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April 23, 2013

Via U.S. Mail

Christopher Conner
Planner II
County of San Bernardino
Land Use Services Department
Planning Division
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0187

Re: Agincourt and Marathon Solar Projects

Dear Mr. Conner:

San Bernardino County Citizens for Responsible Solar (“Citizens”), LRE Agincourt, LLC and LRE Marathon, LLC (“Developers”) are pleased to announce that they have reached an agreement to resolve the outstanding issues raised by Citizens before San Bernardino County in its comments on the Initial Studies and Mitigated Negative Declarations prepared by the County for the Agincourt Solar and Marathon Solar Projects. Under this Agreement, Developers will implement additional measures to avoid and minimize potentially significant impacts to: (1) special status species and other biological resources; (2) air quality and public health from emissions of pollutants during project construction activities; and (3) hydrologic effects to downstream parcels.

In consideration of these additional measures, as well as those imposed by the County in response to comments submitted by Citizens, Citizens believes that the construction and operation of the Project will benefit the State of California, San Bernardino County, and communities in the vicinity of the Projects’ sites.

Under the Agreement, Developers agree to take the measures identified in Exhibit A to this letter, which Citizens and Developers request be incorporated into the County approvals for the Projects.

Thank you for your attention to this matter.

2834-024cv

April 23, 2013
Page 2

SAN BERNARDINO COUNTY CITIZENS FOR RESPONSIBLE SOLAR

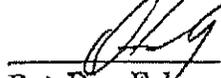


By: Tanya A. Gulesserian
Its: Legal Counsel

LRE MARATHON, LLC

By: LINCOLN RENEWABLE ENERGY, LLC

Its: Sole Member

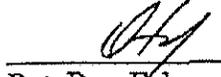


By: Dan Foley
Its: Chief Operating Officer

LRE AGINCOURT, LLC

By: LINCOLN RENEWABLE ENERGY, LLC

Its: Sole Member



By: Dan Foley
Its: Chief Operating Officer

TAG:clv

Exhibit A

A. Biological Resources:

1. Western Burrowing Owl Protection: To protect Western burrowing owl(s), Developers shall notify the County regarding the disposition of any on-site owls prior to grading. Developers agree to request that the County amend mitigation measure BIO-9 in the IS/MNDs accordingly.
2. Desert Tortoise Protection: To ensure protection of desert tortoise, Developers shall retain a qualified biologist to conduct Mojave desert tortoise surveys prior to initiating construction, in accordance with the most recent USFWS survey protocol for this species. If survey results are negative for active tortoise presence, Developers shall (i) erect a tortoise exclusion fence around all portions of each project site that is proposed for solar development or ground disturbance, and (ii) following fence construction, retain a qualified biologist to conduct an additional full-scale pedestrian tortoise survey of all areas encompassed by the exclusion fence. If either survey result is positive for active tortoise presence, Developers shall (i) initiate consultations with the California Department of Fish & Wildlife [CDFW] for an Incidental Take Permit [ITP] under the California Endangered Species Act, and (ii) perform all desert tortoise mitigation requirements requested by the CDFW in conjunction with the ITP. If both survey results are negative for active tortoise presence, no further action shall be required.
3. LeConte thrasher: To ensure protection of the LeConte Thrasher, Developers agree to request that the County amend mitigation measure BIO-11 in the IS/MNDs to incorporate the following provisions:
 - a) Developers shall retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act and the California Fish and Game Code, as well as California Department of Fish and Wildlife-designated Species of Special Concern, are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone.

b) If active nests are found, clearing and construction within 300 feet of the nest (or a lesser distance if approved by the USFWS) shall be postponed or halted, until the juveniles have fledged, as determined by the biologist.

4. Joshua Trees: To further ensure protection of Joshua trees, Developers agree to request that the County amend mitigation measure BIO-6 in the IS/MNDs to incorporate the following:

a) The Joshua Tree Transplantation Plan shall be prepared by a qualified plant ecologist, shall ensure compliance with the San Bernardino County Development Code and the Conservation Element of the San Bernardino County General Plan, and shall specify the best nursery practices, pursuant to which the Joshua trees proposed for removal shall be transplanted or stockpiled for future transplanting, wherever possible. Best nursery practices include avoidance of excessive damage to root material. The plan shall specify the locations of all Joshua trees within the project site and identify all trees that can be transplanted.

B. Air Quality:

1. To reduce nitrogen oxide (NO_x) emissions during construction, Developers shall comply with the California Air Resources Board's In-Use-Off-Road Diesel Vehicle Regulations that are applicable at the time of construction. Developers shall request that the County include this item as a new Condition of Approval in each project's Conditional Use Permit.

2. In addition to the measures in the IS/MNDs, Developers shall incorporate additional fugitive dust performance measures, which are more stringent than those required under existing regulations, into the conditional use permit for each Project. The measures shall include securing an Operational Dust Control Plan approved by the Mojave Desert Air Quality Management District. The Operational Dust Control Plan shall ensure that fugitive dust at the property boundaries does not exceed baseline thresholds, as determined by the air district, and shall specify appropriate measurement and control methods to

ensure subsequent compliance. Developers shall request that the County include this item as a new Condition of Approval in each project's Conditional Use Permit.

C. Hydrology:

1. Developers shall ensure that each Project will be designed not to generate any increase in flow or velocities to down-gradient parcels, as modeled under a 100-year-precipitation-event scenario. Developers shall request that the County include this item as a new Condition of Approval in each project's Conditional Use Permit.