Application for CEQA Streamlining Under the "Jobs and Economic Improvement through Environmental Leadership Act (AB 900) (Public Resources Code Section 21178 *et seq.*)

This application was prepared in accordance with the Governor's Guidelines for Streamlining Judicial Review under the California Environmental Quality Act (CEQA), which is provided by the Governor's Office of Planning and Research (http://opr.ca.gov/s_californiajobs.php). This application includes the necessary information to enable the Governor to determine whether the project satisfies the statutory requirements for CEQA streamlining.

PROJECT INFORMATION

Project Title: Soitec Solar Energy Project

Project Applicant: Soitec Solar Development, LLC

Project Location: Boulevard, California an Unincorporated Community of San Diego County

Project Description: The proposed Soitec Solar Energy Project (Project) consists of two sub-components, including the Tierra del Sol Solar Farm, which would be a 60 megawatt (MW) net solar power generating installation, and the Rugged Solar Farm, which would be an up-to 84 MW net solar power generating installation. Both the Tierra del Sol and Rugged Solar Farms will be located in an unincorporated portion of San Diego County. The Project will utilize concentrating photovoltaic (CPV) electric generation system technology for the generation of solar energy. The entire up-to-144 MW Project would be developed over an area of approximately 1,185 acres of privately-owned land, plus the necessary transmission line rights-of-way, the precise location and length of which shall be finalized at a future date.

CONSISTENCY WITH STATUTORY REQUIREMENTS FOR CEQA STREAMLINING

The following information is provided to illustrate that the Project satisfies the statutory requirements for CEQA streamlining as defined by the criteria set forth in the Governor's Guidelines for Streamlining Judicial Review under CEQA (Public Resources Code (PRC) Section 21178 et seq.).

1. The Project meets the criteria set forth in PRC Section 21180(b)(2).

PRC Section 21180(b)(2). *A clean renewable energy project that generates electricity exclusively through wind or solar, but not including waste incineration or conversion.*

The Project will be an up-to 144 megawatt (MW) net solar power generating CPV system installation located in an unincorporated portion of San Diego County. The entire 144 MW project would be comprised of two sub-components—the Tierra del Sol Solar Farm, with a capacity of up to 60 MW, and the Rugged Solar Farm, with a capacity of up to 84 MW.

2. The Project meets the requirements of PRC Section 21181.

PRC Section 21181. *This chapter does not apply to a project if the applicant fails to notify a lead agency prior to the release of the draft environmental impact report for public comment that the applicant is electing to proceed pursuant to this chapter. The lead agency shall notify the Secretary of the Natural Resources Agency if the applicant fails to provide notification pursuant to this section.*

The County of San Diego shall act as lead agency under CEQA for the Project. On November 7, 2012, San Diego County was notified that the Project intends to seek certification under the Jobs and Economic Improvement through Environmental Leadership Act, and is planning on including the requisite public notification information in the Draft EIR.

See Attachment A, Soitec communication to County giving notice of intent to seek AB 900 certification.

3. The Project will satisfy the minimum investment requirement of PRC Section 21183(a).

PRC Section 21183(a). *The project will result in a minimum investment of one hundred million dollars ($100,000,000) in California upon completion of construction.*

Soitec's investment in California is expected to exceed one hundred million dollars ($100,000,000) for each of the Tierra del Sol and Rugged Solar Farms individually, and when considered collectively as the Project.

Soitec's capital expenditures for the entire Project are expected to be approximately $469,000,000, based on anticipated project costs of $268,000,000 for the Rugged Solar Farm, and $201,000,000 for the Tierra del Sol Solar Farm. Accordingly, the Project is expected to far exceed the one hundred million dollar ($100,000,000) minimum investment in California in accordance with PRC Section 21183(b).

See Attachment B, Soitec letter from Clark Crawford substantiating minimum investment.

4. The prevailing and living wage requirements of PRC Section 21183(b) will be satisfied.

PRC Section 21183(b). *The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages and provide construction jobs and permanent jobs for Californians, and helps reduce unemployment.*

PRC Section 21183(b) will be satisfied. The Project will create high-wage,

highly skilled jobs for construction professionals including but not limited to carpenters, electricians, and heavy equipment operators that pay prevailing wages and living wages, and will provide permanent jobs for Project operating staff. By virtue of its job creation and indirect economic benefits, the Project will also reduce unemployment.

The total number of construction workers (consisting of laborers, craftsmen, supervisory personnel, support personnel, and construction management personnel) is expected to be up to 266 workers during peak construction periods over an approximate 12-18 month period. The average on-site construction workforce would consist of approximately 150 construction, supervisory, support, and construction management personnel.

Approximately 35 permanent, full-time personnel would be employed at the solar plant sites during daytime working hours assuming all units are operational. Temporary personnel would be employed, as needed, during seasonal periods when panel washing is required. The plant electricians and instrumentation technicians would perform activities such as the tightening of mechanical fasteners, replacement of damaged or exposed wiring, tracker-drive maintenance or fluid replenishment, or PCS maintenance such as filter replacement, equipment testing, or minor equipment repair. Occasionally, there will be a need to replace a CPV panel. Currently the life of the Project is anticipated to be 30 years.

See Attachment B, Soitec letter from Clark Crawford substantiating prevailing and living wage commitment.

5. The project will not result in any net additional greenhouse gas (GHG) emissions pursuant to PRC Section 21183(c).

PRC Section 21183(c) *The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.*

A Climate Change and Greenhouse Gas Emissions Analysis was prepared for Rugged by AECOM, and a Greenhouse Gas Analysis Technical Report was prepared for Tierra del Sol by Dudek. *See* Attachments C and D.

As discussed in the Rugged and Tierra del Sol analyses, the proposed Project will emit the following:

Rugged

The Rugged Solar Farm is expected to result in greenhouse gas emissions totaling 5,670 metric tons carbon dioxide equivalent ($MTCO_2e$) during construction, and 15,540 $MTCO_2e$ (518 x 30 years) during its thirty-year operating life, for total life-time

emissions of 21,210 $MTCO_2e$.

Importantly, the Rugged Solar Farm is expected to produce enough energy to reduce greenhouse gas emissions from traditional fossil fuel electrical generation by approximately 106,990 $MTCO_2e$ per year, or 3,209,700 $MTCO_2e$ over the life of the facility.[1]

Subtracting the Rugged Solar Farm's anticipated life-time greenhouse gas emissions from construction and operations, from its anticipated greenhouse gas offset, **results in a total reduction in greenhouse gas emissions of 3,188,490 $MTCO_2e$.**

Tierra del Sol

The Tierra del Sol Solar Farm is expected to result in greenhouse gas emissions totaling 2,663 $MTCO_2e$ during construction, and 12,480 $MTCO_2e$ (416 x 30 years) during its thirty-year operating life, for total emissions of 15,143 $MTCO_2e$.

Importantly, the Tierra del Sol Solar Farm is expected to produce renewable energy with minimal greenhouse gas emissions, thereby reducing greenhouse gas emissions from traditional fossil fuel electrical generation by an estimated 81,334 $MTCO_2e$ per year, or 2,440,020 $MTCO_2e$ over the life of the facility.[2]

Subtracting the Tierra del Sol Solar Farm's anticipated life-time greenhouse gas emissions from construction and operations, from its anticipated greenhouse gas offset, **results in a total reduction in greenhouse gas emissions of 2,424,887 $MTCO_2e$.**

Project

The following table summarizes the Project's greenhouse gas emissions for construction and operations, as compared to its anticipated greenhouse gas offset.

Table 1. Project Greenhouse Gas Emissions (in $MTCO_2e$)

	Rugged	**Tierra del Sol**	**Project**
Construction	5,670	2,663	**8,333**
Operations	15,540	12,480	**28,020**
Total $MTCO_2e$ Emissions	**21,210**	**15,143**	**36,353**
$MTCO_2e$ Offset	(3,209,700)	(2,440,020)	(5,649,720)
Total $MTCO_2e$ Emissions	**(3,188,490)**	**(2.424.887)**	**(5,613,377)**

As discussed in the greenhouse gas analyses prepared for the Project (see Attachments C and D), the proposed up-to-144 MW solar Project will result in the displacement of greenhouse gas-intensive forms of energy production, and therefore, will **result in an overall net reduction in GHG emissions of 5,613,377 $MTCO_2e$.**

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1 See Attachment C, Climate Change and Greenhouse Gas Emissions Analysis, Appendix A, Rugged GHG Emissions Offset.

2 See Attachment D, Tierra del Sol Greenhouse Gas Analysis Technical Report, Appendix A, Tierra del Sol GHG Emissions Offset.

Project Offsets

As demonstrated above, the Project already will result in an overall net reduction in GHG emissions of **5,617,377** $MTCO_2e$ over the life of the Project. On that basis, Soitec does not believe that any additional offsets are required to substantiate PRC Section 21183(c)'s requirement that the project not "result in any net additional emission of greenhouse gases."

Nevertheless, Soitec will obtain voluntary greenhouse gas credits to offset its total construction and operational greenhouse gas emissions totaling 36,353 $MTCO_2e$ from a qualified greenhouse gas emissions broker such as Evolution Markets, based in San Francisco, California, or from a similar type of broker that deals directly with voluntary credit generators. From such a broker Soitec would secure 36,353 MT of greenhouse gas credits or similar carbon offsets to mitigate the construction and operations of the Project.

6. **There will be a binding agreement between the project proponent and the lead agency establishing the requirements set forth in PRC sections 21183(d), (e), and (f).**

PRC Section 21183(d). *The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing on, that those measures will be monitored and enforced by the lead agency for the life of the obligation.*

PRC Section 21183(e). *The project applicant agrees to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the Rules of Court adopted by the Judicial Council pursuant to subdivision (f) of Section 21185.*

PRC Section 21183(f). *The project applicant agrees to pay the costs of preparing the administrative record for the project concurrent with review and consideration of the project pursuant to this division, in a form and manner specified by the lead agency for the project.*

A programmatic EIR is being prepared for the proposed Project pursuant to CEQA. Prior to approval of the Project, the EIR must be certified by the lead agency (San Diego County) and a mitigation monitoring and reporting plan must be adopted. It is expected that mitigation measures resulting from this application for CEQA streamlining will be included in the mitigation monitoring and reporting plan and/or as conditions of project approval. The applicant will be required to implement all mitigation measures contained in the mitigation monitoring and reporting plan and adhere to all conditions of project approval set forth by San Diego County.

Soitec Solar Development, LLC agrees to pay the costs described in PRC sections 21183 (e) and (f), should such costs arise. See Attachment B, Soitec letter from Clark Crawford indicating such commitment.

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As Vice President for Soitec Solar Development, LLC, I am authorized to acknowledge and to bind the Project as outlined above.

Signature of Applicant Representative: _____

Clark Crawford, Vice President

Soitec Solar Development, LLC

Date: 12/21/12

Attachments:

Attachment A Soitec written communication to/from County re: intent to seek AB 900 certification

Attachment B Soitec letter from Clark Crawford substantiating Soitec's AB 900 commitments

Attachment C AECOM, Climate Change and Greenhouse Gas Emissions Analysis (Rugged Solar Farm)

Attachment D Dudek, Greenhouse Gas Analysis Technical Report (Tierra del Sol Solar Farm)

ATTACHMENT A

Soitec written communication to/from County
re: intent to seek AB 900 certification

ATTACHMENT B

Soitec letter from Clark Crawford substantiating
Soitec's AB 900 commitments

ATTACHMENT C

AECOM, Climate Change and Greenhouse Gas Emissions Analysis (Rugged Solar Farm)

ATTACHMENT D

Dudek, Greenhouse Gas Analysis Technical Report (Tierra del Sol Solar Farm)