

CONDITIONS FOR CONDITIONAL USE PERMIT NO. OIE-86-02
MAMMOTH-PACIFIC UNIT II
GEOHERMAL DEVELOPMENT PROJECT

The following conditions of approval are made a part of Conditional Use Permit No. OIE-86-02 and are binding on the Permit Holder during the life of the permit unless amended, modified or excluded in the manner required by law.

The Permit Holder acknowledges that Hot Creek Gorge springs and Hot Creek Hatchery springs are very significant environmental and economic resources for the Eastern Sierra area. Geothermal development projects in the Long Valley area could present potential impacts to those resources and the economic, recreational and tourism interests which depend on them in the absence of enforceable conditions to protect those interests. This permit would not be issued in the absence of these conditions and the certainty of their enforceability.

Changes in the temperature and flow of the springs can have significant adverse effects on the foregoing resources. Measures must be in place at all times and utilized to monitor changes in the geothermal reservoir before they impact the springs. Where any such impacts are anticipated as a result of careful monitoring, it is the purpose of these conditions to assure that mitigation measures will be taken by the Permit Holder and Mono County to protect the springs and dependent interests.

A. GENERAL PROVISIONS

1) PERMIT HOLDER:

Mammoth-Pacific
~~6055 East Washington Boulevard~~
~~Suite 808~~
~~Commerce, CA 90040~~
HIQ Corporate Services, Inc.
6140 Plumas Street
Reno, Nevada, 89519

2) PROJECT:

A binary geothermal power plant project, including one (1) 12 MWe (nominal) geothermal power plant unit, four (4) geothermal production wells, four (4) geothermal injection wells, well pads, access roads, sumps, surface pipelines, an electrical interconnection facility, and attendant surface facilities.

3) ZONING AND DEVELOPMENT CODE:

This Conditional Use Permit (CUP) is issued in accordance with, and is subject to, all applicable provisions of Chapter 19 (Zoning and Development Code) of the Mono County Code, ~~specifically including all provisions of Chapter 19.38 of that Code.~~

4) CONDITIONAL USE PERMIT:

This Conditional Use Permit is issued on the basis of all the conditions herein contained.

VIOLATION OF, OR FAILURE TO CONFORM TO, THE CONDITIONS HEREIN CONTAINED, APPLICABLE PROVISIONS OF THE MONO COUNTY CODE, OR OTHER APPLICABLE LAWS, RULES AND REGULATIONS, MAY SUBJECT THE PERMIT TO REVOCATION OR THE PERMIT HOLDER TO OTHER ENFORCEMENT PROCEEDINGS.

5) INCLUSIVE DATES;
EXTENSIONS:

This permit is valid for a period of thirty (30) years from the date of firm project operation, (December 1990). This ~~Conditional Use Permit CUP~~ shall terminate and may be extended in accordance with Section ~~19.38.060~~ 32.060 and Section ~~19.38.070~~ 32.070 of the Mono County ~~Code General Plan, Land Use Element~~. A one-year (1) extension was granted in December 2020 (DR 20-014) to allow the permit holder sufficient time to obtain a reclamation bond for the updated reclamation cost amount. A twenty-nine-year (29) extension is granted in 2021 via DR 20-015 and valid December 2050. In addition, and in accordance with those procedures in Section 32.080 of the Mono County General Plan, Land Use Element, the Mono County Planning Commission may, after public hearings, modify or revoke this ~~Conditional Use Permit CUP~~ upon finding that the uses herein permitted, or any of them, are creating conditions that are hazardous or detrimental to the health or safety of the general public or property in the vicinity of the uses.

6) USES PERMITTED:

This ~~Conditional Use Permit CUP~~ grants approval for those uses and improvements described in these conditions and in the “Mammoth-Pacific Geothermal Development Project Use Permit Application,” except as the latter is amended, modified, or conditioned by this ~~Conditional Use Permit CUP~~.

7) INSPECTIONS:

The Permit Holder shall allow authorized representatives of the County of Mono to make periodic inspections at any reasonable times in order to assure compliance by the Permit Holder with the conditions of this Conditional Use Permit. The Mono County Energy Management Director (MCEMD) no longer exists (as of 2021) and the responsibilities of this Department have been transferred to the Mono County Community Development Department Director (CDD)

Director) and the Mono County Director of Public Works (MCDPW Director), and their designees, are authorized representatives of the County of Mono.

8) MINOR AMENDMENTS:

After consultation with ~~the Mono County Planning Director and~~ County Counsel, the ~~MCEMDCDD Director~~ may permit minor amendments to the project layout, uses permitted, plans required under this permit, and conditions of this ~~Conditional Use Permit CUP~~. Any such amendments shall be requested in writing by the Permit Holder.

No action pursuant to any such request shall be taken without the written permission of the ~~MCEMDCDD Director~~. The ~~-~~amendments shall be consistent with the uses permitted and the conditions of this permit and shall not result in increased environmental impacts.

9) REPORTS:

The ~~MCEMDCDD Director~~ may from time to time request written reports from the Permit Holder with respect to compliance with the conditions of this Conditional Use Permit. All such written reports shall be submitted to the ~~MCEMDCDD Director~~ within a reasonable time after each request.

10) INDEMNIFICATION:

The Permit Holder shall defend, indemnify, hold harmless, and pay the reasonable attorney fees and court costs of the County of Mono, arising out of claims or lawsuits, to the extent that any such claims or lawsuits arise out of the negligence or willful misconduct of the Permit Holder or its agents, employees, or contractors.

11) PROHIBITED USES:

Uses which are not allowed by this ~~Conditional Use Permit CUP~~ are prohibited.

12) COMPLIANCE WITH OTHER PERMITS:

The Permit Holder shall comply with the permits and lawful order of all other agencies having jurisdiction over the permitted uses and improvements and the authorized representatives of those agencies.

13) COUNTY APPROVAL:

A number of permit conditions require prior approval by County officials for certain required plans or other submittals. Such approval shall not be unreasonably withheld.

B. GEOLOGY, GEOLOGIC HAZARDS

- 1) To the extent compatible with engineering considerations, all facilities, including well pads and geothermal pipelines, shall be located so as to avoid faults. A geotechnical report, satisfactory to the California Division of Oil and Gas (CDOG) or the United States Bureau of Land Management (BLM), as applicable, shall be prepared for each well site by a registered engineering geologist before commencement of well site constructions (Exhibit C).
- 2) In accordance the Alquist-Priolo Special Studies Zone Act, any project structures intended for human occupancy must be located at least fifty (50) feet from the trace of active faults.
- 3) All geothermal wells shall be designed and completed in accordance with the requirements of the CDOG or BLM, as applicable.
- 4) An “Emergency Spill Containment Plan” shall be completed and submitted to the MCEMD and to the Lahontan Regional Water Quality Control Board (RWQCB), and accepted by the RWQCB, before commencement of any construction activities (See Conditions D.19 through 21.). The “Emergency Spill Containment Plan” shall be updated and submitted to the CDD Director and to the RWCQB as part of the 2021 twenty-nine-year renewal.
- 5) In order to reduce impacts derived from fault rupture and/or volcanic events, emergency shutdown procedures shall be established prior to operation, and submitted to and approved in writing by the MCEMD prior to start-up. Subsequent to project start-up, shutdown valves and other controls shall be tested and maintained, and shall be regularly inspected at least once per month. This testing and maintenance shall be properly documented, and a summary of recordation shall be submitted to the ~~MCEMD~~ CDD Director on a quarterly basis.
- 6) Project facilities shall be designed so that ground surface tilts on the order of 0.001 feet/foot will have no effect on the operation of the power plant.
- 7) Project facilities shall be constructed in conformance with Uniform Building Code Seismic Risk – Zone 4 standards and applicable building standards of Mono County and the BLM, as appropriate.
- 8) One or more subsidence detection benchmarks shall be constructed at each completed well prior to prolonged production and shall be tied to existing regional subsidence detection networks. Benchmarks shall be surveyed every two years. Surveys shall be second order or better and shall be conducted under the direct supervision of a registered civil engineer or licensed land surveyor using equipment acceptable to the National Oceanographic and Atmospheric Administration regulations for second order surveys.

C. EROSION AND SEDIMENTATION CONTROL

- 1) A landscape and revegetation plan shall be submitted to and approved by the MCEMD prior to commencement of construction activity. The approved Landscape/Revegetation Plan shall be attached to this Conditional Use Permit and incorporated herein as Exhibit A.
- 2) A Grading Plan shall be prepared for the plant site, access roads and well sites. The Grading Plan shall be submitted to the BLM for approval, if appropriate, and to the MCDPW for approval and issuance of a grading permit. In additions to the requirements of the MCDPW, the following provisions shall be incorporated into the conditions of the grading permit:

- a) All earthwork shall be conducted in accordance with a detailed project schedule submitted with the Grading Plan. The schedule shall provide for completion of earthwork in a single construction season.
 - b) Existing drainage patterns shall not be modified significantly, and drainage concentrations shall be avoided.
 - c) All loose piles of earthwork materials and debris shall be protected to avoid discharges of silt-laden runoff. Surplus or waste material shall not be placed in drainage ways, nor within the 100-year flood boundary of Mammoth Creek or its tributaries.
 - d) Limits of construction work will be clearly delineated and disturbances of adjacent soil and vegetation will be avoided. Where considered necessary, by the MCDPW, temporary fencing will be erected to delineate the work area and to prevent disturbance to non-construction areas.
 - e) Dust control measures (watering trucks) will be implemented throughout the construction period.
 - f) All exposed soil areas will be stabilized and revegetated with climate-adapted plants in accordance with the approved Landscape/Revegetation Plan. All stockpiles of soil materials not utilized on the project site will be removed and disposed of at an approved site.
 - g) The Landscape/Revegetation Plan shall be reevaluated by the MCEMD during the spring following the initial planting. If it found by the MCEMD that the initial plantings have not survived, additional revegetation will be required not later than the immediately succeeding fall season. Thereafter, the revegetation program shall be evaluated every two years by the MCEMD and remedial measures taken. All plantings shall be maintained or replanted for the entire life of the power plant.
 - h) If buried cultural deposits are discovered during site construction activities which were not identified in earlier cultural resource clearances for the project, grading and site construction activities in the vicinity of the cultural deposit shall be halted until the deposit can be evaluated by the Inyo National Forest archaeologist, or by cultural resource specialist pursuant to the requirements to the California State Office of Historic Preservation (SHPO).
- 3) Prior to commencement of site construction, a Drainage and Erosion Control Plan shall be submitted for approval to the MCDPW, the RWQCB, and the BLM, as applicable. Site construction shall not commence without the prior written approval of the MCDPW. The design of the erosion control facilities, and the development of construction schedules, shall comply with project-specific RWQCB guidelines and United States Forest Service (USFS) best management practices for the Mammoth Creek watershed and shall incorporate the following:
- a) No more than one-quarter acre shall be disturbed before implementing erosion control measures during the construction period, including such measures as temporary dikes, filter fences, hay bales, and retention basins as necessary.
 - b) No discharges of silt, waste material, toxic substances, or other deleterious matter including water pumped from excavations to surface waters shall be permitted.

- c) Permanent drainage and sediment collection, retentions, and infiltration facilities shall be constructed and maintained to prevent sediment and waste discharges from leaving the project area. These facilities shall be periodically inspected and maintained as required.
 - d) The power plant site retention structure shall be designed to retain all runoff from a 20-year, one-hour design storm event. The storage volume of the retention basin will be the volume resulting from the design storm plus and allowance for sediment accumulation between maintenance periods.
 - e) The discharge structure from the retention basin (for flows in excess of the design storm) and the channel downstream of the basin shall be designed to minimize erosion. Any other drainage by construction activities shall be stabilized by appropriate measures.
 - f) All disturbed areas shall be stabilized by appropriate measures by October 15 of each year.
 - g) All work performed between October 15 and May 1 shall be conducted in a manner such that work can be winterized within forty-eight (48) hours.
- 4) To the extent feasible, all project facilities shall be constructed outside areas subject to flooding. Facilities constructed in areas subject to flooding shall be designed to withstand both periodic inundation and the erosion forces in flood-level flows.
 - 5) Prior to final project design, a detailed investigation of onsite soils shall be conducted by a soils engineer. Pursuant to the results/findings of the soils investigation, appropriate foundation design measures shall be incorporated into facility construction.
 - 6) If potentially unstable slopes are found to exist as a result of the investigation, plant facilities including fluid conveyance lines shall not be located within the affected proximity of slopes susceptible to either landslides or rock falls.
 - 7) Filled slope banks shall not exceed a gradient of 2:1 unless approved otherwise by a registered engineering geologist and the MCDPW. Toes of all fills shall be stabilized with rock and gravel or keyed into stable soil and placed to reduce erosion potential to an absolute minimum on all fill and slope banks. Cut slopes shall not exceed a gradient of 1.5:1, unless approved by a registered engineering geologist or soils engineer, and the MCDPW.
 - 8) Subdrains shall be provided under all fills where natural drainage courses and seepage are evident, when determined to be necessary by a registered civil engineer or a registered engineering geologist.
 - 9) Buffer zones of undisturbed vegetation shall be maintained one hundred (100) feet on either side of streams (a creek, stream, or watercourse indicated by a solid or broken blueline on a U.S. Geological survey 7.5 minute or 15 minute series topographical map). No geothermal-related construction shall take place within the buffer zone without prior written approval from the MCEMD.

D. HYDROLOGY AND WATER QUALITY

- 1) All project activities shall conform to applicable requirements of the CDOG, the RWQCB and the BLM.
- 2) Subsequent to the completion of well drilling, drilling fluids shall drain into and shall be allowed to dry in the sump. They shall then be either removed to an appropriate landfill for disposal of this type of waste or stabilized onsite by compaction and revegetation.

- 3) All wellsites and drilling sumps shall be bermed and provided with filter fences to provide containment for accidental spills and fluid discharges.
- 4) The entire powerplant site shall be bermed and planted with native plant species (or other non-native species, as approved). Hydrocarbon storage tanks within the power plant site shall be bermed.
- 5) So as to prevent hydrothermal reservoir pressure declines, injection of substantially all of the extracted geothermal fluids into the hydrothermal reservoir is required. Incidental uses of the produced geothermal fluids (i.e., well drilling, well testing, emergency fire water makeup, etc.) are exempted from this injection requirement.
- 6) The Permit Holder shall prepare and submit to the MCEMD, prior to commencement of construction, a detailed Blowout Contingency Plan including blowout prevention equipment required during drilling. At least 10,00 gallons of cold water shall be stored at each well site to quench that well should a blowout occur during drilling. At least 50,000 gallons of cold water shall be available at all times on the project site during power plant operations. Water used for this purpose shall not be extracted from surface water sources in a manner which would harm aquatic vertebrate species dependent upon the surface water source.
- 7) Regular testing and maintenance of the automatic pump shutdown system shall be conducted by the Permit Holder with copies of initial check sheets and other documentation provided to the MCEMDCDD Director on a quarterly basis. Emergency drills to test the system shall be conducted by the Permit Holder upon the reasonable request of the MCEMDCDD Director.
- 8) During construction and plant operation, regular site maintenance, cleanup, vehicle maintenance, and the proper storage handling of potentially hazardous materials pursuant to the RWQCB requirements, shall be conducted by the Permit Holder to prevent contamination of soils and surface runoff.
- 9) The Permit Holder shall be required to implement a Hydrologic Resource Monitoring Plan to monitor baseline conditions and detect changes in the existing hydrothermal reservoir pressures and shallow aquifer water levels as well as the discharge and temperatures of selected thermal springs in the Long Valley Caldera. The approved Hydrologic Resource Monitoring Plan shall be attached to this Conditional Use Permit CUP and incorporated herein as Exhibit B. The Permit Holder may establish its own monitoring plan and must participate in the plan of the Long Valley Hydrologic Advisory Committee (LVHAC). The plan shall include a formula to calculate the appropriate portion of cost to be repaid to the County by the Permit Holder in the event that the county expends monies to collect baseline data on the hydrologic system in Long Valley. In either case, the Plan must receive final written approval from the MCEMD prior to the commencement of construction activities.
- 10) The Hydrologic Resource Monitoring Plan, prepared in conformance with condition D.9, shall include:
 - a) A schedule for periodic reduction of the data collected by submitting a summary of the data to the MCEMD.
 - b) A schedule for preparing a periodic monitoring report to the MCEMD; and
 - c) Provisions for periodic review and assessment of the monitoring data by qualified hydrologic consultant acceptable to the MCEMD and LVHAC.

- 11) Costs associated with third part review and assessment of the data collected in conformance with the Hydrologic Resource Monitoring Plan shall be borne by the Permit Holder.
- 12) The Permit Holder shall prepare baseline data report as part of the Hydrologic Resource Monitoring Plan required by condition D.9, which identifies all significant hydrologic baseline information available for the project area including information collected for the Mammoth-Pacific Unit I operations.
- 13) If scientific evidence demonstrates that project operations are significantly threatening, or causing, pressure or temperature changes to the Hot Creek Gorge springs or Hot Creek Hatchery springs, the Permit Holder shall implement such additional mitigation measures as are reasonably required by the ~~MCEMD~~ CDD Director. Such additional mitigation measures may include, but shall not be limited to, the following:
 - a) Drilling and monitoring a new observation well(s), or otherwise amending the Hydrologic Resource Monitoring Plan;
 - b) Reorienting existing production and injection operations, or either of them, to increase or decrease as appropriate, hydrologic reservoir temperature or pressure east of the well fields;
 - c) Injecting a slip stream of hot geothermal fluid from the production area directly into the eastern most injection well(s) to compensate for pressure or temperature changes in the direction of Hot Creek Gorge springs and Hot Creek Hatchery springs;
 - d) Drilling new injection well(s) south or east of the project area and injecting hot geothermal fluid from the production area to compensate for temperature and pressure decreases in the direction of Hot Creek Gorge springs and Hot Creek Hatchery springs;
 - e) Curtailing, or discontinuing entirely, geothermal operations.

Prior to commencing geothermal operations, the Permit Holder shall prepare, and have approved by the MCEMD, a detailed program for timely implementing any additional hydrologic monitoring or remedial action measures which may be required through approval of this ~~Use Permit~~ CUP. At a minimum, the program must include basic engineering designs, preliminary equipment fabrication and construction schedules, and permits or rights-of-way acquisition plans and schedules. The Permit Holder shall review and update the program annually, or as required by the ~~MCEMD~~ CDD Director.

- 14) The Permit Holder shall continue to maintain and monitor existing geothermal production zone Monitoring Well SF 65-32 in conformance with the requirements set forth in the approved Hydrologic Resource Monitoring Plan. Monitoring information shall be made available to the ~~MCEMD~~ CDD Director and the LVHAC. If the ~~MCEMD~~ CDD Director, in consultation with the LVHAC, determines a need to supplement geothermal reservoir monitoring information developed from existing geothermal production zone Monitoring well SF 65-32, a geothermal injection zone monitoring well may also be required to be drilled, maintained, and monitored in conformance with the requirements of this condition. The injection zone monitoring well shall generally be located east-southeast of the project injection field, with the specific location to be determined by the ~~MCEMD~~ CDD Director, in consultation with the LVHAC and the appropriate governmental agencies with land use jurisdiction.

- 15) If the MCEMDCDD Director, in consultation with the LVHAC, determines a need to supplement monitoring information developed from the geothermal production and/or injections zone monitoring well(s), a second monitoring well may be required to be drilled, maintained, and monitored in conformance with the requirements of Condition D.14), above. The second monitoring well shall generally be located in the area of Colton Springs, with the specific location to be determined by the MCEMDCDD Director and the appropriate governmental agencies with land use jurisdiction. The MCEMDCDD Director, in conformance with recommendation by the LVHAC, may also require mitigation actions in addition to the second monitoring well including, but no limited to, one or more of the actions described in conditions D.13(a) through D.13(e), above.
- 16) If the MCEMDCDD, in consultation with the LVHAC, determines that monitoring well (located near Colton Springs) and all other monitoring information indicate a need for further information with respect to a threat posed by project operations to thermal water supplying the Hot Creek headsprings which support the Hot Creek Hatchery, then the MCEMDCDD may require that a third monitoring well be drilled, maintained, and monitored in conformance with the requirements of Condition D.14, above. The third monitoring well shall generally be located in the area between Colton Springs and Hot Creek headsprings, with the specific location to be determined by the MCEMDCDD and the appropriate governmental agencies with land use jurisdiction. The MCEMDCDD, in Consultation with the LVHAC, may also require mitigation actions in addition to the third monitoring well including, but not limited to, on or more of the actions described in conditions D.13(a) through D.13(e), above.
- 17) If monitoring activities of the three monitoring wells described above indicate that a progressive temperature and/or pressure decline or increase from the project area is occurring that threatens a change of temperature at the Hot Creek headsprings the Permit Holder shall, at a minimum, provide a suitable source of thermal energy or water to the affected Hot Creek headspring(s) to maintain the headspring(s) at a temperature within the range of recorded natural variation of the respective headspring(s).
- 18) The Permit Holder shall be responsible for maintaining the thermal energy or water conveyance facilities described in Condition D.17, above, for as long as an alternate source of water is needed to maintain the water temperature within the range of natural variation in the affected Hot Creek headspring(s) as recorded prior to the onset of impacts from project operations.
- 19) The Permit Holder shall design and install prior to construction or onsite well drilling an emergency geothermal spill containment facility down-gradient of the developed project area, between the developed project area and Mammoth Creek, which shall be capable of storing at least twice the maximum credible geothermal spill volume which could occur from a catastrophic pipeline rupture within the project area.
- 20) The emergency geothermal spill containment facility shall be activated immediately upon recognition of a pipeline rupture, or other catastrophic event, which could result in a major spill of geothermal fluid. The operation of the facility's service-gate(s) shall be operated on a "fail safe" basis.
- 21) Geothermal fluid collected by, and retained within, the emergency geothermal spill containment facility shall not be discharged, except by injection, until such time as the fluid impacts downstream of the containment facility, and the Permit Holder shall neither discharge, nor inject, fluids retained within the emergency spill containment system except in conformance with requirements of the RWQCB.

- 22) Permit Holder shall design and incorporate the emergency geothermal spill containment facility and related operations, as described in conditions D.19 to D.21, into the existing Mammoth-Pacific Unit I project.
- 23) The use of cool, potable water for the condensation of hydrocarbon working fluids is prohibited.

E. AIR QUALITY

- 1) The Permit Holder shall obtain all required construction and operation permits of the Great Basin Unified Air Pollution Control District and shall comply with the provisions thereof and any modifications.
- 2) During construction activities, water shall be applied regularly to graded areas as a dust palliative. Water used for this purpose shall not be extracted from surface water sources in a manner which would harm aquatic vertebrate species dependent upon the surface water source.
- 3) Unpaved project roads and activity areas shall be chipsealed or covered with gravel to further reduce dust generation.
- 4) Construction specifications shall provide for the minimum practical amount of grading/soil handling in an effort to reduce particulate generation.
- 5) To avoid exceeding the state hydrogen sulfide ambient air quality standard, only one geothermal well as a time shall be flow-tested to the atmosphere.
- 6) Onsite personnel shall be trained so as to understand the dangers of hydrogen sulfide exposure and the appropriate actions to initiate for the safety of all concerned.
- 7) An odorant shall be added to the plant's hydrocarbon working fluid at such time and in such manner as will assure leak detection.
- 8) Well flow tests to the atmosphere shall not be conducted under conditions which could cause significant icing or fog clouds.

~~9)~~ Hydrocarbon leak detectors in compliance with Code of Federal Regulations 29 1910.119 (e) for Process Hazard Analysis 1910.119(e)(3)(iii) shall be installed onsite.

F. TERRESTRIAL AND AQUATIC BIOLOGY

- 1) All pipelines which intercept identified mule deer migration corridors shall be provided with facilities to crossover the pipelines. The location and design of these crossing facilities shall be approved by the MCEMD, after consultation with the California Department of Fish and Game (CDFG), prior to their placement.
- 2) All project-related roads on the leasehold property shall be posted for a 15-mile-per-hour speed limit.
- 3) The Permit Holder shall comply with the requirements of the state Endangered Species Act.
- 4) All roads and well sites shall be constructed to avoid mature trees, where practical; to minimize impacts on highly erodible surface; and to avoid botanically or otherwise sensitive habitats identified within the project area.
- 5) The Permit Holder shall restock trout in sections of Mammoth Creek or Hot Creek adversely affected by any spill of geothermal fluid from the project area which results in

fish mortality. The Permit Holder shall restore to its prior state any fish habitat in Mammoth Creek or Hot Creek which has been adversely affected by any pill of geothermal fluid from the project area.

- 6) Should Mono County develop a County-wide program which requires exactions from developers for offsite mitigation of impacts to migratory deer herds, the Permit Holder shall participate in any such program to the extent that the Permit Holder's operations contribute to impacts mitigated in relation to operations of other participants in such program.

G. CULTURAL RESOURCES

- 1) All access roads, transmission line corridors, and pipeline corridors shall be consolidated as much as possible to reduce the areas of potential disturbance to cultural resources.
- 2) All grading and site construction activities shall avoid, to the extent possible, all cultural resources sites identified in the cultural resource survey report prepared for the project area. If identified cultural resource sites cannot be avoided, a cultural resource clearance shall be obtained from the USFS, or from a cultural resource specialist pursuant to requirements of the SHPO, prior to any grading or site construction activities which will affect the cultural resources.
- 3) The Permit Holder shall comply with the applicable requirements of the USFS and SHPO for protecting known and future identified cultural resource sites within the project area.
- 4) Condition C.2(h), above, is also incorporated at this point by reference.
- 5) The Permit Holder shall provide continued access to Native Americans through the project to their traditional use areas.

H. VISUAL RESOURCES/AESTHETICS

- 1) In order to afford adequate screening by existing vegetation, the power plant site for MP II shall be located in the Alternate Plan Site identified in Figure 2-7 of the Final Environmental Impact Report prepared for the project. In addition, the Permit Holder shall implement those changes in the location of specific power plant equipment and well sites and general changes in the project designed to mitigate visual impacts as identified in the Final EIR Addendum.
- 2) The maximum height of any permanent structure on the project site shall be less than thirty-two (32) feet.
- 3) The project cooling system shall be designed so it will not emit visible steam or smoke.
- 4) All plant site and area lighting shall be at a minimum level consistent with the safety of plant operations and shall be directed downward or otherwise shielded.
- 5) Pipelines shall be trenched unless trenching is determined to be inappropriate in whole or in part by the MCEMD. Otherwise pipelines shall be screened by berms, fences, or existing native vegetation. Berms are to be planted with native plant species or approve non-native species. All screening shall be sufficient to screen the pipelines from view along a segment of U.S. Highway 395 from a point 0.4 miles north of the Sherwin Creek Road turnoff (MNO R24.40) to State Route 203.
- 6) The use of overhead pole electric transmission lines by the Permit Holder is not permitted. All electric transmission lines shall be conveyed on pipeline sleepers, buried, or otherwise constructed near ground level to minimize their visibility.

- 7) All disturbed soil areas shall be revegetated as soon as possible subsequent to the completion of construction and site development activities in accordance with the requirements of Conditions C.2(f) and C.2(g).
- 8) The Permit Holder shall comply with the Landscape/Revegetation Plan, attached hereto as Exhibit A.
- 9) The exterior of all project structures, including fluid conveyance pipelines, shall be painted in neutral, earthtone colors, so as to blend in with the surrounding environment.
- 10) To the extent compatible with engineering and aesthetic considerations, all exterior surface shall be rough texture, with no reflective metal or glass surfaces oriented toward the south or west.
- 11) Standards for fencing and grading shall be included in the Landscape/Revegetation Plan.
- 12) To the extent possible for operations, all heavy equipment and construction vehicles, equipment and supplies shall be stored out of sight of a casual observer within the visual corridor.
- 13) Water shall be used to control dust generated by heavy equipment during site grading and well drilling activities. Water used for this purpose shall not be extracted from surface water sources in a manner which would harm aquatic vertebrate species dependent upon the surface water source.

I. NOISE

- 1) The noise level from Mammoth-Pacific II operations shall not exceed a 24-hour Leq of 55 dB(A) at a distance of one-quarter mile from the power plant site boundary.
- 2) All construction equipment and engines utilized on the project site shall be muffled and maintained in accordance with all applicable noise standards.

J. PUBLIC SERVICE

- 1) Perimeter security fencing shall be constructed around the power plant.
- 2) The Permit Holder shall provide onsite security personnel at all times. Security personnel may include plant operating personnel.
- 3) The Permit Holder shall submit a Fire Prevention and Protection Plan acceptable to the fire protection agency with jurisdiction prior to charging the power plant with hydrocarbon working fluid.
- 4) The Permit Holder shall provide mitigation fees for the reasonably expected costs of fire protection caused by project operations to the fire protection agency with jurisdiction.

K. COMPLIANCE OFFICER

- 1) The Permit Holder shall pay the reasonable costs of a contractor or County employee (Compliance Officer) whose duties shall include assuring compliance with these ~~Conditional Use Permit~~CUP conditions and other laws and regulations applicable to the project.
- 2) The Permit Holder shall deposit the sum of five thousand dollars (\$5,000) with the County within thirty (30) days after ~~CUP Conditional Use Permit~~ approval as a security deposit for payment of compliance costs. The security deposit shall be refunded by the County within thirty (30) days after the MCPC determines that a Compliance Officer is no longer necessary.

- 3) The County shall bill the Permit Holder for the actual costs of the Compliance Officer on a monthly or quarterly basis, at the County's discretion. If the Compliance Officer is a contractor, the bill to the Permit Holder shall include a copy of the statement given to the County by the contractor. If the Compliance Officer is a County employee, the costs billed to the Permit Holder shall be that fraction of the employee's monthly salary, benefits and related expenses at the amount of the employee's time spent on -project compliance is to the employee's total County work time based on a 37.5-hour work week.
- 4) The Permit Holder may request at any time that the MCPC/CDD Director review the costs of the Compliance Officer to determine whether they are reasonable and necessary. The action of the MCPC on the request shall be appealable in the same manner as action on the Conditional Use Permit/CUP.

L. SITE RECLAMATION

The Permit Holder shall submit to the MCEMD for MCEMD approval a Site Reclamation Plan within twenty-four (24) months of the commencement of firm operation of the power plant. The Plan shall include provisions requiring revegetation, grading, drainage, and maintenance. A site restoration bond ~~in the sum of one hundred and fifty thousand dollars (\$150,000) or other equivalent form of security or financial assurance~~ shall be updated regularly to cover the reclamation cost, naming the County as payee or beneficiary, shall be submitted with the Restoration Plan, in a form and content approved by the Mono County Counsel. The bond shall be reviewed on January 31 each year, commencing on January 31 following submittal, to reflect changes in the Consumer Price Index, All Items, Los Angeles-Long Beach. The bond shall be released upon completion of site reclamation.

M. OTHER

- 1) The Permit Holder shall utilize a program for local ("first source") hiring to the extent practical and provided it is permissible under state and federal law and regulations.
- 2) The Permit Holder shall conduct all operations in compliance with applicable safety requirements and standards of Cal/OSHA and federal OSHA.
- 3) The Permit Holder shall construct an informational kiosk in the Casa Diablo area which describes the geothermal features of the area as a regional point of interest, and which describes how the geothermal resources is being utilized.
- 4) The Permit Holder shall conduct periodic visitor site tours of the project area and power plant to acquaint interested members of the public with the beneficial uses of geothermal energy resources.
- 5) The Permit Holder shall obtain a performance bond from the project contractor or equivalent security or other financial assurances acceptable to the MCDPW.

N. CONDITIONS RELATED TO LITIGATION

In the event that litigation is determined by the County to be necessary to enforce these conditions, the following procedures are agreed upon by the applicant and the County and shall apply in such litigation:

- a) Service of summons on the Permit Holder may be made upon a local agent for service of process designated by the applicant prior to commencement of construction.

- b) In any case involving equitable relief, the economic consequences to the interests described in the introductory paragraph on page one of these conditions as a result of temperature or flow changes in the Hot Creek Hatchery and Hot Creek Gorge springs, shall be deemed equal or greater than economic hardship or consequence to the Permit Holder should equitable relief issue.
- c) The County of Mono shall be deemed to have standing to bring or participate in any action which includes as part of all of the relief sought, the protection of the foregoing interests.

EXHIBITS

- A. Landscape and Revegetation Plan
- B. Hydrologic Resource Monitoring Plan
- C. Geotechnical Report