available for future research.

Responsible Party	Project Owner
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Responsible Monitoring Party	Yolo County
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Monitoring Phase/Timing	During grading or other construction or operation activities
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Verification Approval Party	Yolo County
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