



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

**APPLICATION FOR PERMIT
Victorville Landfill SunEdison
Solar Project**

Public Notice/Application No.: SPL-2014-00689-PKK

Project: Victorville Landfill SunEdison Solar Project

Comment Period: March 13, 2015 through April 12, 2015

Project Manager: Pam Kostka; 213-452-3420; Pamela.K.Kostka@usace.army.mil

Applicant

Victorville Landfill Solar, LP c/o SunEdison
ATTN: Ben Lively
44 Montgomery St., Ste. 2200
San Francisco, CA 94104
Phone: (415) 728-4505

Contact

Glenn Lukos Associates
Attn: Martin Rasnick
29 Orchard
Lake Forest, California 92630
Phone: (949) 837-0404, Ext. 20

Location

The proposed project is located in unnamed tributaries to the Mojave River near the City of Victorville, in an unincorporated area of the County of San Bernardino, California (Latitude 34.592258, Longitude -117.275119) (Exhibit 1).

Activity

To permanently discharge fill material onto 5.14 acres of non-wetland waters of the United States for the construction of a 10-megawatt AC photovoltaic (PV) solar energy generation facility (Victorville Landfill SunEdison Solar Project) (Project). The Project would represent an interim land use on 57.6 acres of the 90 acres dedicated to the Victorville Sanitary Landfill (VSL) Phase 3. For more information, see page 4 of this notice.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

Department of the Army
U.S. Army Corps of Engineers
Regulatory Division
ATTN: Pam Kostka
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Pamela.K.Kostka@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable waters and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact

Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an EIS is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Lahontan Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit to provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH would be affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and there are no listed sites within the proposed projects vicinity. A cultural resource records search by BCR Consulting LLC, was completed for the project area in 2014. The records search identified 17 cultural resources within one mile of the project site and two cultural resources within the area dedicated to the VSL Phase 3, but not within the proposed project impact area. This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

The Corps will determine whether the proposed activity would have any effect on historic properties listed on, or determined eligible for listing in the National Register. The Corps may initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory and the Corps evaluation of any cultural resources that may be located within the project's Area of Potential Effect. If the Corps determines there may be an effect within our scope, the Corps may also consult with the appropriate Native American Tribes regarding the proposed impacts of the project. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct an approximately 10-megawatt AC photovoltaic (PV) solar energy generation facility, approximately 57 acres in size, and tie the new electricity source into the power grid, in southwestern San Bernardino County, California.

Additional Project Information

Baseline information- The project site covers approximately 57.6 acres within assessor parcel number 472-011-34. The site is situated along the southern slope of Quartzite Mountain which is approximately one mile to the north. Bell Mountain Wash is situated between the site and Interstate 15 to the South (Exhibit 2). The area surrounding the proposed project site is a mix of private and public vacant land that is owned and/or administered by the Bureau of Land Management and CEMEX Cement Corporation. There is some light industrial development located approximately 1,500 feet south of the facility boundary. The majority of the land surrounding the proposed project site is undeveloped Mojave Desert scrub. There are roads to the north of the site, Quarry Road, and south of the site, Stoddard Wells Road. A railroad line lies parallel to Quarry Road and receives two to three trains per day. The plant community on the existing 57.6 acres is Mojave creosote bush scrub.

The project would be contained within the area dedicated to the future Phase 3 portion of the Victorville Sanitary Landfill. The VSL Phase 3 site is 90 acres. The project would cover 57.6 acres in the northern portion of the site, representing an interim land use within the future landfill site.

Project description- The applicant proposes to construct a 10-Megawatt AC photovoltaic (PV) solar energy generation facility on 57.6 acres in the northern section the 90 acre VSL Phase 3 parcel. The proposed project would utilize polycrystalline silicon (P-Si) PV modules and a flat tracker mounting system. New perimeter fencing would be installed along the western portion of the property to reinforce the existing desert tortoise exclusionary fencing. The project would require 188,000 cubic yards of cut and 173,000 cubic yards of fill to level the site for solar panel installation. The remainder of the cubic yardage of cut would be spread on site to balance. A 33 KV gen-tie transmission line supported by new utility poles would connect the site at the northwest corner with the transmission line located near the railroad tracks along the northwestern edge of the site. Approximately 925 feet of new paved entry road would be installed at the northwest corner of the site to connect the site to Quarry Road (Exhibit 3).

The project area supports a total of 5.14 acres of ephemeral non-wetland waters of the United States. Project impacts would include the permanent discharge of fill material onto 5.14 acres of non-wetland waters of the United States (Exhibit 4) associated with grading the entire site.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The project proposes no avoidance of waters of the United States. All of the 5.14 acres of waters of the United States found on site would be filled.

Minimization: Standard Best Management Practices for water quality would be required during construction.

Compensation: As compensatory mitigation for permanent impacts to several ephemeral streams, the applicant proposes establishment of 10.28 acres of non-wetland waters of the United States within the Mojave River Watershed.

Preliminary Alternatives Analysis- The applicant submitted a preliminary alternatives analysis for the Corps' consideration in response to the requirement to demonstrate compliance with section 404(b)(1) of the Clean Water Act, i.e., the "404(b)(1) Guidelines". The Corps has not yet evaluated the preliminary analysis of alternatives for compliance, but is providing the following excerpts from the submittal for review and comment:

- *No Federal Action/Full Avoidance Alternative* - This alternative would consist of the elements of the proposed project that could be carried out in the absence of federal action (e.g., permits, funding). Under Alternative 1, installation of the solar panels would occur without impacts to jurisdictional waters. In order to construct the project in this manner, solar panels would be located in upland areas between the onsite drainages and the proposed access road would require bridges that would span the drainages. According to the applicant, given the topography of the site, it would not be possible to construct a solar facility that would generate 10 MW of power and avoid all impacts to waters of the United States. Therefore, Alternative 1 does not meet the overall project purpose.
- *Alternative 2 – Relocation of the Southern Solar Parcel* - This alternative (Exhibit 5) was developed to consider reduced impacts to waters of the United States while still providing the 10 MW AC generation capacity of the proposed solar facility. Under this alternative, the project is relocated to the southern section of the 90 acre VSL Phase 3 site and reduced to 54.4 acres. The relocation would reduce permanent impacts to non-wetland waters of the United States to 3.53 acres. Alternative 2 would require 310,000 cubic yards of cut and 310,000 cubic yards of fill balancing on site. This alternative would also require a new perimeter fence along the northern, eastern, and southern edges of the site, new utility poles, and longer transmission lines to connect the solar generation facility to the proposed connection point at the northwestern corner of the property.
- *Alternative 3 – Reduction in Size of the Solar Facility* - Alternative 3 (Exhibit 6) was developed to minimize impacts while staying in the northern section of the VSL Phase 3 parcel. The proposed project size would be reduced from 57.6 acres to 42.5 acres, reducing the generation capacity from 10 MW AC to 7.5 MW AC. Alternative 3 would result in permanent impacts to 4.06 acres of waters of the United State and require 115,000 cubic yards of cut and 115,000 cubic yards of fill. A new perimeter fence would be required along the southern perimeter and a 26-foot wide access road would need to be constructed in the southeastern corner of the

property to connect to Stoddard Wells Road. Alternative 3 does not meet the overall project purpose of creating a solar energy generation capacity of 10 MW AC and therefore is not considered practicable by the applicant.

Proposed Special Conditions

No Permit Special Conditions are proposed at this time.

For additional information, please call Pam Kostka at 213-452-3420 or via e-mail at Pamela.K.Kostka@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

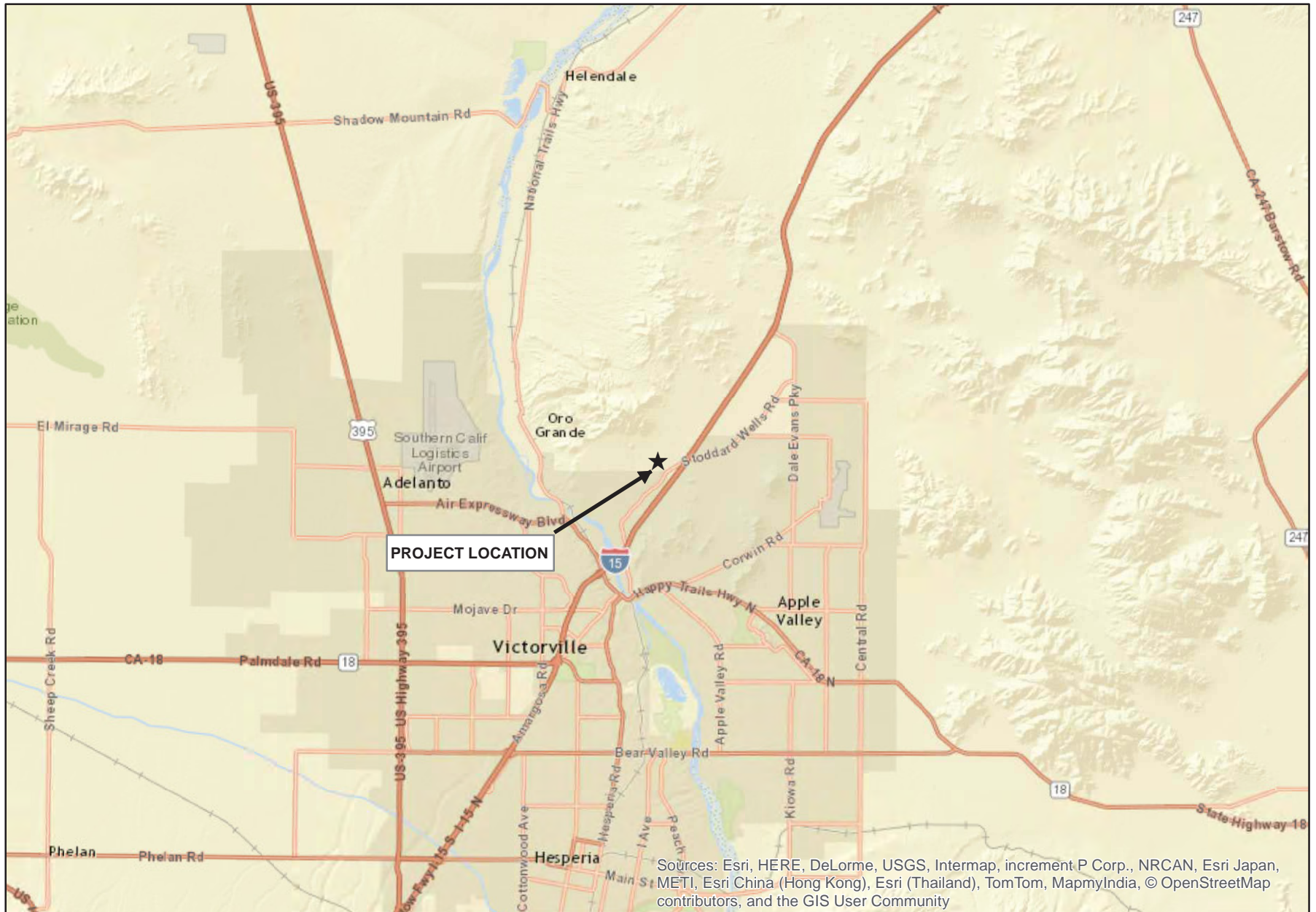


Regulatory Program Goals:

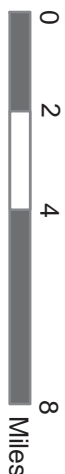
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

Source: ESRI World Street Map



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



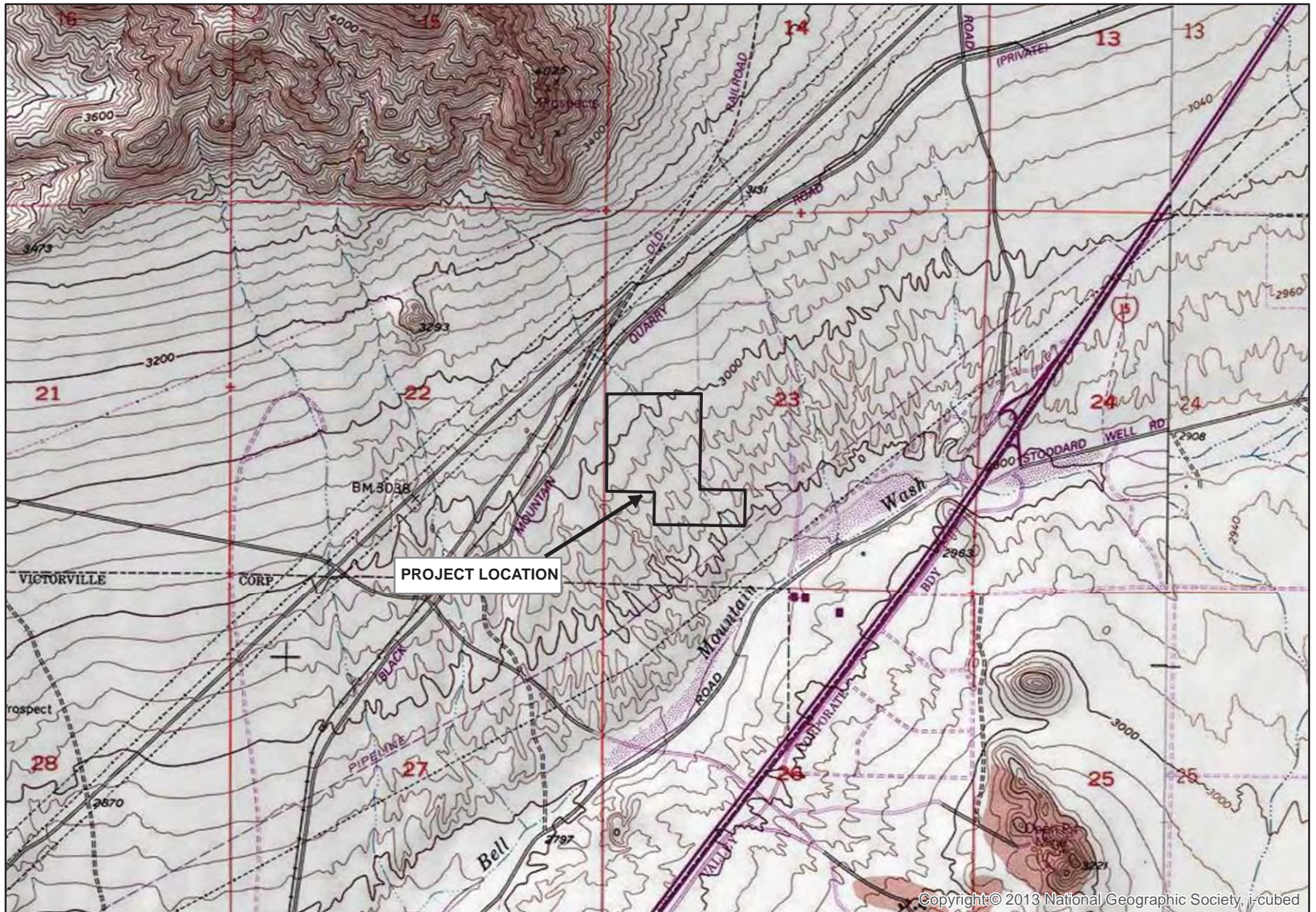
LANDFILL SOLAR PROJECT
Regional Map

GLENN LUKOS ASSOCIATES



Exhibit 1

Adapted from USGS Victorville, CA quadrangle



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LANDFILL SOLAR PROJECT

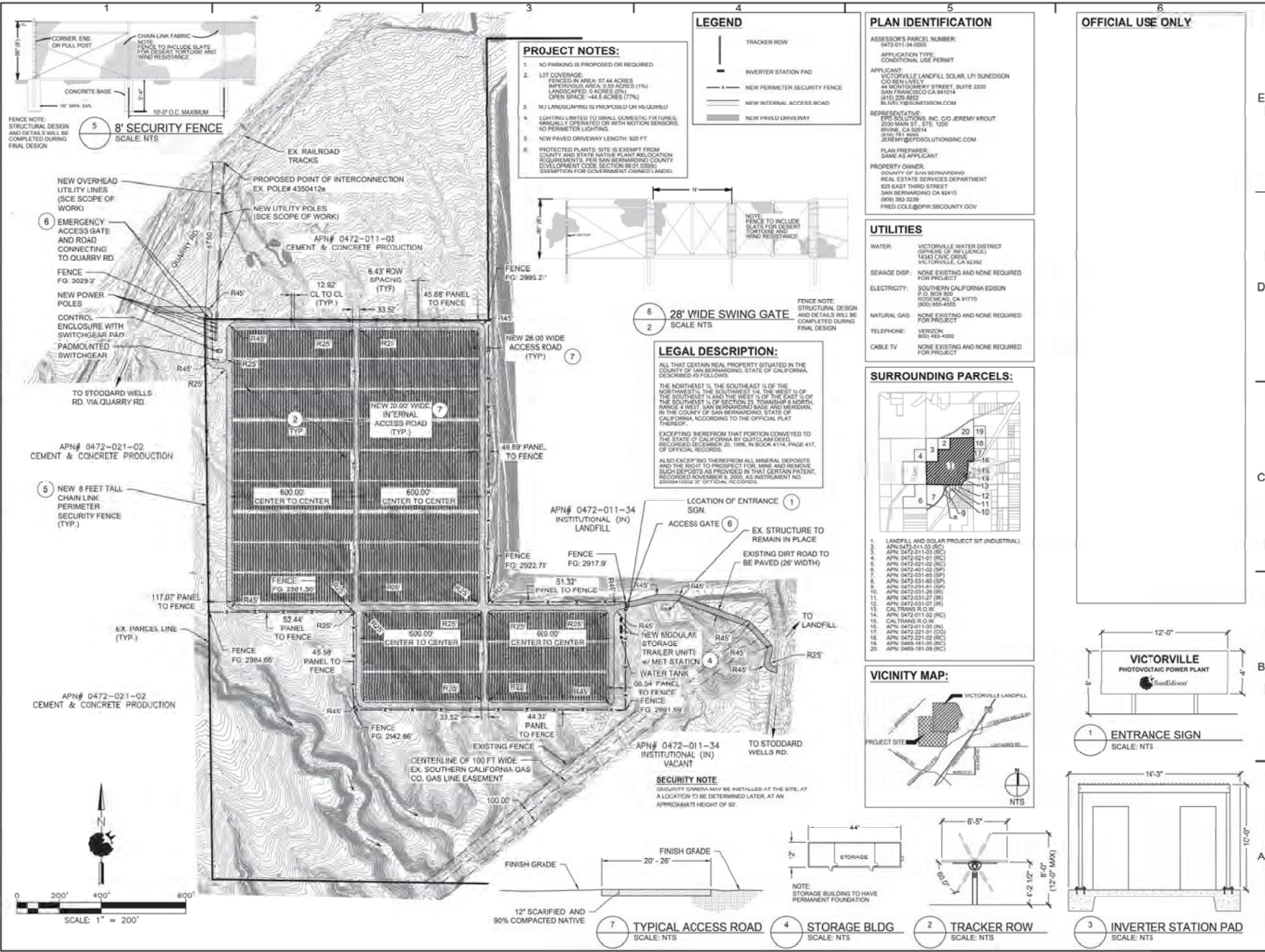
Vicinity Map

GLENN LUKOS ASSOCIATES



Exhibit 2

A:\2014 Jobs\144034_SunEdison_Victorville_Landfill_Vfrom_Sun_Edison_V08-25-14\2.0_Civil\C-101_OVERALL_SITE_PLAN.dwg
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PROJECT NOTES:

1. NO PARKING IS PROPOSED OR REQUIRED
2. LOT COVERAGE FENCED-IN AREA: 57.44 ACRES IMPROVED AREA: 2.99 ACRES (5%) LANDSCAPED: 0.4 ACRES (0%) OPEN SPACE: 44.6 ACRES (77%)
3. NO LANDSCAPING IS PROPOSED ON HIGHWORLD
4. LIGHTING LIMITED TO SMALL DOMESTIC FIXTURES MANUALLY OPERATED OR WITH MOTION SENSORS. NO PERIMETER LIGHTING.
5. NEW PAVED DRIVEWAY LENGTH: 925 FT
6. PROTECTED PLANTS, SITE IS EXEMPT FROM COUNTY AND STATE NATIVE PLANT RELOCATION REQUIREMENTS, PER SAN BERNARDINO COUNTY DEVELOPMENT CODE SECTION 91.01.0305 (EXEMPTION FOR GOVERNMENT OWNED LANDS)

LEGEND



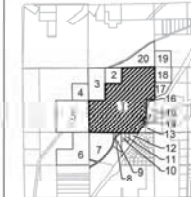
PLAN IDENTIFICATION

ASSESSOR'S PARCEL NUMBER: 0472-011-34-0000
 APPLICATION TYPE: CONDITIONAL USE PERMIT
 APPLICANT: VICTORVILLE LANDFILL SOLAR, LPV SUNEDISON CO BEN LIVERY 84 WENDELL STREET, SUITE 2200 SAN FRANCISCO CA 94104 (415) 225-8800 BLAVELY@SUNEDISON.COM
 REPRESENTATIVE: EPO SOLUTIONS, INC. C/O JEREMY KRLOUT 2020 MAIN ST. STE. 1200 IRVINE, CA 92614 (949) 781-2800 JEREMY@EPOSOLUTIONS.COM
 PLAN PREPARED: SAME AS APPLICANT
 PROPERTY OWNER: COUNTY OF SAN BERNARDINO REAL ESTATE SERVICES DEPARTMENT 835 EAST THIRD STREET SAN BERNARDINO CA 92415 (909) 385-3239 FRED.COLE@PWSB.COUNTY.GOV

UTILITIES

WATER: VICTORVILLE WATER DISTRICT (SPECIAL USE FUNDING) 1430 CURE DRIVE VICTORVILLE, CA 92392
 SEWAGE DISP: NONE EXISTING AND NONE REQUIRED FOR PROJECT
 ELECTRICITY: SOUTHERN CALIFORNIA EDISON 715 BOX 850 ROSEMARE, CA 91770 (800) 954-6865
 NATURAL GAS: NONE EXISTING AND NONE REQUIRED FOR PROJECT
 TELEPHONE: VERIZON 800-852-4000
 CABLE TV: NONE EXISTING AND NONE REQUIRED FOR PROJECT

SURROUNDING PARCELS:



1. LANDFILL AND SOLAR PROJECT SITE (INDUSTRIAL)
2. APN# 0472-011-03 (RC)
3. APN# 0472-011-03 (RC)
4. APN# 0472-021-01 (RC)
5. APN# 0472-021-02 (RC)
6. APN# 0472-021-02 (RC)
7. APN# 0472-031-65 (SP)
8. APN# 0472-031-65 (SP)
9. APN# 0472-031-61 (SP)
10. APN# 0472-031-61 (SP)
11. APN# 0472-031-27 (RC)
12. APN# 0472-031-07 (RC)
13. CALTRANS R O W
14. APN# 0472-011-32 (RC)
15. CALTRANS R O W
16. APN# 0472-011-33 (RC)
17. APN# 0472-221-01 (CC)
18. APN# 0472-221-02 (RC)
19. APN# 0488-161-05 (RC)
20. APN# 0488-161-05 (RC)

VICINITY MAP:



OFFICIAL USE ONLY



NOT FOR CONSTRUCTION

VICTORVILLE PV POWER PLANT
 APN: 0472-011-34-000
 VICTORVILLE CALIFORNIA

PROJECT NUMBER: CA-11-0054

SHEET TITLE: OVERALL SITE PLAN

SHEET SIZE: ARCH D
 24" X 36" (610 X 914)

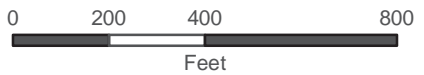
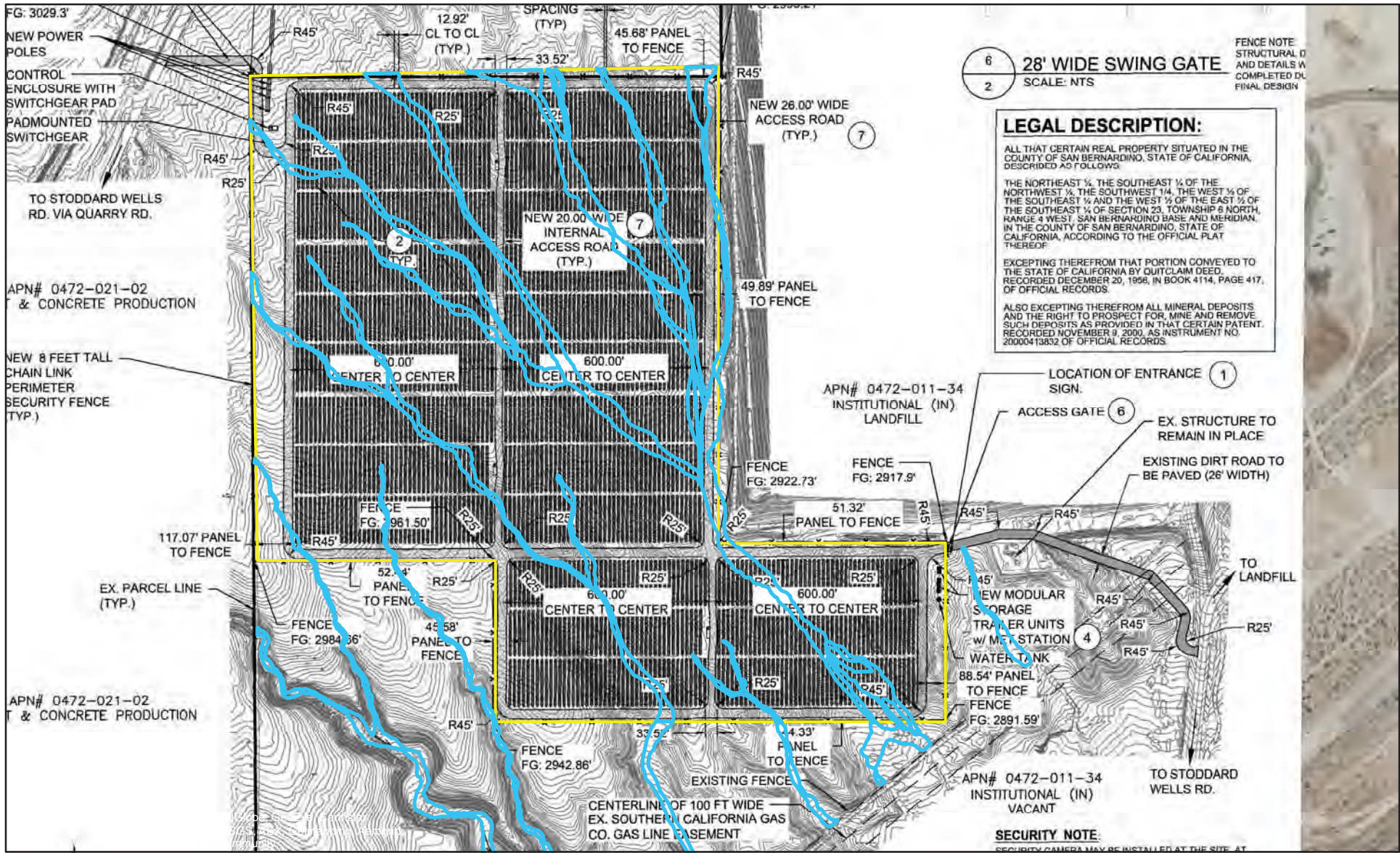
THIS DRAWING IS THE PROPERTY OF SUNEDISON, LLC. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED BY SUNEDISON, LLC. NO PART IS TO BE DISCLOSED TO OTHERS WITHOUT WRITTEN PERMISSION FROM SUNEDISON, LLC.

| NO. | REVISION | DATE | INIT. |
|-----|-----------------|----------|-------|
| 0 | CUP APPLICATION | 03-24-11 | AM |
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DATE: 08-22-14
 DRAWN BY: AM
 ENGINEER: BK
 APPROVED BY: BK

PROJECT PHASE: CUP APPLICATION
 SCALE: 1" = 200'

SHEET NO.: C-101



1 inch = 400 feet

LANDFILL SOLAR PROJECT

Preferred Alternative

GLENN LUKOS ASSOCIATES



Exhibit 4

SUNEDISON VICTORVILLE PV POWER PLANT

APN: 0472-011-34-000
VICTORVILLE, CALIFORNIA
CA-11-0054

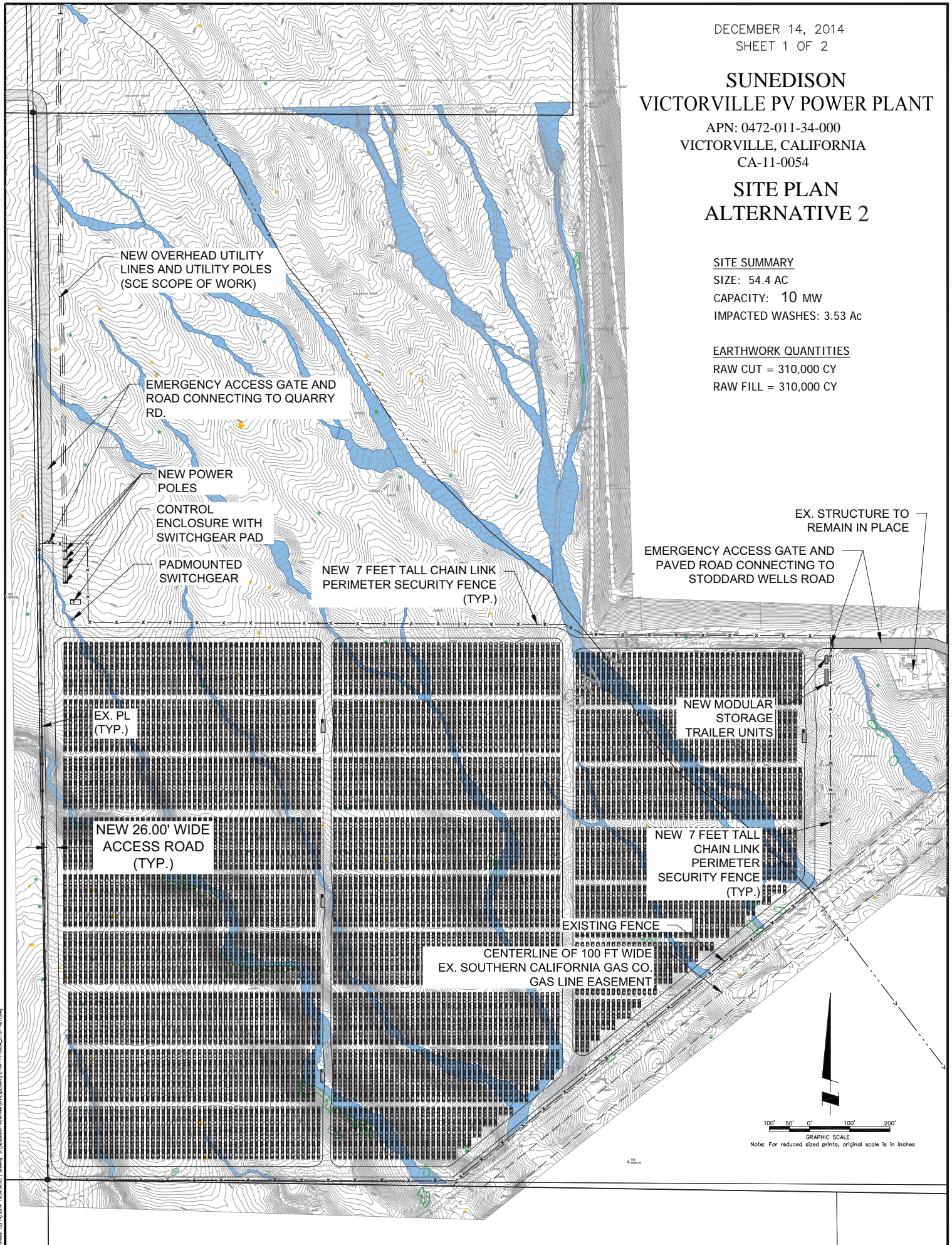
SITE PLAN ALTERNATIVE 2

SITE SUMMARY

SIZE: 54.4 AC
CAPACITY: 10 MW
IMPACTED WASHES: 3.53 Ac

EARTHWORK QUANTITIES

RAW CUT = 310,000 CY
RAW FILL = 310,000 CY



Plot: 12/14/2014 10:48:05 | Drawing: C:\Users\Victorville\OneDrive\Documents\SUNEDISON\Victorville PV - 04-11-0054_C-SP-411.dwg

SUNEDISON VICTORVILLE PV POWER PLANT

APN: 0472-011-34-000
VICTORVILLE, CALIFORNIA
CA-11-0054

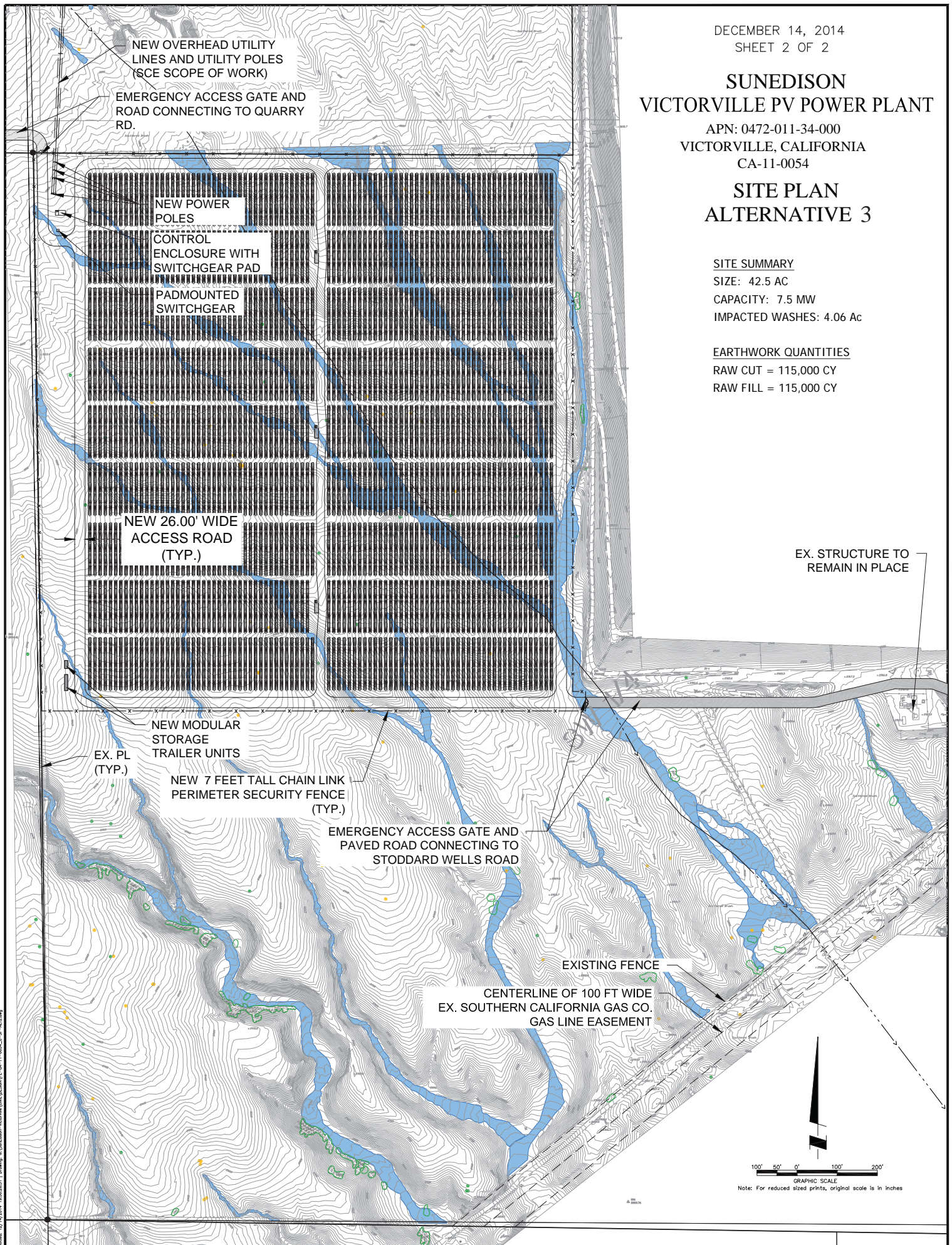
SITE PLAN ALTERNATIVE 3

SITE SUMMARY

SIZE: 42.5 AC
CAPACITY: 7.5 MW
IMPACTED WASHES: 4.06 Ac

EARTHWORK QUANTITIES

RAW CUT = 115,000 CY
RAW FILL = 115,000 CY



Plotfile: 12/14/2014 10:02:43.1 | Drawing: C:\Users\edison\OneDrive\Documents\Victorville PV - 04-11-0054_C-SP-4127.dwg